

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

PUBLIC MEETING

September 6, 2006

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

Roll Call / Members in attendance:

Sharon Grgich Doug Atkin Bill Hogan Bill Bergner
George Mattena Craig Anderson Tim Booth

Staff:

Nicole Cline Kent Page Dyan Johnson Mary Dixon

1. Approval of meeting minutes from August 16, 2006:

Craig explained that it was determined that the property was located on the South Willow bench, not Hickman Canyon. He would like the meeting minutes to reflect that.

Sharon made a motion to approve the meeting minutes from August 16, 2006 with the correction as noted. The motion was seconded by Doug. All concurred.

2. CUP #1258-06 Timothy Edinger (20 kw generator):

Kent explained that the applicant was Timothy Edinger. This permit will be for a 20 kw generator. Mr. Edinger's stated that the generator will be 100 feet from the house; it will be on a 34 square foot pad within a building with 2'X4' walls and a roof. This generator will be used for back-up power.

Sharon made a motion to approve CUP #1258-06 Timothy Edinger (20 kw generator) with the condition that the generator is in compliance with the Tooele County Noise Ordinance. The motion was seconded by Doug

Verbal Roll Call:

Tim yes Bill H. yes Sharon yes Bill B. yes
Craig yes Doug yes George yes

3. CUP #1257-06 Ronald Erickson (dog kennel):

Dyan explained that the applicant for this permit was Ronald & Virginia Erickson. The property is located at 6301 N. Burmester Rd. The property is located in an A-20 zone. This permit will be for a boarding and breeding kennel. Dyan explained that the changes that the commission wanted made to the conditions had been made. Dyan explained what conditions staff recommends be attached to this permit. 1. The owners or an agent for the owners reside on the property; 2. Odors be controlled and not detectable beyond the property line; 3. Flies and other vectors be controlled; 4. Permit holder will assure that boarded dogs are in compliance with applicable health, veterinary, transportation & other laws; 5. The operation shall be in compliance with the Tooele County Health Department codes and requirements for proper disposal of waste and gray water from the kennel;

6. The number of animals shall not exceed the capacity of onsite septic systems; 7. A kennel license shall be obtained from the Tooele county animal control officer, and regulations imposed by such license shall be complied with; 8. The Tooele county department of engineering, health or animal control may enter the premise at any time to inspect for compliance with all applicable laws, codes and conditions; 9. Applicant shall construct and maintain a kennel building to the rear of the property that all dogs kept outside may be kept in during the night time hours and that noise reducing techniques be used in its construction; 10. Six foot high fence shall be constructed and maintained with a cement footing to assure that the dogs will be confined to the kennel at all times; 11. Applicant shall take what ever steps necessary to quiet the dogs if a complaint is made. 12. There shall be no more than 25 dogs on the property at any given time.

Sharon made a motion to approve CUP #1257-06 Ronald Erickson (dog kennel) with the conditions attached as recommended by staff. The motion was seconded by Craig.

Verbal Roll Call:

Craig yes Doug yes Tim yes Bill H. yes
Sharon yes Bill B. yes George yes

4. **PUD #0011-02 Parcel 9 @ Starside Phase 1 (Final):**

Kent stated that this is the final plat for Starside Phase 1. The plat has been signed by all of the required agencies and it is ready to be recorded. Doug asked if the lots that the commission had wanted changed were changed. Kent showed the commission that they had. Tim asked if the numbering issue had also been corrected. Kent stated that it had.

Doug made a motion to approve PUD #0011-02 Parcel 9 @ Starside Phase 1 (Final). The motion was seconded by Sharon.

Verbal Roll Call:

Tim yes Craig yes Sharon yes Bill B. yes
Bill H. yes Doug yes George yes

Sharon made a motion to close the public meeting and open the public hearing. The motion was seconded by Tim. All concurred. The public meeting adjourned and the public hearing opened at 7:11 p.m.

5. **Public Hearing:**

(a) AMZ #1027-06 Amendment to Table 17-5-3-9 & Chapter 2 (Impound Lots):

Dyan explained that our current ordinance does not have a definition of a impound lots. Dyan stated that we need to regulate junk yards and impound lots, and distinguish the differences of the two uses. Dyan showed the commission what the verbiage and the matrix would be changed to. Proposed Changes for Junk yard Definition: 130. "Junk yard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; but shall include a salvage yard, or war surplus yard. Dyan explained that all junk yards shall have the following minimum conditions. Junk yard shall have the following minimum conditions: 1. Every junk yard shall be enclosed by a continuous masonry wall on all sides thereof; 2. Minimum height of the wall eight feet with

maximum height of 12 feet; 3.No scrap or junk automobiles or other scrap or junk materials shall be stacked, stored, or piled to a height greater than the height of the wall enclosing the junkyard; 4.Any openings in a fence or wall shall be fitted with a view-obscuring gate or door equipped with at least a key lock, or a combination padlock, or sliding bar, accessible only from inside the enclosure, located so as to lock the gate or door completely when not in use; 5. No exterior display or storage of material or salvage parts or wrecked vehicles; 6. There shall be no storage of tires except for tires that are on cars; 7. No junk yard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash; 8. No hazardous wastes shall be stored within any junk yard; 9. No oil, grease, or gasoline, over ten gallons, shall be stored at any time; 10. All fuels and other liquids shall be drained from any vehicle prior to storage or disposal; 11. There shall be at least two off-street loading areas of no less than 14 feet x 40 feet located within the walls; and 12. A fire access with compacted gravel surface shall be around the entire perimeter within the fenced area of the junk yard with a clearance of at least 20'.

Dyan explained that she had looked at other municipalities to create the verbiage for this amendment. Dyan explained the proposed definition for an impound lot. "Impound lot" means a facility operated according to Utah State Code Annotated Section 41-1a-101 through 41-1a-1106 for the temporary storage of vehicles to be claimed by the owners or their agents. Dyan explained the conditions that would be applied to an impound lot. Impound lot shall have the following minimum conditions: 1. A fence shall be constructed using non-view obscuring materials except if any side abuts a residential or rural-residential zoning district then a block wall is required; 2. Minimum height of the fence shall be eight feet with a maximum height of 12 feet; 3. All vehicles stored in impound lots shall be maintained on hard surfaces that is dustless and permanent; and 4. Temporary storage of a vehicle shall be 6-months or less, except for the temporary storage of a vehicle being held by a law enforcement agency or the State Tax Commission. The commission asked about drainage and it being a possible problem in these lots. Craig asked if masonry walls were too restrictive. Craig asked if maybe we should only require the owners to have a view obscuring fence. Craig also had concerns with the easement from the exterior fence line. Nicole addressed the concerns that Craig had. The commission stated that they would like the lots to be able to have operating fuel stored in the proper containers. George stated that he feels like the fire department needs to have a say in what types of fuels are stored on the lots. Doug asked if we could add an item that would allow for these lots to have onsite fuel storage for the operation. Nicole stated that we could put a condition in the permit that the fire department has to approve the containers for fuel storage for the operation. The commission asked if they could really tell someone what type of fence they have to place around the lot. Craig stated that if someone comes in for a permit they will have to get a permit from the state also. Sharon asked about being able to see these lots from the road. Nicole stated when is it not a impound lot and it becomes a junk yard. Sharon asked about weeds in the lots and feels like they should be controlled. Doug stated that he wished that more public would have shown up so that the commission could get more input from lot owners.

Sharon made a motion to table AMZ #1027-06 Amendment to Table 17-5-3-9 & Chapter 2 (Impound Lots) until staff has obtained pictures, information on fencing and comments from lot owners. The motion was seconded by Tim. All concurred.

(b) AMZ #1030-06 Amendment to Chapter 4 for (Temp Housing):

Nicole explained that the county use to have a provision in the code that would allow someone to place a mobile home on the property as they built their new home. Nicole stated that people abused this privilege so it was removed from the code. Nicole stated that the county commission would like to reinstate that provision, but add some bite to it. A conditional use permit may be issued for an existing home or a manufactured home brought on to a vacant lot that may be used as a principle dwelling while a new dwelling is being constructed. The permit may be issued by the zoning administrator with the following conditions: (a) The structure used as a temporary dwelling shall be removed from the site 30 days after the dwelling under construction receives a temporary certificate of occupancy; (b) The temporary dwelling shall not be used as a dwelling for a period of more than 3 years; (c) Bids shall be obtained by the zoning administrator for the removal and disposal of the dwelling or the manufactured home used as a temporary dwelling prior to the issuance of the permit; (d) The Tooele County Health Department shall be consulted on existing structures to determine if any environmentally hazardous materials exist in the construction of the structure to be removed; (e) The applicant shall give permission to the County to enter the property at reasonable times with those contractors establishing a bid to determine the extent of work involved to remove and dispose of the temporary structure; (f) All structures shall meet the setback requirements for the zoning district in which the property is located; (g) The applicant shall file a hold harmless agreement with the County for any enforcement action it deems appropriate to insure compliance with the permit as issued; and (h) A bond shall be filed with the County for the cost of the highest bid plus 20% in the form of cash, irrevocable letter of credit or an escrow that can drawn by Tooele County should the zoning administrator deem that the permittee has failed to comply with the conditions of the permit which shall be cause for the County to remove the structure used as a temporary dwelling; (i) If the bond is forfeited the funds of the bond exceeding the cost of removal shall remain with the County, and any costs over that of the bond amount shall be paid by the permittee to the County in 20 days from the receipt of an invoice; (j) The County may pursue restitution in civil court and placement of a tax lien on the property for any amounts that are owed to the County and remain unpaid. Nicole explained that the county commissioners and the county attorney had reviewed this amendment, they are happy with it. Bill H. asked Nicole to explain how the bond process worked. Craig asked if we needed to explain who would pay for an abttestis clean up. The commission continued to ask questions in regard to this amendment.

Doug made a motion to approve AMZ #1030-06 Amendment to Chapter 4 for (Temp Housing). The motion was seconded by Bill H.

Verbal Roll Call:

Bill H. yes Tim yes Sharon yes Bill B. yes

Craig yes Doug yes George yes

(c) PUD #0013-02 Ponderosa Estates Phase 2 Amended

Nicole explained that when this phase was previously approved it did not have the setbacks on the final plat. Nicole explained that on this amended plat the setbacks have been added. Nicole explained what the setbacks would be.

Sharon made a motion to approve PUD #0013-02 Ponderosa Estates Phase 2 Amended. The motion was seconded by Doug.

Verbal Roll Call:

Doug yes Craig yes Bill H. yes Bill B. yes
Craig yes Sharon yes George yes

Sharon made a motion to close the public hearing and reopen the public meeting to address item number three. The motion was seconded by Doug. The public meeting reopened at 8:13 p.m.

Adjournment:

With no further comments, Sharon made a motion to adjourn. The motion was seconded by Bill H. All concurred. The meeting adjourned at 8:19 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission