

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

**PUBLIC MEETING
January 3, 2007**

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

Roll Call / Members in attendance:

George Mattena Tim Booth Doug Atkin William Hogan

Joy Clegg Bill Bergner

Staff:

Nicole Cline Kent Page Dyan Johnson

1. Approval of meeting minutes from December 20, 2006:

Doug made a motion to approve the meeting minutes from December 20, 2006. The motion was seconded by Tim. All concurred.

2. Election of New Chairperson and Vice Chairperson:

Doug Atkin was elected chairperson for 2007. William Hogan was elected vice chairperson for 2007. All commission members were in favor.

5. PUD #06-01600001 Benson Mill Crossing (Final Plat):

Kent explained that there were fifty five lots on fifteen acres. The preliminary plat was approved with the modification to the setbacks on lot 101 from 25' to 20'. The final plat is the same as the preliminary plat except with the modification to the setback for lot 101. Vic Arnold stated that with the new setbacks it will allow them to be able to fit a couple of different homes on a lot. There were five lots that were requested at the preliminary that were approved. It is the same situation as before but we missed one of the lots.

William made a motion to approve PUD #06-01600001 Benson Mill Crossing (Final Plat) with the modifications made to lot 101 for the setbacks. The motion was seconded by Bill.

Verbal Roll Call:

Doug yes Tim yes William yes

Joy yes Bill yes George yes

6. CUP #1254-06 Cingular Cell Tower; Section 5, Township 7 South, Range 3 West, Five Mile Pass area:

Kent explained that this application was brought before the commission back in August. When this application was before the commission in August it was determined that the lot was illegally subdivide. The applicant has brought in a quit claim deed making the lot a legal conforming lot. David Carter explained that the tower will be just under 200'. The cell tower will not be required to provide FAA lighting because of the location. Doug stated that the issue we had with this before was that the lot was illegally divided. David Carter explained that the tower is co-locatable and it will be for Cingular. Nicole made a recommendation that the condition is that the tower is built how it is shown in the drawing.

William made a motion to approve CUP #1254-06 Cingular Cell Tower; Section 5,

Township 7 South, Range 3 West, Five Mile Pass area. The motion was seconded by Joy.

Verbal Roll Call:

Joy yes Bill yes William yes

Tim yes Doug yes George yes

PUBLIC HEARING:

a) REZ #06-03000007 Brad Tregemba C-N to C-G Parcel 5-17-20 Delma Brande, (1282 Sunset Lane) - Parcel 5-17-18 Anna Humphreys, (1336 Sunset Lane) - Parcel 5-17-10 RAS Investment:

Nicole explained that we have an application to rezone some property in Lake point form C-N to C-G. The area is in a C-N area by Sunset Lane just down from Hwy 36. This rezone will affect three lots. The rest of the land will remain C-N. Staff is required to analysis this rezone request. One issue we look at is the conformity with the general plan.

The policy of this Plan is to focus appropriate commercial development into limited designated locations. The most suitable commercial locations in Lake Point are those areas located near the I-80 interchange for highway commercial and on the west side of Highway 36 for light industrial, and the east side between Sunset Road and Canyon Road for commercial development that is compatible with residential uses. The commercial area to the east of SR-36 should extend 1,500 feet to the east, running perpendicular to SR-36 in Section 2, T2S, R4W, SLB&M, and encompass all of that portion of Section 3, T2S, R4W, SLB&M east of SR-36. The uses located

in this commercial area must be residential friendly and function as a buffer between the industrial uses and the traffic from SR-36. Care in design must be made to insure that the internal roads within this area are not used as a detour to traffic on SR-36. The uses in this area should be similar in scope and intensity as to offices, cafes, photocopy shops, day care centers, nursing homes, barber shops, etc. A finding that there has been material changes in the character of the neighborhood, community or county such as to justify a change in the zoning as requested by the applicant. The completion and operation of the Miller Motorsports Park has the potential to increase the number of people who visit Tooele County. This rezone request is □off the beaten path□ for those people who do travel to the events and will not really be influenced by that impact. The businesses that would locate in that area will serve the Lake Point community and residents of Tooele County. While there is growth in the Stansbury Park area, there has been a net decrease in commercial land for that community. These industries have the potential of a market influence that will be at least a 5 mile radius. The extent to which the proposed development of the subject property in accordance with the requested zoning will be in harmony with and compatible with surrounding land uses and present development in the area. For the most part, the uses that are allowed in the commercial neighborhood (C-N) zoning district would be allowed in this district. The commercial general (C-G) zoning district does have a greater number

of uses than the C-N zoning district had, and many of those uses could provide a service

to the near-by residents. Some of the uses will create an impact that will have to be

mitigated. Most of the heavier uses do require a conditional use permit that will allow the

county to take comment and impose conditions to make the use compatible. Whether the subject property can be reasonably used and developed as presently zoned. The C-N zoning district uses are rather light and while there does not seem to be an immediate demand for many of those services and products, as the community develops, they may be in demand in the future. The sites are located along a road that will connect to SR-36 at an intersection that may have a light in the future. By not allowing more variety in the commercial uses at that location, it may not give the community the services and products that they need without traveling to Tooele or to the Wasatch Front cities. How the requested zoning will affect traffic congestion and infrastructure in the area. The uses are both commercial, but with the heavier uses, more truck traffic may occur if those uses develop at those sites. The heavier traffic will more than likely not travel through residential areas, but will have ready access to SR-36. Whether the requested zoning will promote the public welfare. The increase in the number of uses that are allowed in the C- G zoning district may provide more services and products to the community. Some of the uses of the C-G zoning district do have the potential to create an impact to nearby residential uses and the planning commission will have to be diligent in addressing those impacts and placing adequate mitigation measures in place. If a denial of the requested zoning would preclude use of the property for any purpose to which it is reasonably adaptable. A denial will not preclude the use of property as it is currently zoned C-N, and while that may not be the most lucrative uses and make the property highly marketable, it will provide a market that may immerge in the future with more development. How the land uses between the existing zone and the requested zoning afford any reasonable use of the property. While there may not be an immediate market

for the commercial uses in the current zoning district, those are viable uses. The proposed district will have more opportunity to develop a wider range of uses that will more than likely see the property develop faster. Whether failure to zone the property as requested would impose a hardship on the owner. Failure to rezone the property will only create a hardship in the marketing of the property for sale. There is no other hardship that would be experienced. How the requested zoning will promote or disturb stability in the zoning of the neighborhood. The impact of the change would have the greatest impact by the types and number of services and products that can be marketed at that site. If the more intensive uses that present a potential impact are not properly mitigated, it may cause an impact with traffic, noise, glare and the intensity of uses in the area. The planning commission will need to carefully evaluate those conditional uses by studies that specifically address the impact of each use. Nicole showed the location of the area to the commission. Brad Tregumba showed the commission a presentation. Brad explained that one of the parcels mentioned is not part of the rezone request. Brad explained that he had put together some pictures of their property in West Valley City. The property is located just east of 7200 West. Brad explained that they try to make their properties more inviting. Storage units make a great neighbor. Brad stated that their facilities have tight restrictions. There

is also an integrated alarm system. There will be a live in management team. There will

be limited hours of operation. They are not interested in outside storage, they are

planning for indoor storage only. Storage sheds are a great buffer between the residential zone and the highway. Nicole explained that RAS Investments has had a number of people come to them and most of the uses do not work with the C-N zone. Bill stated that he would rather have the entire area zoned C-N instead of mixing the zones. Doug stated that if you contain this in the already established commercial areas it should not encroach upon the residential development. Doug stated that he would like to see the whole thing changed rather than just the three parcels.

Doug made a motion to close the public hearing and reopen the public meeting. The motion was seconded by Joy. All concurred.

Joy made a motion to recommend approval of REZ #06-03000007 Brad Tregumba □ C-N to C-G □ Parcel 5-17-20 □ Delma Brande, (1282 Sunset Lane) - Parcel 5-17-18 □ Anna Humphreys, (1336 Sunset Lane) - Parcel 5-17-10 □ RAS Investment to include the entire area in the rezone from C-N to C-G. The motion was seconded by Bill.

Verbal Roll Call:

George yes Tim yes Doug yes

William yes Joy yes Bill yes

George made a motion to reopen the public hearing. The motion was seconded by Joy. All concurred.

Joy excused herself from the board at 7:40 p.m.

b) REZ #06-03000008 Clegg Family Trust, Joy Clegg - RR-5 to RR-1 □ Located at 279 Bates Canyon Rd - Section 21, Township 2 South, Range 4 West Bates Canyon Road:

The location of this property is just east of the new high school site. The owners of the property are Clegg Family Trust. There are two homes currently occupying this parcel. The request is to rezone 14.19 acres from RR-5 to RR-1. Separation of Erda to the rest of the county is Bates Canyon Road. The general plan calls for medium density for 1-5 dwellings per acre. What is the appropriate transition. Less dense away from the core. The zoning should follow infrastructure. The property was zoned RR-5 in 1994. Kent believes that the rezone is in harmony with the general plan. RR-1 will promote stability in the area. Doug asked if this was just a rezone application. Kent explained that a PUD or subdivision would come at a later time. George stated that he feels like this will not make that big of an impact. Joy Clegg explained that she was not a developer, she is doing this rezone because she has a cousin who would like to purchase a one to two acre parcel of ground. Virginia Rice stated that she lived in one of the one acre lots, her biggest concern would be if the lots were to be broken down into quarter acre lots. Doug stated that the zoning request grants a property right to any owner to develop one acre lots. Regardless

of who owns it, the one acre lot allows a one acre lot.

Joy left the room at 7:56 p.m.

Bill made a motion to close the public hearing and reopen the public meeting. The motion was seconded by William. All concurred.

Bill made a motion to recommend approval of REZ #06-03000008 Clegg Family Trust, Joy Clegg - RR-5 to RR-1 □ Located at 279 Bates Canyon Rd - Section 21, Township 2 South, Range 4 West Bates Canyon Road to the county commissioners. The motion was seconded by George.

Verbal Roll Call:

George yes Tim yes Doug yes

William yes Bill yes

Joy returned to the room and to the board at 8:01 p.m.

William made a motion to close the public meeting and reopen the public hearing. The motion was seconded by Tim. All concurred.

c) PUD/REZ 06- Last Chance Ski Ranch PUD (Rick Lybbert) MU-40 to RR-5 □ Parcel's 7-23-4 & 7-23-6, Section 12, Township 8 South, Range 6 West:

The applicant is Rick Lybbert, the owners are Wofford Farms LLC, John Cook Family Trust.

The request is for a rezone/PUD concept approval. The rezone will be eighty acres from MU-40 to RR-5. It is located in the southern half of the NE quarter, section 12, township 8 south, range 6 west. The concept plan includes 16 lots, open space, horse property and ski lakes designed especially for the disabled. There will be a dock and restrooms, cabins, trailer parking. In the general plan it states that we should, limit densities in unincorporated areas, develop recreation resources, preserve open space, ag service/revenue better than residential, develop recreation (low density w/low impact uses), cluster, promote historic sites. Staff has received letters of support from Vernon City and the County Sheriff. Rick Lyberrt is here tonight and would like to make a presentations. If this development is recommended for approval there should be a detailed development agreement put into place addressing, maintenance, disabled access, liability, medical training (response 20 □ 30 minutes), landscaping, horses and dogs, home design, etc. Kent showed the commission slides of the area. Rick Lybbert explained that there should have been a development plat in the commission packets. He introduced himself not as a developer but as a physical therapists. He explained that he was an avid skier. He would like to build a protected environment to teach disabled people how to ski. Mr. Lybbert stated that for the past three years, he has been looking for different areas. He stated that he brought out a lake builder from California and he stated that this is the best soil he has seen. The topography is flat. The water is available. Putting all these pieces together in Utah is a miracle. Rick Lybbert stated that he would like to provide an area for disabled skiers. Mr. Lybbert stated that they would like to set up a separate non-profit organization to represent the disabled and a lease will be signed with the home owners association to allow the disabled skiers to use. Mr. Lybbert stated that this is his last chance. From his perspective he has spent thousands of hours working on this project, it is ideal. Mr. Lybbert does not want to impact any neighbors. Mr. Lybbert stated that his engineer was here tonight to answer any questions that will be brought up. George asked what the area would be used for in the winter time. Mr. Lybbert stated that he didn't have an answer for that. Doug asked if there was a demand for this. Mr. Lybbert stated that it will be easy to sell. I want to get good people out in the area. The volunteers for the facility will be the homeowners. Nicole explained that the PUD encompasses the rezone. Doug asked about the 3.1 depth of lot ratio. Nicole stated that with a PUD it does allow exceptions for the lot standards. Bill stated that he had a problem with there being sixteen houses in the middle of an MU-40 zone. Nicole explained that with senate bill sixty there is not an issue with spot zoning. It needs to conform to the general plan. Bill asked about the water for this project. Jim Riley stated that there are water rights for twenty acre feet of ground water. Five acres of irrigation will change to residential. This is a perfected water right that has gone through the Utah Department of Water Rights. Both of the water rights are perfected. The certificate was approved in 1999 and the other in 1981 and one in 1993. It is on the record at the state engineer office. Rick stated that this development is on a public road and the county will maintain the road, the lots are deeded. This is a PUD there will be a subdivision. There will not be trailers. This will be a facility that will be set up for disabled skiing with homes in it. As far a maintaining the open space, Mr. Lybbert has talked to a couple of Vernon residents and they are willing to maintain the property. The lots will not sell inexpensively; they will keep up the property.

Nicole, explained that we will have a conservation easement in place that will specify what could happen and what can't. A development agreement will cement what you would approve in the concept. Bill stated that he has seen two in Las Vegas and Phoenix and they are beautiful and he likes this one especially because it caters to the disabled. Rick explained that this is a private lake

this is the only way to make it financially feasible. The best way is to set up a non-profit organization for the disabled skiers. Brian Booth stated that this property borders his backyard in a sense. He resides on the Aposian Farms, Rick has spent a long time talking to me. My personal opinion is that development is coming out that way. I don't want to see it come, but I know it is coming. The PUD that Rick is proposing is much better than just building straight homes. I am for it, if it is done well. And I know Rick feels the same way. I know there have been concerns with the water rights, just to make sure the water rights are legal. John Olsen stated that he had lived in Vernon his whole life. He would like to commend Rick on the way he has approached the people of Vernon. I don't have any complaints at all. I have always believed that property owners should have the right to develop as they want. Allen Lawford stated that his dad purchased this property in the 60's and his intention was to clear it, and to do something agriculture. It was all sage brush and he cleared it, and he wanted to put goats on the property. He passed away and left the property to me. I live in Lehi. In Lehi they have not done a good job in planning their city. Our feeling was that we needed to make our parents proud with what we did with the property. We want it to benefit people. As a property owner I feel great about this development. Rick stated that he had already applied for a permit for the road to be improved. There will also be a water supply for fires, which has been a concern with other developments. Stan Clausen stated that he was paralyzed, 10 years ago. He has always been an avid outdoors person.

Water skiing is a fantastic opportunity for people in Utah. We can't hike, but everyone can water ski with specifically designed areas. There are lakes in Utah, the problem is they are not conducive to disabled water skiing. We have searched for areas in Utah for water skiers. I thought this was a great idea. It is important to have a place for people to enjoy these opportunities. I think it will benefit a lot of people. William Hogan stated that he had a call from someone who was against this item.

Joy made a motion to close the public hearing and reopen the public meeting. The motion was seconded by Bill. All concurred.

Doug asked if there were any stipulations attached to this item.

Bill made a motion to recommend approval of PUD/REZ 06- Last Chance Ski Ranch PUD (Rick Lybbert) MU-40 to RR-5 □ Parcel's 7-23-4 & 7-23-6, Section 12, Township 8 South, Range 6 West with a development agreement being part of the approval and meeting the 3.1 ratio. The motion was seconded by George.

Verbal Roll Call:

George yes Tim yes Doug yes William yes

Joy yes Bill yes

George made a motion to close the public meeting and reopen the public hearing. The motion was seconded by Joy. All concurred.

d) REZ #06-03000009 Joe Moore, Section 3, Township 2 South, Range 4 West, 7720 N. Hwy 36 □ C-S to C-G:

Dyan explained that the applicant was Joe Moore. The request is to rezone 7.349 acres from C-S to C-G. The property is located at 7720 N. Highway 36. Dyan showed the commission pictures of the site from SR-36 and from Canyon Road. This application is supported by the general plan with a town center. Bill asked about the green dotted line which is a which is a railroad on the general plan map. Dyan reviewed the statement in the General Plan that pertains to commercial development in the Lake Point General Plan. Dyan mentioned the advantaged to the Lake Point in having more commercial opportunity. The junkyard is a legal non-conforming use. The rezone in 2003 that was to the C-S zone did not meet the expectations of the landowner. Dyan reviewed several of the uses that are allowed in a C-G zone. Dyan stated that the staff recommends approval because the rezone is in compliance with the general plan. Dyan doesn't see that this change will affect traffic in the area. The chair opened the floor to the public for comment. Leonard Garrard asked to review the pictures and stated that he owns the

property to the east. He asked what effect this rezone would have on his property.

George stated that it wouldn't affect his property unless he wanted to rezone his property. He asked about access to SR-36. He was told by the commission that he would have to deal with UDOT on the access. Doug told him he would have to check with UDOT and see what deeded access he has with UDOT. Mr. Garrard is concerned that what is happening here will affect his access issues. He said that he couldn't agree to this.

Joy made a motion to close the public hearing and reopen the public meeting. The motion was seconded by Bill. All concurred.

Joy made a motion to recommend approval of REZ #06-03000009 Joe Moore, Section 3, Township 2 South, Range 4 West, 7720 N. Hwy 36 □ C-S to C-G to the county commission. The motion was seconded by George.

Verbal Roll Call:

George yes Tim yes Doug yes William yes

Joy yes Bill yes

Adjournment:

William made a motion to adjourn. The motion was seconded by Joy. All concurred.

APPROVAL: _____

Chairperson, Tooele County Planning Commission