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MINUTES

Oakley City Planning Commission
Meeting
November 2, 2022
Zoom Meeting Platform
7:00 PM

AGENDA

1. **Call the meeting to order**
2. **Public Comment:** This is an opportunity for the Public to address the Planning Commission with items that are not listed on the agenda or items which are on agenda but not as a public hearing. Please limit your comments to 3 minutes. Comments may be submitted prior to the meeting to be read in as part of the official record.
3. **Discussion/Possible Action:** Approval of meeting minutes 8/31/2022, 9/20/2022, and 10/4/2022.
4. **Public Hearing:** Setback Variance application: 4328 N. Millrace Road
5. **Public Hearing:** Zone Change application: 4685 N. Millrace Road
6. **City Planner/Commissioner Items**
7. **In accordance with the Utah State Code Annotated: The Oakley City Planning Commission may elect to enter a closed session to discuss the purchase, exchange, or lease of real property and to discuss the character, professional competence, or physical or mental health of an individual UCA 52-4-205 (a) (d).**
8. **Adjourn**

MINUTES

1. Call to order and roll call:
 - a) Planning Commission: Chairman Cliff Goldthorpe; Commission Members: Doug Evans, Richard Bliss, Jan Manning
Absent: Lane Livingston
 - b) City Staff: Stephanie Woolstenhulme, City Planner; Tristin Leavitt, City Treasurer
 - c) Other: Charles Lawler, Lynne Lawler, Bonni Wilde, Paula Trater, Carl Roehmann, Zane Woolstenhulme (Mayor), Kelly Kimber, Tom Smart, Gregory O'Brien, Chandler Smith, Dan Smith, Kelly Edwards, Amy Regan, Wade Woolstenhulme, Bret Atkinson,

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Christy Atkinson, Trish Murphy-Cone, Jeanina Rose, Eric Rose, Ken Vanzalinge, Tania Vanzalinge
Zoom: Jason Boal

- 2. **Public Comment:** This is an opportunity for the Public to address the Planning Commission with items that are not listed on the agenda or items which are on agenda but not as a public hearing. Please limit your comments to 3 minutes. Comments may be submitted prior to the meeting to be read in as part of the official record.

Larry Devey (Ken’s Kash Owner) – Wants to share what the future of Ken’s Kash looks like. Wants to thank everyone for coming to him first with City Center Development. He has decided that he is retiring as of today. He is selling Ken’s Kash to Steve Smith. 100% on the side of Oakley City being developed properly with the right things and not to become a Park City. Staying on at Ken’s Kash as a consultant.

Tania Vanzalinge – Concerned with the speeding on Boulderville. Has a deaf and blind sister who plays outside. Informed by Planning Commissions that Boulderville is a county road.

- 3. **Discussion/Possible Action:** Approval of meeting minutes 8/31/2022, 9/20/2022, and 10/4/2022.

Doug Evans makes a motion to approve the minutes of 8/31/2022.

Richard Bliss seconds the motion.

All in favor

Jan Manning makes a motion to accept the minutes of 9/20/2022.

Doug Evans seconds the motion.

All in favor

Richard Bliss makes a motion to approve the minutes of 10/4/2022.

Doug Evans seconds the motion.

All in favor

- 4. **Public Hearing:** Setback Variance application: 4328 N. Millrace Road

Planner Stephanie Woolstenhulme shares the following with Planning Commission:

Proposal:

The applicant desires a variance to setback for an accessory building to rear lot line.

Applicant comment: “This is a request to decrease the rear setback from 12’ to between 10’ and 8’ in order to increase the distance between the proposed garage and existing shed, garden, and tree. And better use of the property.”

Findings of Fact:

- 1. The proposed project is located at approximately 4328 N. Millrace Road.
- 2. Property is located in the rural Residential (RR-1) zone.
- 3. Lot is .42 acres.

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4. 3/23/2022 City Council designated Planning Commission as interim acting authority for variance applications.

Variance Findings:
(See Attachment)

City Attorney Comment:
"On the variance, I don't think it qualifies. Variances can't be granted if the hardship being relieved is self-imposed or economic. Since this is entirely about wanting a bit of extra room between existing buildings and proposed new building, all of which are under the property owner's control, and there looks to be additional room to shift the garage up a bit, I don't see how this is a hardship. Looks more like a variance for convenience, which the code doesn't allow."

City Planner Notes:
KKWP-2 is the parcel to the rear and south of applicant parcel. It is 5.08 acres and is in RR-1 zoning. It is currently in greenbelt status but still has 5 development rights associated with it.

Eric Rose gives the following explanation:
Due to an existing creek, nothing can be built back behind the property anyway. Would like couple of more feet between the shed and the new building. They don't want to have to take the tree down. Would be happy with anything between 8 and 10 feet.

Cliff Goldthorpe questions what is keeping them from moving the building further North.
Jeanina Rose responds that they don't want to take the tree out.

Doug Evans questions how big the Lot is and if the footprint of the building includes overhangs and eaves. **Eric Rose** responds that it does not. **Planner Stephanie Woolstenhulme** clarifies that setbacks are done off the exterior walls.

Chairman Cliff Goldthorpe opens it up to the public for comment.

Paula Trater 1074 W. Cow Alley – questions wetland area and if neighbor to the rear is ok. Neighbor to rear, **Wade Woolstenhulme**, assures everyone that he is ok with it.

Chairman Cliff Goldthorpe closes the public hearing.

Chairman Cliff Goldthorpe has concerns about granting it to one, then more will come out of the woodwork. Feels issue can be solved easily by cutting the tree down.

Doug Evans understands that we don't want to do variances for self-imposed hardship. Looks at how it affects the neighbors. Does not see it as an issue.

Richard Bliss struggles with it based on the legal side of it only because of his background.

Jan Manning feels there won't be a rush of variance applications coming in, but understands the legal side of it.

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Doug Evans makes a motion to grant this variance, instead of 12 feet, at a 9 foot setback on the back of the property line on parcel number KKWP-1.

Jan Manning seconds the motion.

All in favor

5. **Public Hearing:** Zone Change application: 4685 N. Millrace Road

Planner Stephanie Woolstenhulme shares the following with Planning Commission:

Proposal:

The applicant wishes to amend zone district map and change parcel OT-117 from RR-1 zoning to CR-2 zoning.

Findings of Fact:

1. Located at approximately 4685 N. Millrace Road.
2. Property is currently RR-1.
3. See related maps. (Attached)
4. Legal Description of property
 - a. Commencing at a point that is 2 rods South of the Northeast corner of Section 30, Township 1 South, Range 6 East, Salt Lake Base and Meridian, and running thence West 11 rods, thence South 31 rods, thence East 11 rods, thence North 31 rods to the place of the beginning.

Notes of Consideration:

Planner Stephanie Woolstenhulme had a conversation with Chandler Smith on approximately October 7, 2022 explaining the process and pros/cons of zoning change. She told her, with the support of administration, she would give written verification of 3 development rights as the property arguably had 3 development rights prior to zoning map change. She also explained that other avenues (development agreement and/or conservation easement especially in relation to the historic barn on the property) could be explored that may offer the additional density. She declined and asked to proceed with the zoning change application.

Recommendation:

Staff recommends that the Planning Commission hold a public hearing, review and forward recommendations of the OT-117 zoning change to Oakley City Council according to the findings of fact, conclusions of law and any condition set forth by the Commission.

Chandler Smith shares that she was aware of the split zone when she bought the property and would in the future apply for a zoning change. In August 2019, she came in and spoke with the City Planner at the time to figure out what she needed to do for a zoning change. At that time she was notified that it was on the Council's agenda to go in and fix all the properties that were split zoning and take them up to the higher density. She explains that this happened to 82 homes, but her property was the only one that went down in density. Would like to have the same density increase that the others got.

182 **Doug Evans** ensures Chandler that the Planning Commission was never in talks about down
183 zoning her property to get something for it. It was a complete oversight. The city is not
184 asking for the barn, they just want history to be preserved. Once the zone map is approved,
185 it is what it is. When zone changes are considered, they look at what your neighbors are
186 zoned at and does it affect the General Plan. Spot zoning is not wanted and it is clear that
187 this application will not create spot zoning.

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189 **Chairman Cliff Goldthorpe** opens it up to the public for comment.

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191 **Les England 1210 Cow Alley Circle** – Sent in comment. (see attachment)

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193 **Paula Trater 1074 Cow Alley** – Sent in comment. (see attachment)

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195 **Carl Roehmann 4684 N. SR 32** – 3 immediate neighbors not in favor. One building now,
196 shooting for four which will cause increased traffic, increased noise, increased water usage,
197 increase density. Moved here for peace and quiet. Doesn't jive with the rural lifestyle.

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199 **Charles Lawler 4679 N. SR 32** – Has concerns because the entire Sorensen farm drains
200 through his yard. If we want to preserve the buildings, we may want to preserve the trees,
201 wetlands and flow of the water. If the city is going to increase density for residences, this is
202 not the one to do it on.

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204 **Lynne Lawler 4679 N. SR 32** – Has concerns that if the city allows 4 buildings on this
205 property, it will set a precedence. Terrified at what is going to happen on the old Stembridge
206 property and doesn't want to live the rest of her life in a construction zone. This is a rural
207 community and if this is approved, what will it mean for the future.

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209 **Amy Regan 1064 W. Cow Alley** – Questions that if she was given the 4 lots, would her house
210 count as one of them. Home would count as 1 lot, and it would be 3 additional lots.

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212 **Wade Woolstenhulme 4230 N. Millrace Rd.** – Feels that if they bought the property
213 knowing that they were going to have 2 or 3 Lots, that needs to be taken into consideration.

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215 **Dan Smith 4685 N. Millrace Rd (involved party)** – No intentions of doing anything with the
216 property beyond what they are doing right now which is just living. Paying \$2,500 for
217 something that they feel should have fairly been given to them in the first place. Started
218 with 3 Lots and now they are down to 2. 4 Lots seem fair to him.

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220 **Trish Cone 4410 N. Millrace Rd.** – If the Smith's get increased density, why stop there and
221 not keep going down the road. Does not like the idea of increased density and what if they
222 sell the property. There are many of 2 acre Lots in Oakley, if you change one then others
223 should be entitled to change. The intersection at Millrace and SR 32 is already bad enough.

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225 **Chairman Cliff Goldthorpe** closes the public hearing.

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227 **Jan Manning** feels for all parties involved. Should at least be changed back to the original 3
228 Lots.

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Doug Evans feels at a minimum deserves the 3 Lots. 4 homes, including the current one, done under a Master Plan Development could be nice and fit the General Plan and fit the intention of the zoning. Could be a nice small subdivision and not a cookie cutter subdivision. If the city approves it back to the 3 Lots as it was originally entitled to, apply to City Council to get a refund because it would be a city instigated rezone. To get to 3 Lots, it's not an applicant zone change because this same senario was fixed in other places. 4 Lots would be a clear rezone.

Richard Bliss agrees that it was a complete oversight – not opposed to changing density back to what it was before.

Chairman Cliff Goldthorpe feels they are entitled to at least 3 Lots.

Doug Evans makes a motion to approve the rezone to CR-2 for the entire property and that the subdivison be processed as a Master Plan Development to protect all the wetlands and protect the barn the best we can.

Richard Bliss seconds the motion.

Planner Stephanie Woolstenhulme asks that an amendment be made to the motion that prior to the zone change becoming official, an agreement would need to be signed with the city and be recorded against the property. Should the property be sold anyone who takes on the property has the same conditions.

Doug Evans agrees with amendment.

Richard Bliss seconds the motion.

Role Call Vote:

Cliff Goldthorpe	Aye
Jan Manning	Aye
Doug Evans	Aye
Richard Bliss	Aye
Lane Livingston	Absent

Planner Stephanie Woolstenhulme makes it clear that this is only a recommendation to City Council. Meeting will be on November 30th. **Meeting since changed to December 14, 2022.*

6. City Planner/Commissioner Items

None.

7. In accordance with the Utah State Code Annotated: The Oakley City Planning Commission may elect to enter a closed session to discuss the purchase, exchange, or lease of real property and to discuss the character, professional competence, or physical or mental health of an individual UCA 52-4-205 (a) (d)

Chairman Cliff Goldthorpe makes a motion to move into closed session.

Richard Bliss seconds the motion.

Role Call Vote:

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Cliff Goldthorpe Aye
Richard Bliss Aye
Doug Evans Aye
Jan Manning Aye

Entered Closed Session:
8:36 PM

Re-entered Regular Session:
9:48 PM

8. Adjourn

Chairman Cliff Goldthorpe adjourns the meeting.

Minutes accepted as to form this 7th day of Dec 2022.


Cliff Goldthorpe, Chairman


Tristin Leavitt, City Treasurer