

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

PUBLIC MEETING

July 1, 2009

Bill Hogan called the Tooele County Planning Commission Meeting to order at 7:00 p.m.

Roll Call / Members in attendance:

David Gibby Bill Hogan Bill Bergener Jill Thomas Joy Clegg

Staff: Kerry Beutler Matt Hilderman Mary Dixon
Intern: Tim Atzet

1. Approval of meeting minutes from June 3, 2009

Bill Bergener made a motion to approve the meeting minutes from June 3, 2009. Motion seconded by Jill. All concurred.

2. CUP # 07-00100017 – Conditional Use Permit amendment for a dance studio located on Lot 217, Lake Point Estates Phase 2 at 7087 N. Lake Point Road

Staff asked that this item be postponed until the next meeting.

Recess Public Meeting and Open Public Hearing

Joy made a motion to close the public meeting and open the public hearing. Motion seconded by David. All concurred.

3. AMD LUO # 09-04300003 Amendment to the Tooele County Land Use Ordinance, Chapters 15 & 16, Table 15-5-3.2 & 16-4-3.2, Child Care & Preschool

Tim explained that the county wanted to make the county requirements for childcare and preschools uniform with the state. Tim explained what some of the changes would be.

Goals for the proposed amendment. **Child Care**, More Uniform Code, Required use of the State Licensing Program, The Residential Certificate Rules, Reemphasize the State Office of Child Care and the authority it has to oversee quality childcare services to communities' statewide. **Home Occupations: Preschools**, More Uniform Code, Each County regulates their own preschools, Encouraged County regulation that is specific to the zoning administrations authority.

Amendment Items and the State of Utah's Child Care Regulations, Child ratios from 6 children to 8 children per 1 adult, Allow children inside and outside of the day care facility, Allowing food for children within the day care facility, Placement of State Regulatory Departments within the wording of the code, All items being removed are regulated by the State of Utah.

Amendment Items and Tooele County Regulations for Preschools, Activities that educational can be indoor and outdoor, Maximum number of students within a preschool 16, all items that were removed are not within zoning administrations authority.

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Bill Hogan asked how the health department regulated childcare. Kerry explained that the health department had existing conditions and certain criteria that they follow. Bill Hogan asked about a preschool not meeting the building code. Kerry explained that staff wants the ordinance to state that the home has to meet the current building code requirements. Kerry explained that if the commission would like to change the part in the ordinance about the building code they could. David also had concerns with the public having to following the building code.

Anita Dalrymple stated that she was happy that the commission was asking questions. She applauded their questions.

4. AMD SUB # 09-02600001 Subdivision Plat Map amendment for Benson Mill Crossing Phase 1 PUD, located along Stansbury Parkway and Brigham Road.

Kerry explained that this item was talked about last month in public concerns.

Current language of Note 7 on plat map reads: "Lots within subdivision may not have basements". Ivory Development, LLC has since installed a private land drain on property north of Phase 1 to allow basement construction on Lots 110, 112, 113, 115, 116, 119, 121, 123, 125, 126, 128, 130, 131, 132 and 135. Proposed language of amended Note 7 on plat map would be: Basements are only allowed on Lots 110, 112, 113, 115, 116, 119, 121, 123, 125, 126, 128, 130, 131, 132 and 135 due to private land drain installation.

The applicant would like to amend this plant to allow for basements. Bill Hogan asked what the private land was. Kerry explained that the county had nothing to do with it. Kerry explained that the land drain would be maintained and operated strictly by the homeowners association.

- **Staff Concerns:** Land Drain is clearly noted as a private system to be maintained by the Home Owners Association. Correct process is followed for amending a plat. Home Owners Association is given necessary easements to adequately gain access and maintain the facility.

Kerry explained that there has been a lot of talk about how to make changes to a recorded subdivision. Kerry explained what the county subdivision regulations stated concerning changing a subdivision plat. Tonight we are amending a subdivision by resolution.

Staff Recommendation: With recording of the easement documents and items listed in Sections 1-7 of the resolution staff would recommend the Planning Commission approve and sign Resolution NO. 2009-01.

Joy asked who drafted the resolution. Kerry explained that Ivory Homes did the original draft and then Kerry and the county attorney reviewed it and made modifications. Joy asked if some of the language could be removed. Joy explained what language she

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thought needed to be removed.

Darren Haskell, of Ivory Homes explained that he was here tonight to answer any questions that the commission might have. Mr. Haskell explained that the only reason Ivory Homes was doing this resolution was that they would like to get building permits.

Mr. Haskell explained that they have tried to comply with everything that the county has asked them to do. Joy expressed concerns again to Mr. Haskell with some of the language in the resolution. Jill explained that if the commission had problems with the resolution they could just do an administrative order. David explained that he did not have any concerns with the basements he did have concerns thought with the county being liable for any problems. Mr. Haskell explained that there was an easement and that there had been easement language submitted. Kerry explained that staff and the county attorney had looked at the language and were fine with it. Mr. Haskell explained that the homeowner would have to put in a sump pump in the basement of their home. Bill asked if the homeowners are aware of what they are getting. Mr. Haskell stated that they were.

Recess Public Hearing and Open Public meeting

Joy made a motion to close the public meeting and open the public hearing. Motion seconded by Bill. All concurred.

5. AMD LUO # 09-04300003 Amendment to the Tooele County Land Use Ordinance, Chapters 15 & 16, Table 15-5-3.2 & 16-4-3.2, Child Care & Preschool

Joy made a motion to approve AMD LUO # 09-04300003. Motion seconded by Bill Bergener.

By verbal roll call: Bill Bergener- yes, Jill- yes, David - yes, Joy - yes, Bill Hogan-yes
Amendment passed

6. AMD SUB # 09-02600001 Subdivision Plat Map amendment for Benson Mill Crossing Phase 1 PUD, located along Stansbury Parkway and Brigham Road.

Joy asked if Vern had looked at the drawings for the drain system. Kerry explained that he had and did not have a problem with them.

Joy made a motion to approve AMD SUB # 09-02600001 as amended by resolution (See attached). Motion seconded by David.

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Joy asked if Vern had looked at the drawings for the drain system. Kerry explained that he had and did not have a problem with them.

Joy made a motion to approve AMD SUB # 09-02600001 as amended by resolution (See attached). Motion seconded by David.

By verbal, roll call: Bill Bergener-yes, Jill-yes, David-yes, Joy-yes, Bill Hogan-yes
Amendment passed

Public Concerns

ADJOURNMENT:

Joy made a motion to adjourn the meeting. Motion seconded by Jill. All concurred. The Tooele County Planning Commission meeting adjourned a7:40 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission