



## Planning Commission Meeting Minutes

October 11, 2023

47 S. Main Street, Council Chambers, 3rd Floor

7:00 p.m.

### 1. Roll Call

Vice Chair, Blair Hope, called the meeting to order at 7:01 pm.

Roll call was taken showing Brad Bartholomew, Blair Hope, Toni Scott (online), Camille Knudson (online). Andy Stetz joined the meeting later. Staff present was Trish DuClos, Planner/Code Enforcement Officer, Rachelle Custer, Community Development Director, Stephanie Eastburn, Community Development, Nathan Harris, County Attorney.

### 2. Pledge of Allegiance

### 3. Minutes

#### A. Sept 6, 2023

##### Agenda Attachments

##### 1. Planning Commission Meeting Minutes Sept 6, 2023.pdf

Motion to approve the minutes from September 6, 2023 made by Toni Scott. 2<sup>nd</sup> by Brad Bartholomew. All in favor.

### 4. Subdivisions

#### A. Chris Robinson is requesting a Subdivision Extension to Tratos Subdivision and Saddleback Plat 14, Trish DuClos

Subdivision Extension 2023-070

##### Agenda Attachments

##### 1. SUB\_2023-070\_Staff Report\_Final.pdf

##### 2. 2023-070 Sub Extension Planning\_Commission\_Agenda\_Summary.pdf

Trish DuClos summarized the staff report. Chris Robinson is requesting a subdivision extension for Saddleback phase 14 and Tratos subdivisions, which have already been approved. They haven't been recorded and there haven't been any improvements made, and he has reached the deadline. Lake Point City Council has voted that Tooele County can process this in accordance with their interlocal agreement (ILA) since the subdivisions were submitted before the incorporation, but with the condition that no changes are made to the plats. The ILA stated that all applications need to be complete by December 31<sup>st</sup> of this year. The concern is whether the ILA will be changed. For Tooele County to keep processing it, the date would have to change. If we were to extend the subdivision, with two 6 month extensions, that would put us into October of next year. It isn't clear who would do all the inspections and collect the money. The applicant is vested in the old subdivision title, Title 13. The staff report details the old code requirements for the extension and also the new subdivision code. He is in violation with the old code. It states he should be required to resubmit from final plat stage. With the new code, it gives him 14 months.

Andy Stetz joined the meeting at 7:07 pm.

Nathan Harris, Tooele County Attorney, stated he has been in talks with Lake Point's attorney. Lake Point City is willing to extend the ILA. It would be extended until this development is

finished. If that's the case, Tooele County would take the money.

Toni Scott asked if we've extended this previously. Trish stated no, not this one.

Blair Hope stated Lake Point City chose to put this back on Tooele County Planning Commission. There was a letter written to us by a concerned citizen on the (Lake Point) Cemetery Board with concern that we'd turn it back to Lake Point City Council. It's too late for that because Lake Point has put it before us. I'm happy that they will extend the ILA because I would love to hear a recommendation for approval and the condition that County Council asks to extend the ILA. There is no reason why an extension shouldn't be allowed.

Chris Robinson, applicant, stated these two subdivisions were approved October 19, 2022, and are being developed pursuant to the Saddleback Development Agreement. When the city was incorporated on December 21, 2022, it entered into the ILA. It exempted from its moratorium certain projects that were attached in an exhibit. These subdivisions were not on the original exhibit, but they were exempted, meaning the county would continue to process them. I received an email from Tooele County Planning Department in July or August stating that we had until October 19<sup>th</sup> to record the plat. I met with the county and stated I would like to do an extension. I was told I needed to go to Lake Point City. I went to Lake Point City Council and told them I'd like a one-year extension. They granted that for the county to continue processing that. The mylar has been signed by all parties except Community Development. They (Lake Point City) authorized an extension provided there were no changes. My application to seek an extension was submitted, then the ILA came up, and we met with Nathan Harris and Robert Patterson, Lake Point City's Council. They both said it would be very easy to amend the ILA to extend past December 31<sup>st</sup>.

Chris Robinson stated I wrote an email to the City Recorder to ask if my extension request would be heard at the meeting they're holding tonight. They said they are waiting to hear from the county. They've agreed to the extension and want me to go through this process with the county. I believe the two attorneys can craft an appropriate extension to the ILA. I like the condition that the ILA would have to be extended. There has been work done on the subdivision, the sewer lines and utilities. We had the subdivision under contract to sell, but the rising interest rates have put a standstill on these kinds of lots. We are not in a position to build the subdivision and hope people will buy it. That's very expensive. Even bonding for the improvement cost and recording it now would be very expensive. Our method has been to build the subdivision, get substantial completion, file an irrevocable standby letter of credit for the 10% one-year guarantee, and record the subdivision plat. We are asking for a one year to do that.

