

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, August 26, 2020

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

Commission Members Present:

Tyson Hamilton
Shauna Bevan
Dave McCall
Melanie Hammer
Matt Robinson

Commission Members Excused:

Chris Sloan
Nathan Thomas
Bucky Whitehouse

City Employees Present:

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

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 Commissioner Robinson.

2. Roll Call

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

3. Public Hearing and Recommendation on a Zoning Map Amendment from the R1-7 Residential zoning district to the LI Light Industrial zoning district by Tooele Associates, LP, for 170.87 acres located at approximately 2000 North, 1200 West

Presented by Andrew Aagard

Mr. Aagard stated the application proposes to reassign the zoning for 170 acres. The majority of the property currently surrounding the parcels is undeveloped land. The property does not have any frontage onto improved roads. The property is surrounded by various zoning districts, to the north RR-5 Residential zoning, east is R1-7 Residential, to the south is R1-7 Residential and a recently rezoned parcel for I Industrial and GC General Commercial to the west of the subject property. The applicant is requesting the property be reassigned to the LI Light Industrial zoning district which is intended for light industrial assembly and manufacturing along with various commercial activities that produce no negative impacts to adjacent properties. The R1-7 Residential zone is entirely a single family residential zone which permits two family dwellings, such as duplexes. The only commercial business permitted in the zone is a home occupation business. There are not any industrial activities permitted within the R1-7 Residential zone. The southern western portions of the subject property are adjacent to commercial and industrial districts. The northern and eastern portions of the property are adjacent to single family residential zones, which could potentially be developed as homes. Typically, in Tooele City there are highways or railroad corridors to buffer residential zones from LI Light Industrial and I Industrial zones. The buffer zones could be addressed later in development as more property is developed. Mr. Aagard stated that the 170 acres is within the boundary of the 1000 North West Industrial Community Investment Area adopted by the Tooele city Council in 2017. This item is a public hearing and notices were sent to property owners within 200 feet of the property; no comments or concerns were registered by staff.

Chairman Hamilton asked if there were any questions or comments from the Commission, there were no comments.

Chairman Hamilton opened the public hearing.

Mr. Bruce Baird stated he is council for the applicant. He stated there is a reference in the Staff Report about a cap and he was not sure cap was the right word. There was more discussion about capping the residential density during the settlement agreement. There was no concern for rezoning the use for more tax generating and provides services. They think this is a good use for the property. It could provide substantial tax revenue to the city once developed and they think this will benefit the community. He stated two of the surrounding property owners are Tooele Associates and Perry Homes and have no objections.

Commissioner Bevan asked about the one piece of R1-7 Residential property to the west that is surrounded by LI Light Industrial and I Industrial. Mr. Baird stated he believed the property is owned by Tooele Associates. That property owner has received notice.

Commissioner Robinson asked why leave it as residential if it is a Tooele Associates property? Mr. Baird stated the property owner Mr. Hall would have the answer, but he assumed that it has been taken into account.

Chairman Hamilton closed the public hearing.

Commissioner Robinson asked about a statement stated during the presentation about buffering could be done later. Mr. Aagard stated that was brought up if the Commission had a concern about LI Light Industrial being next to residential. If that was the case, as the properties to the east are rezoned or developed as a subdivision, buffering could be reviewed. Commissioner Bevan asked if that is something that needs to be stated. Mr. Aagard stated that could be dealt with later on. Commissioner Robinson stated he is okay with that, but there is an island. Chairman Hamilton stated it was discussed when the Bolinder's brought the rezone application. Commissioner Hammer stated that her only concern was the island.

Mr. Baker stated that to keep in mind that in the zoning implemented after the settlement agreement, the R1-7 zoning district designation is a holding district zone pending further discussion and applications. It is still within the City Council's discretion legislatively to decide what is best for the City, a property, but this is understood for Overlake that the R1-7 designation was a holding designation. Mr. Baird confirmed Mr. Baker's statement.

Mr. Baird stated he received a text from the property owner and the residential island of property, is owned by Tooele Associates and it is not intended to be developed in the future as residential.

Commissioner McCall motioned to forward a positive recommendation to the City Council for the Overlake Industrial Park Zoning Map Amendment Request by Drew Hall, representing Tooele Associates, LP to reassign the zoning of approximately 171 acres of property to the LI Light Industrial zoning district, application number P20-389, based on the findings listed in the Staff Report dated August 19, 2020. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. Recommendation on a Subdivision Preliminary Plan request for Settlement Acres by Park Capital Homes, LLC, for property located at approximately 560 West 900 South in the R1-7 Residential zoning district on 1.16 acres

Presented by Andrew Aagard

Mr. Aagard stated the application proposes to subdivide the 1.1 acre parcel located at 900 West and east of Coleman Street. The property is currently vacant land. The property is zoned R1-7 Residential, as are the properties to the north, east, and west. Properties to the north and east are currently utilized as existing legally non-conforming mobile home subdivisions. Properties to the south are zoned GC General Commercial and are utilized as the Tooele County Public Works Shops. The application proposes to subdivide the property into six single-family residential lots, each lot being 7,700 square feet in size. Each lot is 60 feet wide and is the minimum requirement for lot width as required by the R1-7 Residential zoning district. Approximately 10 feet of frontage will be dedicated to Tooele City and will complete the public right-of-way, along the entire frontage of the subdivision. Curb and gutter are already installed and the development will be installing the necessary five foot sidewalk along the entire frontage. Staff is recommending approval with the basic staff conditions listed in the Staff Report.

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

Council Member Bevan stated it will be a nice addition to 900 South.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Settlement Acres Preliminary Plan Subdivision Request by Brett Mascaro, representing Park Capital, LLC for the purpose of creating six single-family residential lots at approximately 560 West 900 South, application number P20-15 based on the findings and subject to the conditions listed in the Staff Report dated August 20, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Hammer, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

5. Recommendation on a Subdivision Plat Amendment request for Lexington at Overlake Minor Subdivision Plat by Zenith Tooele, LLC for 32.24 acres of property located at approximately 400 West 1200 North in the MR-16 Multi-Family Residential zoning District.

Presented by Andrew Aagard

Mr. Aagard stated this application was heard at the previous meeting. Due to miscommunication and an error by the City Planner, the incorrect plat was presented to the Commission at the previous meeting. The previous plat demonstrated five lots in the plat amendment along with road dedication of Frank’s Drive and Berra Boulevard. The correct plat is for eight lots. Five of the lots will be for future residential development, while the three additional lots are the roads that will be dedication to Tooele City as public streets. The correct plat dedicates Frank’s Drive, Berra Boulevard, and Carol’s Way and 680 West. The overall configuration of the lots remains the same. Mr. Aagard stated that the correct Mylar was signed at the previous meeting. The staff felt it should come back for the correct plat approval.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Hammer, “Aye,” Commissioner Robinson, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

6. Review and Discussion on a proposed amendment to the adopted Tooele City Annexation Policy Plan to identify one new potential expansion areas and include that area into the adopted Annexation Policy Plan and accompanying Expansion Area maps.

Presented by Andrew Aagard

Mr. Bolser thanked Mr. Aagard for his professionalism and integrity but the previous item was not an error by the City Planner. Mr. Bolser stated that in April and May the Planning Commission had the opportunity to review and approve three new areas into the existing and

adopted Annexation Policy Plan. This is another amendment to the Annexation Policy Plan and is not an annexation.

Mr. Bolser gave his doctor's office analogy. There are two portions to the doctor's office, the waiting room and the exam room. The waiting room parallels into the Annexation Policy Plan process; plan preparation, less-specific areas considered, no petitions for annexation and no conditions for annexation or decisions made while in the waiting room. An application cannot get to the exam room without going through the waiting room. After going to the exam room, it parallels the annexation process. This is a specific property there is a petition for annexation, the application is discussed with conditions and a decision is made. By state law cities are preempted from considering an annexation application and making a decision on it if it does not lie within one of the expansion areas in the adopted Annexation Policy Plan.

Mr. Bolser stated this is a proposal to amend the Annexation Policy Plan. This is an amendment to the currently adopted Annexation Policy Plan, which was adopted in 2010. The city is undergoing a significant general Plan review and revision. The Annexation Policy Plan was revised by Ordinance 2020-25 in June 2020 and added areas I, H, and J. This could include an Area K. The process does not mean any properties will or won't be annexed. If the properties are annexed, the process does not identify when the property will be annexed. The City is not required to annex, but this process allows the conversation to happen.

Mr. Bolser stated that the Annexation Policy Plan is governed by State Code 10-2-401.5. The state requires that there is an initial public presentation that happens before the Planning Commission. That is what is happening in the meeting. No decisions can be made on the application during the meeting. Following the meeting, state law requires a minimum 10 day window for what is defined as affected entities to provide written comment to the city. After the 10 day minimum window, the Planning Commission would hold a public hearing. Following the public hearing the Planning Commission can forward a recommendation to the City Council. The City Council then holds their own public hearing.

Mr. Bolser stated the potential area is K. It is east of Droubay Road and immediately above area C. It is south of the existing Carr Fork subdivision. The Carr Fork subdivision is within City limits. It is vacant land. There is a public utility substation on the property and would not be affected if the property was developed.

Mr. Bolser stated following this meeting, the staff will open the 10 day minimum window for Affected entities. He asked the Commission to determine when they would like to close the window and set the public hearing date. He proposed that noticing requirement would not allow for adequate noticing for the next Planning Commission public meeting. The earliest public hearing meeting would be September 23. The 10 day window could remain open to the September 16 and allow for a 21 day window for affected entities.

Chairman Hamilton stated that he appreciated the presentation. Mr. Bolser stated that the City Council initiated the process for this revision, based on a request of a property owner. Commissioner Robinson asked if that is what has changed since the prior policy revision. Mr. Bolser stated that this came to the Council right as the previous revision was being considered.

A determination was made to hold this one and approve the other. Commissioner Robinson asked why didn't the City just take a big plot over on that side of the City. He doesn't appreciate the piecemeal thing with adopting little pieces and it may do nothing, but what does it hurt to put it out there. Mr. Bolser stated that the comment is well taken, but the difficulty to a certain degree, they are bound to what a property owner requests. Where this came as a specific request, the Council opted for staff to prepare it as requested. Commissioner Robinson stated the land just south of the triangle, it is between two expansion areas. He stated he is hearing that the City doesn't want to mess with the property until there is a request by a property owner. Mr. Bolser stated he did not know if that was the specific decision that was made, but what is presented, is what was presented to the Council.

Mr. Bolser stated there has been a lot of dialogue around the Valley regarding what property owners want and don't want. There is a delicate balance to be struck by Cities and governments and how best to proceed forward for any one property owner. The most straight forward way to go about it, is to listen to their desires and in this case, this property was identified to go forward.

Mr. Baker stated putting property in the Annexation Expansion Map does not give the City any legal obligation to annex those properties. In building off the medical analogy, in going to the doctor you may be waiting awhile, but you do expect to be seen. There may be no legal obligation, but there can be pressure from the property owner in the Expansion Area Map to be included in the City.

Commissioner Robinson asked about how the Carr Fork subdivision was added to City limits. Mr. Bolser stated it was before his time with the City and he has not researched that specific question. Commissioner Robinson stated that there is funky land up there. Mr. Bolser stated that there is a lot of property to the north of Area C that has some fairly stringent protections on it resulting from the mining activities at Anaconda. There isn't a lot of pressure or desire to annex that property. There is a boundary of reasonability on how far the city can go. Commissioner Robinson asked if K and the land south of Area K have those restrictions. Mr. Bolser stated Area K does not. He didn't think the area south of Area K did either, but he thought that it started when crossing Erikson road which lined Area K. Commissioner Robinson asked about the property north of Carr Fork. Mr. Bolser stated there are homes along Erikson Road there is a water well and homes. He is not sure along the west side of Erikson Road north of Smelter Road.

Commissioner Robinson stated that it has been spoken in previous meetings about the legislature making annexation petitions. Has that changed?

Mr. Baker stated that Senate Bill 5004, is still the current state of affairs. It creates a direct conflict between the annexation statute and the incorporation statutes. It has not been resolved. It does not apply to this property.

Chairman Hamilton suggested to close the window for written comment from affected entities to close September 16 and to have the public hearing on September 23. The Commission agreed.

Commissioner Robinson asked who gets notices? Mr. Bolser stated that by state law the definition of affected entities is similar to taxing entities, Tooele County, Tooele Valley Mosquito Abatement District, North Tooele Fire District, and Tooele County School District.

Chairman Hamilton asked with the window dates would leave 21 days for responses. Mr. Bolser stated with it opening this after the meeting, written comments would be accepted through midnight on September 16, which would be 21 days.

7. **Review and Approval of Planning Commission minutes for meeting held on August 12, 2020, including the joint meetings for the combined Council/Commission meeting.**

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

Mr. Bolser reminded the Commission and public that there is a comprehensive update happening on the General Plan. It is out for public review on the Tooele City website, www.tooelecity.org where it can be downloaded or viewed. There is a link through the website for public comment to be directed to staff. There is an email address, generalplancomment@tooelecity.org, for feedback. There are also hard copies at City, one at the reception desk, one in the Community Development Department Office, and one in the City Records Office. Each of those copies has a stack of comment cards for public comment. Mr. Bolser stated there has been a notice in the newspaper and in the Mayor’s Ninety North main Newsletter. There will be two public open houses scheduled for Thursday September 17, 2020, 6:00pm – 9:00pm and Tuesday October 6, 2020, 6:00pm – 9:00pm. There will be larger versions of the map as well as comment cards. Staff and Planning Commissioners will be in attendance to answer questions. There will be two formal public hearings and two public hearings with the City Council.

Chairman Hamilton stated the main goal is to be transparent and asked the public to input on the General Plan.

8. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 7:53p.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 9th day of September, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission