



Planning Commission Meeting Minutes

July 17, 2024

Emergency Operations Center

15 E 100 S Tooele, UT 84074

7:00 p.m.

1. Pledge of Allegiance

Michael Dow led the group in the Pledge of Allegiance.

2. Roll Call

Ron Elton nominated Toni Scott to be the acting chair for the meeting. 2nd by Curtis Beckstrom. All in favor. The motion passed unanimously.

Roll Call was taken as follows: Michael Dow, Curtis Beckstrom, Ron Elton, and Toni Scott. Andy Stetz joined the meeting later.

Staff present was Trish DuClos, Code Enforcement/Planner; Rachelle Custer, Community Development Director; and Stephanie Eastburn, Project Admin/Permit Tech.

3. Minutes

A. Minutes

June 19, 2024

Agenda Attachments

1. June 19, 2024 Planning Commission Meeting Minutes_Draft.pdf

Meeting minutes from the June 19, 2024 meeting- Toni Scott tabled the approval of the June 19, 2024 meeting minutes to the next meeting due to lack of quorum present from last meeting.

4. Rezones

A. Jerome (Jay) Anderson is requesting a rezone of the Southern portion of parcel 06-061-0-0007 and all of parcel 06-085-0-0002 from MU-40 (Mixed use, 40-acre min.) to RR-1 Rural Residential 1-acre min.), Trish DuClos

MOTION

Agenda Attachments

1. REZ 2023-113_Staff Report_Final.pdf

Trish DuClos, Planner, summarized the staff report. The last time this item was brought before the Planning Commission, it was tabled. Planning Commission requested more information before deciding to make a motion on it. It was requested that the applicant submit approved quality of water, a water availability study, a recent perc test, and to show how this fits in with the General Plan. The applicant has provided as much information as possible at this time. The Health Department can't do a perc test because the lot is so large. They do it at the subdivision

phase, on each lot. Bryan Slade did a quality test on the well. He found it is a bit brackish. He said there could be homes there if each home had a system to clean that out. The applicant has 4.73-acre feet of water. That would provide enough for 10.5 lots. Rachelle Custer stated that would only be for indoor/domestic water. It is questionable how many lots he could get there. Trish stated the homeowners would have to apply for irrigation water for outdoor use. The applicant is not opposed to rezone only a portion of the property. The applicant did address the information on the General Plan and provided that in his documents. Trish stated I have done a fair amount of research on it as well.

Andy Stetz joined the meeting at 7:08 pm.

Toni Scott asked how this fits in with the General Plan; it has that area shown as agricultural. Trish stated that the land use element's best practice is to focus intensities around key intersections or major traffic corridors. The General Plan has proposed this area to be in a Community Service District (CSD), which is similar to a PC zone. It's hard for areas like this because it requires a water and sewer system. They would have to create their own water district. Trish stated the larger lots need more water and more infrastructure (roads, etc.) per lot compared to smaller lots.

There was discussion about whether the General Plan would classify this as a "growth area" or an agricultural area.

Michael Dow stated my concern is water. There is realistically only enough for one lot. The state is looking to close this area to open appropriation. If we grant the rezone, and they close it, it could put someone in a bad spot. Trish stated during the subdivision phase, he would have to show that each lot has water. The applicant originally wanted to rezone a larger piece.

Rachelle Custer, Community Development Director, stated that staff's recommendation is to table this until more commissioners that were here for the public comment during the last meeting are present to vote on it. The concerns that were heavily discussed are water, wildlife, traffic, the lot size, Sheriff, Fire and schools.

Jay Anderson, the applicant, stated we have 9-acre feet (of water) on that property. I have access to another 26-acre feet if I need it. I've talked to the state numerous times. They've told me I could apply for 4.73-acre feet for every parcel. I've also learned that if there are more than 8 lots, the state would require us to provide a public water system. We would need to drill one well that would provide for all 16 lots. We believe that is feasible. Within the last month, a neighbor has drilled a new well to add another pivot.

Jay Anderson stated one of the other comments were regarding wildlife. There is currently no water in there and hasn't been in the time we've owned it. I've spoken to Jason Robinson with the state department of wildlife services, and he said anything you do has an impact. He gave me the name of a biologist that could do an impact study if that becomes necessary.

Jay Anderson stated the state had a meeting with water users from Rush Valley in 2018. Several of the wells next to us produce. The estimated water surplus is 14,700-acre feet in northern Rush Valley.

Jay Anderson stated this parcel used to be an 80 acre parcel and the other 40 acres is on the other side of 199. It is planned for residential.

Michael Dow stated the 4.73 feet is per well, not per parcel. Each lot would have to have a well permit through the state.

Ron Elton made a motion to recommend to the County Council that this application be denied including breaking off just 16 lots. I'm opposed to municipal type developments would be inappropriate in Tooele County, especially when the General Plan and Zoning Ordinance zoning map has designated these properties as agricultural, 10-acre lots. This type of development would put burdens on the town of Rush Valley, including fire protection services and Rush Valley would not receive any of the tax benefits from this development. In my opinion, one-acre lots are difficult to maintain and if they're cultivated, the water use will be significant amounts

that may not be available as is understood. Rush Valley and the town of Stockton have indicated they would have jurisdiction over fire protection, but they have not endorsed this proposal. There were quite a few comments against this proposal based on lack of municipal services and potential water issues and brackish water and municipal services not being provided. My suggestion is the applicant petition the town of Rush Valley to see if it could accommodate this development. They would then take benefit of the tax revenue. I therefore move to recommend this application be denied. 2nd by Toni Scott.

Andy Stetz- yes. Curtis Beckstrom- No, I believe we should table it until other commissioners are here to discuss it. Michael Dow- No, I would like to see this tabled and brought before the other commissioners so their concerns from the last meeting can be addressed, as well as our concerns. Toni Scott- yes. Ron Elton- yes.

The motion passed. 3-2.

5. Discussion item

- A. Kyle Kohler would like to discuss the possibility of rezoning the area for multiple uses. Such as Commercial areas and residential areas. Within those residential area would be a church, school and park area and open space., Trish DuClos

Agenda Attachments

1. 2024-042_Staff Report_Final.pdf

Kyle Kohler would like to discuss the possibility of rezoning the area for multiple uses, such as commercial areas and residential areas. Within those residential areas would be a church, school, park area and open space.

Trish stated we have an application for a rezone for one acre lots. They would like to do a PC zone, where they could have mixed density, churches, schools, parks, etc. The PC zone in the General Plan is required to have a water system. It isn't an option for them right now. They've tried to contact Stockton City, but they're tied up with their own water/sewer issues.

The applicants, Kyle and Jack, spoke to the commissioners.

Kyle Kohler stated this property has been in the works for a while. A few years back, we applied for a rezone. Stockton expressed some interest in annexing this property into Stockton. We applied for the annexation, and we helped Stockton adopt their annexation ordinance. We have not heard back but would continue discussions with Stockton. Until then we will continue to seek entitlements within the county. There is a one-acre concept we're going to seek entitlements on. It's 142 lots, each around an acre. We would like to consider a Planned Community (PC).

Some of the questions asked were about the population of Stockton; why the applicant is wanting 1 acre lots, instead of 5 acres; have they taken into consideration the size of Stockton?

Kyle stated It would be a phased project.

Trish stated the General Plan shows it as a residential zone.

There was discussion and concern about the number of lots and the population increase for Stockton.

Jack, co-applicant, asked what would be preferred, a Planned Community, RR-1, RR-5? We have a lot of water. It makes more sense to maximize that with one-acre lots. We would likely need to put in septic, unless we could do a planned community and hook into Stockton.

Trish stated with the moderate-income housing mandates the state puts out, planning staff and the state would prefer the PC zone. If they can get a water/sewer system, that would be

the best. This would create more affordable housing and this fits into the General Plan.

There was discussion of commissioners' and staff's concerns. Some of the concerns mentioned were regarding growth and the moderate-income housing requirements being affected by the incorporations of Erda and Lake Point; the Health Department standard for septic being one acre lots; one acre lots don't help the housing crisis; this would impact the residential roads in Stockton City, yet they don't receive the tax benefits.

Andy Stetz discussed the housing shortage, housing affordability crisis, and issues with different sized lots.

Trish stated that with a PC zone, we could request that a portion of the homes be deed restricted to moderate or low income. That cannot be done with one acre lots. But with that comes development agreements, service districts, etc.

Michael Dow asked the applicants whether they would be willing to work from the smaller lots up to have 5 acre lots up against the larger lots on Copper Street.

The applicant asked about doing 2 acre lots for a buffer along there. Michael stated that fits a little better than 1 acre lots. I understand it's hard to justify the infrastructure for 5 acre lots.

B. Planning Commission requests to discuss the addressing requirements and code for parcels and subdivisions., Trish DuClos

Agenda Attachments

1. Addressing code_PC meeting on 7.17.24.pdf

C. Planning Commission's Policies and Procedures Discussion, Trish DuClos

Agenda Attachments

1. PC policies and procedures_PC meeting on 7.17.24.pdf

2. Policies and procedures.pdf

3. Policies and procedures - Proposed Revisions - 6-2024.pdf

Motion to table items B and C until more commissioners that raised these issues are in attendance by Toni Scott. 2nd By Curtis Beckstrom. All in favor.

6. Adjournment

Motion to adjourn by Toni Scott. Time of adjournment was 8:17 pm.

THE FOREGOING MINUTES ARE APPROVED:



Toni Scott, Acting Chair for Tooele County Planning Commission

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account information on line 1 is for a person, also see *What Name and Number To Give the Requester* to enter.

Social security number									
				-				-	
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on line 1 is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am no longer subject to backup withholding because of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.
- I am a U.S. citizen or resident alien.
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.