Blair Hope asked Nathan Harris if he has confirmed with Lake Point's attorney if they have indeed agreed to extend the deadline. Nathan stated at the last meeting they defaulted to us and stated they would follow suit what the county decides.

Trish Duclos stated what was granted in August was just for the county to continue to process this. Everything that was not put in that exhibit during the first of their moratorium has to be approved by their council. A Subdivision extension was not one of them, so we need their permission. We need to decide whether he needs to abide by Title 13 or Chapter 35. Chapter 35 gives him one more year to record the plat. We need to decide if he's vested in Title 13, then he would need to get this extension. If he falls under chapter 35 then he gets another year to record since the codes have changed.

Nathan Harris clarified that initially, when Chris first submitted the application, he was vested under Title 13. A month later the subdivision title changed. Under Title 13 he needs an extension, and he would have to follow those timelines. If the Planning Commission decides he should follow chapter (35) then he doesn't need an extension, but he would need to follow those timelines.

Blair Hope asked if the applicant understands the difference and which title/chapter he would prefer. Chris stated no I don't understand, but it's a matter of timeline. I just want a year extension. I don't know which one that falls under.

Blair Hope asked for clarification on the options under Title 13. Trish explained under title 13 he would have to bond and record within 30 days of this extension approval. Improvements must be made in accordance with Title 13 and its one-year deadline as listed in that code. Chris Robinson stated no, we don't want to do that. If we were in a position to do that, we would have done it before the October 19<sup>th</sup> deadline. That would be very difficult for us right now.

Brad Bartholomew asked what the difference is beside the timeline. Trish stated that Chris is asking for a year to record. Under title 13 he doesn't get that. He's get 30 days. Rachelle Custer, Community Development Director, stated that regardless of what Title 13 says, state code changed a few years ago, and we've got to give him 12 months. Trish stated he has already had 12 months, so he would still need an extension.

Blair Hope stated that it's a moot point to extend. Trish stated yes, but you must put it on record that he's lost the vested rights in Title 13 and he must follow everything in Chapter 35. Blair asked if that is done by a motion. Trish stated yes. I would suggest putting on a condition that the ILA will need to be adjusted to cover the year that he has to record. Keep in mind if he has a year to record and bond and has a whole other year of warranty, that's technically two years and the ILA needs to be adjusted to ensure that the county is collecting the money for the work and inspections that will need to be done.

Motion that SUB 2023-070, as of today falls under Chapter 35, and is no longer entitled to Title 13, and will have to adhere to Chapter 35's timeline and guidelines with the condition that the ILA is extended by County Council.

Camille Knudson asked if the ILA is extended by County Council or City Council. Blair Hope stated technically both. They both would have to agree on it.

Motion 2<sup>nd</sup> by Camille Knudson. There was more discussion and clarification on the deadline for the plat versus the expiration of the ILA.

Roll call vote- Toni Scott- yes. Camille Knudson- yes. Andy Stetz- yes. Brad Bartholomew- yes. Blair Hope- yes. The motion passed unanimously.

**B. Michael Drury is requesting a Subdivision approval for Grantsville Real Estate Subdivision, Trish DuClos**

PUBLIC HEARING AND MOTION: SUB 2023-080

Agenda Attachments

1. SUB\_2023-080\_Staff\_Report\_Final.pdf
2. SUB 2023-080 Planning\_Commission\_Agenda\_Summary.pdf

Trish DuClos summarized the staff report. Trish stated the applicant previously rezoned this property in order for it to be eligible to subdivide. This is a major subdivision because the applicant must make road improvements and dedicate half of the roadway. Staff hasn't found any concerns/issues. It has been approved by other all agencies.

Motion to open public hearing by Brad Bartholomew. 2<sup>nd</sup> by Andy Stetz.

Michael Drury, Salt Lake City, UT. I am the property owner. I have been working with the medical cannabis company that is interested in the front half. We got that rezoned to A-20 so they could do that. I think there was an ordinance passed to allow that as well. There is another entity, Utah Track and Welding, interested in purchasing the back half. That is why we're doing the subdivision. Originally, we were trying to do residential out there but decided to stick with commercial. A lot of the public comment was centered around making sure there wasn't any homes out there, to protect the businesses and farming, etc. So we agreed to go a different direction to try and work with everyone.

Motion to close public hearing by Brad Bartholomew. 2<sup>nd</sup> by Andy Stetz.

Motion to grant final plat approval for the Grantsville Real Estate Subdivision, SUB 2023-080 made by Brad Bartholomew. 2<sup>nd</sup> by Andy Stetz.

