



Planning Commission Meeting Minutes

September 04, 2024

Emergency Operations Center

15 E 100 S Tooele, UT 84074

7:00 p.m.

1. Pledge of Allegiance

Tim Gillie, member of the public, led the group in the Pledge of Allegiance.

2. Roll Call

Chairman Blair Hope called the meeting to order at 7:00 pm. Roll call was taken showing Michael Dow, Brad Bartholomew, Toni Scott, Blair Hope, Andy Stetz, Curtis Beckstrom, and Ron Elton. It was noted that Commissioner Knudson has resigned from the Planning Commission.

3. Minutes

A. June 19, 2024

Agenda Attachments

1. June 19, 2024 Planning Commission Meeting Minutes_Draft_R1.pdf

Motion to approve the June 19th 2024 minutes by Toni Scott. 2nd by Michael Dow. All in favor. The motion passed unanimously.

B. August 7, 2024

Agenda Attachments

1. August 7, 2024 Planning Commission Meeting Minutes_DRAFT.pdf

Motion to approve the August 17th, 2024 minutes by Ron Elton. 2nd Andy Stetz. All in favor. The motion passed unanimously. *[Editor's note: Brad Bartholomew and Toni Scott later stated they need to abstain from this motion, due to not being at the meeting]*

4. Rezone

A. Doug & Matt Hogan are requesting to rezone a property from MU-40 to RR-1, Trish DuClos

PUBLIC HEARING AND MOTION: REZ 2024-109

Agenda Attachments

1. REZ 2024-109_Staff Report_Final.pdf

2. REZ 2024-109 Planning_Commission_Agenda_Summary .pdf

3. REZ 2024-109_ PUBLIC NOTICE.pdf

Trish DuClos, Planning Staff, summarized the staff report for REZ 2024-109. This is a rezone request for a large property just west of the South Rim subdivision for 307.66 acres. The request is to rezone from MU-40 to RR-1. South Rim is an RR-5 zone, but there is a development agreement, so the lot sizes range from 1 to 3 acres. This is consistent with the General Plan update from 2022. There is concern with water. The applicant hasn't turned in proof of water, but it isn't required at the rezone phase. He does have water rights he could transfer over. They will do a water system similar to South Rim.

Trish stated the applicant turned in a detailed traffic study. The biggest concern for staff is the intersection where Connor Avenue and Grant Avenue intersect. They propose that in 2029 at full build out, they request that Stockton City improve that intersection. It increases the traffic substantially in that area.

Ron Elton asked about the smaller lot size. Trish stated that the South Rim subdivision was created through a different subdivision code that allowed them to cluster the lots and provide open space. We now have a conservation subdivision they could go through, but it would require them to have a sewer and water system. They will have a water system, but not sewer; they will have septic systems.

Motion to open public hearing by Toni Scott. 2nd by Brad Bartholomew. All in favor.

Trish read a letter received by Planning Staff sent in by John and Charlotte Dravick, residents of the South Rim subdivision. Their concerns are density, light pollution, water access, septic impact, utilities and traffic.

Yvonne Morris- My property is adjacent to this property. My concerns are water, road wear and tear, septic, sewer, light pollution. I think there is a better way to zone this. I too would love to see it zoned RR-5 with green spaces. We're not opposed to progress, we are opposed to that density. This morning, we watched a herd of elk travel across this property. It would be a shame to lose that along with all the protected raptors that nest out there. There is more to consider than just profit. Water is one of them. I would love to see a study done on traffic.

Michael Lucas- My biggest concern is water. They've put restrictions on us this summer to make sure we have enough water for fire suppression, etc. but now you have enough for 250 homes. It seems contradictory to me. In the 8 years I've been out there, watching the growth, all the trucks take more than half of their lane. On my motorcycle I've been forced to the far side of my lane. You give us a minute to talk to the 142-page report. Most of us aren't ever going to understand that impact study. The impact to that road is far greater than the data for an impact study on traffic. I watch accidents all the time on Silver and Mormon Trail. You need to do better on your research.

Ridgeline Road Resident [Name unintelligible]- A couple concerns I have- one is the fire suppression system. It's a voluntary system. Right now they're building a new fire house. And the lack of police presence we have. There is no police out there. The people getting pulled over out there are from highway patrol that lead them to local area. Another concern is the amount of water that come out of the canyons and rushes down Silver Avenue. It's dug a 12-foot trench down through that area. It's definitely a flood zone. We have water that comes up over Ridgeline. We are out there shoveling to clear the mud. Being in a floodplain these new developments will be required to have flood insurance. They've dug a ditch back there as well behind Ridgeline to prevent that. When we get a lot of rain up there, the 18-inch drainage pipes we have flood over. A lot of basements have flooded.

Michael Lucas- There was a development growth study from 2022 that mentions the Mormon Trail as a major road from the Salt Lake Valley to Rush Valley. That is one of the worst roads in this county. To think that you're going to put 250 more homes out there and have half the people go that direction to get to I-80 is absurd. That road is horrible. I refuse to take my motorcycle down there because it is in that bad of shape. I watch horse trailers go down these roads and they're garbage. The extra traffic is a big concern.

Jim Johnson- The one concern that hasn't been mentioned is the lawsuit we have with the gravel pit. No where on my closing documents when I bought my house did it say that there is a commercial gravel pit across the street. It is 50 yards from me. Are the Hogan brothers prepared to put a disclosure comment to all these new possible owners that there is a huge gravel pit across the street? No one is going to buy a home out there.

Emily J (Online)- My concerns mirror what everyone else said. I'm concerned with the water issues, with the increased lighting for the birds out there. I also saw the elk and I worry where they're going to go. Increased traffic that's brought to the area and the possibility of that gravel

pit coming back to out here. I am not opposed to progress. I think the lots should be done a bit differently.

Charlie Chadwick- My concerns are the traffic and the curves- traffic is tight going through there; the sewage problems and water issues. Traffic, coming through Tooele is even pretty bad. The post office will be overrun with all the new things.

Lori Paige – I am disheartened. It seems the only ones who were notified are us on Ridgeline. This affects all of South Rim. A lot of people were upset that they never heard any of this was taking place. It affects the people in Stockton as well. It sounds like a shady deal. We are concerned about water. We have been told not to water on some days during the summer. We ask that you consider larger lots. The light pollution and traffic. We left Tooele to be out in the country so we didn't have to deal with light pollution or traffic.

Becky McCormick- My concern is where the aquafer is and what happens when you add 300 more septic systems out there. I have concerns with the county road crews can't get out there during the snowstorm. To add another subdivision will tax the county. During the flooding, the snow and getting our kids safely to school. I love growth and I know that it's going to come but I would request larger lots.

Val Griffith- I've lived all my life where there have been septic systems. It seems like if you put 307 lots on one acre lots you'll have trouble fitting the leach fields and septic tanks. The way it is now, the RR-5 there's enough room for that for the houses that are there. That is my biggest concern- septic, propane, you need enough space for those things. We were also not notified of the gravel pit. We are concerned that everyone knows about it. I don't oppose having houses there. It seems it would be better the RR-5.

Blair Hope stated the code is written that people that live within a certain amount of feet of the petitioned property are notified. That's why only some people were notified, and not all of South Rim and Stockton.

Rachelle Custer, Community Development Director, stated that is our code. State law says only neighboring properties.

Motion to close public hearing by Curtis Beckstrom. 2nd by Toni Scott. All in favor.

Doug Hogan, co-applicant, stated that Commissioner Elton asked why we are asking for RR-1 The PUD code was repealed. We can't apply for the same thing as The Benches at South Rim. There are no 5 acre lots in South Rim. It's RR-5 zoning with a PUD. There are a lot of 1-acre lots in The Benches at South Rim.

Doug explained as far as the water question that was asked, there are two issues- one is source and the other is storage. The concern about when water can be used is a storage issue. The current system has two wells and one tank. What's proposed is that there would be additional storage. There is no problem with the source. There's adequate water in the well. The benefit is that there would be multiple tanks. We believe our proposal fits in with the General Plan.

Doug explained about the state's process for granting water to property owners. Doug explained that they are planning for one acre lots, with small deviations that will be a bit smaller. There is opens space accounted for, for trails, but no plan for a park. There are costs to maintain the park.

Blair hope asked about adding two-acre lots. Doug stated that can be discussed at the subdivision stage. The issue is economically will you be able to recoup your costs and sell them.

Toni Scott asked about Hickman Wash, and whether this is in a flood zone. Doug stated I know the engineer has accounted for that in this plan.

Blair Hope asked about the costs for the development for the new subdivision. Doug stated the

new development will pay impact fees to pay for itself.

Ron Elton stated that the traffic study was fairly narrow in scope. Do you know why it didn't consider the s curves and the state of Mormon Trail Road? It's interesting they looked at the intersections in Stockton.

Doug stated I'm not sure why the traffic engineer didn't consider the s curves. Doug compared it to the developments in canyons and the narrow roads that lead there. There is a 5 way intersection at the gas station that may need to be addressed.

There was discussion regarding the infrastructure, roads and the repealed subdivision code.

Brad Bartholomew stated that Utah is a non-disclosure state, so it's not required (to disclose things like the gravel pit). Blair stated that is part of the due diligence of the buyer.

Brad stated that this is a rezone application, and the plans are just a concept at this point. Brad asked what the next step is. Trish stated the next step will be to go to Council Meeting, where Council will vote on it. They will take your recommendation into consideration. If it's approved, the applicant can apply for the subdivision. That's when we'll get into the details of the roads and lot sizes, etc.

Rachelle stated as part of the rezone, you could make a condition that they have a traffic study done to analyze certain areas like the s curves. Doug stated that there have been multiple offers to fix the s curves. They made the road wider. The county said they don't want it straight road because people would drive too fast.

Ron Elton made a motion to recommend to the county council a denial of this request for rezoning, based on all the concerns raised for REZ 2024-109, but we recommend a rezone to RR-5 which is consistent with the designation and the General Plan, if the applicant consents. As a side note I would ask to consider a PUD to allow for a subdivision to allow for a subdivision consistent with the adjacent subdivision. The motion failed for lack of 2nd.

Andy Stetz made a motion to recommend approval for (REZ 2024-109) the rezone parcel from MU-40 to RR-1, one-acre minimum. 2nd by Curtis Beckstrom.

Roll call vote: Michael Dow – aye. Brad Bartholomew – aye. Toni Scott – aye. Andy Stetz- aye. Curtis Beckstrom- aye. Ron Elton- nay, I believe the subdivision should be consistent with the existing subdivision. I think the county should be able to accommodate that. I don't think the RR-5 would be consistent with that, but that's what we have left. We've got a lot of concerns. We do have the ability to mitigate the impacts to the community. The roads are inadequate. I drive the s curves multiple times a week and have people coming into my lane. People who down the Mormon trail road say it isn't well maintained. We have the ability to regulate, and the only way we can do that is make the subdivision consistent with the adjoining property. Blair Hope- aye. The motion passed 6-7.

Ron Elton made a motion to take a 5-minute break. 2nd by Toni Scott.

5. Land Use Ordinances

A. Text amendment to Tooele county Land Use Chapters 2, 15 and 16, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-114

Agenda Attachments

1. TCLUO 2024-114 Planning_Commission_Agenda_Summary.pdf
2. TCLUO 2024-114_staff report_Final.pdf
3. TCLUO 2024-114 Public Notice_Hearing_10 days.pdf

Trish summarized the staff report and explained the difference between home-based business, cottage industry, home occupation, and the ag industry. Trish stated our current code contradicts itself. There are two different home occupations one is permitted, and one is reviewed by staff. The other is the home-based businesses are larger than that. The table

addresses those.

Trish explained some of the issues staff has faced with the contradictions in the ordinance and the lack of clarification between the home businesses.

Motion to open public hearing by Blair Hope. 2nd by Brad Bartholomew. All in favor.

No public comment.

Motion to close public hearing by Toni Scott. 2nd Brad Bartholomew. All in favor.

Motion to recommend the 2024-114 amendments by Ron Elton. 2nd by Toni Scott. All in favor.

The motion passed unanimously.

B. Amendment to Tooele County Planning Commission's Policies and Procedures, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-115

Agenda Attachments

1. TCLUO 2024-115 Planning_Commission_Agenda_Summary_2024-115.pdf

2. TCLUO 2024-115_staff report.pdf

3. TCLUO 2024-115 Public Notice_Hearing_10 days.pdf

Motion to go through Commissioner Knudson's proposal and vote section by section made by Ron Elton. 2nd by Andy Stetz. All in favor. The motion passed unanimously.

Motion to approve the first paragraph and add and to it "and is the land use authority for Tooele County" by Ron Elton. 2nd by Toni Scott. All in favor. The motion passed unanimously.

Motion to approve paragraph 1 and 2 as indicated by Ron Elton. 2nd by Michael Dow. All in favor.

Motion to approve section 3.1 changes by Ron Elton. 2nd Toni Scott. All in favor.

Motion to leave in section 3, the paragraph Election of Officers, and change "staff" to "the Community Development Department shall appoint a secretary" by Toni Scott. Michael Dow 2nd. All in favor.

Motion to keep the first paragraph in section 3.2 as originally stated, without the deletion by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to approve the second paragraph of 3.2, and not accept the next sentence that the county would appoint, and that the quorum present may select an acting chairperson by majority vote by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to leave in the last sentences of 3.2, starting with "the secretary shall ensure..." by Ron Elton. 2nd by Scott, with the corrections of the spelling of ensure. All in favor.

Section 3.3 Rules and Procedure- Motion to approve with the acceptance of deleting the first sentence and accepting the remainder of that paragraph by Ron Elton. 2nd by Michael Dow. All in favor.

Motion to accept the last paragraph of 3.3 as proposed with the underlined portions by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to delete section 6 by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to accept section 3.3 as proposed with the provision that the chairperson or 4 members of the Planning Commission, under signature, may add items to the agenda by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to approve subparagraph 6 (section 8) as proposed and leave in "The chair may close the public hearing or comment period as deemed appropriate without a vote, second vote, or

vote of the Commission,” and the last sentence be deleted by Ron Elton. 2nd Michael Dow. All in favor.

Motion to approve subsection 7 of 3.3 with the apostrophe s by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to leave subsection 3.3.8 Ron Elton. 2nd by Michael Dow. All in favor.

Motion to delete the section Reconsideration of Commission’s decision as proposed by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to approve 3.4 as proposed, with the addition of a period and the word are, and delete the last sentence by Ron Elton. 2nd by Toni Scott. The motion passed.

Motion to delete the Conduct of Hearings paragraph by Ron Elton. 2nd Toni Scott. All in favor.

Motion to approve the proposed section 3.5 by Ron Elton. 2nd by Curtis Beckstrom. All in favor.

Motion to delete the ex parte contact section and insert the County Code provisions regarding ex parte contact provisions by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to accept section 4 amendments as proposed, delete those provisions and add that one sentence by Ron Elton. 2nd Toni Scott. All in favor.

Motion to accept section 5 and 5.1 as proposed by Ron Elton 2nd Toni Scott. All in favor.

Motion to not include the rest of packet that was attached to the agenda by Ron Elton. 2nd by Toni Scott. All in favor.

C. Text amendment to Tooele County Land Use Chapter 4, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-116

Agenda Attachments

1. TCLUO 2024-116 Planning_Commission_Agenda_Summary_2024-116.pdf
2. TCLUO 2024-116_staff report_Final.pdf
3. TCLUO 2024-116 Public Notice_Hearing_10 days.pdf

Trish DuClos summarized the staff report for the text amendment. Tooele County Community Development is requesting a Land Use Ordinance update to Chapter 4 “Supplementary and Qualifying Regulations.” These changes update verbiage on lots having greater than 30% slope. It also takes out the verbiage of animals requiring a CUP. And updates the wording throughout from “Department of Engineering” to “Community Development Department.”

Chairman Hope opened the public hearing.

No public comment.

Chairman Hope closed the public hearing.

Motion to recommend changes to chapter 4 of the Tooele County Land Use Ordinance, 2024-116, as proposed to the County Council by Toni Scott. 2nd by Curtis Beckstrom. All in favor.

D. Text Amendment to Tooele County Land Use Chapter 21 WILDLAND/URBAN INTERFACE OVERLAY ZONE (WUI), Janet White

PUBLIC HEARING AND MOTION: TCLUO 2024-117

Agenda Attachments

1. TCLUO 2024-117Planning_Commission_Agenda_Summary_2024-117.pdf
2. TCLUO 2024-117_staff report_Final.pdf
3. TCLUO 2024-117 Public Notice_Hearing_10 days.pdf

Trish summarized the staff report. Changes are to the references of other code numbers.

Chairman Hope opened the public hearing.
No public comment.
Chairman Hope closed the public hearing.

Motion to approve recommendations of TCLUO 2024-117 by Michael Dow. 2nd by Toni Scott.
All in favor.

Ron Elton asked that the minutes reflect that the Planning Commission is recommending approval (to the Council).

E. Text amendment to Tooele County Land Use Chapter 35 Subdivisions, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-118

Agenda Attachments

1. TCLUO 2024-118 Planning_Commission_Agenda_Summary_2024-118.pdf
2. TCLUO 2024-118_staff report_Final.pdf
3. TCLUO 2024-118 Public Notice_Hearing_10 days_2024-118.pdf

Trish DuClos summarized the staff report. Tooele County Community Development is requesting a Land Use Ordinance update to Chapter 35 "Subdivisions." The changes are to update minor title changes, as well as updating processes and timelines to reflect state code requirements.

Ron Elton asked that 35-4-6 indicates the final plat application would be approved by the Community Development Department, rather than the Planning Commission. Trish stated this is what state code requires, and Planning Commission previously voted on.

Chairman Hope opened the public hearing.
No public comment.
Chairman Hope closed the public hearing.

Motion to recommend for approval TCLUO 2024-118 by Michael Dow. 2nd by Curtis Beckstrom.
All in favor.

6. Planning Commission Comments

Brad Bartholomew stated that he needed to abstain from the vote on the approval of the August 17th, 2024 meeting minutes. Blair Hope stated Toni Scott needed to abstain on that vote as well.

7. Adjournment

Motion to adjourn by Blair Hope.

Time of adjournment 9:17 pm.