

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

PUBLIC MEETING

June 3, 2009

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

Roll Call / Members in attendance:

Joy Clegg	David Gibby	Bill Bergener	Jill Thomas
Judy Jameson	Bill Hogan	Radell Donnell	

Staff: Kerry Beutler Matt Hilderman Kent Page Cindy Coombs
Intern: Tim Atzet

1. Approval of meeting minutes from May 6, 2009

Bill Bergener made a motion to approve the meeting minutes from May 6, 2009. Motion seconded by Judy All concurred.

2. CUP # 09-00100011 – Verizon Wireless. Co-location on existing tower located south of I-80 Frontage Road, east of Wendover Utah.

Matt stated that this application is for co-location on an existing tower located just six miles east of the Wendover City limits. Verizon Wireless is requesting an equipment shelter also. Staff recommends approval.

Judy made a motion to approve the CUP. Motion Seconded by Joy.

By verbal roll call: David – yes, Joy – yes, Jill – yes, Judy – yes, Radell – yes, Bill Bergener – yes, Bill Hogan - yes

3. SUB# 08-01100001 – Final Plat for Lazy H Ranch Subdivision. Located adjacent to Silver Avenue, northeast of Cactus Rose Drive.

Kent stated that this is the final plat for a proposed subdivision with 4 five-acre lots and 1 lot less than 5 acres that has been approved by an appeal authority. Questions were raised regarding access for the lots and the size of proposed lot #5. Kent explained that an appeal authority recognized the lot that is less than 5 acres as a legal lot and that access for the other lots would not be off Silver Avenue.

Bill B made a motion to approve the final plat. Motion seconded by Radell.

By verbal roll call: Bill Bergner – yes, Judy – yes, Jill – yes, Judy – yes, Radell – yes, David – yes, Bill Hogan - yes

Recess Public Meeting and Open Public Hearing

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

4. Amendment to the Tooele County Land Use Ordinance, Chapter 15, Table 15-5-3.6, Utilities and utility services.

Matt stated that staff is requesting this item be tabled until next month.

5. PUD # 09-01400002- Concept Plan approval and proposed zone change request to Residential R-1-8 for Big Creek. Located north and south of and adjacent to Pine Canyon Road, west of Droubay Road and adjacent to Tooele City Limits.

Kent stated that the applicant is Castle Arch Real Estate and that they are requesting this PUD for a total of 357.30 acres. It is a master plan proposal and the requested zoning is for R-1-8. There will be a total of 728 lots and 142.42 acres of preserved open space. The current general plan states this area should be 1-5 acres for each lot. With the proposed application for open space, it comes up to be about one lot per ½ acre.

Kent added that concept plans for master planned conservation subdivisions such as Big Creek PUD are considered good planning by planning professionals and generally by our Tooele County General Plan. This property will continue to receive development pressure. Questions need to be better answered by the applicant and staff; the applicant has demonstrated good-faith efforts in working with staff and the public.

The big question is: "Is this good growth management good for this location at this time?" Staff encourages the Planning Commission, the public and the elected officials to consider the full merits of this proposed development in light of the officially adopted General Plan, financial realities, and vision. Usually, the best plans are bold, take effort, and require short-term and more especially long-term vision.

Joy questioned about where high density is encouraged within the general plan. Kent showed where the wording explains it is to be within the city limits and also outside of the limits. She believed, after reading the verbiage, that her interpretation and Kent's are probably different.

Bill Bergener asked whether this development crosses over into the Erda Township. Kent showed the proposed property boundaries for this development are just south of the Erda Township boundaries.

Andrew Fiola, Castle Arch Real Estate, stated they have owned this property for about 4 years. The first 2 years they worked trying to have the property annexed into Tooele City. He feels that Tooele City was not interested in helping facilitate this development. After that, they began to look at the Tooele County General Plan to begin the process of developing a plan that meets the County requirements. He explained that this project provides vital amenities with 140 acres of preserved open space, a church site, elementary school site, parks, and trails throughout. He added that regarding density you need to look at the open space, amenities and that the current five-acre minimum lot size provides challenges. This project will be 100% self-sufficient regarding the water and waste water system. Joy expressed concern over where their water would be coming from. James Riley, water-consulting engineer for Castle Arch, believes that there is enough water to support this development and feels the State of Utah will approve the points of diversion. Bill Hogan asked about the wellhead source protection. Mr. Riley said that he is not the expert on that issue. He has sent that on to his associates to address. Mr. Fiola stated that he believes this is an environmentally conscious plan because it provides good access for a walking community. There will be 35.44 acres of land to be dedicated to a school site, church site, three parks, and trails.

