

ORDINANCE 2000-29

AN ORDINANCE AMENDING THE TOOELE COUNTY GENERAL PLAN AND REPEALING ORDINANCE 2000-16 WHICH HAD ESTABLISHED A TEMPORARY ZONING REGULATION REGARDING PINE CANYON TOWNSHIP

THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF TOOELE ORDAINS AS FOLLOWS:

SECTION I - AMENDMENT. The General Plan of Tooele County is hereby amended by the addition of Chapter 15, Pine Canyon Township, to read as attached hereto, which attachment is by this reference made a part hereof.

SECTION II - REPEALER: Ordinance 2000-16, which established a temporary zoning regulation regarding temporary zoning regulations in the Pine Canyon Township is hereby repealed.

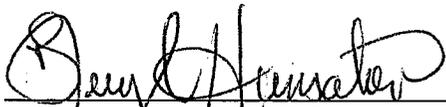
SECTION III - EFFECTIVE DATE. It is the opinion of the Tooele County Commission that this ordinance is necessary for the immediate preservation of the peace, health or safety of the County and the inhabitants thereof. It shall, therefore, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in Tooele County.

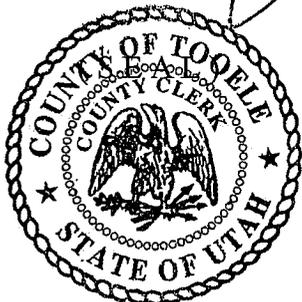
IN WITNESS WHEREOF, the legislative body of Tooele County passed, approved and enacted this ordinance this 12th day of December 2000.

ATTEST:


DENNIS D. EWING, Clerk

TOOELE COUNTY COMMISSION:

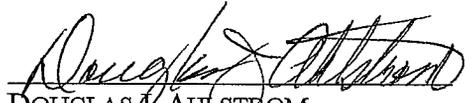

TERYL HUNSAKER, Chair



Ord 2000-29

Commissioner Hunsaker voted aye
Commissioner Griffith voted aye
Commissioner Rockwell voted aye

APPROVED AS TO FORM:



DOUGLAS V. AHLSTROM
Tooele County Attorney

CHAPTER FIFTEEN

PINE CANYON TOWNSHIP



Pine Canyon Township, a rural farming area northwest of Tooele City in Tooele Valley, has historically been known as Lakeview or Lincoln. Lincoln was given as the first official mailing address. This area was settled when it was believed that Tooele was becoming overpopulated for the amount of land and water there. Pine Canyon became a township as a result of legislation drafted in 1996. Initial creation of the township was to take advantage of the ability to deny annexation to or incorporation of towns or cities.

In 1997, the legislature reduced the power of townships to being planning districts where a separate planning commission would structure the future land use development of the township and make recommendations to the county commission regarding incorporation or annexations.

LAND USE

Tooele City has undergone more intense growth than other districts. As a result, growth pressure on Pine Canyon Township is increasing because of the availability of private land. The existing land use pattern has high-density development in Tooele City and less dense development in Pine Canyon. Without management of development as projected growth occurs, it is possible that Pine Canyon could become a dense concentration of subdivisions.

The most strongly stated goal in Pine Canyon's public meetings was to maintain the rural lifestyle and open space. High-density development should occur within Tooele City because it has land and infrastructure to

accommodate development. Infill development on undeveloped parcels within Tooele City should satisfy housing needs for 50 years before encroaching into Pine Canyon.

The sensitive lands to the east and north of Pine Canyon act as winter feeding range for elk and deer. The slopes, wetlands, wildlife habitats, watersheds and other hydrologic/geographic features of the Oquirrh Mountains are potential victims of negative development impacts and should be protected.

Growth Management

Pine Canyon Township chooses to manage growth by insuring that infill development occurs prior to allowing higher densities at the outer boundaries. This will prevent leap-frog or sprawl development from occurring and insure that Pine Canyon Township will retain autonomy from Tooele City. The village core of Pine Canyon should be developed first with a density no higher than one dwelling per 12,000 square feet. This will present opportunity for the housing needs of the community and require development in that area where it will contribute to community values.

The area around the core of the community should be protected from large-scale development by limiting densities to no more than one dwelling per five acres. With the density regulated it will contain development, allowing infrastructure to be put in place in an orderly fashion where public budgets will not be overextended and services compromised.

Peripheral areas of the township should be kept to a density that allows for continued agricultural uses. A density of no greater than one dwelling per 20 acres should be implemented. Foothill and mountain development should not be allowed to more than one dwelling unit per 40 acres.

Every year this plan should be reviewed to check the progress of these growth management tools. When the central village zone is developed at 90% of its total density with lots at the minimum size, then the planning commission needs to consider expansion of the higher density area to accommodate future development.

Higher density may be allowed in the village area when density transfers are made from foothill, conservation lands and mountain areas by transferring density rights. To facilitate this, the village area will be the receiving area and the planning commission must designate the sending areas. In making density transfers, a conservation easement must be placed on the land, noting the transfer on deeds and plats where the transfer is made from and to. These transfers should be recorded against the land to insure that future landowners have this information disclosed to them. The advantage that the township has in creating this system is to instill in future development the character and quality of life enjoyed by the citizens there now.

Residential Development

Existing growth pressure on traditional patterns is creating the possibility of subdivisions filling the Pine Canyon Township, consuming resources and impacting the limited infrastructure. The situation needs to be altered so residential development patterns

permit comfortable, valuable residential experiences while preserving land resources. This area should remain as a low-density node of development in an open and agricultural valley.

Pine Canyon enjoys a rare circumstance in that it consists of a wide variety of lots sizes intermingled and yet retains a cohesive identity and sense of community. Many citizens of Pine Canyon identified this mixture of lot sizes and types as an important part of the community's quality of life. Residents of Pine Canyon have identified parks and recreation opportunities as an important if not critical need in their community.

Following is a breakdown of the lot sizes in Pine Canyon:

Lot Size	# of Lots	% of Total
0 to .25	9 lots	4%
.26 to .50	26 lots	11%
.51 to .75	27 lots	12%
.76 to 1.0	33 lots	14%
1.1 to 2.0	36 lots	15%
2.1 to 5.0	39 lots	17%
5.1 to 10.0	19 lots	8%
10.1 to 20.0	11 lots	5%
20.1 to 100	16 lots	7%
above 100	17 lots	7%

The general land use policies (described in "Land Use," chapter three) of down zoning, subdivision cluster design, density transfer and bonus provisions are especially important for guiding residential development in Pine Canyon.

Down zoning will involve zoning changes for Pine Canyon. Using down zoning as a tool to change development patterns will result in fewer structures on larger pieces of open land. Clustering and density transfer and bonus programs, however, are optional and may not be used in every instance.

Clustering of subdivisions in Pine Canyon should create more appealing and economical groupings of structures. Clustering is appealing because design can be oriented to enhance neighborhood features such as parks and provide spatial buffers against neighboring land uses. It also protects foothills from development and is economical because service delivery costs are lower when structures are closer together and near main utility routes.

Clustering conceptually requires separating issues of gross density and lot size. Alternative approaches include making clustering a mandatory feature of the development approval process or developing site planning and design criteria that encourage and provide potentially positive incentives for such clustering.

Development approval and site plan review should encourage cluster development to be responsive to topographic and natural terrain features. In those areas of the township that include critical and sensitive lands, this could be accomplished by prohibiting construction of dwellings in sensitive areas while permitting building in non-sensitive areas.

Infill development into the established core of Pine Canyon will insure that development will happen at a managed level. The appearance of sprawl connecting the Pine Canyon Township with Tooele City will destroy the character and

sense of community that is established there.

Development within the core of Pine Canyon should take on the characteristic of established and developed lots, making a more livable neighborhood. This will insure that excessive and needless consumption of important resource lands for agriculture and wildlife habitat by large "land-hog" lots will not occur. Uniform large-lot development presents the greatest danger of sprawling low-density suburban developments.

Density transfer and bonus provisions are important in instances when large landholders and their families subdivide their land. These provisions are described in detail in Chapter Three.

Agriculture

Pine Canyon has traditionally been the site of farming and ranching for family food production. The area has grown slowly enough that the township retains an agricultural flavor. Increased growth threatens this character. Water appropriation conflicts between development and agriculture should be resolved to satisfy both the low development density zoning proposed and the needs of farms and desired vegetation.

Like residential development, agricultural land use benefits from clustering where the areas surrounding the cluster are used for agricultural, recreation or open space. This open space can be used for drain fields that will disperse the discharge of septic systems.

Agriculture can be encouraged where density transfers and bonuses include agricultural uses as essential concerns. The goal is to provide an incentive for maintaining viable agricultural

operations as a family food resource and lifestyle choice. This could be achieved in a number of different ways. One, allow a density bonus exceeding the underlying density otherwise permitted in the outlying open areas as part of the subdivision approval process if certain criteria are met. Such criteria could include preserving a significant percentage of the entire parcel as open and undeveloped land with a note on the subdivision plat. The note should state that it was subdivided for open space preservation and that the bonus allowing the additional increase in density was allowed for the entire parcel as a whole tied directly to the preservation of the open space designated on the plat.

Other options might include a conservation easement restricting the use of that parcel to agricultural, recreational, or wildlife purposes or other forms of long-term assurance that the parcel would be maintained as open space.

Commercial/Industrial

Existing commercial and industrial properties in Tooele City satisfy the needs of residents in the Pine Canyon Township. There is no foreseeable demand or need to establish in Pine Canyon commercial interests other than small neighborhood commercial shops that can be of mixed uses and which may be located in the village core. The area around the intersection of Blue Peak and Pine Canyon roads would be best suited for such limited use.

TRANSPORTATION

Pine Canyon is accessed by two county roads: Blue Peak Road, a north-south route that intersects with Smelter Road from Tooele City's east side, and Pine Canyon Road which

runs east-west from Droubay Road and the north side of Tooele City. These roads function as local roads. Droubay Road runs north-south and is a collector road providing outlets to State roads.

The existing collector roads are adequate to serve the future needs of the Pine Canyon. Local access roads must be evaluated as to their ability to handle additional traffic as each development is proposed. The capacity of local roads should be preserved by implementing a strong access policy limiting driveway connections directly to the roads. Combining access on narrower parcels should be encouraged to limit access points for existing parcels. New internal local roads should provide access to the fronting parcel of land. Intersections should be spaced no closer than 500 feet, wherever possible.

Clustered development should be encouraged. Road systems should be developed that provide direct access to the clusters and connect to collector roads. The use of frontage on existing collector roads for access to properties should be discouraged.

INFRASTRUCTURE

The Pine Canyon Township has a private water company that is owned by the users. Part of Pine Canyon is also hooked to the Tooele City water system for crisis use only.

There are no centralized sewer systems in Pine Canyon. A recent master plan of sewer systems for Tooele Valley indicated there are potential problems within the Pine Canyon Township where septic tanks are not performing well. However, central sewer systems in these locations are not economically feasible.

The need for a centralized sewer system is dictated by the ability of the geology to percolate the effluent discharge. This could become a public health issue as more development occurs within Pine Canyon where groundwater can impact the efficiency of the septic tank systems.

For these reasons, it is recommended that clustered infrastructure be provided to the developments that occur within the township. This infrastructure should include sewer and water services as well as other utilities. Keeping the overall goal of maintaining considerable open space in the township, it is also economical to develop centralized systems to serve clustered developments.

Drainage becomes a major concern as more development occurs and land transitions from open space to more urban uses. Specific plans should be required by development interests in order to provide for drainage.

Centralized water systems not only provide potable water to residences, but also provide fire protection. Since the county is responsible for fire protection within all areas of the county, development of centralized water systems capable of delivering fire flows becomes a critical need.

ENVIRONMENT

Water

There are no perennial streams in the Pine Canyon Township. Groundwater is the source of domestic and irrigation water. However, the majority of groundwater is located in areas where a high concentration of minerals and other contaminants make the water unusable for domestic and irrigation purposes.

Studies of groundwater conditions in Tooele County completed by state and federal government agencies indicate there is a limited amount of groundwater available for current and future uses. The State Division of Water Rights has closed Tooele Valley to new appropriations due to the high number of approved groundwater applications and the belief that the total amount of the applications may equal or exceed the amount of groundwater available without "mining" the groundwater supply (withdrawal volume exceeding the recharging volume). The majority of the domestic supply is obtained from groundwater sources through wells.

Most of the groundwater located in Tooele Valley is fair to good in quality although there have been some wells drilled in the south-central and southwest areas where chemical quality was considered poor due to the concentration of sulfates and other minerals. Pine Canyon Township is located in its entirety in the primary recharge area for the Oquirrh aquifer. Class 1 pristine water can be found in this area. Land uses must not be allowed that may contaminate the aquifers.

Water conservation is a necessary part of the infrastructure needs of the County and Pine Canyon in particular. Since the County as a whole is very arid and growth in Tooele Valley is resulting in pressure to increase the water supply, conservation measures should play a role in the delivery of services. Installing sprinkler systems to reduce the water losses in agricultural uses certainly has a place in conserving water. Additional measures may also need to be applied, such as limiting irrigation or limiting hours for lawn watering.

Mountainsides, Vegetation and Wildlife

The foothills and rugged slopes of the Oquirrh Mountains define the eastern and northern sides of Pine Canyon Township. These mountainsides are valuable amenities. Views from Pine Canyon take in both the dramatic mountain slopes and open valley. Not only is their aesthetic value important, but these foothills and slopes are home to a variety of flora and fauna.

Planning efforts should preserve the foothills and mountainsides to preserve the character of the township and protect these sensitive lands.

Vegetation in the township includes cheatgrass, sagebrush, Utah Juniper, Douglas Fir, oak, dropseed and saltgrass. This area supports wildlife including mule deer, elk, sage grouse, chukar, and several raptor nest sites.

The Critical Habitats for wildlife located in Pine Canyon Township are:

- “Critical Habitat” for mule deer located on western slopes of the Oquirrh Mountains; and
- “Substantial Value Habitat” for elk located on the western slopes and foothills of Oquirrh Mountains.

Sensitive Lands

The slopes and foothills of the Oquirrh Mountain Range are areas proposed for protection by sensitive lands overlay provisions. Much of the land, on the east half of the township is under the control of the Bureau of Land Management. Prior industrial land uses in this area include mineral excavation, smelting and railroads. Other land

uses have not yet located on the foothills or slopes. These natural features would benefit from protection.

A sensitive lands overlay designation would give development parameters for slopes by protecting wildlife, watersheds, wetlands, floodways, ridge lines, and views. This should preserve valuable environments yet still allow some economic benefit within the overlay zone. Mapping and identification of these elements in the overlay zone are the responsibility of development interests. With this information, solutions involving appropriate low-density, low-impact uses can be found.