

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, March 9, 2022

Time: 7:00 p.m.

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

Commission Members Present:

Melanie Hammer
Nathan Thomas
Chris Sloan
Tyson Hamilton
Weston Jensen
Paul Smith
Melodi Gochis
Alison Dunn

Commission Members Excused:

Matt Robinson

City Council Members Present:

Maresa Manzione
Justin Brady
Tony Graf

City Council Members Excused:

Ed Hansen

City Employees Present:

Andrew Aagard, City Planner
Paul Hansen, Tooele Engineer
Roger Baker, Tooele City Attorney
Mayor Debbie Winn

Minutes prepared by Katherin Yei

Commissioner Sloan called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Hamilton.

2. Roll Call

Melanie Hammer, Present
Nathan Thomas, Present

Chris Sloan, Present
Tyson Hamilton, Present
Weston Jensen, Present
Paul Smith, Present
Melodi Gochis, Present
Alison Dunn, Present
Matt Robinson, Excused

3. Decision on a Conditional Use Permit Request by the Tooele County School District to Authorize the “Public School” and “Public Educational Facility” Uses for the New Deseret Peak High School on Approximately 57 Acres Located at Approximately 2200 North Berra Boulevard in the RR-5 Residential and GC General Commercial Zoning Districts.
(Continued from February 9, 2022 Meeting)

Mr. Aagard presented information on the 57-acre parcel for the Tooele County School District requesting a Conditional Use Permit for a public school and education facility. A public school does require a Conditional Use Permit in the current zones. A site plan was provided. There is a large parking area on the South and the West and sport fields on North and the East. There are access points on Berra Boulevard and 120 East with discussion on making improvements to Berra Boulevard. The Conditional Use Permit request was tabled for 30 days until the City and the School District could reach an agreement. An agreement has not been reached. The staff is recommending approval with the conditions listed in the staff report.

Mr. Baker clarified information regarding the meeting the day before between the City and the School District. A lengthy discussion took place with the issues of the perimeter roads. It was an amicable meeting. Tooele City is of the opinion the full perimeter roads continue to be necessary for student safety. “Full” means curb, gutter, and sidewalk, and 30 feet of asphalt, along the Berra Boulevard and 2400 North perimeter roads. The school district has a different perspective. The discussion is not an argument, but rather a difference of opinion about the interpretation of “reasonably necessary for student safety” in state statute. They are pursuing ways to resolve the difference of opinion to make this project successful and to maintain the positive relationship between the City and the District.

The Planning Commission shared concerns regarding the improvements of the perimeter roads and safety for the students. They shared the following concerns:

Berra Boulevard is not yet finished, what are the City requirements for the improvements?
The roundabout needs to be redone. It is not big enough for buses and additional traffic.
Having a one way in, one way out is unsafe for all parties. What are all of the access points.
There will be a lot of traffic for a small area with parents, students, and staff. There needs to be better safety.

Mr. Baker addressed the Planning Commission. Many issues are being addressed by the school district engineer and architect. The West bound lane of 2000 North as it passes the hospital narrows from two lanes to one. That will be widened to two lanes from SR-36 to Berra Boulevard and a section of the roundabout. They do have studies that address vehicle number

counts and adequacy of capacity, but he has been informed that safety is not part of traffic studies; rather, traffic movement is the main consideration. If conditions are going to be a part of the motion, the Commission must first articulate the anticipated adverse impacts the condition use is going to create, and only then identify condition that will mitigate those impacts.

Mr. Aagard addressed the Planning Commission concerns. Berra Boulevard is 84 foot right of way; the adjacent development is required to improve their frontage, 30 feet of road and park strip. 120 East is an access to the parking lot. The existing road will connect to the parking lot. They are required to follow the City's requirements, including the sidewalk. The District should do a portion of the repairs to the adjacent roads. Development will occur and will have to do improvements to the other parts of the road.

Mr. Hansen spoke to the traffic concerns. The Northeast quadrant is the heaviest traffic area they plan to expand. The traffic engineer stated the other three legs can function without modifications. The school is projected to have 1800 students at capacity. A FEMA channel cuts through the property. The layout the school district gets them started the quickest.

Michael Garcia, the construction expert for the school district, addressed the Planning Commission. Tooele County School District would pay for the road with the option of bringing in a third party to speak to the legality and safety requirements of the roads. If the third party agrees with the school district, the City would be responsible for paying for the improvements of the roads.

Mark Earns, the Super Intendant for the school district, spoke on the road disagreement. There are different interpretations of the law for reasonable student safety. They are going off experts they work with. There are two options once the third party looks at the safety and roads. Based on risk management, if it is a safety issue, the district would pay for it. If not, they would not make improvements and pay for the road. The City can require the applicant to pay for the road if it is reasonable for students' safety. It

The Planning Commission discussed how to mitigate their concerns. The concerns included safety, access from the turn on Highway 36, round about, and access points on 2400 north. They discussed extending the single merge to two lanes by the hospital, and the school district modifying the northeast quadrant of the round-about.

Mayor Winn addressed the Planning Commission. There was a great discussion regarding the road improvements. The City and the school district would like to work together to make the project successful. Tooele City has done enough research and believe it is for safety issues. They have learned about traffic from the current high school and junior highs. They would like to give them a go ahead and put the bid out.

Commissioner Hamilton motion to approve a Conditional Use Permit based on the findings and facts listed in the staff report with the additional condition to improve Berra Boulevard and 2400 North to the City code. Commission Gochis seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye",

Commissioner Gochis, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Naye”. The motion passed.

Mr. Baker made a point of clarification. If a legal determination is made that the District is exempt from building the perimeter roads Berra Boulevard and 2400 North, this does not mean that the responsibility of building roads then becomes the City’s responsibility. If the District is exempt from the road requirement, then no one is responsible to build these roads. The question is if it is the district’s responsibility. Transportation impact fees could not be used for the project because the City does not have and does not qualify to have a transportation impact fee for these roads; there are no federal or state grants available for these roads; the City cannot sell a bond to finance the roads because there are no sales tax or other revenues available to pay the debt service; there is only the general fund containing property taxes paid by the general Tooele City property owner.

4. Public Hearing and Decision on a Conditional Use Permit Request by Pride Built Homes to Authorize a “Contractor’s Storage Yard” Use on Property Located at 356 South Tooele Boulevard in the LI Light Industrial Zoning District on Approximately 1.5 Acres

Mr. Aagard presented information on a Conditional Use Permit for a Contractor Storage yard located near 200 West and Tooele Boulevard. The applicant is proposing to have business related storage and office space. The Site Plan is being reviewed with minor changes. A corporate office is permitted, but a contractor storage does require a Conditional Use Permit. Chain-link fence will be put up, as staff does not see use for a solid fence. Staff is recommending approval with conditions listed in the staff report

A public comment was received from Jared Stewart with positive recommendation to approve the Conditional Use Permit.

Commissioner Sloan opened the public hearing. No one came forward. The public hearing was closed.

The Planning Commission showed concerns about the fence fabric that may be required to obstruct a possible unsightly view.

Mr. Aagard addressed the Planning Commissions concerns. The site plan shows a chain link fence without fabric.

Mr. Baker clarified it is not appropriate to list conditions for uncertain things that may or may not occur in the future, but rather to identify evidence supporting the actual anticipated adverse impacts, and then to impose reasonable condition that mitigate those impacts.

Commissioner Hamilton moves to approve conditional use permit Conditional Use Permit Request by Pride Built Homes to Authorize a “Contractor’s Storage Yard” Use on Property Located at 356 South Tooele Boulevard in the LI Light Industrial Zoning District on Approximately 1.5 Acres based on the findings in the staff report. Commission Hammer

seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Commissioner Gochis, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Naye”. The motion passed.

5. City Council Reports

Council Member Manzione reported on items discussed and approved during the City Council Meetings. The items are as follows:

The project located near 3 O’Clock was approved to change the Land Use from Medium Density Residential to High Density Residential with the cap at MR-10.

The property located near 300 West and 100 North was rezoned to MR-16.

The McKellar rezone was denied.

PAR tax is renewed every ten years and was approved to add to the ballot for a vote.

The layout of the minutes was updated to add more detail without having the length of the pages.

The Annexation policy will have revisions.

6. Review and Approval of Planning Commission Minutes for the Meetings Held on February 9, 2022 and February 23, 2022.

There are no changes to the minutes.

Commissioner Thomas moved to approve the February 9th and February 23rd minutes.

Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Commissioner Gochis, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

7. Planning Commission Training on Open and Public Meetings.

Mr. Baker presented information on open and public meetings.

8. Adjourn

Commissioner Sloan adjourned the meeting at 8:46 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 23rd day of March, 2022

Matt Robinson, Tooele City Planning Commission Chair