

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

BUSINESS MEETING

March 2, 2005

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

Roll Call / Members in attendance:

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

Staff:

Nicole Cline Richard Clark Jim Lawrence Mary Dixon

1. Approval of meeting minutes from February 16, 2005:

Doug made a motion to approve the meeting minutes from February 16, 2005. The motion was seconded by Sharon. All concurred.

2. PUD #0014-02 Lakeside Phase 13 (Final):

Nicole explained that this item had been before the commission before. Nicole briefly explained the layout of this development and stated that it did comply with the concept plan that was previously approved. Nicole said that it does have the two emergency access routes for the development that the commission had asked for. The planning division staff recommends approval of Phase 13 application as it contains uses that are compatible with the existing zoning district. The request is in compliance with the general plan to meet the demands of diversified housing need. Nicole stated that being a planned unit development which is a form of a conditional use permit, we would recommend the following conditions be attached. A temporary emergency access be built that will allow emergency vehicles to access the development from either the intersection of SR-138 at Delgada Estates or through Stansbury Place. A fence at the end of Schooner Lane to prevent unauthorized access to SR-138. The applicant shall include in their bonding the costs of making the temporary road improvement to include the fencing to prevent unauthorized access to SR-138. Nicole stated that the bond is in place for this development and it does include the temporary road access. Dennis asked if Stanbury Place didn't do in if we would revert back to Delgada Estates. Nicole stated that we would.

Doug made a motion to approve PUD #0014-02 Lakeside Phase 13 Final with staff recommendations. The motion was seconded by Sharon.

Verbal Roll Call:

Bill yes Dennis yes Marlene yes Doug yes

Sharon yes Craig yes George yes

3. CUP #1097-05 Nextel Communication (Co Locate on existing cell tower):

Richard explained that this permit would be for an approval of a wireless telecommunications facility on the Utah testing & training range. Richard explained that on 1/25/05 the applicant, Nextel Communication an agent for the BLM, applied for a conditional use permit. The proposal is for a 120 foot monopole, which is allowed in the MU-40 zone. Richard stated that all wireless telecommunications facilities are allowed in all non-residential zoning districts as a conditional use. They are regulated by Tooele County Zoning Ordinance chapter 28, siting of wireless telecommunications facilities. Richard said that in the Tooele County Zoning Ordinance 28-5-2 it requires fencing around wireless telecommunications facilities. The adjoining Department of Defense facility has no fence, and the applicant would like approval to not have to put up a fence. Richard explained that the monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses. The monopole will be available for co-location with other wireless telecommunications facilities. Richard explained that this site is at least 300 feet from any residential zone boundary. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole. An application for a conditional use permit to construct a wireless telecommunication facility with a single antenna shall not be approved by the planning commission, unless the applicant presents evidence showing that co-location is not feasible, or that the applicant undertook reasonable efforts seeking co-location. Richard stated that Anita Jones of BLM reported on 2/16/05 that the applicant does not have a BLM Communications Site Lease. BLM won't be able to look at it until September or so. Richard explained that the application is complete except for the permit from the BLM, and the applicant can not construct this tower until that permit is obtained. Richard stated that staff recommends approval of this conditional use permit with the following conditions: (1) The permittee must obtain a permit from BLM prior to constructing the facility; (2) That the permit releases the applicant from the Tooele County Zoning Ordinance 28-5-2 requirement for fencing based on the finding that the property is secured by the department of defense. Dennis asked if this was okay with Department of Defense? Richard stated that they are the ones who asked for this permit so that they can have better communication. Dennis asked what type of lighting would be on this tower for aircrafts? Danielle Estrada stated that they have to go with the FFA requirements for lighting this pole. This pole will be on the bombing range therefore there probably would not be any civilian aircrafts anyway. Nicole stated that the commission could probably have the applicant bring in a letter from the two agencies on lighting and safety issues. Danielle Estrada stated that she felt like the applicant would meet all of the safety issues. George stated that if they say it is ok that they want it lit and if not it won't be and if there is a choice then the commission would like it to have a light. Danielle Estrada stated she would find out and let the commission know. Richard stated that if the Department of Defense allows for a light then one of the of the conditions could cover that issue.

Sharon made a motion to approve CUP #1097-05 Nextel Communication with staff recommendations, blinking light if approved by DOD and FAA for the top of the tower and with height limitations as approved by DOD and FAA. The motion was seconded by Doug.

Verbal Roll Call:

Marlene yes Doug yes Dennis yes Bill yes

Sharon yes Craig yes George yes

4. **SUB 1010-05 Amendment to Lucin Acres – Final (John & Stephanie Gollaher):**
Applicant withdrew application prior to meeting.

Adjournment:

With no further comments Sharon made a motion to adjourn the business meeting. The motion was seconded by Doug. All members concurred. The business meeting adjourned at 7:19p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission

1. **SUB #1006-04 Layton Land Partners LLC (Lake Point Estates Concept Phase):**
Richard explained that the applicant came before the planning commission a few months ago with a cluster subdivision, however the community didn't like that. The applicant has come back before the commission with a new concept that includes the rezone that was approved previously. The subdivision is in a RR-1 zone. The subdivision is proposed to have 81 one acre lots on a total of 97 acres. Richard stated that Utah Power and Questar have submitted approval letters for this subdivision. Lake Point Improvement District issued a will serve letter for sewer service for 68 residential units on October 7, 2004, Richard stated that the developer will need to get another letter from the Lake Point Improvement District for service on the additional residential units. Stansbury Park Improvement District is in negotiations with Lakepoint Improvement District, and servicing this subdivision however nothing is formal as of yet. Richard explained that in phase one there would be 25 lots, phase two, 22 lots, phase three, 18 lots, and phase four, 16 lots. Doug asked if the developer could use some of the area a little bit better. Adam Nash explained to the commission how and why they came up with the layout they did. He then explained that the Lakepoint community really wants the one acre lots so that is what they came back with. They can amend the will serve letter to include the rest of the lots. Adam Nash stated that they have paid the fees for all of the lots in the subdivision. Marlene asked if Adam Nash was building the homes for this subdivision. Adam Nash stated that they are just developing the land. Richard stated that Adam Nash has really been working with the community and wants to give them what they want. The commission expressed some concerns with the phasing. Adam Nash stated that they can move there phasing to build the north side of the subdivision later. Nicole stated that would be preferable. Doug asked about the water issue and getting the water from the Stansbury Improvement District. Adam Nash stated that they are working forward on the issues and they have provided all of the information that has been asked for.

Sharon made a motion to move SUB #1006-04 Layton Land Partners LLC (Lake Point Estates Concept Phase) to the next business meeting. The motion was seconded by Bill concurred.

2. **CUP #1100-05 Outback Therapeutic Expeditions (Alan & Elizabeth Mitchell):**

Richard explained that this permit would be for two primitive therapeutic camps for youth. Richard stated that the Sheriff, Uinta National Forest Service and the Tooele County Fire Warden had been notified about this permit. Richard explained that this camp would be located on the Bennion Ranch in the Sheeprock Mountains, in the Uinta National Forest. Richard explained that this permit would be to allow for 2 primitive camps operated by outback therapeutic expeditions, to provide outdoor treatment for teenagers. Each treatment group will have approximately 3 staff and up to 8 students. The students will change every 9 days. Each camp will have approximately 8 student's dwellings and 1 instructor's dwelling. Each student dwelling will house 1 student. The dwellings are wickiup style dwellings and are at least 15 feet apart, and the camps are at least 100 yards from the road. Richard stated that the food is dropped by truck twice a week and water is dropped by truck as needed, the area is serviced by port-a-potty at least 200 feet from water, sleeping area, dry gullies and trails. The garbage is taken out by truck daily, the fire pit is at least 30 feet from sleeping areas and 200 feet from water and trails. Richard stated that this camp has a leave no trace program. Richard stated that the wickiup's do not need building permits, the health department stated that the proposed activities provide no anticipated threats to human health or the environment, and Sheriff Park requests that the Fire Marshall inspect the fire pit and do regular inspections. Richard explained that the applicant is licensed by the State of Utah Department of Human Services to provide outdoor treatment of youth. Richard explained that he and the Tooele County Fire Warden Roice Arnold visited the site and he is recommending that GPS locations of all fire pits be reported and fire pits be located where smoke can rise unobstructed by trees or other vegetation. Dennis stated that he has a concern with kids running away and the cost of finding that kid. Dennis stated that if the county has to do a search then the company would need to pay for the cost. Alan Mitchell and Shane Gallagher stated that they had been operating for four years and they have had some runners but not that many. Shane Gallagher stated that if the county has not heard of their runners then they are doing well. Shane Gallagher stated that this camp would be for kids that probably wouldn't run. Dennis asked Shane Gallagher if he had a problem with paying the cost of a search if some one did run. Shane Gallagher stated that they are typically the search team for a runner and they do contact the sheriff's office, however they have not really had to use the sheriff's resources. Dennis stated that it only takes one and if by chance something does happen he would like in writing that Outback Therapeutic Expeditions would pay for a search. Shane Gallagher stated that he didn't see a problem with having to pay for a search if it came to that. Dennis stated that when he came upon one of the kids from one of these groups there has been an advisor there to come between the kid and the public.

Sharon motion to move CUP #1100-05 Outback Therapeutic Expeditions (Alan & Elizabeth_Mitchell) with the added condition to the next business meeting. The motion was seconded by Doug. All concurred.

3. **PUD #1009-05 Leucadia Financial Corp. (Concept Phase) Benson Mill Ranch:**

Nicole said that this area was in the Leucadia master plan. Nicole briefly gave a site summary of where this development would be located. Nicole explained the layout of this development, and where the single-family homes and the town homes would be located. Doug asked what this area was zoned. Nicole stated that it was zoned RM-15. Doug stated that he likes this development better than what could be there for this type of zoning. Nicole stated that the county is getting a better deal than what could be there. Sharon asked if there was a demand for this size of lot. Nicole stated that there is. Sharon asked if this development was low income. Nicole stated that it was not. Craig stated that he had some concerns with the parking for these homes. They are required to provide two parking spaces for each unit however they will provide four. Jim Ward gave a brief background of parcel nine where this development would be located. Craig asked if 6,000 sq feet would be the lot size or the minimum lot size. Nicole stated that it would be the minimum lot size. Tom Spencer stated that Centex would be the primary developer of this property. Tom Spencer explained that there will be town homes that will be for sale not rent and they will have a two-car garage. Tom Spencer stated that they have done this type of development in other areas of the state and people love it and enjoy not having the yard work. Tom Spencer stated that they tried to stay from the creek and blend more with the surrounding area rather than building next to the creek. Tom Spencer stated that the town homes were to buffer the storage units in the area. George asked why the park was where it was and could they possibly move it so that more people could use it and have it act as a buffer. Tom Spencer stated that they put the park where it was so they could put the town homes as a buffer. Marlene asked if there were fences between the homes. Tom Spencer stated that they will have fences. Craig asked if the haul road would be brought up to county standards. Nicole stated that it would be. Nicole stated that the commission could put a condition on this that there is a fence put up along the haul road. Marlene expressed concerns with the snow removal in the area. Nicole explained that the roads would not be deadends and that they would be realigned and a plow could remove the snow with ease. Doug asked if this could be tabled and brought back when the roads had been realigned. Bill asked if the developer could put in parking spaces for visitors. Gary Ziser of the Stansbury Service Agency stated that Centex was at their last meeting and they had not accepted this concept they were waiting to see what the planning commission did, however they really like this plan and it will work well in the area. Gary Ziser stated that the agency would like to see the park moved to the center of this development. Misty Williams of the County Parks and Recreation District expressed concerns with this development being so close to Benson Grist Mill and the parking in the area when there are evening events at the Benson Grist Mill.

Doug made a motion to table PUD #1009-05 Leucadia Financial Corp. (Concept Phase) Benson Mill Ranch to allow for the change in the street realignment, moving the park to a more central location in the development, fence down to 138 and the haul road and common parking area in the development. The motion was seconded by Sharon. All concurred.

4. **AMZ 1017-05 – Amendment to 4-14, Maximum height of accessory buildings:**

Nicole went over the current language in this section. 4-14-Maximum height of accessory

buildings. No accessory building to a one-, two-, three- or four-family dwelling shall contain more than one story or exceed 20 feet in height. Nicole explained that when this amendment was before the different planning commissions before each one had different language that they wanted put in to this chapter. Nicole stated that when this amendment went to the county commission they had a problem with the language and asked her to rework it. Nicole explained to the commission the new language that she had rewritten for this chapter. Proposed language: 4-14-Maximum height of accessory buildings. Accessory buildings and structures shall not exceed the height of the zoning district in which it is located. No space within an accessory building or structure shall be used as a dwelling. Marlene asked where they would find the height limitations for the different zones. Nicole stated that each zone has one and it is located in the zoning ordinance. Dennis stated that with this new change it will also help the staff who has to do ordinance enforcement and the building inspectors. Richard stated that he was concerned with allowing this to be in the Stansbury area. Nicole explained that we can change the language to address his concerns. The commission stated that they like the new language however they would like to see place restrictions on it in a residential zone.

Sharon made a motion to move AMZ #1017-05 Amendment to 4-14, Maximum height of accessory buildings with the language that staff presented to the next business meeting. The motion was seconded by Doug. All concurred.

5. **AMZ 1018-05 – Amendment to Chapter 6 for off street parking requirements:**

Nicole explained that in chapter 6 the parking requirements are vague and very general. Nicole stated that she has done some studying on this and would like to change some of the parking requirements. Nicole explained that with this changes it would eliminate huge asphalt parking lots that are usually only half full. Nicole explained that current language that was in chapter 6. Nicole explained to the commission the new language that staff would like to place in chapter 6.

Doug made a motion to move AMZ #1018-05 Amendment to Chapter 6 for off street parking requirements to the next business meeting. The motion was seconded by Marlene All concurred.

6. **AMZ #1019-05 Chapter 2 Changing definitions to reflect changes in chapter 6:**

Nicole explained that with the changes made in chapter 6 we need to make a few changes to chapter 2. Nicole explained to the commission what the new definitions were that would be placed in this chapter. “Assisted living facility means” a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who: require protected living arrangements; and are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and a type II assisted living facility, which is a residential facility with a home like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services. “Community center” means a building to be used as a place of meeting, recreation, or social activity and not operated for profit. “Gross floor area” means the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and

penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics, not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this zoning ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts. The surface area of tennis courts, swimming pools, driveways, parking spaces, and decks is not included in the total floor area. "Recreational facility" means any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet clubs, health facilities, and amusement parks, but not including amusement centers. "Recreational facility, commercial indoor" means any commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court. "Recreational facility, private indoor" means any private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

Sharon made a motion to move AMZ #1019-05 Chapter 2 changing definitions to reflect changes in chapter 6 to the next business meeting. The motion was seconded by Marlene. All concurred.

7. **Discussion on off premise outdoor advertising:**

Richard explained that he had divided this into two separate issues. Advertising for events at Desert Peak and Development directional signs. Richard explained that sign permits for temporary banner signs can only be issued twice a year. Richard stated that possibly we need to make Desert Peak exempt from getting a permit for sales and events held at Desert Peak. Richard showed the commission some directional signs and explained to the commission that they were illegal. Marlene expressed concerns with allowing the county to not follow some of the rules in the sign ordinance but making others comply with all of it. Nicole stated that if an illegal sign is placed up and the zoning staff takes it down the violator will be sent a bill for the sign removal. Dennis stated that this should also include the Benson Grist Mill; it is a county facility as well. Richard explained that in one part of the sign ordinance it states that directional real estate signs are permitted and in another section it states that they are not allowed. Richard explained that as a commission and staff we need to decide what we want it to say in regard to this type of sign. Richard stated that when you do allow for directional signs to be placed up then you have others placing signs up on yours and then we have a real eye sore. Nicole stated that if we allow for off premise signs for developers then where do we draw the line for others who also want off premise advertising. Richard asked if the commission wanted to grandfather the existing developers off premises signs and then not allow any others. Doug stated that he would like the directional signs not allowed at all. Sharon asked if we need to address the sign ordinance again and clean it

up. Nicole stated that this is the only change that we need to take care of. Nicole stated that staff will put together some language and bring it back to the planning commission.

8. Discussion on conservation subdivisions in our ordinances:

Nicole explained that in the subdivision ordinance we have a section on conservation subdivisions; however we have never really used it. Nicole explained to the commission what a conservation subdivision was and how one is developed and built out. Nicole explained that we can give people yards that staff has to do code enforcement on or we can give people yards that they can manage. Nicole explained that we can keep this as a chapter in the zoning ordinance or we can replace chapter 8 in the subdivision ordinance with it. Craig stated that he thought this would be great however it needs to be targeted for a certain area. Marlene stated that she didn't think that Tooele County had a tax rate that would help some of the landowners. Nicole explained that it was green belt. Dennis stated that he felt like open space should be allowed to be used by the entire county. Dennis asked if open space was private land only. Nicole stated that it was not.

Other Business:

Nicole explained that the county requires a lot to be 125 feet wide. Nicole stated that Mr. Johnson has a lot that is 248 feet wide, and he would like to give part of the lot to his son however he does not have enough feet to do that. Nicole explained that Mr. Johnson would like the lot width reduced so that he would be able to give his son a piece of property to build on. Nicole stated that if the lot width is 125 feet it means 125 feet. Craig asked if the Board of Adjustments could resolve this. Nicole explained that this matter had already been before the Board of Adjustments and it was denied. Doug asked if reducing the lot width would hurt or help the county. George explained that the rules that are enforced now may not have been in place when the lot was created, however you need to abide with the rules that are in place now. Doug asked if the 125 foot width was in the county zoning ordinance. Nicole stated that it was. Nicole asked the commission if they would like to adjust the width requirement or leave it as it is. George stated that if they changed it now it will solve this issue but it may create more.

Adjournment:

With no further comments Doug made a motion to adjourn the work meeting. The motion was seconded by Sharon. All concurred. The work meeting adjourned at 10:40 p.m.