

**TOOELE COUNTY PLANNING COMMISSION
47 SOUTH MAIN STREET, TOOELE, UTAH 84074
(435) 843-3160**

BUSINESS MEETING

January 19, 2005

The Tooele County Planning Commission Meeting was called to order at 7:00p.m. by Chairman.

Roll Call / Members in attendance:

Craig Anderson Doug Atkin Sharon Grgich
George Mattena Marlene Thomas Dennis Rockwell

Staff:

Nicole Cline Richard Clark Mary Dixon

1. Approval of meeting minutes from January 5, 2005:

Sharon made a motion to approve the meeting minutes from January 5, 2005 with the corrections as mentioned. The motion was seconded by Doug. All concurred.

2. PUD #003-99 Village at Country Crossing Phase 2A Plat 5 (Preliminary Phase):

Richard explained to the commission where this development was located in the Stansbury area. Richard also gave a brief background of this development. Richard stated that this does comply with the concept plan that was previously approved.

Doug made a motion to approve PUD #003-99 Village at Country Crossing Phase 2A Plat 5 (Preliminary Phase). The motion was seconded by Sharon.

Verbal Roll Call:

Marlene yes Sharon yes Doug yes
Dennis yes Craig yes George yes

3. PUD #14-02 Lakeside 9 Final (Richmond American):

Richard stated that this development would have thirty one residential lots and three greenbelt lots. Richard stated that this does conform to the Lakeside master plan that was previously approved. Richard stated that the lot sizes range from 9,298 ft to 13,854 ft. Richard stated that the preliminary plat was approved 12/1/2004.

Sharon made a motion to approve PUD #14-02 Lakeside 9 Final (Richmond American). The motion was seconded by Doug

Verbal Roll Call:

Doug yes Craig yes Marlene yes
Sharon yes Dennis yes George yes

Adjournment:

With no further comments Sharon made a motion to adjourn the business meeting. The motion was seconded by Marlene All members concurred. The business meeting adjourned at 7:09 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission

WORK MEETING

1. AMD to PUD #428-98 CFJ Properties – Flying J – To allow for professional office space to be placed in the existing building:

Richard stated that this item was to amend an existing PUD to allow for professional office spaces in the Flying J truckstop. Richard stated that all of the surrounding landowners had been notified and there were no public comments. This area is currently zoned C-H that would allow for this type of amendment. Richard stated that the applicant had already completed most of the remodeling work for the two offices shown on the application. The site plan that was submitted by the applicant shows two 8’X10’ offices, each with a desk and three chairs. They propose to use the offices for the Transportation Alliance Bank and Transportation Specialist Insurance Agency. These are truck driver related services consistent with a travel plaza operation, and that they are wholly owned subsidiaries of Flying J. The applicant explained to the commission what they would like to use the office space for.

Sharon made a motion to move AMD to PUD #428-98 CFJ Properties-Flying J – to allow for professional office space to be placed in the existing building. The motion was seconded by Craig All concurred.

2. REZ #1004-04 Geneva Rock Products MG to MG-EX:

Nicole explained to the commission where this rezone would be located in the county, and who the surrounding landowners were. Nicole stated that the applicant would have to come back before the board to get a conditional use permit for the mining on this property. Nicole explained to the commission what the current zone was and what the applicant could do in the area with the current zoning. The applicant would like it rezoned to MG-EX, and she also explained what the applicant would be able to do in this type of zone. The set backs in this type of zone would not allow for the applicant to place an asphalt plant in the area. Nicole gave a brief background of what the company would be doing and what type of rock would be extracted, and the acreage that would be used in this mining operation. Nicole went over the method they would be using for the air quality conditions. Nicole explained that the applicant would need a permit from Division of Air Quality. Nicole explained that the storm water issue is not a problem in the area, and went over how they would control the runoff. The applicant would like to begin operation at this site in the Spring. There would not be a heavy impact on the traffic in the area. The underlying zone does allow for heavy equipment operation and is compatible with the surrounding zone. This rezone will not disturb the surrounding area and staff recommends approval of this rezone. Sharon asked if this operation would be staged. Nicole explained that it would be. Sharon asked if there is any grazing in the area. Nicole explained that it was very sparse. Troy Miller asked what they are doing with the product that they are taking out. Nicole explained that it would be used for roads, homes and businesses. Bryan Long asked if the trucks would be running past Stansbury. Nicole stated that it is highly

unlikely.