Judy expressed concern over fire protection with the current fire department located 10 miles away in Stansbury Park. Mr. Fiola stated that in their meetings with the fire chief no mention was made to build an additional fire station near this development.

Mr. Fiola went on to show how the preserved open space would look and showed where the trails would be located. He added that 40% of the project would be preserved open space so this project fits the conservation subdivision requirements.

This project will have three local districts: water and wastewater, active open space and passive open space, along with streetlights and street trees. Mr. Fiola mentioned that the streetlights would meet the County's requirement regarding view of the night sky. This project will be economically good because the first phase of the project will provide entry level homes and the next two phases would be larger and higher priced homes.

Anita Dalrymple asked that the commission include her letter in their decision. She feels that the development is owned by people who don't currently live within the area and that their projects are only for making money. Her major concern is water and where it will be coming from. Considering Tooele City's water problems and Pine Canyon's water issues, this would be a scary prospect. She loves having the 5-acre lots with open land between homes.

Bryce Tyler stated that his property borders on this proposed development. He believes that the County is already over zoned and this plan would make it even more so. Because of this, he feels that maybe this area should be considered for down zoning instead. Over the last few years areas that were originally A-20 are now RR-5 so more homes are already allowed. He went on to say that, these areas serve as a recharge zone for the water that supports the valley.

Boyd Spiker, Tooele City resident, also expressed concern regarding the aquifers within
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the Tooele Valley. According to numbers from last year, the valley is already beyond its capacity for the current development without adding to that problem. He asked the planning commission to go and look at the problems in the Overlake development.

Robert Pankratz, lives across the street from the proposed development. He moved out to his current home because of its location and the open area around it. He added that he looked in many areas to find just the right place. He expressed concern over the timing of this development and whether the economic future will support it.

Chris Sloane, managing broker in Tooele, stated that he isn't for or against this development. From a marketing standpoint, he feels some things need to be addressed. He explained that there is going to be development pressure for this particular area and he thinks the proposed plan is a good one. He believes that if you build the homes then commercial development will follow and not the other way around.

Shawn Miln, Tooele City's Planning and Zoning Commission, added that he likes this plan also. He went on to say that, Tooele City has shown a lack of interest in first responder agencies. He also has concerns over the water table and the increased usage for this development. A few years ago when Tooele City showed their proposed annexation for the future, Pine Canyon stated that they were totally against being annexed into the City and wanted that area off the map. He stated that the current RR-5 zoning is a good thing. He expressed concern over a septic-based system for 700+ lots and whether the feces would run down to the incorporated area.

Amanda Harris, developed a subdivision just east of this proposed development, and she likes what she sees for this development. She has a lot of confidence in Castle Arch Real Estate and that they will seriously look into the needs for this development.

Rick Dalrymple feels this proposal is just a beautiful picture that couldn't be fulfilled. There isn't enough water to accommodate the proposed trees, grass, etc in the open space. He expressed concern over complaints from people who aren't used to living in the country and now have to deal with the smells and noises.

Debbie Harris expressed concern over the upcoming closure of Deseret Chemical in the next few years. She feels that this plan is a good one and will provide an opening for additional businesses to come into this area.

Bill Hogan stated that a lot of the material in his packet is a year or older and expressed some concern over it especially regarding the placement of the school site. The school

superintendent wasn't very happy with the proposed place.

Gary Sievers, McNeil Group, stated that the proposal to the school district earlier was not where it is proposed now. They have moved the school site to the spot where the school superintendent thought it would be the best.

Bill Hogan asked whether the land would be donated or would cost money for the school district. Mr. Fiola said that that issue hasn't been worked out yet.

Mr. Fiola stated that this is probably a 15-year project.

Bill Hogan asked whether the applicant was set on the current lot size. Mr. Fiola explained that the challenge is between lot size, open space, and financial viability.

Boyd Spiker asked if the high density is built first then when would the additional amenities be developed. Mr. Fiola said that the amenities would be built as the housing areas are developed.

Recess Public Hearing and Open Public meeting

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

6. **Amendment to the Tooele County Land Use Ordinance, Chapter 15, Table 15-5-3.6.**

Item was tabled previously in this meeting.

7. **PUD # 09-01400002- Concept Plan approval and proposed zone change request to Residential R-1-8 Big Creek. Located north and south of and adjacent to Pine Canyon Road, west of Droubay Road and adjacent to Tooele City Limits.**

Joy made a motion to recommend denial of the PUD. Motion seconded by Bill Bergener.

Jill stated that she was contacted by a representative of the Big Creek development regarding her feelings about the trails and she referred them to the Parks and Recreation director.

Joy stated that she has been on the planning commission on and off for many years and she has never seen a zoning change this drastic before. From previous applications, she feels that the people of the County want the 1 acre and 5 acre zones that exist currently in the area. She expressed concern over living downstream from this proposed development and the additional traffic upon roads that could not support it.

David mentioned that he has lived in many states and has seen planned and unplanned developments. He thinks that each person's idea of utopia is different. He stated that he has seen 5-acre lots be subdivided into smaller lots as the financial pressures push it to.

He is concerned about water like everyone else although he feels water tables are studied

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and watched closely. He believes that this project will have less water use per person and he likes the septic system design and the green space around the community.

Bill Bergener stated that the County has larger lots for a reason and the only area with smaller lots is Stansbury Park. He doesn't want to add another "Stansbury Park" into the County jurisdiction. He feels the plan is good but in the wrong area.

Radell stated that he is a small business owner and echoes the comments made by David. He doesn't like the 5-acre lots that currently exist. He likes this proposed plan with walking pathways and wishes Stansbury Park had them. He believes this type of development would bring in more businesses and money into the County.

Jill wishes the lots were bigger but likes the trails and open space. She feels Tooele County needs more low-income housing.

Judy stated that she has lived in Pine Canyon for almost 7 years. She feels that the lake is going down. The water in Pine Canyon is always in jeopardy and this proposed development is further downstream from Pine Canyon. She also added that fire prevention is a huge problem.

Bill Hogan likes the cluster and the PUD is something he likes. He has a problem with the lot sizes. The lots are just too small. He expressed concern over not having feasibility letters from the Sheriff's office, Health Dept, etc.

By verbal roll call: Bill Bergener - yes, Jill - no, David - no, Joy - yes, Judy - yes, Radell - no, Bill Hogan - no.

Motion failed.

David made a motion to recommend approval. No second was offered.

Motion dies for lack of a second.

Radell made a motion to table this issue until water issues, lot sizes, and fire protection have been addressed. Motion seconded by Jill.

Joy feels that this item should be tabled until ALL items are brought back. She feels feasibility letters from the following entities should be added to the application before this item comes back to the planning commission: State Dept of Environmental Quality

Division of Water Quality and Division of Drinking Water, Division of Water Rights, Tooele County Sheriff's Office, Tooele County Roads Dept., and North Tooele County Fire District.

Radell feels that the school should be moved into a more centrally located area.

By verbal roll call: Jill – yes, Judy – yes, Radell – yes, Bill B – yes, Joy – yes, David – yes, Bill Hogan – yes.

8. Public Concerns

Darrin Haskell, Ivory Development, stated that Benson Mill Phase 1 was for 20 lots and that 9 – 10 months ago they looked at putting basements into the homes. Ivory and staff met to put together a land drain system. On the recorded plat, it was stated that basements would not be allowed. He said that it was never mentioned that Ivory would have to come before a planning commission to modify the plat to state that there will be 15 lots allowed to have basements. Ivory pursued an affidavit process and it was recorded in March. He read the three possibilities from the land use ordinance to make this project right. It reads **13-10-3.** (3) The planning commission may approve the vacation, alteration, or amendment by resolution, amended plat, or administrative order. He explained that staff is requiring an amended plat with signatures from all current property owners along with their financing institutions. He stated that no building permits are being looked at because of this need for an amended plat.

Kerry explained that the County Code gives the three options and only those three options. Working with the County Attorney, it was determined that an affidavit does not meet any of these options. Staff feels that the amended plat is the best way to handle this. He added that staff empathizes with the spot Ivory is in and has tried to find a way to help accommodate Ivory in the process.

Bill Hogan stated that he wants to have publication of a public hearing and that a resolution would be looked at. The planning commission would like a copy of the proposed resolution before the next planning commission meeting.

ADJOURNMENT:

Joy made a motion to adjourn the meeting. Motion seconded by Judy. All concurred. The Tooele County Planning Commission meeting adjourned at 9:42 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission