

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

PUBLIC MEETING

June 15, 2005

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

Roll Call / Members in attendance:

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

Staff:

Nicole Cline Richard Clark Mary Dixon

1. Approval of meeting minutes from May 18, 2005:

Sharon made a motion to approve the meeting minutes from May 18, 2005. The motion was seconded by Doug. All concurred.

Adjournment:

With no further comments Sharon made a motion to adjourn the public meeting and open the public hearing. The motion was seconded by Doug. All members concurred. The public meeting adjourned at 7:01 p.m. and the public hearing was opened.

APPROVAL:

**_____
Chairperson, Tooele County Planning Commission**

PUBLIC HEARING

Marlene Thomas arrived at the meeting at 7:01 p.m.

1. AMZ #1023-05 Amendment to 24-6-3 Business related temporary signs:

Richard explained that on April 6, 2005 the Tooele County Planning Commission held a discussion regarding regulations of business related temporary signs. Richard stated that the meeting minutes were in their packets they received. On April 19, 2005 staff held a meeting with the business owners along hwy 36 to discuss this amendment with them. Richard stated that if a business that was located in a residential zone was grandfathered in they would be allowed to put up a temporary banner without a permit. If a business is located in a commercial zone they are not required to get a temporary sign permit. Richard explained the new verbage that would be placed in the amendment. (b) When a

business is located in a non-commercial zone, signs advertising the business's special promotions require a permit. Such promotions shall not exceed two periods during the calendar year. Each period may not exceed seven days in length. The periods may be combined to run consecutively. A temporary sign permit is required. A banner or portable sign is allowed. (d) When a business is located in a commercial zone it may post temporary signs as follows: (i) in addition to the times allowed in Sections 24-6-3-1 (a) and (c) the business may post signs up to an additional 90 days during the calendar year; (ii) the additional 90 days are selected by the business and may be separate, consecutive, or a mixture of both; (iii) signs on these additional days shall be banners; (iv) one banner shall be allowed per business address; (v) a banner hung on a wall may have a maximum size of 15% of the wall face; (vi) a banner not hung on a wall may have a maximum size of 32 square feet; (vii) a banner may not exceed a height of 10 feet, except that when the targeted street or highway is elevated above the business property the banner may be reasonably elevated above 10 feet with the prior permission of the Department of Engineering. (viii) each day that a business posts a banner must be recorded into a log maintained at the business and available for inspection upon request by the zoning administrator; and (ix) no banner shall be erected in a public right of way, within the clearview zone on corners, or in any place which would impede traffic visibility or safety. Richard said that if the businesses start to abuse this then staff can bring it back to the commission and have it reworded. Marlene asked if the business owners were happy with this new verbage. Richard stated that the business owners were quite happy with it. Sharon asked if staff was going to design the sign log for the businesses. Richard stated that staff can send out some information in regard to this amendment when it is passed and send a sample log. Joyce Fawson stated that this was perfect for her business needs.

Sharon made a motion to move AMZ #1023-05 Amendment to 24-6-3 Business related temporary signs to the next public meeting. The motion was seconded by Marlene. All concurred.

2. **AMS #1004-05 Amendment to Title 13 Subdivision Ordinance:**

With the changes that the state legislature made in the last legislature session, Tooele County needs to up date title 13 to bring us into compliance with the new LUDMA laws. Nicole explained to the commission the changes that were made to title 13. Removed definitions, Public hearings are put into the process in accordance with 17-27a-200; Notice will include listing on web page. Distinction of public hearing and public meetings (replacing business meeting), Diligence means substantial action every 180 days or appearance before the planning commission. Surveyor must provide remainder descriptions. Street and traffic control signs must be placed on infrastructure design and engineering drawings. Recorders box now required, PUEs are now dedicated, Title reports are now required rather than title searches. If no fire districts a letter from the Sheriff indicating that fire suppression can be supplied. Unpaid fees to Tooele County for any development costs from this or another development must be paid before an application can proceed. Clarification that corrected plats and drawing must be received before it is placed on a commission agenda. Proof of ownership or conveyance must not be aged over 6 months; Plats have to be recorded within 30 days of approval. Planning commission is final approval of a plat. County commission still approves bonds after a final plat is approved and a positive recommendation is made by the planning

commission. Language prohibiting the submission of a building permits when partial construction of a road has been removed. Conservation subdivisions replace cluster subdivisions, Open space is defined, No more property bonds reflecting policy of Tooele County, and Vacation language in compliance with 17-27a.