Doug made a motion to move REZ #1004-04 Geneva Rock Products MG to MG-EX to the next business meeting. The motion was seconded by Sharon. All concurred.

3. **PUD #0014-02 Lakeside #13 (Richmond American Homes):**

Nicole explained that Richmond American had made a request to bring this back before the commission. Nicole gave a brief history of this development in the Stansbury area. There will be an emergency access road that would tie into Delgada Estates. At the last meeting that this was on the agenda the commission had tabled it and asked staff to provide some information about this development. Nicole went over the information that the commission had asked staff to provide. Nicole explained to the commission that the developer had a right to develop the land. The issue was first addressed in *Western Land Equities v. City of Logan* (617 P.2d 388, (1980), where the Supreme Court held that "an applicant is entitled to a building permit or subdivision approval if his proposed development meets the zoning requirements in existence at the time of his application and if he proceeds with reasonable diligence, absent a compelling countervailing public interest." Generally the application must be in general compliance with the standards and requirements of the existing ordinance. In most local governments, if an application is seriously inadequate in meeting the requirements of an ordinance, the local government refuses to accept it, and thereby, the application has not been officially made. The exception that the *Western Land Equities* case allows for is the presence of a "compelling countervailing public interest". This generally means that if the development will somehow damage or endanger some aspect of public concern, then it is not protected by the findings of this case. An example might be building on a municipalities water shed or in a well-head protection area. The Courts, however, define this very narrowly by requiring that the local government prove that the development would actually do harm. Benson Whitney with Richmond American Homes had a presentation to present on the emergency access road. Benson went over the lay out of the road and also over the county code in regard to an emergency access road. Benson stated that the current road in Lakeside 5 & 8 is dead-end road and this creates a problem for the residents in this development. If there was an emergency the emergency equipment would have a hard time getting to that emergency. Benson stated that the county commission and the county engineer didn't have a problem with the road. This would be a temporary road and would be abandoned when the Boyer Co. finishes their development. Benson stated that allowing this access road would help with the road issue in the Stansbury area. Doug expressed concerns with allowing for this access road to be built, and asked Benson to work with the Boyer Co. to see if they can help him with the road issue. Doug stated that he would also like to see the temporary access road tied into a permanent road. Benson expressed some concerns with some of the comments that Doug made. George also expressed some concerns with this type of road. Benson responded to the comments that the planning commission had made.

Doug made a motion to table PUD #0014-02 Lakeside #13 (Richmond American Homes). The motion was seconded by Craig. All concurred.

4. **PUD #1007-04 Stansbury Place Concept Phase (The Boyer Company):**

Richard gave a brief review of this application, and the lot sizes. Richard stated that the

concept plan that was before the commission tonight is a new plan. This development would be located in the southwest area of Stansbury. This development does qualify for as a planned unit development. Richard discussed the new concept plan. This development would be done in five phases and would go east to west. Richard also explained some of the features that would be included in this development. Dick Moffat stated that in talking with Dr. Shumway of the school board they would not be placing a school in the area for 10 to 12 years. Nicole explained that Dr. Shumway could not make any promise to the developer that they would purchase the property, and the district has another site for a school. Mr. Moffat went over the changes that were made to this plan, in regard to the comments that were received from the last meeting. Mr. Moffat stated that they have met with the recreation district and they will make the decision on the trails and what they would like to see in this development. George asked if they met with Mr. Warr. Mr. Moffat stated that they met with Mr. Warr after the last meeting. George asked if the water issue had been resolved. Mr. Moffat stated that it had been corrected and the culverts will have water for Mr. Warr. Sharon asked if the wetland study had been done. Mr. Moffat stated that they have stated the wetland study however it is not done yet. Mr. Moffat stated that the site plan was based on the wetlands in the area. Mr. Moffat stated that they will not have basements in this development; they will be slab on grade. Doug asked Nicole to go over the planned unit development process for a final approval. Nicole explained what the process was for someone to get final approval for this type of a development. All of the other phases would have to comply with the concept phase. Doug asked when the commission would see a traffic study on this. Nicole explained that the county will do the traffic study. Marlene asked exactly what they were approving in a concept plan. Nicole explained what they were approving in the concept phase. Craig stated that he wants to look at this as to how it would affect the current area and how it would benefit the county. Troy Sanders explained to the commission how the Boyer Co. came up with the concept for this development. Nicole asked if the commission would like to go on a fieldtrip to see one of the Boyer projects. The commission stated that they would be interested in doing that. Doug asked if the trails would be just sidewalks. Troy stated that they would be wider than a sidewalk. Sharon asked about the water rights. Nicole explained that they will be worked out with the State and the Stansbury Park Improvement Dist. Ray Salomon asked what size of home would be placed on the lots.

Mr. Moffat stated that they would be 1250 sq feet to 1600 sq ft. Brenda Alverson asked if the Village Blvd could be made a through road. Mr. Moffat stated that they have been working with UDOT and the Engineering office on the road issue. Lee Hadlock expressed concerns with there not being another exit to I-80. Nicole explained that there are 2 other exits all ready in the works for exit to I-80. Kim Marshall expressed concerns with the school being removed. Randy Jones explained that the Boyer Company will be meeting with the Stansbury Park recreational dist next week, and the residents need to attend that meeting to voice their concerns. Christy Achziger stated that she would like more green space however the residents would have to pay for it. Christy asked if the fees could be imposed on everyone. Nicole explained that the CC&R's should regulate them. Ray Solomon expressed concerns with there not being an emergency access for the residents in the area. Troy Miller expressed concerns with the upkeep on someone's yard. Mr. Moffat stated that the CC&R's would control that. Troy Miller asked about the

emergency services in the area. George stated that is up to the county. Mike Rucker stated that he would like to see more open space. Doug stated that the residents need to voice their concerns so that the commission can make a decision that everyone can live with. Bryan Johnson stated that he felt like a development agreement would be great for this project. Bryan also expressed concerns with there not being a school in the Stansbury area. Scott Tompkins stated that he would like Boyer to come to one of the architectural control meeting. Alan Fredrickson stated that he would like his fellow citizens to work with the Boyer Company and make this work. Mr. Moffat stated that they can work with Richmond and put a temporary access across their property. Mr. Moffat asked about capping their units.

Doug made a motion to move PUD #1007-04 Stansbury Place Concept Phase (The Boyer Company) to the next business meeting February 2nd with the conditions that we get input from the Stansbury Park service district, and the parks and open space be 10 to 15 percent of the over all development, and input from the school district and cap the total units at 990. The motion was seconded by Marlene. Motion failed

Sharon made a motion to table PUD #1007-04 Stansbury Place Concept Phase (The Boyer Company), to the next work meeting with the conditions the developer gets input from the Stansbury Park improvement district, and the school district, with a cap on the units at 950, and open space be 10 to 15 percent of the over all development.

The motion was seconded by Craig.

All concurred

Adjournment:

With no further comments Doug made a motion to adjourn the work meeting and reopen the business meeting. The motion was seconded by Craig All concurred. The work meeting adjourned and the business meeting reopened at 10:08 p.m.

Sharon made a motion to approve amendment to PUD #428-98 CFJ Properties – Flying J To allow for professional office space to be placed in the existing building. The motion was seconded by Doug.

Verbal Roll Call:

Doug yes Marlene yes Sharon yes
Craig yes Dennis yes George yes

Doug made a motion to recommend approval of REZ #1004-04 Geneva Rock Products MG to MG-EX. The motion was seconded by Sharon.

Verbal Roll Call:

Dennis yes Craig yes Sharon yes
Doug yes Marlene yes George yes

With no further comments Sharon made a motion to adjourn the business meeting. The motion was seconded by Doug. The business meeting adjourned at 10:09 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission