

**MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY PLANNING COMMISSION
February 1, 2023**

Chair Toni Scott called meeting to order at 7:03 p.m. Roll Call was taken showing herself, Blair Hope, Brad Bartholomew, Andy Stetz, and Camille Knudson. Jeff McNeill joined later (online).

Staff present: Trish DuClos, Code Enforcement/Planner. Rachelle Custer, Community Development Director. Stephanie Eastburn, Building Permit Tech. Colin Winchester, County Attorney. Brittany Lopez, Assistant County Manager.

Toni Scott stated that staff has requested moving CUP 2023-002 to the beginning of the agenda. Motion to move **CUP 2023-002** to the first item by Blair Hope. 2nd by Brad Bartholomew. All in favor. The motion passed.

Approval of meeting minutes from January 4 & January 18, 2023.

Motion to approve minutes from January 4, 2023, by Toni Scott. 2nd by Jeff McNeill.
Andy Stetz- yes. Brad Bartholomew- yes. Jeff McNeill- yes. Toni Scott- yes. All in favor. The motion passed.

Motion to approve minutes from January 18, 2023, by Jeff McNeill. 2nd by Blair Hope.
Camille Knudson- yes. Blair Hope- yes. Jeff McNeill- yes. Toni Scott- yes. All in favor. The motion passed.

CUP 2023-002- Michael Dow and other property owners are requesting a CUP for private road approval. Trish DuClos summarized the staff report. These lots are not in a subdivision, so the roads aren't going to be approved through the subdivision process. Tooele County code requires that all lots have frontage along a dedicated or publicly approved street. This was triggered by the building permit process. The applicants had applied for a building permit but can't get an address until the roads have been approved. Planning staff requests that a condition be placed on that would resolve any maintenance concerns and access. Since this is a private road, it will be maintained by property owners, not the county.

Trish stated UDOT has responded to staff and said they do recognize this access point, but they are concerned about further development. If that were to happen, the access point would need to be upgraded. At this time, they are not worried about these single-family homes. The railroad they cross over is also an approved access point. A few things on the access agreement are inaccurate so they will need to get the access agreement fixed and then they can record all the notices.

Trish stated that FEMA has done a study and requires that since this property is in the floodplain risk area, they will need to go through their (FEMA's) permitting process. That will be required with their building permit. This will be addressed during the building permit application process. Trish reviewed the conditions in the staff report.

Toni Scott asked if there was a traffic plan requirement where this meets up with SR-36. Trish stated no, but you could put it on as a condition. It's only 6 lots. Toni stated on the staff report it shows 19 lots. Trish stated those other lots are further up north, they are not part of this access agreement. Toni asked what about Union Pacific, have they said anything about this road across the track? Trish stated there are

two spots they have access over. Toni asked if the floodplain permit was required for the other houses being built out there? Trish stated no, this is a new requirement by FEMA. Rachelle Custer, Community Development Director, stated it isn't a new requirement; this is just a newly mapped area.

Jeff McNeill asked about the house already being built; did we not worry about the road then? Trish stated that their lot fronts SR-36, so they have access from 36.

Michael Dow, applicant, stated as a collective group of property owners, they're 40-acre parcels, we're not looking to develop it. We're not looking to expand. We actually want to do the opposite. We just want to build a single-family residence down there.

Toni Scott asked if this road encompasses all the lots. Is there a possibility of a bigger subdivision coming in? Michael stated the lots that are in question are owned by the property owners that are present. They're zoned MU-40 so there couldn't be any development down there without a rezone. The other land down there is owned by the BLM.

Open Public Hearing (**CUP 2023-002**) Motion by Blair Hope. 2nd by Brad Bartholomew. All in favor.

Michael Dow, applicant: thank you very much.

Close Public Hearing (**CUP 2023-002**) Motion by Toni Scott 2nd by Blair Hope. All in favor.

Brad Bartholomew asked if in the future they want to donate the road to the county, will they need to meet the county road standards? Do they need to worry about that now, or when/if that happens? Trish stated that there are private road standards, which they have met all those. If they wanted to dedicate it to the county in the future, they would have to comply with the road standards at that time. It would be up to the current road owners then.

Toni Scott stated my only concern is the traffic, where it enters on two different locations on 36. Trish clarified that there is only one point on 36. Toni asked about the other house, is that not part of this application? Trish stated no, that house has access further north so they were able to get an address point from that.

Toni expressed concern about not having a traffic study if these landowners try to subdivide in the future. Blair Hope stated that they should have to worry about doing a traffic study then, not now. It isn't needed right now.

Jeff McNeill stated that the traffic issue is on a UDOT road and a UDOT issue. UDOT has already said the way it is, is fine. Brad Bartholomew stated that a lot of time, even with smaller roads and bigger developments, the traffic study shows there is no impact.

Blair Hope motioned to grant approval of **CUP 2023-002** with the recommendations as referenced in the staff report (# 1, 2, 3, and 4). 2nd by Camille Knudson.

Andy Stetz- yes. Brad Bartholomew- yes. Toni Scott- yes. Camille Knudson- yes. Blair Hope- yes.

(The audio system had gone out before the motion; therefore Commissioner McNeill was unable to vote)

The motion passed.

TCLUO 2022-202 – Land Use updates to Table of uses 16-4-3.2(j) “Commercial and Industrial uses” “Home Occupations” and Chapter 2 definition (140) Planner: Trish DuClos. Trish DuClos summarized the staff report. Cassandra Arnell is requesting an amendment to the Land Use Code to allow more flexibility for home occupations in residential and multi-residential zones. The original request is to add home based business to chapter 16, with a CUP, it’s a Conditional Use Permit. Then changing some wording in the home occupation to allow operations in an accessory building. Right now, the code requires that the business is conducted entirely inside the dwelling, and carried on by persons residing in the dwelling and only one person who lives outside of the dwelling can work in the dwelling. The applicant would like to hold private swimming lessons in her backyard. Our definition wouldn’t allow it because it’s outside the dwelling.

Planning staff hasn’t received any community response. There have been multiple applicants in the recent years that would like to do a home occupation in a shed, their yard, or garage and there have been a lot who would like to do swimming lessons, but they were denied because our current code doesn’t allow it. We went through this with the home-based business. It was requested to be allowed in the RR zones, on the larger properties, and that was denied by council. The applicant gave a lot of research on this; she did a lot of work for this application.

Trish DuClos summarized the applicant’s proposed changes and staff’s recommendations.

Trish explained the recommendations on the state code. She explained which CUPs the county cannot charge a fee for. The second paragraph explains that planning staff would like to see a CUP for anything that could have an impact on the neighbors so staff can place conditions to mitigate nuisances.

Trish stated that the applicant pulled a lot of information from the County General Plan, and from other (similar) entities’ codes, that all allow for accessory structure use.

Toni Scott asked about the cottage industry use. Trish stated that our cottage-industry is for things that are handmade, and you can have up to 10 employees.

Brad Bartholomew asked for clarification about what Trish stated the county wasn’t allowed to charge a fee. Trish stated that the definition is if it operates only occasionally and by people 18 years and younger, no one comes to the home, and no impact, we are required to give business licenses to them without a fee. Jeff McNeill stated that this comes from some cities are trying to get kids to get a license for their lemonade stands. Trish stated that all home occupations require a CUP. We are trying to eliminate that step if they’re going to have no impact to anybody, then it would just be permitted.

Toni Scott asked if there is a lot size limit. Trish stated that it is for the R-1 zones.

Cassandra Arnell, applicant, stated Trish did a good job summarizing for me. This was a \$1,000 application, so I feel like this I’m taking one for the small business people. I want other people to have the flexibility with their property too. I will be lucky to make \$10,000. But I would like a chance to get it back this year. It seems to fit with the Tooele County General Plan. I summarized some of those points. I didn’t see any other cities or counties that make this distinction. Everyone would still have to apply for the CUP, but they would be able to do that. Right now, I can’t even do that.

Toni Scott asked how many students the applicant anticipated having in a week. Cassandra stated I would only do 2 private lessons in my pool at one time. When I’ve done it in the past, we’ve done noon to 5, or

9 to 1. I do know other pool owners that would like to do it as well. We are always turning kids away. Usually it's only June and July, sometimes in May and August.

Toni asked if the applicant would be able to employ her daughter and others because they would fall under the 10 employees under this too. Trish stated that she could have two that live outside of the dwelling, and that condition is mainly to mitigate parking issues.

Open Public Hearing (**TCLUO 2022-202**) motion made by Blair Hope. 2nd by Brad Bartholomew. All in favor.

No public comment.

Close Public Hearing (**TCLUO 2022-202**) motion made by Blair Hope. 2nd by Toni Scott. All in favor.

Motion to make a recommendation for approval for **TCLUO 2022-202** with the updated (staff's recommendations) additions and corrections with the condition of striking section J #3 in table 16-4-3.2 by Blair Hope.

Jeff McNeill stated he would like to strike J #3 and add that under Home Occupations that have a C1 by it, change those to permitted uses, rather than conditional uses, in order to save applicants a thousand dollars for a CUP.

Toni Scott stated the CUP fee is \$100, not \$1,000. The one thousand dollar fee was to (amend the Land Use Ordinance and) get this on the agenda.

Blair Hope accepts Commissioner McNeill's amendment.

Motion 2nd by Andy Stetz.

Camille Knudson- yes. Brad Bartholomew- yes. Jeff McNeill- yes. Toni Scott- yes. Andy Stetz- yes. Blair Hope- yes. All in favor. The motion passed.

GPA 2023-014 - Moderate Income Housing Element. Planner: Trish DuClos.

Rachelle Custer stated that the state legislature made some changes to the requirements to the moderate-income housing requirements. Last year when we updated our General Plan, it was our understanding that the consultant was compliant with all of the updates. We submitted it to the state. They came back and said there are some things missing that we need to add. We had 7 of the 26 elements. They're recommending we narrow it down to 4. The state requires 3. We had to put a timeline and plan in of how to accomplish them.

Blair Hope expressed frustration with how much we talk about affordable housing and going through these processes, but when is it going to happen? Jeff McNeill stated he agrees and we try to allow ADUs and rentals, but the council doesn't approve them. This says the county will rezone for densities necessary to ensure the production of moderate-income housing. As soon as we do that, citizens get referendums to prevent it from happening.

Rachelle stated that one thing that would be in compliance with this moderate income housing element would be when we bring the ADU code back for changes, we make a recommendation that if they rent the primary dwelling for 80% AMI, then we allow it to be a rental. Just allowing it to be a rental, if they rent it for market-rate, that doesn't make us in compliance.

Jeff McNeill stated that if we encourage people to build an ADU, by allowing them to rent both the ADU and the main dwelling, then we get more moderate income housing because the supply increases and the demand is closer to the supply. Therefore, the prices decrease. The government doesn't need to do rent control. It's economics. We need to allow all types of housing.

Andy Stetz stated there are not enough houses. ADUs can help solve the problem. More builders are going in the direction of finishing basements with the intent of putting in an ADU.

Open Public Hearing (**GPA 2023-14**) motion to open public hearing by Toni Scott. 2nd by Blair Hope. All in favor.

No public comment.

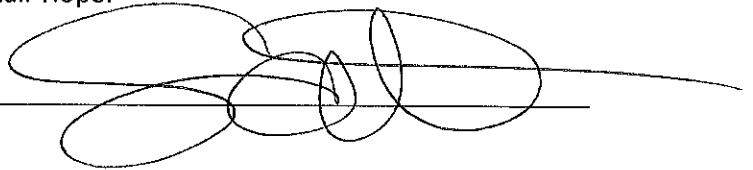
Close Public Hearing (**GPA 2023-14**) motion to close public hearing by Toni Scott. 2nd by Brad Bartholomew. All in favor.

Motion to make a favorable recommendation for **GPA 2023-014** regarding the moderate-income housing implementation plan to the county council as an official amendment for the 2022 Tooele County General Plan with the additions in the staff report made by Blair Hope. 2nd by Andy Stetz.

Jeff McNeill- yes. Brad Bartholomew- yes. Camille Knudson- yes. Toni Scott- yes. Andy Stetz- yes. Blair Hope- yes. All in favor. The motion passed.

Adjournment motion to adjourn by Toni Scott. 2nd by Blair Hope.

THE FORGOING MINUTES ARE HEREBY APPROVED BY _____

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned over the signature line.