

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, September 23, 2020

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

Commission Members Present:

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

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 Justin Brady
Council Member Ed Hansen

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 Sloan.

2. Roll Call

Tyson Hamilton, Present
Melanie Hammer, Present
Shauna Bevan, Present
Matt Robinson, Present
Nathan Thomas, Present
Chris Sloan, Present
Bucky Whitehouse, Present

3. Public Hearing and Recommendation on a Proposed Amendment to the Adopted Tooele City Annexation Policy Plan to Identify One New Potential Expansion Area and Include that Area into the Adopted Annexation Policy Plan and Accompanying Expansion Area Maps.

Presented by Jim Bolser

Mr. Bolser gave a brief presentation on the differences between an amendment to the adopted Tooele City Annexation Policy Plan and an actual annexation. He used a doctor's office analogy for the differences. The Annexation Policy Plan is like the waiting room, waiting to be seen by the doctor, with other applications and an application cannot get beyond the waiting room without going through the Annexation Policy Plan process. The annexation is like meeting with the doctor; including considerations, specific properties, and application or petition for annexation is considered, with a diagnosis or decision determined by the City Council. The City is currently at the beginning with this application for the amendment to the adopted Annexation Policy Plan.

Mr. Bolser stated that the current annexation Policy plan was adopted in 2010. It was recently revised in June of 2020 which created three new expansion areas. There is also a city wide ongoing General Plan update, which is not part of the application. The annexation policy plan is a part of the General Plan and this is an amendment to the current adopted plan. The expansion area map includes areas A-J, and this application identifies a single area of K. The process does not mean the properties will or won't be annexed. The annexation is property owner initiated.

Mr. Bolser stated the process for annexation and the Annexation Policy Plan is outlined by state code in Section 10.204.5. There is an initial public presentation, which was held by the Planning Commission on August 26, 2020. A minimum of a 10 window must be made for "affected entities" to provide written comment. The Planning Commission allowed for a 22-day window, with which there was no comment. Following the closing of the window, there needs to be a public hearing, which will be held in the meeting tonight. Following the public hearing the Planning Commission can forward a recommendation to the City Council for another public hearing on a date still to be determined, ultimately leading to a City Council decision.

Mr. Bolser stated Area K is on the southside of the existing Carr Fork subdivision, which is in the incorporated City boundaries and on the east side of Droubay Road. Area K property is undeveloped and on the north side of Erikson Road.

Chairman Hamilton opened to the Council for any questions or comments.

Commissioner Sloan confirmed with Mr. Bolser that the application is property owner driven and not City recruited? Mr. Bolser stated that a representative for the property owners that make up Area K, approached the City Council for consideration of inclusion in the Annexation Policy Plan. The City Council asked the staff to pursue.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Droubay Road Annexation Policy Plan Amendment request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, based on the following findings. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer,

“Aye,” Commissioner Thomas, “Aye.” Commissioner Sloan, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

4. **Public Hearing and Decision on a Conditional Use Permit to allow “Business Office” use by Insurance Network in an existing building located at 272 North Broadway in the MU-B Mixed Use Broadway Zoning District.**

Presented by Andrew Aagard

Mr. Aagard stated the Conditional Use Permit application is for property located at the southeast intersection of Broadway and Birch Street in an existing office building/warehouse building. The property is zoned MU-B, Mixed Use Broadway as are properties to the east, and south, with property to the west zoned R1-7 Residential and to the north is Elton park. The application requests to authorize a business office use in an existing building for an insurance office. One of the main reasons for the Conditional Use Permit process is to ensure that impact of proposed land uses is properly mitigated. One of the main issues is parking, the office space portion of this building is approximately 4,700 square feet. With parking standards for office space being one space per 200 square feet of office area, that would lead to the need for 37 parking spaces. There are 37 available in the parking area and that does not consider on street parking on Broadway. The applicant has stated that the office will be used to meet with clients and that employees currently work remotely. They do not anticipate more than three employees at the site at any given time. Staff does not anticipate any parking issues with the application. The item is a public hearing and notices were sent to property owners within 200 feet. No comments were registered by staff. Staff is recommending with the basic conditions listed in the Staff Report.

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

Commissioner Sloan stated this building is being used and has been used for lots of individual business and where the total square footage of the building is being used for parking, why is it necessary for an individual tenant to apply for a Conditional Use Permit. Mr. Aagard stated the use in the MU-B Mixed Use Broadway zone requires the Conditional Use Permit.

Commissioner Sloan asked if the Conditional Use Permit goes with the property? Mr. Bolser stated that parking is always a sum total of all the uses. The nature of the Conditional Use Permit, is individually placed, if a new use comes in, it has to establish it's self as a permitted use. If a similar use has a conditional use and leaves and another business comes in, they could use the Conditional Use Permit already approved, although in this case there is no record of a prior Conditional Use Permit.

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

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Whitehouse motioned to approve a Conditional Use Permit Request by Mike Tingey, representing Insurance Network LC to allow the use of “Business Office” at 272 North

Broadway, application number P20-814, based on the findings and subject to the conditions listed in the Staff Report dated September 17, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Hammer, “Aye,” Commissioner Thomas, “Aye.” Commissioner Sloan, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

5. Recommendation on a Subdivision Plat Amendment application to amend lots 101 – 106 of the Buffalo Ridge Subdivision by Buffalo Ridge, LLC located at approximately 600 North 200 West in the R1-7 Residential Zoning District on 1.03 acres.

Presented by Andrew Aagard

Mr. Aagard stated the Buffalo Ridge subdivision is located at the north west side of Intersection of 200 West and 600 North. The property is zoned R1-7 Residential, as are the properties to the east and west. To the north is MR-8 Multi-Family Residential and utilized as single-family and two family residential and to the south is open space zoning. The plat amendment proposes to resolve a property line/fence line discrepancy that was initially brought up with the original developer of the subdivision, however the developer chose to plat the development along the correct survey plat line. The subdivision has been sold and the current developer is solving the discrepancy by making the fence line the new property line. The new lot line will shift the property approximately four feet to the east. This will result in the deeding of approximately 1600 square feet of property to the property owner to the west. The reduction in property will reduce the property lot sizes, however each lot will remain above the minimum 7,000 square feet lot size required by the R1-7 Residential zone. Lot widths and frontages will not be affected by the amendment and no nonconformities will be created with the lot line changes. Staff is recommending approval of the amendment.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Buffalo Ridge Subdivision Plat Amendment Request by DeAnn Christensen, Buffalo Ridge, LLC, thus amending lots 101 through 106, application number P20-848, based on the findings and subject to the conditions listed in the Staff Report dated September 17, 2020. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, “Aye,” Commissioner Bevan, “Aye,” Commissioner Robinson, “Aye,” Commissioner Hammer, “Aye,” Commissioner Thomas, “Aye.” Commissioner Sloan, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

6. Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Chapter 7-25 of the Tooele City Code Regarding Signs.

Presented by Jim Bolser

Mr. Bolser stated there have been several working groups going on within the City trying to find ways to make City more efficient, flexible, and still maintain proper guidance under the law and procedures. Council Member Graf has been working with local businesses and members of the community, trying to make the sign code more user friendly for business. This is a text amendment that adds in a defined term for a civic organization, addresses size allowances for banner signs, allowances for inflatable signs, various provisions dealing with electronic signs, signage allowances

for non-profit organizations, schools, and civic organizations, allowances for temporary holiday periods and what the holiday periods are, sign allowances for temporary signs, enforcement and removal of signs, allowances for signage of home occupations and technical changes with those items.

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

Chairman Hamilton stated he has been part of the working group and Council Member Graf gave the business owners a chance to make changes.

Commissioner Thomas asked for clarification on the electronic signs and the changes to colors and brightness. Mr. Bolser stated the current ordinance states the amount of electronic signage in terms of brightness. The proposal, rather than looking at brightness but now looks at the colors that produce the brightness. The areas of the sign are limited in those colors that produce brightness. Commissioner Thomas asked if the change will still help address nuisance signs. Mr. Bolser stated we believe that it will help.

Chairman Hamilton gave an example of using an electronic sign with brightness and the proposed changes in the code.

Commissioner Sloan asked if there are signs that will have difficulty changing to the new ordinance. Mr. Bolser stated in terms of changing, no. The images are usually developed by the user. In terms of signs that may need to change, yes there are some. Commissioner Sloan asked if the changes are expensive? Mr. Bolser stated he didn't think it would be expensive, but he is not an expert in it.

Commissioner Thomas stated he was looking for language about the billboard signs. Mr. Bolser stated the current code does not allow for offsite signage. Commissioner Sloan asked if those are regulated? Mr. Bolser stated billboards mentioned are in Tooele County and on private property with lease agreements. The state law has specific provisions regarding offsite signage. Chairman Hamilton stated the offsite signage was reviewed by the working group, but it will be looked into further.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Thomas motioned to forward a positive recommendation to the City Council for the for the Signs City Code Text Amendment Request by Tooele City, application number P20-826, based on the following findings; listed in the Staff Report. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Chapters 7-1 and 7-16 of the Tooele City Code Regarding the Establishment of a New IS Industrial Service Zoning District.

Presented by Jim Bolser

Mr. Bolser stated this is the first of two steps. A few months ago, there was a zoning map amendment that went through the City process looking to rezone the property for a specific use on the property that was only allowed in the I Industrial zone, while the property was zoned as a LI Light Industrial zone. As part of the review of that item, it became apparent that the use itself was not in opposition, but it could move locations and the I Industrial zone in that area, was a point of difficulty for the Planning Commission and City Council. At the time of the application review for the rezone, the Council requested that the staff pursue a text amendment to the City Code to create a third industrial zone to allow for more flexibility and useability between the two zones. The staff created a new zone referred to as the IS Industrial Service Zone which is kind of a hybrid of the LI Light Industrial and I Industrial zones. This is an amendment to create the zone and amend the table of 7-16 and later tables.