Roll call vote- Camille Knudson- yes. Toni Scott- yes. Andy Stetz- yes. Brad Bartholomew- yes. Blair Hope- yes. The motion passed unanimously.

## **5. Land Use Ordinances**

### **A. Community Development - Chapter 2 - Definitions, Rachelle Custer**

Chapter 2 - "Definitions" Adding to Land Use Code" Chapter 2

Agenda Attachments

1. Chapter 2 definitions Agenda Summary .pdf
2. Chapter 2 - Definitions 090623 rc redlines - Copy2.pdf

Rachelle Custer summarized the staff report. Rachelle stated this is an amendment to chapter 2, definitions. The state legislature changed the laws on subdivisions this year, and we have to be in compliance by February. We must appoint an Administrative Land Use Authority to hear subdivisions. It can be the Planning Commission, or it can be a member of staff. Our recommendation is to add the definition of Administrative Land Use Authority to the code, and that be the Planning Commission.

Motion to open public hearing by Blair Hope. 2<sup>nd</sup> Brad Bartholomew.

**No public comment.**

Motion to close public hearing by Brad Bartholomew. 2<sup>nd</sup> by Blair Hope.

Blair Hope stated that we will just be coming into compliance with the state code.

Motion to recommend to the County Council that chapter 2 of the land use code be amended to add the definition of administrative land use authority by Brad Bartholomew. 2<sup>nd</sup> Andy Stetz.

Roll call vote- Camille Knudson- yes. Toni Scott- yes. Andy Stetz- yes. Brad Bartholomew- yes. Blair Hope- yes. The motion passed unanimously.

### **B. Community Development - Chapter 35 - Subdivision, Rachelle Custer**

Chapter 35 - "Subdivision" Changing Land Use Code 35-1-7(4)

Agenda Attachments

1. Chapter 35 Subdivision - Agenda Summary .pdf
2. Chapter 35 - Subdivision redline.pdf

Rachelle Custer summarized the staff report. This is a change to Chapter 35 to bring us into compliance with the state requirements. The highlights of what the state legislature changed are: that concept plan can no longer be required for a subdivision; the applicant may ask for a pre-application meeting, but it cannot be required - it is up to the developer; preliminary plat goes before the Administrative Land Use Authority, and we may hold a public hearing, but we don't have to; final plat must be staff approval. It is up to the commission to decide if you'd like to have a public hearing at preliminary plat.

Andy Stetz stated that basically we're streamlining it. Rachelle said yes, it will make it easier for the developers.

Motion to open public hearing Brad Bartholomew. 2<sup>nd</sup> Blair Hope.

**No public comment.**

Motion to close Brad Bartholomew. 2<sup>nd</sup> Blair Hope.

Blair Hope stated again this is a formality for us to be compliant with the state code.

Rachelle stated the reason the state is giving us the authority to make that decision is as long as a subdivision application that is put before you meets our codes, there are very few things you can change or deny within a subdivision. What happens is sometimes the public comes and says I don't like this, and while we love to hear from the public, they may become discouraged because as long as it meets our code, it isn't anything we can change. There is a mix of what the other counties and cities have decided to do.

Blair stated I think it's great they can speak. Brad asked where in the process does it give the public the opportunity to speak. Rachelle stated only when the preliminary plat comes before the Administrative Land Use Authority. And this only applies to subdivisions for one or two-family dwellings that require the change, but we are doing it across the board. Toni Scott stated we have never been able to change or deny an initial plat based on public input. I appreciate the public coming to speak, but I do feel that they get discouraged and feel like we're not listening when we have to follow the law. Blair stated she has a point, but do we want them to be allowed to say something or not. Brad stated in my experience most people come with questions, and we can't answer them.

Rachelle stated that it can be changed. You can start off holding the public hearing, and if the participation is on things that we don't have the legislative ability to change, we change it at that point.

Motion to recommend to the County Council to approve the changes to land use code Chapter 35-1-74 as proposed, with holding public hearing at the preliminary plat by Toni Scott. 2<sup>nd</sup> by Brad Bartholomew.

Roll call vote- Camille Knudson- yes. Andy Stetz- yes. Brad Bartholomew- yes. Blair Hope- yes. Toni Scott yes. The motion passed unanimously.

#### **6. Adjournment**

Motion to adjourn by Brad Bartholomew. 2<sup>nd</sup> by Andy Stetz. Time of adjournment 7:59 pm.

#### **7. Zoom meeting link**

A. <https://us06web.zoom.us/j/85393913702>

#### **8. Notice of Special Accommodations:**

A. Pursuant to the Americans with Disability Act, individuals needing special accommodations during this meeting should notify Janet White, Tooele County Community Development, at 435-843-3160 prior to the meeting.