

**Tooele City Planning Commission  
Business Meeting Minutes**

**Date:** Wednesday, March 23, 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  
Matt Robinson  
Tyson Hamilton  
Weston Jensen  
Paul Smith  
Alison Dunn

**Commission Members Excused:**

Melodi Gochis

**City Council Members Present:**

Maresa Manzione

**City Council Members Excused:**

Ed Hansen

**City Employees Present:**

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

Minutes prepared by Katherin Yei

Chairman Robinson called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Thomas.

**2. Roll Call**

Melanie Hammer, Present  
Nathan Thomas, Present  
Chris Sloan, Present  
Matt Robinson, Present

Tyson Hamilton, Present  
Weston Jensen, Present  
Paul Smith, Present  
Alison Dunn, Present  
Melodi Gochis, Excused

**3. Recommendation on a Zoning Map Amendment by the SJ Managing Company for the Proposed One O’Clock Hill Development to Reassign the Zoning for Approximately 38 Acres Located at Approximately 900 South Main Street (South Side of SR-36) from the RR-1 Residential Zoning District with the Sensitive Area Overlay to the R1-7 Residential Zoning District and Removing the Sensitive Area Overlay from the Development Portions of the Property**

Mr. Aagard presented information on the zoning map amendment for the 30-acre property located near SR-36 and One O’clock and Two O’clock Drive. The property is currently zoned RR-1 Residential, requiring one-acre lots, and bears the Medium Density Residential land use designation. The applicant is asking for a portion of the Sensitive Area Overlay to be removed. A concept plan had been presented and shows it is possible to develop between 90 and 130 residential lots. The Planning Commission tabled the review and requested studies of the site, including potential hazards, traffic, geotechnical, and rock fall studies. All studies have been provided by the applicant, including a letter from Rocky Mountain Power regarding the power lines. This item was first heard on September 8<sup>th</sup> and met the requirements for a public hearing.

Mr. Johnson, the applicant, addressed the Planning Commission. They have done extensive studies and provided a general landscape plan. All studies have shown the land is developable. They are asking for a small strip of the Sensitive Area Overlay to be removed.

The Planning Commission shared their concerns on the following:  
The trail being a part of the City or County property, building on or near this property could reduce the migration pattern of the wildlife, and the property not having much use otherwise.

Mr. Johnson addressed the Planning Commission’s concerns. They would like to put a trail in for the community and work with the City to maintain it and allow everyone access to it.

Mr. Baker gave a reminder to the Planning Commission; If they believe there are recommendations in the studies that need to be a part of the development, the Planning Commission should make the study recommendations as conditions to their recommendation to the City Council and add them to the motion. While their vote is a recommendation, conditions have to be stated in the motion for them to be binding conditions.

Commissioner Smith shared his reasoning for not supporting the zoning amendment, including the wildlife migration and the area not being a good fit to build.

**Commissioner Thomas motion to recommend a positive for Zoning Map Amendment by the SJ Managing Company for the Proposed One O’Clock Hill Development to Reassign**

**the Zoning for Approximately 38 Acres Located at Approximately 900 South Main Street (South Side of SR-36) from the RR-1 Residential Zoning District with the Sensitive Area Overlay to the R1-7 Residential Zoning District and Removing the Sensitive Area Overlay from the Development Portions of the Property based on the findings and conditions in the staff report and recommendations in the subsequent in the specific reports, and the trail to be a part of the project.** Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Chairman Robinson, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Naye”. The motion passed.

**4. Public Hearing and Recommendation on a City Code Text Amendment Request by Tooele City for Ordinance 2022-10 An Ordinance of the Tooele City Council Proposing Amendments to Chapter 7-24 of the Tooele City Code Regarding Annexation.**

Mr. Baker presented a proposed City Code text amendment for chapter 7-24 regarding annexation. The changes are mostly to remove old procedural provisions that cross reference State code that are outdated or obsolete. They have made specific updates to the procedural steps that are required by State law and the City’s actual practice, as well as specifying various studies that are important to give the City Council the information they need for informed annexation decisions. They are the same studies that have been required by the City for ten years. The City is giving more predictability of what will be asked or required before petitioners come to the Commission or the Council. Staff has also worked on clarifying some procedural steps. The City Code specifies the annexation needs to be approved by 2/3 of the City Council. Mr. Baker recommended 2/3 be changed to 4/5 to reflect an actual supermajority in a five-member public body. The City Council discussed some of the pros and cons of having a super majority vote versus a simple majority vote. Mr. Baker indicated that a previous City Council appeared to believe that annexations are of such policy importance that a simple majority should not be able to approve them and permanently change the City, but that a super-majority should be required.

The Planning Commission had concerns on the change effecting the pending annexation and anything current from the legislative session being included. The discussion included a general outline of what the Council discussed in their previous work meeting. A portion of the Council believed simple majority was adequate because there are so many hurdles for annexation standpoints with each decision being important.

Mr. Baker addressed the Commission’s questions and concerns. There is an annexation application pending, but the changes should not affect it. The changes will match what is happening with the current annexation. If the Council changes approval to simple majority, that would apply to the current annexation petition. To Mr. Baker’s awareness, the latest legislative session should not affect the annexation amendments.

Council Member Manzione addressed the Commission. By the time it reaches the Council, the annexation application has been thoroughly vetted.

Chairman Robinson opened the public hearing. No one came forward. The public hearing was closed.

Chairman Robinson, Commissioner Hammer, and Commissioner Smith support the super majority, because it removes any ambiguity.

Commissioner Sloan and Commissioner Thomas supports the simple majority, because the application has been vetted through the many requirements before it reaches City Council.

**Commissioner Sloan motion to recommend a positive for Recommendation on a City Code Text Amendment Request by Tooele City for Ordinance 2022-10 An Ordinance of the Tooele City Council Proposing Amendments to Chapter 7-24 of the Tooele City Code Regarding Annexation with the exception the threshold be changed to simple majority.**

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

**5. Public Hearing and Recommendation on a City Code Text Amendment Request by Tooele City to Revise the Provisions of Table 2 of Chapter 7-16 of the Tooele City Code to Amend Certain Set Back Requirements in the Various Nonresidential Zoning Districts**

Mr. Bolser presented an amendment request to the Tooele City Code Chapter 7-16, Table 2, amending the nonresidential zoning district setbacks. The City addressed a zoning text amendment regarding the Industrial zone setbacks from 30 feet to 15 feet, enabling the existing buildings in the Industrial Depot to be subdivided without violating setbacks. The setbacks for the Light Industrial, Industrial Service, and Research and Development zones were increased to 15 feet for side yards and 20 feet for rear yards. They have received applications that have found the setbacks to be cumbersome or prohibiting. The proposed text amendment, reduces the side yard to five feet and rear yards to ten feet for maintenance and water drainage. Previous to the amendment, the setbacks are allowed to be as little as zero feet. The notes below the tables will also be clarified.

Chairman Robinson opened the public hearing. No one came forward. The public hearing was closed

**Commissioner Sloan motion to forward a positive recommend a positive for a City Code Text Amendment Request by Tooele City to Revise the Provisions of Table 2 of Chapter 7-16 of the Tooele City Code to Amend Certain Set Back Requirements in the Various Nonresidential Zoning Districts 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 Robinson, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

## **6. Discussion on Ordinance 2022-11 An Ordinance of Tooele City Enacting a Temporary Zoning Ordinance Regarding Garage Parking in Multi-Family Residential Developments**

Mr. Baker indicated his purpose of introducing the Commission to a temporary zoning ordinance regarding garage parking being counted for minimum required off-street parking in residential areas. There is a legal doctrine called the pending ordinance rule. Once a temporary zoning ordinance is put in place, all developments have to follow the it until it ends at six months or a new rule takes effect. If there is an important enough reason, compelling and countervailing, the City Council can impose a temporary zoning ordinance without the Planning Commission's recommendation and with public hearings. This is to help prevent a rush of applications to vest in the current regulations while new regulations are being formulated and are going through the regular process for enacting new land use ordinances.

The Planning Commission asked the following questions:

What is the difference between the temporary ordinance and a moratorium?

Does the new rule have to mirror the temporary ordinance?

Mr. Baker addressed the Planning Commission. The Council cannot declare a moratorium on their own rules, but they can change their rules. The pending ordinance doctrine allows the rules to change immediately without going through the regular process. It is temporary and for a period of up to 6 months. At 6 months, the ordinance will revert to previous or they need to have adopted something new. The new rule does not have to mirror the temporary ordinance. Any change has to go through the regular process. The current rules require two parking spaces for a single-family dwelling, which is usually accomplished by a driveway long and wide enough for two cars, and require garages with minimum dimensions. The concern is garages are often used for storage, and whether to count the garage apart of the minimum required off-street parking spaces. City Hall has received many complaints regarding on-street parking. Some townhouse developments do not have driveways or other off-street parking, and because of the higher densities more of the street frontage is used for drive approached, reducing the amount of on-street parking, forcing parking to spill over into neighboring developments. On-street parking during snow events is a violation of the City Code because it prevents safe and adequate snow plowing. In the opinion of the City Administration, this rises to the level of a compelling, countervailing public interest. The ordinance being presented is for a maximum six-month period, allowing garage space to not be included in off street parking. Anything proposed as a new permanent regulation will come back for further discussion and recommendations.

The Planning Commission shared their personal experience, expressing the need for the ordinance. They asked the following questions about the current requirements:

Does the City require the driveway to be long enough and wide enough to fit two cars?

What are the requirements for residential areas?

Is six months a realistic timeline to get the new ordinance in place?

Mr. Baker addressed the Planning Commission concerns. The process will include looking at the off-street parking requirements for single family, townhomes, and apartments. The requirement for single-family detached housing is 25 feet, requiring a two-car garage, and a 20-foot depth

between house and street, which required a driveway that accommodates two cars. The City does require setbacks in driveways and garages, requiring two spaces, and requiring off street parking. There are no extensions to the 6-month maximum. City staff must work efficiently to bring something forward before the temporary regulation reverts back to the current rule. The six months started with a public notice published on Friday, March 18<sup>th</sup>.

The Planning Commission shared their support.

### **7. City Council Reports**

Council Member Manzione presented a brief overview of the City Council’s meeting. The City Council wanted to hear a discussion and the opinions of the Commission regarding the annexation change. The Mayor is starting ‘Monday with the Mayor’, a presentation and discussion for the community. The meetings will be held the first Monday of every month in person or on Facebook live.

### **8. Review and Approval of Planning Commission Minutes for the Meeting Held on March 9, 2022.**

There were no changes to the minutes

**Commissioner Hamilton motion to approve the Planning Commission minutes from March 9, 2022.** Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Chairman Robinson, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

### **9. Adjourn**

**Chairman Robinson adjourned the meeting at 8:07 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 13<sup>th</sup> day of April, 2022

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Matt Robinson, Tooele City Planning Commission Chair