Doug made a motion to move AMS #1004-05 Amendment to Title 13 Subdivision Ordinance to the next public meeting. The motion was seconded by Bill. All concurred.

Dennis Rockwell arrived at the meeting at 7:15 p.m.

3. AMZ #1024-05 Amendment to Chapters 1, 3, 4, 5, &7 of the Zoning Ordinance:

With the changes that were made at the last legislative session staff has had to make changed to the Tooele County Zoning Ordinance as well. Nicole said that the Zoning Ordinance will now be called Tooele County Land Use Management Ordinance. Staff has brought the first seven chapters of the ordinance to them tonight and as changes are made to the other chapters then the commission will be able to review them. Nicole reviewed the changes that were made to the chapters with the Planning Commission. In all chapters the terms “zoning ordinance” and “Uniform Zoning Ordinance of Tooele County” has been changed to “land use ordinance” and “Tooele County Land Use Ordinance.” Cleaned up some grammatical mistakes, Bring all notice requirements in line with (SB60) 17-27a-200, **Chapter 1 changes:** Removes duplicate language in violations. Makes the zoning administrator a “land use authority.” Removes language on site plans that is in Chapter 12. Removes the public hearing requirement from the county commission. Only the county commission can approve a bond. **Chapter 3 changes:** Makes a requirement that consideration be made in the General plan for services and facilities that would be needed by the county to any area. Adds moderate income housing as an element in consideration of long and short range plans. Removing the clause for planning commission review of a acquisition of land, places or property without it first being in the general plan. Notice requirements for public hearings and meetings on the General Plan, Land Use Ordinance or Zoning Map. Removes public hearing from county commission consideration. Applications to amend the zoning map are discretionary legislative decisions. **Chapter 4 changes:** Renumbering of sections. **Chapter 5 changes:** A purpose statement added. Removed conflicting language. Clarify the continuation of a non-conforming building and use. Clarification in new language on the change of a non-conforming use or building. The doctrine of diminishing assets. **Chapter 7 changes:** Determination is set to “shall” issue a CUP if reasonable mitigation is made. Power to impose conditions necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. New list of conditions that can be imposed that is clearer than what was in the chapter before. (a) assuring that the use will not be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity; (b) the use will: (i) comply with the intent, spirit and regulations of the Tooele County Land Use Ordinance and the zoning district where the use is to be located; (ii) make the use harmonious with the neighboring uses in the zoning district; (c) the site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic

considerations; (d) all required public facilities have adequate capacity to serve the proposal; (e) limiting the hours, days, place and/or manner of operation; (f) requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust; (g) requiring larger setback areas, lot area, and/or lot depth or width; (h) limiting the building height, size or lot coverage, and/or location on the site; (i) designating the size, number, location and/or design of vehicle access points or parking areas; (j) requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that; (i) an essential link exists between a legitimate governmental interest and each exaction; and (ii) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development; (k) requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas; (l) limiting the number, size, location, height and/or lighting of signs; (m) limiting or setting standards for the location, design, and/or intensity of outdoor lighting; (n) requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance; (o) requiring and designating the size, height, location and/or materials for fences; (p) encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands; (q) requiring the protection and preservation of groundwater recharge areas; (r) limiting noise generation; (s) minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities; (t) turn-lane improvements at street intersections may be required when: (i) an unsafe condition would be created by the development without the improvements; or (ii) the projected increase in traffic generated by the new or expanded use will lower the level of service; (u) providing for emergency response access; (v) requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks; (w) the conditions shall be in compliance with the general plan of Tooele County; and (3) The land use authority shall establish that the conditions imposed are not capricious, arbitrary or contrary to any precedent set by the planning commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this Tooele County Land Use Ordinance. (4) The land use authority may require that a traffic study or an EIS or EA may be required to address one or more of these criteria. (5) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Notification procedure for in house administrative approvals of CUP's. Special event permits are now just temporary permits: No bond, Good for six months, May be extended in six month increments indefinitely. Marlene asked Nicole to explain how the setback requirements were figured for each zone. Nicole explained the process to the commission. Sharon asked if staff would update the commission on what conditional use permits have been issued in house. Nicole stated that staff will update the commission on the permits.

Sharon made a motion to move AMZ #1024-05 Amendment to Chapters 1,3,4,5, & 7 of

the Zoning Ordinance to the next public meeting. The motion was seconded by Bill. All concurred.

With no further comments Sharon made a motion to adjourn the public hearing. The motion was seconded by Doug. All concurred. The public hearing adjourned at 7:43p.m.

WORK MEETING

- AMD CUP #059-03 Wasatch Regional Landfill Inc. (State Trust Land):**
Kirk Treece stated that he would be the general manager for this landfill. Kirk introduced the others that were in attendance at the meeting. Darin Olson- Environmental Engineer, Lester Lemmon- Operations Manger, Kent Staheli- Engineering. Craig asked if there would be any railway cars used in this operation. Kirk stated that this will only be using trucks. Kirk gave a history of their company and explained how the operation would work. **What is Wasatch Regional Landfill?** The Wasatch Regional Landfill (WRL) is a 2,000-acre non-hazardous waste landfill. The landfill will be one of the largest, environmentally secure, and most state-of-the-art disposal sites in the United States. Capacity at WRL is over 50 million cubic yards or approximately 50 years. **Who owns WRL?** WRL is a subsidiary of Allied Waste Industries, Inc. Allied is the second largest, non-hazardous solid waste management company in the United States based on revenues. Allied provides non-hazardous waste collection, transfer, disposal and recycling services to approximately 10 million customers in 39 states through a network of 341 collection companies, 169 transfer stations, 167 active landfills, and 65 recycling facilities. **Who is Allied Waste in Utah?** In Utah, we own and operate BFI Waste Services of Northern Utah, ECDC, Green Disposal of Ogden and Red Rock Waste of Southern Utah. Currently BFI is the largest waste hauler in the State of Utah. Decentralized operations and local management characterize our operations-oriented business strategy. **Who will use WRL?** Municipalities, Corporations and the Federal Government will use ECDC on a regular basis. **What does WRL do for the County and the State?** Truckloads of municipal garbage will be sent to WRL every day from transfer stations along the growing communities of the Wasatch Front. As local landfills near capacity or close all together, WRL provides a viable, long-term solution to managing the waste from Utah residents. WRL will service businesses by handling production wastes as well. This will include a variety of non-hazardous Special and Industrial Wastes from within the State of Utah. WRL pays disposal taxes or host fees to the following entities: State of Utah – Industrial Waste, State of Utah – Municipal Waste, Tooele County Host Fee, Tooele County Health Department, Utah School Trust Lands. Nicole explained that staff had met with the landfill staff and went over the cup. Nicole explained that the original cup would not be used and they would like to update it with the following facts and updates. 7.100 year flood and high water level for the Great Salt Lake is below the elevation of this landfill. At the lake's highest level it was 4209 in the 1983-84 floods. This is below the level of the landfill and with the liners, which have expansion joints, there is a low potential of contamination from the landfill. **DISCUSSION:** The highest recorded level of the Great Salt Lake

is 4211.85 which occurred in 1986 and 1987 (AUtah Geological and Mineral Survey Public Information Series # 8,≡ November 1990). The lowest point in the landfill is designed at 4243.5 which is well above the highest recorded level of the Great Salt Lake. Therefore, there continues to be a low potential of contamination from the landfill. 8. The determination on wetlands has identified a guzzler that is for stock watering. This may be classified as a jurisdictional wetland and have to be mitigated as the operation encroaches. **DISCUSSION:** The “guzzler” which was identified for stock watering consists of a water trough that is fed by the U.S. Magnesium water line located along the east side of the Magnesium Highway. A pipe line extends from the U.S. Magnesium water line to the water trough according to U.S. Magnesium and to the cattle ranchers who graze cattle in the area. The water trough has been overflowing during periods of low use from livestock which artificially creates a wet area around the water trough. WRL: We will make the determination of jurisdictional or non-jurisdictional prior to any construction in this area. 12. Migratory bird’s habitat and migration will not be impacted by this facility as the operation plan is mainly for bailed waste and any habitat is miles away from the site. **DISCUSSION:** The operation plan will be for loose waste and provides for placement of daily cover materials to minimize impacts on migratory bird’s habitat and migration. NC: This fact can be changed to reflect the daily placement of cover materials. The language can be changed to: “Migratory bird’s habitat and migration will not be impacted by this facility as the operation plan requires for daily cover materials over the waste and any habitat is miles away from the site.” WRL: We like your proposed language, however we would like to clarify “daily cover materials”. 13. Erosion control measures will provide for preservation of existing vegetation, use of straw mulch adjacent to excavation areas and shallow slopes, use of polyethylene covers to protect exposed soils as well as stockpiled sandy materials, use of temporary stabilization methods during construction, such as geotextiles and stone sub-base and the control of concentrated flow paths with erosion control blankets, check dams and seeding. **DISCUSSION:** Erosion and sediment control measures will be implemented as needed using Best Management Practices (BMP’s) appropriate to the conditions. Erosion control measures for concentrated flow paths will consist of storm drainage pipes, riprap linings, erosion control blankets and synthetic materials, vegetation, and other methods appropriate for the drainage areas. Final borrow area surfaces will be maintained and/or provided with synthetic cover materials, vegetation, stone, etc. as appropriate for the exposed surface. 15. Fugitive waste control on site and during transport will be handled with covered transport and a proposed perimeter fence. **DISCUSSION:** Transports hauling waste will be covered to control litter during transportation. On site litter control will be handled using litter screens and fencing within and/or around the landfill, placement of daily soil cover and alternative daily cover, and by picking up blowing litter. The facility’s perimeter fence will consist of five strands of barbed wire with a 6-foot high chain link fence and gate at the entrance to the facility. Nicole explained that there would be amendments to the conditions issued on the initial permit. Changes all references to “Wasatch Regional Solid Waste Management” to “the operator” through out the document. Wasatch Regional Solid Waste Management shall allow Tooele County or an authorized representative, upon the presentation of credentials and other documents as may be required by law

to:enter at reasonable times upon Wasatch Regional Solid Waste Management's premises where a regulated facility and/or activity is located or conducted, or where records must be kept under the conditions of this permit; have access to copy any records that must be kept under the conditions of the permit; inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and sample or monitor for the purpose of assuring permit compliance or as otherwise directed by Tooele County, any substances or parameters at any location. **DISCUSSION:** The facility is required by an extensive and comprehensive ground water monitoring plan to sample, analyze, and report ground water constituents on a frequent basis during operation and post-closure periods. Results from the sampling and monitoring are reported to the Utah Division of Solid and Hazardous Waste and become a matter of public record and is available to Tooele County. It is proposed to delete this item d. from the CUP. Wasatch Regional Solid Waste Management shall allow Tooele County or an authorized representative, upon the presentation of credentials and other documents as may be required by law to: Unless in an emergency, or if in the search for evidence unlawfully acquired or possessed; has been used to commit or conceal; is being possessed with the purpose to use it as a means of committing or concealing; consists of an item or constitutes evidence of illegal conduct; or a violation of this conditional use permit that is located upon the property, all county employees shall make contact with a member of management to arrange to and show identification upon entering at reasonable times upon the premises where a regulated facility and/or activity is located or conducted, or where records must be kept under the conditions of this permit; 6. Wasatch Regional Solid Waste Management shall allow Tooele County or an authorized representative, upon the presentation of credentials and other documents as may be required by law to: have access to copy any records that must be kept under the conditions of the permit; inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and sample or monitor for the purpose of assuring permit compliance or as otherwise directed by Tooele County, any substances or parameters at any 11. This conditional use permit shall be reviewed upon any change in Wasatch Regional Solid Waste Management's operation. Either Tooele County or Wasatch Regional Solid Waste Management may review this permit at any time. It is proposed that the condition be changed to read, "This conditional use permit shall be reviewed upon any change in the operation plan of the landfill. Either Tooele County or the operator may propose a review of this permit at any time".13. Loose materials shall be off-loaded in a covered structure to prevent fugitive waste from escaping into the landscape and off-site. Bailed waste may be off-loaded at the cell. Wasatch Regional Solid Waste Management may submit an alternative plan and guarantee to be approved by the planning commission that will allow handling of loose waste without a covered structure for off-loading location. **DISCUSSION:** The unloading of unbaled solid waste in a covered structure is typical of many transfer stations, but problematic and uncommon for landfills. Loose solid waste material will be off-loaded at the working face of the active portion of the landfill without the use of a covered structure. A variety of other methods and techniques will be employed to prevent, minimize, and/or control fugitive waste and litter. A Litter Control Plan has been developed and approved for this facility that meets State and Federal

requirements. Several standard and effective approaches for helping to prevent windblown litter from leaving the active face of the landfill and/or the landfill facility altogether are outlined in this plan. These strategies may include, but are not limited to, methods such as covering incoming loads, minimizing the size of the working face, applying cover soil or alternate daily cover to the working face, utilizing wind screens and litter fencing, employing individuals to pick up loose materials, debris, and litter periodically as needed, and monitoring wind conditions. Several of these methods will indeed be implemented on a daily basis. It is proposed that the aforementioned alternatives be adopted to effectively control windblown litter and to meet the requirements of preventing or minimizing the problems associated with loose materials. 14. All cell berms and walls not covered with a liner and clay shall be covered with gravel to prevent fugitive dust and sand from blowing. **DISCUSSION:** As part of the overall permitting process with other governmental agencies within the State of Utah, a Fugitive Dust Mitigation and Control Plan was developed and approved to minimize, prevent, and/or control airborne dust emissions typical of solid waste facilities. These plans call for a wide variety of methods that will be employed, many on a daily basis, to minimize and control dust emissions from landfill activities and berms. It is proposed that dust emissions from the compacted earthen berms be minimized through any one or a combination of the following: 1) water trucks, 2) avoiding excessive and unnecessary disturbance, 3) revegetation, 4) erosion control mats, 5) fabrics, 6) placement of synthetic materials, and 7) gravel. 19. The erosion control techniques outlined in the EA shall be used throughout the operation of the facility. **DISCUSSION:** A wide variety of erosion control techniques and Best Management Practices will be used to divert, detain, convey, and control run-on and runoff water as well as control and minimize sediment discharges from the facility. A Storm Water Pollution Prevention (SWPP) Plan will be implemented and updated as needed to minimize discharge of sediments from the facility. These techniques will include temporary and permanent controls that may include any one or a combination of the following: 1) Directing runoff from disturbed areas to the flat vegetated areas in the eastern portion of the facility. This will allow diverted flows to spread, reduce velocities, and drop sediments in that area. 2) Using soil stabilization techniques, such as erosion control mats, synthetic materials, vegetation, rock cover, etc. 20. Wasatch Regional Solid Waste Management shall build fences of a sufficient size to capture blowing waste. Internal parallel fences may be required. The operator shall build fences of a sufficient size to capture blowing waste. Internal parallel fences may be required. **DISCUSSION:** The facility is required by an extensive and comprehensive ground water monitoring plan to sample, analyze, and report ground water constituents on a frequent basis during operation and post-closure periods. Results from the sampling and monitoring are reported to the Utah Division of Solid and Hazardous Waste and become a matter of public record and is available to Tooele County. It is proposed to delete this item D from the CUP 26. The operator shall send to the Tooele County Health Department copies of any reports of operations and monitoring required by the state Department of Environmental Quality. Kirk explained to the commission how the waste would be covered everyday and on the weekends, and every week the waste has to be covered by dirt. Kirk explained to the commission how the operation would be laid out and what the facility would look like. Nicole said that staff will write up some specific language for the permit and get

it to the applicant. Marlene asked if the facility will be operated 24 hours a day or would they have normal work hours. Kirk stated that it is not the intention of the facility to be a 24 hour operation it will depend on the amount of waste that they receive.

Doug made a motion to move AMD CUP #059-03 Wasatch Regional Landfill Inc. (State Trust Land) to the next public meeting. The motion was seconded by Craig. All concurred.

2. Recommendation for appointment of Appeal and Land Use Authority:

Nicole reviewed the section in the county code where it stated where the planning commission must make a recommendation for a land use authority and zoning administrator and an appeal authority. 17-27a-302. Planning commission powers and duties. (1) Each countywide or township planning commission shall, with respect to the unincorporated area of the county, or the township, make a recommendation to the county legislative body for: (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority. Doug asked if this would replace the Board of Adjustment. Nicole stated that it would. The commission makes a recommendation for land use authorities, Tooele County Planning Commission, Erda Township Planning Commission, Pine Canyon Township Planning Commission, Tooele County Zoning Administrator, Recommendation for appeal authority is the Tooele County administrative hearing officers. Marlene asked how many hearing officers there would be in a hearing. Nicole stated that there would be one. Craig asked if the hearing officers had a length on the time they serve. Nicole stated that they serve four year terms.

Sharon made a motion to move the recommendation for appointment of Appeal and Land Use Authority to the next public meeting. The motion was seconded by Doug. All concurred.

Other Business:

Adjournment:

With no further comments Sharon made a motion to adjourn the work meeting and reopen the public meeting. The motion was seconded by Doug. All concurred. The work meeting adjourned and the public meeting reopened at 8:29 p.m. Doug made a motion to recommend approval for appointment to the county commission that the Tooele County Planning Commission , Erda Township Planning Commission, Pine Canyon Township Planning Commission , Tooele County Zoning Administrator be appointed as land use authorities and recommendation for that the Tooele County administrative hearing officers be appeal authorities.

The motion was seconded by Sharon.

Verbal Roll Call:

Doug yes Craig yes Marlene yes Dennis yes
Bill yes Sharon yes George yes

Doug made a motion to adjourn the public meeting. The motion was seconded by Dennis.
All concurred. The public meeting adjourned at 8:30 p.m.

APPROVAL: _____
Chairperson, Tooele County Planning Commission