

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, May 27, 2020

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Shauna Bevan
Melanie Hammer
Tyson Hamilton
Matt Robinson
Chris Sloan
Bucky Whitehouse
Dave McCall
Nathan Thomas

Commission Members Excused:

Ray Smart

City Employees Present:

Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Paul Hansen, City Engineer

City Employees Excused:

Roger Baker, City Attorney

Council Members Present:

Council Member Ed Hansen
Council Member Justin Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Matt Robinson, Present
Dave McCall, Present
Shauna Bevan, Present
Tyson Hamilton, Present
Chris Sloan, Present
Melanie Hammer, Present

Nathan Thomas, Present

Chairman Hamilton stated that the City has implemented Governor Herbert's and Mayor Winn's; Emergency Declarations regarding public gatherings for all public meetings. Public participation is still encouraged in the government process and citizens while not able to attend the meetings, will be asked to join the meeting electronically through Tooele City on Facebook. Comments may be made through email pcpubliccomment@tooelecitey.org at any time during the meeting.

3. **Public Hearing and Recommendation on a proposed amendment to the adopted Tooele City Annexation Policy Plan to identify three new potential expansion areas an include them into the adopted Annexation Policy Plan and accompanying Expansion Area Maps.**

Presented by Jim Bolser

Mr. Bolser stated that this was last a discussion item on April 22, 2020. This originated from a group of property owners and representatives of property owners who approached the city to explore the interest in potential discussions for annexation in the future. The properties represented are not in the existing Annexation Policy Plan expansion areas, this is the first step that would have to happen in order for those conversations to take place. Mr. Bolser stated there is a difference between the Annexation Policy Plan and an annexation, and it's an important one. There are many common misperceptions that approving the Annexation Policy Plan is annexation of the property and that is false; it simply allows for the discussion of potential annexations.

Mr. Bolser gave an analogy of a doctor's office to differentiate between the Annexation Policy Plan and an annexation. The waiting room is the Annexation Policy Plan and plan preparation. Meeting with the doctor in the an exam room would be the process of annexation. Mr. Bolser stated that the City is in the process of sitting in the waiting room waiting to meet the doctor.

Mr. Bolser stated the proposal is to amend the current Annexation Policy Plan which was put into place by the Council on October 6, 2010. The City is currently going through a General Plan update process and this proposal is not part of that process. Should anything be approved through this process, those items would be rolled into the draft of the General Plan currently in draft form. Currently in the Annexation Policy Plan there are expansion areas A through G. This proposal is to identify and include the potential of three new potential annexation areas, H, I, and J. This process does not mean any areas will be annexed or when they could be annexed.

Mr. Bolser stated that the process for an Annexation Policy Plan amendment is outlined and detailed by Utah state code 10-2-401.5. The first step is a public presentation of the proposal in a Planning Commission meeting and that meeting was held April 22, 2020. In that meeting the proposal was presented publicly for the first time as required by code. Following which there is a 10 day minimum window, for what the State defines as affected entities to provide written comment on the proposal. The Planning Commission opted to expand that window and it became a 22 day window which ended on May 14, 2020. There was one affected entity that submitted written comment and that was added to the draft amendment as required by law. The Planning Commission has the option at the end of the public hearing tonight to forward a

recommendation to the City Council. Once a recommendation is made to the City Council, they will hold their own public hearing and would have an option to make a decision at that time. Mr. Bolser stated that if the Planning Commission is inclined to forward a recommendation during this meeting, the earliest the City Council could hold a public hearing would be June 17, 2020. The actual date would be to be determined once the recommendation is received by the Council. That date is not firm, but is the earliest the hearing could be held.

Mr. Bolser stated that area H is at the far east end of 2400 North and the railroad corridor runs diagonally through the property. There is a subdivision to the north that is in the COunty, with Liddiards and SR 36 to the west. Area I is on the northwest corner of Tooele City. Immediately to the south is City's reclamation facility. Area J is on the north end of the community and straddles SR 36 to the north of the City boundary and Area B on the Annexation Policy Plan Expansion Areas Map. There are a number of properties in this area with uses of residential, commercial, agricultural, and undeveloped.

Chairman Hamilton asked the Commission if there were any comments or concerns.

Commissioner Sloan stated to clarify, what was the genesis of the decision to create these areas? Mr. Bolser stated that the genesis was a group of property owners and representatives of property owners who approached the City with an interest for a potential of annexation. In order to entertain that discussion, the properties had to first be included on the Annexation Policy Plan. With discussion of the City Council, they requested the staff prepare the proposal for consideration.

Mr. Bolser added that should the Commission forward any recommendation to the City Council during the meeting, a written statement must be made to the the comments provided by affected entities from the 22 day window. He stated that he has prepared a draft of generalized language that could be used, discarded, or modified as a starting point to the intent of the Planning Commission.

Commissioner Thomas asked if the statement has to be made tonight? Mr. Bolser stated that it has to be done with the recommendation, so if a recommendation is to be made during the meeting, a statement would need to be provided, but if no recommendation is made, the statement could wait until the recommendation is made.

Commissioner Sloan asked for the definition of an affected entity and examples? Mr. Bolser stated that the definition of an affected entity is identified in the state law and is effectively a taxing district. For example, North Tooele Fire District, Tooele Valley Mosquito Abatement, Tooele County, Tooele County School District, and the City provided notification beyond those affected entities to Grantsville City, Stansbury Improvement District, Stansbury Park Recreation District, Tooele County Recreation District, etc. The City has gone beyond what is required.

Chairman Hamilton stated that this is a discussion for the future, but asked what kind of strains will that put on Tooele City. Mr. Bolser stated it is a consideration any time an area is annexed, that as areas are added to the serviced area for all city services, public safety, fire and police, water, sewer, streets, storm drain, etc., those have to be considered. At this point in time,

beyond generalized statements that the City would have to assume responsibilities should an annexation take place, the finite detail has not come in yet. Part of the annexation process, Tooele City requires applicants for annexation to provide seven studies, public safety, water, sewer, taxation, and others. These studies detail what the annexation would entail and that often times leads into the conditions for annexation.

Chairman Hamilton stated that regardless it will affect Tooele City's fire, water, sewer, and other areas. Mr. Bolser stated that whether there is an annexation of 100 acres, 10 acres, or 1000 acres, it adds to the requirements for the City.

Chairman Hamilton asked in regards to water, will the City be responsible for that? Mr. Bolser stated that the City's policy is that development installs for itself and then the City takes over the maintenance requirement. The annexation process adds an additional layer to that, in that conditions can be written into the annexation agreement that is required by state law to annex property, specifically what those requirements are and potentially a maintenance requirement. The City's practice whether it is in the City or not, is that the developers install the infrastructure and then the City takes over. Those conditions would be studied during the review of those seven studies.

Chairman Hamilton stated road maintenance is included in the studies. Mr. Bolser stated roads are another thing just like water and sewer that are required by the developer to install and the City takes over long term maintenance.

Chairman Hamilton stated this might gain some tax benefit for the City in the future, right now it is mostly agricultural. Mr. Bolser stated that all of the details come out in the studies.

Commissioner Robinson stated that one of the things he read was that if there is an exclusion, there is a need for a justification to exclude areas within one half mile of city boundaries that are considered urban. What is the definition of urban? Mr. Bolser stated that the definition has two points in the state law, a density requirement and a property size. Mr. Bolser stated that although there are developments around the outside of the city, there are no properties that comply with the urban definition surrounding Tooele City today. On the City's north boundaries there are developed properties, but from the urban definition, they do not fit. Commissioner Robinson stated that the properties can be included or excluded, but if the City excludes them there is no need for a justification for not including them. Mr. Bolser stated that even if the properties were under the urban criteria, the City could include or exclude them, but would have to provide written justification.

Chairman Hamilton stated that he had opened the public hearing and the public can respond at pcpubliccomment@tooelecity.org. The public hearing will stay open until after the next item and a short recess.

4. Recommendation on the Ninigret Depot Subdivision Phase 2 Plat Amendment request for Lot 103 of the Utah Industrial Depot Subdivision No. 1 by James McBride of Ninigret Depot for

property located at approximately 101 South Industrial Loop Road in the Industrial Zone on approximately 57.99 acres.

Presented by Andrew Aagard

Mr. Aagard stated this is an application to subdivide an existing 58 acre parcel located in the Ninigret Industrial depot. The property is currently zoned industrial as are all of the surrounding properties. The subdivision plat amends existing plat 103 and creates lot 201 and 202. Lot 201 will be 12.6 acres and lot 202, 43.3 acres. Each lot exceeds minimum lot size and lot width requirements and will have adequate frontage onto Industrial Loop Road which is a public right-of-way. The subdivision plat will include a private right-of-way utility easement in favor of lots 201 and 202 which will extend through the center of the subdivided property. Tooele City staff have reviewed the proposed plat amendment and recommend approval with the basic housekeeping items in the staff report.

Chairman Hamilton asked the Commission if there were any questions or comments, there were none.

Commissioner Sloan motioned to forward a positive refoundation to the City Council for the Ninigret Depot Subdivision No. 2 Plat Amendment request by James McBride, application number P20-11, based on the findings and subject to the conditions listed in the Staff Report dated May 21, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

Chairman Hamilton reminded the public to submit comments on the public hearing and recessed the meeting at 7:27 pm for five minutes.

Chairman Hamilton called the meeting back to order at 7:43, which was a delayed opening due to technical difficulties.

Mr. Bolser stated that one comment was received.

Chairman Hamilton closed the public comment period.

Mr. Bolser read the following statement from Scott Bradshaw, from the Tooele Valley Abatement Mosquito District.

Dear Commission members,

It is my understanding that under Utah Code 10-2-428. Neither annexation nor boundary adjustment has an effect on the boundaries of most local districts or special service districts. In order for Tooele Valley Mosquito abatement District to be removed from the proposed Tooele city annexations the interested parties, Tooele valley Mosquito abatement District and Tooele City must follow the withdrawal provisions found in Utah Code 17B-1 part 5. If Tooele City

annexes portions of unincorporated Tooele Valley, previously serviced by TVMAD it does not mean that the service provided by the District is automatically withdrawn from that area.

Tooele Valley Mosquito continues to service the areas in question, regardless of annexation, there would be no change to Tooele Valley Mosquito Abatement District Boundaries. Also, just because a portion of Tooele City is inside the district does not mean that the entire city would be part of the District. If Tooele City as a whole wants to become part of Tooele Valley Mosquito they can.

I am concerned that the public in these proposed areas will not get the public health protection that they have been receiving. I hope the Planning Commission will consider the public health issues concerning mosquitoes in these potential annexation areas.

Thank you,

*Scott Bradshaw
District Manager
Tooele Valley Mosquito Abatement District*

Commissioner Sloan stated the tone of the letter sounds as if the City is dealing with an annexation rather than an Annexation Policy Plan change? Mr. Bolser stated he did not want to speak for Mr. Bradshaw, but the issues that were raised in the letter would be items addressed during an actual annexation, rather than an Annexation Policy Plan Amendment.

Commissioner Sloan stated that nothing being voted on during this meeting affects the Mosquito District operation? Mr. Bolser stated he did not believe so.

Chairman Hamilton stated that would be something that could be discussed down the road if conditions are needed. Mr. Bolser stated that was correct and the same could be said about the affected entity letters that were received from North Tooele Fire District. They were not read into the record, but included in the packet for the meeting.

Chairman Hamilton stated that he appreciated all comments brought from the affected entities.

Chairman Hamilton asked if there were any further comments or questions from the Commission.

Commissioner Sloan asked if there were no public comments on the email? Mr. Bolser stated , the only one was received from Mr. Bradshaw.

Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Northern Parcels Annexation Policy Plan Amendment Request by Tooele City for the purpose of establishing three new Expansion Areas, application number P20-276. Commissioner Robinson seconded the motion.

Commissioner Sloan clarified if the statement needs to be handled as part of the motion? Mr. Bolser stated it should be handled as a part of the recommendation so that it can become a part of the document.

Commissioner Thomas read the following statement into the record for the response statement;

Tooele City is grateful to its affected entity partners that have taken the time and interest to review this proposed amendment for the identification and inclusion of three new expansion areas into the adopted Annexation Policy Plan. Their input and information is valuable to the City. We have great respect and appreciation for the services they provide to our valley-wide community whether or not they offered comment on this proposed amendment. It is the desire of Tooele City to continue the working relationship with these entities to provide the best services possible to all residents of the Tooele Valley regardless of the provider. Tooele City also respects the rights and decisions of property owners. One of those rights is the right to make application and be heard. As such, Tooele City's intent is to allow property owners to make application for annexation, should they choose to do so, and be heard upon which time Tooele City intends to make decision based on what is best for the community.

Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Northern Parcels Annexation Policy Plan Amendment Request by Tooele City for the purpose of establishing three new Expansion Areas, application number P20-276, with the statement read into record for the affected entities. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

Mr. Bolser stated this item could be scheduled for June 3, 2020 City Council meeting as a first reading item for introduction. A public hearing could be held at the earliest during the June 17 2020, but that date is to be determined by the City Council after the receipt of the recommendation from the Planning Commission.

5. Review and Approval of Planning Commission minutes for meeting held on May 13, 2020.

Commissioner Hammer motioned to approve the minutes. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. Adjourn

Chairman Hamilton declared the meeting adjourned at 7:51p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 10th day of June, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission