

**MINUTES  
OF THE REGULAR MEETING OF THE  
TOOELE COUNTY PLANNING COMMISSION  
HELD OCTOBER 7TH, 2020**

The time place and agenda of the meeting had been provided to the Tooele Transcript and to each member of the government body by delivering copies of the notice of agenda at least two days before to each of them.

1. Chairman Scott Jacobs **called meeting to order at 7:00 pm. Roll Call** was taken showing Scott Jacobs, Blair Hope, Jeff McNeill, John Wright, and Brad Bartholomew (online) present.

Not Present: Paul Kunz and Jessica Blundell

Staff: Jeff Miller, Planner., Trish DuClos, Code Enforcement/Planner., Rachelle Custer, Community Development Director., Colin Winchester, Deputy County Attorney., and Teresa Young, Community Development Secretary.

Scott Jacobs thanked former Planning Commissioners. Lynn Butterfield, Ryan Sorenson, and Michael Pressley for their time. He stated that anyone in the public that would like to participate on the Planning Commission should apply.

2. **Approval of meeting minutes** from September 16<sup>th</sup>, 2020 **motion to table** until next meeting. Not enough from meeting to vote.
3. **Staff Update regarding General Plan and Transportation Plan Updates.**

Jeff Miller stated that we have selected a consultant and reminded the public that if you want to be involved please contact our office. Scott Jacobs asked they will have committees like before, Jeff Miller replied the consultant is in charge of the public engagement. They have not ironed out what it will look like yet, but we will get there soon. Jeff McNeill asked how the public can get involved? Jeff Miller stated they can contact our office. We anticipate as we move forward, we will have more information, but we will continue to keep it on the agenda.

4. **SUB 2020-076** Chris Robinson is requesting final plat approval for the Pastures at Saddleback (Plat 11) Subdivision. **Parcel ID:** Portions of 04-070-0-0091 and 04-071-0-0031. **Acreage:** Approximately 14.38 Acres. **Approximate Location:** Located west of Plat 3, or the north side of Saddleback Boulevard and west of Lakeshore Drive. **Unincorporated:** Lake Point. **Planner:** Jeff Miller.

Jeff McNeill stated that on the staff report the North Tooele Fire District has a recommendation to prioritize the future road development to provide the second access road, he asked Chris Robinson (applicant) if he is aware of that and what is he going to do. Chris Robinson replied that he is working on the remaining phases in this area and the first one would be a connection to a roundabout on Mountain View and Saddleback Boulevard. You can see a dirt road stubbing to the north and that will come up and tie in with a road that will run east and west. So yes, we are aware and would like to get that in, the more access the better.

**Open Public Hearing** motioned by Scott Jacobs, second by Jeff McNeill. All in favor.

Jonathan Garrard, Lake Point. Want to make note that the open space is not on the staff report. Where does the open space tie in? Make sure you look for usable open space when you are evaluating these.

**Close Public Hearing** motioned by Scott Jacobs, second by Blair Hope. All in favor.

Blair Hope motion to **grant approval** to the Final Plat for the proposed 41-lot Pastures at Saddleback (Phase 11) Subdivision. Second by Jeff McNeill.

Roll Call Vote: Brad Bartholomew, aye. John Wright, aye. Scott Jacobs, aye. Jeff McNeill, aye. and Blair Hope, aye. All in favor.

**Motion has passed.**

5. **REZ 2020-095** Kyle Kohler is requesting a rezone from MU-40 (Multiple Use, 40 Acre Minimum) and RR-10 (Rural Residential, 10 Acre Minimum) to RR-1 (Rural Residential, 1 Acre Minimum). **Parcel ID's:** 06-021-0-0002, 06-021-0-0007, and 06-021-0-0008. **Approximate Site Location:** Located immediately south of Stockton City, on the east side of SR-36. **Zone:** MU (Multiple Use, 40 Acre Minimum to RR-1 (Rural Residential, 1 Acre Minimum). **Unincorporated:** Stockton. **Planner:** Jeff Miller.

Jeff Miller stated that we did receive an email from the public (email was sent to planning commission prior to meeting), they expressed concern with water and the irrigation system. They've been restricted with their water and they do not feel there is significant water. Also concerned with the impact to traffic in the area.

Larry Williams, corporate counsel. And Kyle Kohler, applicant. Larry stated that this is an early step, we have been working with the town of Stockton. We are a large owner in the irrigation company. We want to work with the city and other owners, we have the water position for culinary water. The plats on the map is an early version this isn't what we have to have. Having a small commercial area that would support this development and people in the development. We want to work with Stockton and would like to be annexed in with them.

John Wright asked if Kyle Kohler is the major property owner? Larry Williams replied that he is working with us as a contract expert, he is also helping us with the rezone.

Blair Hope asked about water, where is it coming from? Larry Williams replied that we have a wet well that we purchased and hope we can get into the Stockton water system. We hope to make it more robust. We have started to put together a report of what the actual water needs are for this area. We have a fairly large position in the irrigation company. Blair asked if they are aware of the current water situation, we have a dilapidated water system, and you are tapping into that? Are you going to improve it or take from it? Larry replied we will improve it; this will be a win win for everybody. If we work inside the city framework, we want to be able to address them. This subdivision will be able to support its own.

Jeff McNeill we always hear that developers are only here to make money. Why not 5 or 10 acre lots? The people in the county have come to expect that to be open land. Why not leave it at 40 acre lots and not make as much money? Larry Williams replied yes, we are in it to make money, we are not here to hang people out and we expect this subdivision to hold its own. The density is similar to the town of Stockton. Not many people want to buy 5 and 10 acre lots, the market is driving the size of the lots. This is what the community needs.

Jeff McNeill asked if they are aware, right now you are only allowed four large animals per lot, are you marketing these as animal lots? Larry Williams replied he knew there was a limitation but wasn't sure. We don't know yet if we are planning to develop these as large animal lots, I would like to see that but don't know what the market will bear.

Jeff McNeill is concerned with the traffic impact and the access roads. This will be putting a lot of gravel trucks on the road during building, if this is approved, we put more houses and more gravel trucks. Larry Williams stated that they don't plan on doing this all at once it will be done in phases, that will reduce the number of trips in a given time. We will try to minimize that as much as possible.

Jeff McNeill asked if they were prepared if this goes to a referendum like what has happened with the last few subdivisions. Are you prepared to wait it out? Larry Williams replied we know that is a response we recognize those can happen, but we are hoping we can address all concerns.

Scott Jacobs asked about the commercial lots, when will that happen? Larry Williams replied that the purpose is to have some small retail or small office buildings maybe a little industrial. They will be a part of our next phase. I look at the commercial as a market and community driven process. They should really have something here that they don't to go to Tooele to get whatever the community seems to need. Hopefully, we can work with the town.

**Open Public Hearing** motioned by Jeff McNeill, second by Scott Jacobs. All in favor.

Glen Wright. I'm trying to understand where this is. What about the guy that owns his own airport? I am concerned with this location.

Mayor Thomas Karjola, Stockton. (Provided attached statement) In my comments I forgot to mention water, that is one thing that keeps me up at night. If it fails, we are in trouble. Whatever happens its beneficial to work together on a water system. Please consider the following, putting another neighborhood in will be detrimental to the town we have a higher number then average of people on a fixed income. It will be a big burden to our town. The roads have already been destroyed by traffic. We don't have the resources. Town staff as it is, is small and overworked. The residents of Stockton pay for fire protection in South Rim. We cannot provide protection to any new development outside the town. We do recognize the growth is coming.

Gary Hunter, Stockton. (Scott asked that he state his name and that he donated time to Mayor Karjola) Ditto to everything the Mayor has said. One thing he didn't mention that according to the description traffic wasn't applicable, I want to refute that. This will put more traffic on SR 36, the street coming out are private property. There are some more studies that need to be done.

Dave Carberry, Stockton. I own the property with the airport. It is a private airstrip that I've had for 21 years. I've owned the property for 47 years. Everything you see, I built. I was the president of the Solider Canyon Water Company. SEP does have a substantial portion of shares. But the water is down to one gallon a minute per share. The water simply isn't there. This is a real issue. There is a sewer line that belongs to Stockton City going through the subdivision. None of these issues have been address. The West is drying out there is no getting around that.

Beryl Schwartz, Stockton. Concerned with traffic. There are significant access issues. Copper Street is narrow and leads into a funnel. If you put in a big development, they aren't going to want to go on SR36 they will go through Copper Street. How will they make that turn? How many of these people will be ready for this type of snow?

Joe Quintana, Lake Point. Fairly vocal opponent of mass developments. The developer purposing the lots I don't see a lot of green space or open space. I know a lot of these people moving out here are looking for that. One of the things that scares me is they are doing it in phases. There is a good possibility that after 2 or 3 they will ask for additional rezones to smaller lots. That will increase density. Can the sewer system in Stockton accommodate it? The concerns need to be locked down.

Joy Peters, Stockton. (online). Copper Street in Stockton isn't strong or wide enough for this. Highway 36 would go up to a blind hill. Is it safe? There are so many unknowns with the water. Just because you have water rights doesn't mean there is water.

**Close Public Hearing** motioned by Scott Jacobs, second by Jeff McNeill. All in favor.

Brad Bartholomew stated that on water we don't need to address that, we are just determining if the county ordinances allow for this rezone. Scott Jacobs stated that is right we do not have a say in water. Brad stated that whether or not they can build on that will come later. Scott replied yes, they can come through and rezone and see if it complies within that area. Just because they want to doesn't mean they can.

Jeff McNeill asked if we grant this rezone, they will have to come up with what they will do and what they will provide? The question today is the zoning not what he is going to do? Scott Jacobs replied I'm assuming the applicant will show up with the items of concern. But this is just a rezone.

Blair Hope stated this is a conundrum. The concerns the Mayor has, are we opening the book for that to happen. Water and sewer are an issue. We need to think about these things. Confounded here, it is detrimental, but may be also be your saving grace. If they could annex, they could help solve the solution.

Mayor Karjola stated that he would like for Stockton to be the ones to decide what this is going to look like, schools, lots, open space. Give us the impact fees since its literally bordering Stockton. We can't have this population right outside of the town and it's not contributing.

Blair Hope asked the applicant will you do a utility feasibility study and are you doing sewage or septic? Larry Williams replied that right now it is dependent on what we do with the town, we

would like to use their sewage system it already goes through our property. It would be beneficial to them and to us. It depends on the study. If the town decides they don't want to annex, then we will be left with creating our own small sewage system or going to septic.

Jeff McNeill stated that he appreciates the answers, but do we recommend a rezone or not. Is it possible for the applicant to give us an accurate answer, have they even done a perk test? Our tasks as planning commission is to deal with property that is in the county. There are still a lot of questions we need to address. Where are the concerned citizens that attack us over rezones and accuse us of getting paid off? I got an anonymous letter from one, where are they with this one?

Blair Hope asked do we want to invest in a property without these studies? Jeff McNeill stated it is out of line to ask. Scott Jacobs replied we can ask for these things. All these ideas we are throwing out, we can ask for these.

Rachelle Custer stated that it isn't out of line to ask for the studies prior to the rezone. It is not unreasonable to ask the developer for these. Jeff McNeill it is unreasonable in my opinion. Scott Jacobs replied we can ask for these studies and table it until it is done. There are things we are mandated to do.

Jeff Miller stated that they may go through this whole rezone and then Stockton will make them annex, so theoretically this may belong to Stockton. Scott Jacobs stated that we can go through and make recommendations. Anyone could get it all rezoned and have the best intent then life happens.

Rachelle Custer stated that at rezone this is the time you can ask for the world. At rezone this is the time to do what is best for the community.

Jeff McNeill asked if we could rezone it with conditions. Scott Jacobs replied we can ask for all the additional items and table it.

John Wright asked David Carberry (public) about his airport runway. Are there any others that fly on it? How long have you lived there? Will this affect your runway? David Carberry replied he is the only one, and no it will not affect him.

John Wright asked Beryl Schwartz (public). It seems your concerns are with traffic access and road conditions. She said yes, there has been a wildfire evacuation and we had thought of going overland with bolt cutters came to mind. That is a consideration. John asked where her property is? Beryl replied she is right across the street.

John Wright asked Mayor Karjola (public). You speak as though you are trying to defend and protect your residents against expanding responsibility without extending tax base. Mayor Karjola replied yes, it's a bunch of houses that doesn't cover all the expenses that comes along with them. It would be better for us to have that tax base. John asked why you would have the responsibility? Mayor Karjola replied we don't just stop at the town boundary. But the folks of Stockton can't continue to pay for the protection if they are not in Stockton and helping pay for the fire department.

Brad Bartholomew asked why they are not in an agreement with Tooele County to provide these resources for a small town? Mayor Karjola replied you would have to ask those who were in our positions back then. Brad asked why not make an agreement now? Mayor Karjola replied there isn't anything that prevents that, but you have to convince County Commissioners to pay for something else. There is a feasible study being done for a fire district. We are working on that but as of right now and the last many years Stockton has born the burden of protecting South Rim. Jeff McNeill asked if they have an agreement to protect South Rim. Mayor Karjola we have an agreement with the county. I'm not picking on South Rim it isn't the fault of them.

Larry Williams stated that they are working with the town and its residents. We recognize a lot of impact. There is a water, sewer, and roads. We will figure out how to minimize that. The easy way is to annex in, don't know how to do that. The important piece is they may not want to do it. We still recognize the community is going to be impacted and we will find out how to address these impacts if we develop outside of Stockton. We think that this is a good density for this area. That is what we are here for tonight. Blair Hope with respect to that how can we help if you don't know the answers to your own questions. Larry Williams we can't spend money on that until we know if we can do that.

Larry Williams stated they would like to move forward but if you need this information before we move forward then we will provide it. Scott Jacobs as I listen to the public, you would be better served for us to make a recommendation at a later time. Larry replied I would rather give you the information you need then receive an unfavorable motion.

Blair Hope **motion to table** item REZ 2020-95 with the condition of finding the results of feasibility, utility, sewage, and water studies.

John Wright second with amendment it with information for fire protection, and I think it's good to get some information regarding the secondary water coming out of Soldier Canyon. If it's critical to the development, we should know about it. Blair accept the amendment.

Jeff McNeill asked what would satisfy the fire protection? Someone serves that area now. Who will provide it? John Wright replied he needs to perhaps talk to the County and the Mayor; I want to know how they will be protected.

Roll Call Vote: Jeff McNeill, aye. Brad Bartholomew, aye. Scott Jacobs, aye. John Wright, aye. and Blair Hope, aye. All in favor.

**Item is tabled.**

6. **REZ 2020-103** Wendy Droubay is requesting a rezone from A-20 (Agricultural, 20 Acre Minimum) to RR-5 (Rural Residential, 5 Acre Minimum). **Parcel ID:** 11-033-0-0002. **Approximate Site Location:** Located near the eastern end of Erda Way, immediately east of the 4N Ranchettes Subdivision. **Zone:** A-20 (Agricultural, 20 Acre Minimum) to RR-5 (Rural Residential, 5 Acre Minimum). **Unincorporated:** Erda. **Planner:** Jeff Miller.

Wendy Droubay (applicant) stated that we wanted to do this at the same time as others, but we had to do some probate first. We don't even know if we have plans for it down the road.

John Wright asked applicant, Jeff Miller added that you want to add a portion of the property where your house is at, you want to do it, so your house is on a 5-acre lot. Wendy Droubay replied yes that it would allow me to do a refinance on a 5-acre parcel. If I was to do a lot line adjustment it would only include 5 acres on the loan. This house would stand alone on 5 acres and the other lot would be 25 acres.

**Open Public Hearing** motioned by Blair Hope, second by Scott Jacobs. All in favor.

*No public comment*

**Close Public Hearing** motioned by Blair Hope, second by John Wright. All in favor.

Jeff McNeill asked if we are going to ask the same questions as the applicant before. Blair Hope replied no, that was a development. Jeff Miller replied that she gave no intent to increase density.

Jeff McNeill stated but we have no idea what she is doing in the future. Jeff Miller replied that if they were going that route, they would have to do a subdivision feasibility with the Health Department, she isn't exploring that. Jeff McNeill stated he understands that but on the last rezone we asked what they were going to do.

Scott Jacobs stated that they are not required to submit a concept plan. Jeff McNeill asked if we could put conditions on a rezone. Jeff Miller stated she is just putting the existing home on a 5-acre lot.

Jeff McNeill asked if are we setting a precedent Brad Bartholomew asked if the previous applicant could have just put in the rezone but no plan? Jeff Miller replied that we have a requirement if we know there is a development. Blair Hope replied it's how they apply.

Jeff McNeill asked what the difference is? Jeff Miller replied the only thing she wants to do at this point is put her house on 5 acres. Jeff McNeill if my only explanation is, I only want to adjust the lot line does are ordinance require a concept plan or just an explanation? Jeff Miller replied if she was doing a subdivision; she would need to have a subdivision checklist.

Brad Bartholomew stated that there isn't consistency. We just saw a zoning change that requires all this information and this one doesn't. Jeff Miller stated the previous applicant gave me his intent; Mrs. Droubay gave me here intent. We can only go off the information they have provided.

Rachelle Custer asked if they've read the codes on rezones. With the rezones we have more legislative freedom. You need to understand the code. Jeff McNeill stated it should be required for all. This application seems incomplete. Rachelle Custer replied some developers will give this and some won't, it's what they volunteer.

Colin Winchester stated that in the land use ordinance Chapter 3-9 Zoning Map Amendment Procedures. I will not go over everything but there are about 20 things that need to be addressed on the application. I do not see a concept plan. I understand his concerns but all that is required is what is in the application.

Blair Hope **motion for a favorable recommendation** to the Tooele County Commission for REZ 2020-103 to be rezoned from A-20 to RR-5. Second by John Wright.

Roll Calle Vote:

Brad Bartholomew, aye. Jeff McNeill, nay. Reason is it is not consistent with what the rezone applicants have provided, especially a conceptual plan. Scott Jacobs, aye. John Wright, aye. Blair Hope, aye. Vote is 4-1.

**Motion has passed.**

### **5 MINUTE BREAK**

7. **CUP 2020-106** Shannon Fowles is requesting conditional use approval for a proposed detached accessory housing unit. **Parcel ID:** 16-053-0-0001. **Address:** 2607 West Silver Avenue, Stockton, Utah 84071. **Zone:** RR-5 (Rural Residential, 5 Acre Minimum). **Unincorporated:** South Rim. **Planner:** Trish DuClos.

Trish DuClos stated that the only concern was the height, but it is compliant with the code.

Jeff McNeill asked where is the height measured from? Trish DuClos replied it would be from wherever the ground sits.

Jeff Miller stated that originally on his site plan when we approved this as his main dwelling. He fully planned it out so all setbacks would meet. You would need to declare the new house as the main dwelling. This just allowed for this to be their main dwelling while they planned out the rest.

**Open Public Hearing** motioned by Blair Hope, second by Jeff McNeill. All in favor.

*No public comment*

**Close Public Hearing** motioned by Blair Hope, second by Scott Jacobs. All in favor.

Jeff McNeill **motion to grant approval** for CUP 2020-106 for the current house to become the auxiliary dwelling unit and the main house to be built in the future, subject to the following conditions of approval:

1. The applicant complies with the requirements outlined in Table 15-3.3. b1-12.
2. Planning Staff records the required notice in Table 15-3.3. b.10 upon issuance of the permit.

Second by Blair Hope.

Roll Call Vote: Brad Bartholomew, aye. John Wright, aye. Scott Jacobs, aye, Jeff McNeill, aye. and Blair Hope, aye. All in favor.

**Motion has passed.**



8. **TCLUO 2020-02** Planning Staff is requesting a recommendation of approval for proposed ordinance updates to Chapter 2, 15 and 16 of the Tooele County Land Use Ordinance regarding agricultural uses and animal regulations. **Planners:** Trish DuClos and Jeff Miller.

Jeff Miller stated that we took a lot of considerations of points the public made. There are three changes in our table of uses. (see attached)

Rachelle Custer stated that with all of your feedback, we opted for the CUP instead of a permit. Conditional Use is regulated by state law. The permit process would be annually. Conditional Use gives the applicant more protection. We do have an administrative CUP process, or we can bring them before this body.

Scott Jacobs asked if we have 45 applications and someone has cows that are stuck on a truck what do we do. John Wright replied that as a cow operator he should realize in October that he is bringing his cow's down here he's not going to wake up Monday morning wanting to do that. They plan it out. I don't think there will be a problem.

Jeff McNeill asked if I get a CUP for two extra goats and then my kids grow up can I still have them? Rachelle Custer replied that if you abandon the use for 12 months then you will lose it.

Blair Hope asked for clarification on the beehives for 1 and 5 acres, you only need a CUP? Jeff Miller stated we didn't make any changes to that, but we can change that to permitted. Blair asked for the change. Brad Bartholomew agrees with the change to permitted on the apiary use.

Jeff McNeill asked if there is a fiscal impact on any changes, is this going to cost the county money? Jeff Miller replied one thing to keep in mind is there is a fee with an application.

Trish DuClos stated that as a general rule, if I get a complaint, I don't focus on the one house. I drive the neighborhood. I'm not going to go out and just start enforcing it. It's usually complaint driven. Jeff McNeill stated that if we get more complaints, we will have to hire two of you, that is going to cost the county.

Blair Hope asked if we address cock fighting arenas in this ordinance. Trish DuClos replied that is state regulated. Blair asked who enforces it. Trish said she would research it to see who the contact is.

John Wright asked why in chapter 2 he didn't see a definition regarding the term nuisance. We have a chapter but not a definition. I sent in a suggestion. Is there a reason why you chose not to do that? Trish DuClos replied that in code enforcement it's how we regulate a nuisance. We can put the state code in there. If you want an animal nuisance you have to go back to the Tooele County Code not the land use code.

John Wright asked if we sent this to County Commission for approval is there a time limit for people to come into compliance. Jeff Miller replied that we will have the County Commission adopt a resolution.

John Wright asked if this is approved will you see this being published in the local paper or making a big deal about it? Jeff Miller replied he imagines Tim Gillie will publish it. John stated I don't want it telling me where to go there needs to be a link.

Brad Bartholomew asked if there is something in there that rounds up to the nearest half acre? Trish DuClos replied it should be right above the table. Brad stated that he thinks staff has gone above and beyond.

**Open Public Hearing** motioned by Scott Jacobs, second by Blair Hope. All in favor.

Jonathan Garrard, Lake Point. If this law is on the books the complaints will come. And the items Jeff referenced was not available for the public. (Jeff replied our policy is not to update staff report after its been published) The structures I'm wondering how that applies to chicken coops and rabbit hutches. There are a lot of discrepancies there. Letter C, structures being made? Sheep and cows don't have structures on BLM land, and they are fine. Everyone should be able to self-regulate. The zoning administrator, I would like to see that elected and not hired. On educational and rehabilitation permits, if you are allowing that then there is a greater amount doable. Lady justice is equal, all groups should be treated equally. With the maximums today they can't run more if they are on RR5.

Ken Webb, Erda. I never heard where the four-animal unit number came from. Went to 37 different properties and if the number was changed to 6 the problem would be solved. You can have that many on 1 acre and be just fine. You will have complaints. The maximum on each those are all the same regardless of the size of property, those maximums don't seem to be allocated properly. This is just giving people the right to complain. If I wouldn't have complained about a neighbor speeding, I would have never gotten complaints about my animals. This is too restricted for those of us that have had no restriction. I vote 6 animals, that will solve most the problems. You are going to get a lot of complaints and you will have to deal with it.

Craig Smith, Erda. You guys know all about complaints I see it month after month. As far as self-regulation its asked why can an A-20 and MU-40 self-regulate and people on RR5 can't. Those of us in the ranching and farming industry don't have animals as emotional things its economical. That's why we have acres per animal not animal per acre. This is a wonderful ordinance. The CUP provisions could have up to 6 animals, I would like to recommend that the first time that comes to planning commission then if it comes back it can be an administrative thing. I'm all but begging you to pass this tonight. Protect my animal rights today and in the future. This is a good and enforceable ordinance.

Joe Quintana, Lake Point. I differ from a lot of people. A lot of people have lived here all their lives. One thing that I keep coming back to is the use of the land. My house sits on what was an alfalfa field. The number four is too low for some. Six animals per acre if they have their 12, they would be in compliance. I'm willing to take the classes and see what I'm supposed to do. But a lot of people aren't here tonight. Do not want this ordinance to become a retaliation.

Tessa Garrard, Lake Point. Think the work that has been done on the animal uses and the graph is beautiful and very well thought and laid out. There are clear boundaries. My thoughts have already been voiced on the four-animal unit. I think it needs to be doubled or tripled, that will limit the number of complaints you will get. I agree it will be a retaliation thing. You can keep a large number of animals in a small space as long as they are cared for. There are people that can do it. When we get to that large number, welfare or nuisance is the issue not the number. That

will allow the community to stay rural but have boundaries. Neighbor and animal owner can live and work in those parameters if that number is increased.

Jeff McNeill – briefly read over an ANONYMUS LETTER sent to him. Enclosed was an article that was in the paper written by Joe Roundy. Tooele citizens should have a voice. Apparently, you do not remember the argument. Animals don't put a burden on water supplies, they don't require new schools to be built. The animals up the quality of life not only for the owner but those around them.

Clyde Christensen, Erda. Stated that article was in the paper a couple weeks ago

**Close Public Hearing** motioned by Blair Hope, second by John Wright. All in favor.

Blair Hope, I made a comment earlier about a commonsense clause. Many said we should be able to self-regulate and be accountable. That is great for the person who can be but what about those who can't. What is the problem with having some structure? At what point in time do we take pride and responsibility. Me personally do not have a problem with six units, but someone will still complain. When does it stop, where is the line in the sand? People just want to pick on everything that is written, just to argue.

John Wright stated that he has looked at this a little bit different the last few weeks. I think six for some is good but not for others. We need to try to do something and move it forward. When people say we are going to be inundated with complaints, I feel threatened. It might be true, but we need to start somewhere. We have been trying for years. I'm like to recommend how we have it written now. See if we can't make it work, give it a couple years and then we tweak it. The last six months have been intense, I think we need to move forward with it.

Jeff McNeill stated that people knew it was rural when they moved here. We have an animal ordinance. Most people were like me and were ignorant. But why should we let you have more if someone has a million dollar home next door and they knew their neighbors were only allowed four and now they get more. What about their dream. We can't change the zoning code for a nice neighborhood with a walking path and pickle ball court because you want your rural area.

John Wright stated that this is going to protect the agriculture lifestyle out here. You have to have a law like this in place.

Blair hope **recommend motion to approve** TCLUO 2020-02 with the change of apiary to permitted and staff updates discussed tonight. Second by John Wright.

Roll Call Vote: Jeff McNeill, aye. With comment, first off this is a difficult vote for me, but my concern is the neighbors who moved here and knew what the ordinance was, they have rights as well. Also, the fiscal cost of trying to enforce this. Want them to consider the increased cost that may incur with enforcing this.

John Wright, aye.

Blair Hope, aye. If the County Commission wants to increase it to six, I'm okay with it.

Scott Jacobs, aye. and Brad Bartholomew, aye.

**Motion has passed.**

9. **TCLUO 2019-05** Planning Staff is requesting an updated recommendation of approval for a revised draft for the proposed ordinance rewrite of Chapter 9 of the Tooele County Land Use Ordinance regarding Planned Unit Developments (PUD's). **Planners:** Jeff Miller and Trish DuClos.

John Wright asked if the developer comes in and follows these recommendations, would the landscaping be around the houses? Jeff Miller replied this would be in open spaces.

Jeff McNeill asked if we could put in a stipulation. The reason for this is to have high density. The HOA can't quit and do what they want. Jeff Miller replied ideally, we will have some checks and balances in place, so we do have follow through.

**Open Public Hearing** motioned by Jeff McNeill, second by John Wright. All in favor.

Jonathan Garrard, Lake Point. Don't know how this makes sense. The Planning Commission doesn't worry about water but now you are giving developers the ability to reduce lot sizes. Does that water saved make a fair trade off? Households will use more water. Wouldn't it be better to reduce taxes for people that did water conservation? Why are we talking about reducing lot sizes? Don't get your thinking. I believe in responsibility. I try to figure out more efficient ways to water my yard and garden, the education is there for the people who are willing to get it. I think property tax reduction would be better.

Wendy Sasser, Erda. Why are you considering this? I appreciate the water wise concept but why are you considering increased density? If they want to use the PUD that has been used to get around having to do zoning. Why should we give them a bonus?

**Close Public Hearing** motioned by Blair Hope, second by Jeff McNeill. All in favor.

Jeff Miller stated that before we opened the public hearing. It was asked how can we ensure the developer follows through. We should have one small edit that shall the 10% increased be authorized, a development agreement should be established. We can perfect that language.

Jeff McNeill stated that we are going to have to incentivize it. We don't regulate water, the state does. We certainly worry about water, but we want to encourage people. It takes a lot less water to take a shower then it does to water alfalfa. We want the developer to put in a nice open space but not one that is sucking water all day. Brad Bartholomew agrees that higher density development use less water. Jeff McNeill stated that he likes the idea of a tax break. It not part of their job but he likes that.

Blair Hope motion to **recommend approval** to the County Commission for TCLUO 2019-05 for the proposed ordinance rewrite. Second by Jeff McNeill with amendment. Put in the agreement that any water wise landscaping is done, and it stays done, and include staff updates discusses tonight. Blair Hope accepted amendment.

Roll Call Vote: Brad Bartholomew, aye. John Wright, aye. Scott Jacobs, aye. Jeff McNeill, aye. and Blair Hope, aye. All in favor.

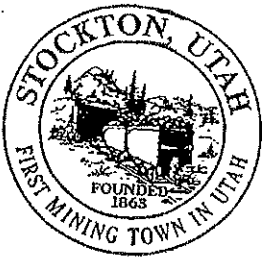
**Motion has passed.**

**10. Adjournment** motioned by Scott Jacobs, second by John Wright. All in favor. **Time of adjournment** was 11:53pm.

THE FOREGOING MINUTES ARE HEREBY APPROVED BY:

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DRAFT



## TOWN OF STOCKTON

18 North Johnson Street

PO Box 240

Stockton, Utah 84071

Phone: (435)882-3877

Fax: (435)833-9031

Tooele County Planning Commission,

Please consider the following when evaluating this rezone request.

Putting another neighborhood outside of Stockton's border will be detrimental to the Town of Stockton.

Stockton has about 250 homes with a population of about 650 people. We have a higher than average number of people on fixed incomes and our median income is \$10,000 lower than Utah's median income. Our population is older than average with fewer people per household and we have lower than average property values.

Roads- West Silver Ave from SR 36 to the town boundary is just over ½ mile long. That road has been destroyed by the traffic to and from South Rim, but South Rim's population does not contribute to Stockton's Class C road funds and we get no property taxes from South Rim. The People of Stockton are responsible for maintaining that road and at \$1 million per mile, we are looking at \$500,000 to replace it. We cannot afford to do that. The portion of East Silver Ave that would be used by this proposed development is .7 miles. As in South Rim, the population of this new development outside our boundary would not contribute to our Class "C" road funds nor will we get any property tax revenue, yet we will be responsible for maintaining a road that will deteriorate due to people living outside of Stockton.

Solid waste- Stockton has one person who is our entire roads department, solid waste department, parks department, cemetery department, and all-around handyman. We have hired additional people in the past, but with our very limited revenue we can't pay enough to keep people here. We cannot spare our one person to collect trash in the new development.

Sewer- We currently do not provide sewer to anyone outside of town limits and that practice is very likely to continue.


Police- Our Police Department consists of one full time police chief and a few volunteer reserve officers. We have a very good relationship with TCSD and as a courtesy, our police department responds to calls up Soldier Canyon. Other than that, we do not respond outside out of our town boundary unless there is a life in danger or another agency requests our assistance. We do not have the resources to patrol this new development or even respond to anything other than life threatening emergencies. It would fall to the Sheriff's Department to respond to reports of theft, suspicious people, kids riding ATV's too fast, VIN inspections, and the ubiquitous barking dog complaints. Even so, the added population right on Stockton's border will have a spillover into Stockton which will put a further burden on our police department at the expense of the residents of Stockton.

Town staff- As it is, the small and over-worked staff fields phone calls from South Rim residents asking for building permits, complaining their garbage didn't get picked up, and wanting to know why their road isn't plowed as soon as the first snowflakes start falling from the sky. I would expect the number of these calls to rise exponentially the closer the neighborhood is to the Stockton border.

Fire protection- South Rim has more homes than Stockton, a higher population, and a higher median income. Stockton did not receive any Public Safety impact fees and does not receive any property tax revenue, yet they are protected by Stockton's fire department. The residents of Stockton pay for South Rim's fire protection. This is unsustainable and monumentally unfair to the residents of Stockton. We will not be able to provide fire protection to any new developments outside of town limits. The idea of asking my first responders to observe a municipal boundary sickens me, but the people of Stockton simply cannot bear this burden.

We recognize that growth around Stockton is inevitable. The future residents of this development will be our neighbors, friends, and in some cases, relatives. They will be part of our community. We have been working with SEP on potential annexation. Annexation will let Stockton have a say in what future development would look like. Stockton would receive impact fees and property tax revenue which will mitigate or solve the many of the above-mentioned issues. We believe it is in the best interest of Stockton to follow this path to see where it leads. While I cannot predict or pre-judge what decision the town council will ultimately make regarding annexation, I am confident that the time is right for both parties to come to a mutually beneficial agreement.

Thank you,



Thomas Karjola

Stockton Town Mayor

Table 15-5-3.1. Agriculture, forestry and keeping of animals.  
(Ord.2005-30, 11/22/05)

#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
a	Apiary (beehives)	P	P	P	P	P	P	P	C	C	P
b	Agricultural industry or business	C	C	C	C	C	C	C	-	C	C
c	Aviary	P	P	P	P	P	P	P	-	C	P
	<p>Educational Farm Animals (intended for FFA, 4H and/or similar) and/or Rehabilitation of Farm Animals – The planning commission may authorize up to a 50% increase in allowable animal units, specifically allocated for the keeping of educational farm animals and/or rehabilitation of farm animals as a conditional use in Rural Residential zones, subject to the following information being provided:</p> <ul style="list-style-type: none"> <li>• Documented proof that the increased animal counts are strictly being authorized for educational and/or rehabilitation purposes.</li> <li>• A detailed list of all animal types and counts located on the property.</li> <li>• Documented proof that sufficient water rights exist and will be allocated towards the increased animal units.</li> <li>• Acknowledgement by the property owner that the zoning administrator and/or county may revoke or reduce the increased animal units, if the increased animal units are determined to be a nuisance.</li> </ul>										



Table 15-5-3.1. Agriculture, forestry and keeping of animals.  
(Ord.2005-30, 11/22/05)

#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
n	Stable										
	Stable, (horses) commercial	C	C	C	C	C	C	C	-	-	-
	Stable (horses), private. The planning commission may authorize up to a 50% increase in allowable animal units, specifically allocated for the keeping of horses as a conditional use in Rural Residential zones, subject to the following information being provided: <ul style="list-style-type: none"> <li>A detailed list of all animal types and counts located on the property.</li> <li>A detailed site plan, indicating where the proposed stable will be constructed in relation to all existing buildings and surrounding neighbors.</li> <li>The floorplan for the proposed stable, showing adequate accommodations for the anticipated number of animal units for horses.</li> <li>Documented proof that sufficient water rights exist and will be allocated towards the increased animal units.</li> <li>Acknowledgement by the property owner that the zoning administrator and/or county may revoke or reduce the increased animal units, if the increased animal units are determined to be a nuisance.</li> </ul>	P	P	P	P	P	P	P	C	C	C
o	Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P	P	P	P	P	P	P	P	P	P

	<p>Temporary Animal Housing – The Planning Commission may authorize a temporary 50% increase in allowable animal units (not to exceed 6 months within any 12-month period) for farm animals that may need to be temporarily relocated to a property located in the Rural Residential zones as a conditional use permit, subject to the following information being provided:</p> <ul style="list-style-type: none"> <li>• An explanation for the temporary increase in animal units.</li> <li>• A detailed list of all animal types and counts located on the property.</li> <li>• Detailed information regarding how the property owner intends to prevent the temporary increase from becoming a nuisance.</li> <li>• Acknowledgement by the property owner that the zoning administrator and/or county may revoke or reduce the increased animal units, if the increased animal units are determined to be a nuisance.</li> </ul>	P	P	P	P	P	P	P	C	C	C
p	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P	P	P	P
q	Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C	C	C	C	C	C	C

Table 15-5-3.2. Commercial and industrial uses.  
(Ord.2005-30, 11/22/05)

#	Use	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
a	Adult day care	C	C	C	C	C	C	C	C	C	C