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

Commissioner Sloan thanked the staff and Council Member Hansen for the work on this.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the for the Industrial Zones City Code Text Amendment Request by Tooele City for the purpose of establishing a new IS Industrial Service zoning district, as a part of application number P20-706, based on the following findings; listed in the Staff report. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

8. Public Hearing and Recommendation on a Request by Tooele City for a Zoning Map Amendment to Reassign Properties Generally Located in the Area of 300 South 1200 West and 2200 North 400 East to the IS Industrial Service Zoning District

Presented by Jim Bolser

Mr. Bolser stated this is the second step to the same application just presented. Now that the new zone is approved, there needs to be a recommendation of where to place it on the zoning map. At the prior Planning Commission meeting, there was discussion as to where to put the new IS Industrial Service zone on the map. Once properties were identified, the owners were notified with written notification after the prior meeting.

Mr. Bolser stated that there are two areas referred to as the north and the south area. The north area is on the east side of Main street, straddling 400 east between roughly speaking, SR36 to 600 East and between 2000 North and 2400 North. The south area is around approximately 1200 West 200 South, primarily on the west side of 1200, but includes a couple areas on the east side of 1200 West. The current zoning of the north area is LI Light Industrial zone. Similarity for the south area

properties are in the LI Light Industrial, excluding the property that prompted this change which is in the I Industrial zone and all those properties will be changed to the IS Industrial Service zone.. In the north area along 400 East, there has been a historic zoning line that runs through properties between SR36 and 400 East, thus splitting the properties in two with two zones, GC General Commercial and LI Light Industrial. Proposed with the IS Industrial Service zoning, the city staff also proposes to adjust the properties that are currently between SR36 and 400 East to GC General Commercial to put those properties under one zoning classification.

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

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Industrial Zones Zoning Map Amendment Request by Tooele City for the purpose of reassigning certain properties to the IS Industrial and GC General Commercial zoning district, as part of application number P20-706, based on the following findings; on the Staff Report conditions and additionally corrects the area of GC General Commercial and LI Light Industrial split properties.

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

9. Public Hearing and Recommendation on a Request by Tooele City for a text Amendment to Table 1 of Chapter 7-14 of the Tooele City Code Regarding Apiaries.

Presented by Roger Baker

Mr. Baker stated that back in 2011 some citizens of the community asked the Council to consider allowing beehives in residential areas with the term being used is apiaries. The minutes for the Planning Commission indicate that the item was presented in the context of single family zones. For reasons no one remembers, when it went through the City Council, that context was omitted. The intention was to allow apiaries in single family districts, not multi-family zoning districts where there are not individually owned properties. The purpose of this ordinance is to clarify the record that allows for the context of single-family usage for apiaries.

Chairman Hamilton stated it is a correction and get the code up to date. Mr. Baker stated it is a correction, but he didn't feel comfortable just putting it in the code without going through the process.

Commissioner Thomas asked if there are any beekeepers that are in the MR Multi-Family Residential zones that caused this to come to the attention of staff or was it something that was caught? Mr. Baker stated that a single family property owner was approached by code enforcement. Code enforcement was doing their job and the home owner was doing what he thought he was allowed to do. Mr. Baker stated that he is not aware of existing or requested apiaries in a multi-family zones.

Chairman Hamilton opened the public hearing, there were no comments Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the request of the table 1 regarding apiaries Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Whitehouse, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

10. Public Hearing and recommendation on a Request by Tooele City for a Text Amendment to Table 5 of Chapter 7-14 of the Tooele City Code Regarding Water Rights in the In-Fill Areas

Presented by Jim Bolser

Mr. Baker stated this is a correction to an existing ordinance based on the intent and context at the time. In 2015 staff brought to the Planning Commission and City Council, proposals for development of infill areas. There are two infill areas, A and B. Table 5 contains the incentives that were codified to encouraged development. One of the incentives codified regarded water rights. In geographic area A, the table allows for a fee in lieu of conveying water rights and the fee was reduced by half. Every development is required to convey water rights for its demand. In the infill areas the demand is not reduced. The City Council adopted the policy in City Code, that certain developments could pay the city fee and access the city's water rights. The city's water rights are limited. For residential developments, the policy was to only sell a water right credit for a single lot development; one lot split into two. That context is in the minutes and the staff recommendation, but for unknown reasons, it was not clearly codified in the City Code. In the code currently, the language would allow any infill development of any size to allow the developer to pay the fee and the City would have to provide the rights. That is not the policy and intent.

Chairman Hamilton asked the commission for questions or comments.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for text amendment to table of 5, regarding water rights in infill areas. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

11. Review and Approval of the Planning Commission Minutes for Meeting Held on September 9, 2020.

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

Commissioner Sloan, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

Chairman Hamilton thanked the staff and property owners for the agenda tonight. Mr. Bolser reminded the Commission that on October 2, it will be the second open house of the General Plan. From 6-9 pm. Access to the General plan can be done at city hall on the website, and comments can be made through email, get the priors notes. Following the open house, the Planning Commission is the first of two public meetings. The second public hearing is not necessary and provided additional opportunities. The November 12, due to Veterans Day. The planning Commission recommendation, with the City Council.

Chairman Hamilton asked the public to come out. This is the future of the City.

12. Adjourn

Chairman Hamilton declared the meeting adjourned at 8:01 p.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 14th day of October, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission