

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

PUBLIC MEETING

February 4, 2009

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

Roll Call / Members in attendance:

Bill Hogan David Gibby Jill Thomas Radell Donnell

Staff: Kerry Beutler Matthew Hilderman Kent Page Cindy Coombs
Vern Loveless

1. Approval of meeting minutes from January 7, 2009

Bill Bergener requested that an addition be made to the minutes stating the removal of the nomination of Joy Clegg be shown as having a first and a second motion to that effect.

David made a motion to approve the meeting minutes from January 7, 2009 with the changes requested. Motion seconded by Radell. All concurred.

2. AMD CUP # 09-00200001 – Addition of rifle/pistol range and trailer placement on site.

Matt stated that this application is an amendment to an original CUP for a paintball and sporting clay course located on 67.50 acres. There is a new owner for the property and he is requesting some changes be made to the original approved CUP. He is requesting that an addition for a doublewide trailer to be placed with hook-ups and adding a rifle/pistol range. Staff has some concerns regarding the rifle/pistol range. Large caliber rifles used on such a premise could create safety issues Staff recommends approval with the previous conditions and recommend including conditions #7 & #8. (7) The permit holder must comply with Tooele County established ordinances and regulations pertaining to noise, nuisance, building, and zoning ordinances and codes. (8) The employees of the Department of Engineering, Tooele County Health Department, and the Tooele County Sheriff's Department shall be open to inspection.

Jill expressed concern over possible ground contamination from the use of lead contamination ammunition. Michael Drury (applicant) stated that there was no lead in his ammunition. He added that the construction of this site meets NRA standards. He added that the clay ground on the site is the preferred type of soil for this type of a facility. Only guns issued by their facility will be shot on the site. No personal guns will be allowed to be used. He also said that the back berms on the site are 25 feet high and the side berms are 10 feet high. There will be no standing targets; only floor targets. No old cars or rocks will be used to be shot at. A safety class will be offered for those coming to the facility.

Radell made a motion to approve the amendment with the staff recommendations. Motion seconded by Jill.

By verbal roll call:

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David – yes, Radell – yes, Jill – yes, Bill – yes

3. Recess public meeting and Open Public Hearing:

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

4. Amendment to the Tooele County Zoning Map from Commercial Tourism (C-T) and Technology Industries (T-I) Districts to Commercial Tourism (C-T) and Technology Industries (T-I) Districts for property in Section 1, Township 3 South, Range 5 West located east of and adjacent to Sheep Lane, north of State Road 112

Kerry stated that the applicant has come to amend the original rezone request to have 217 acres changed to T-I. The intent now is to modify it with the bulk being T-I and 2 remaining areas as C-T. Kerry added that a conditional use permit will be submitted shortly for a new facility to be placed within this proposed area.

5. Amendment to the Tooele County Zoning Map from Multiple Use-40 (MU-40) and Manufacturing General (M-G) Districts to Mining, Quarry, Sand and Gravel Excavation District (MG-EX) for property in portions of Sections 13, 14 and 23, Township 4 South, Range 5 West located west of and adjacent to the Union Pacific Railroad tracks, north of and adjacent to Stockton City limits along the Stockton Bar

Kerry stated that the applicant is requesting this rezone to accommodate a mining-excavation facility. The southern property is adjacent to residential development located within the Stockton City limits. There is a 120' elevation buffer between the residents to the south and the actual business. The general plan shows this area as being visual open space; and lower density 1 unit/5 acres – 1 unit/1 acre. Kerry added that there are other parcels zoned MG-EX nearby. Kerry explained that even if the rezone is approved, a CUP would still need to be acquired to operate a mining and gravel excavation facility. The applicant has not given a number for the amount of trucks that would be accessing the facility. Staff expressed concern over the road availability and the quantity of trucks that would be using the proposed "haul road."

Jill asked if the applicant could just mine the north area of the property instead of the south. Sterling Stoddard (applicant's agent) stated that the majority of the reserves available are located within the bar itself and not on the north side. The audience expressed concern about the proposed pipeline that will cut through the south side of this property. Sterling said that all mining operations would have to stay north of the pipeline.

Kerry stated that the Engineer's office received a call from a current landowner who said that he wants the Stockton Bar to stay as it is. The only mining he would like to see is on the north side of the property proposed for the rezone.

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Nando Meli, resident, is an environmental engineer and is concerned about the air quality. He stated that there are two gravel pits already in this area and the application is for two more companies who could actually split up and then would make four gravel pits. He said that UDOT cannot take their trucks through Stockton because the roads are not up to the standards needed.

Holly, University of Utah research scientist, stated that the Stockton Bar is an important part of history. It is the largest bar in the world and the various shorelines represent different times through the past. Climate predictions can be made with the information that can be taken from this bar. She added that people from around the world come to see this "landmark" and geologists truly use the information gained. The first monograph created in 1890 shows a picture of the Stockton Bar and lists the importance of it to be maintained.

Carl Rhoades, resident, feels the same regarding the possible pollution. His cars show evidence of the lack of safety with the current gravel operations. He has had windshield cracks and even holes from the trucks throwing rocks.

Ron Staley asked how many trucks there will be going in and out of the facility. He added that the current landowners purchased in that area because they were told the bar would stay in place.

George Sandstrum, recent resident, feels that this is entirely the wrong move and feels the scientific and aesthetic things should seriously be given consideration. He agrees with the research scientist regarding the importance of keeping this amazing land formation.

Mayor Danny Rydalch, Stockton City, agrees with the last few speakers. He is concerned about trucks taking the gravel out the south end of the property. The property is zoned now for a certain use and the owner knew what the use was when they purchased the property. If this rezone is allowed to happen then a part of history would be removed.

Genieve Bauwood, scientist, showed the various parts of the Stockton Bar and how it is the best evidence of Lake Bonneville. It has many different sections to it that provide information for the future. Each level tells us about the changing climates that can occur and how frequent this can happen. She added how important it is that kids enjoy science and in Stockton's backyard is this "wonderful feature."

Christine Gorange is concerned about her family and the destruction of the "bar."

Douglas Spotted Eagle stated that 5 years ago he expressed the same concerns that he is now addressing. He moved to Stockton because of the quality of life that he could have. Currently he cannot open his windows and his cars have rock chips because of the current gravel pits.

Mark Wooley stated that the back of his property is right along the south line of this

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property. He feels that the planning commission can make a good decision by listening to the comments and the staff concerns.

Marcinda Mohr moved here for the quality of life as well. She had everyone in the room opposed to this application stand up and be acknowledged.

Chris Willis moved out here for the quality of life and the fact that the Stockton Bar provides seclusion and privacy. He has worked in gravel pits and driven big trucks. He said that the truck drivers have a tendency to not stop at a stop sign because it takes so long to get that much weight moving again. If these trucks go south, then the residential areas would be further impacted. He expressed concern about arsenic contamination.

Gary Hunter said this is not just a Stockton City concern because the wind can blow both directions. Smog is a large problem in the winter. There is a difference in the climate because of the "bar." A national treasure like this should not be taken lightly. Many health issues, debris, and dust are serious concerns and should be addressed. The Stockton Bar is known as a perfect wind-producing place to be.

Tina Haskell stated that she is concerned about the safety of her children and the trucks that might hit them. In addition, she stated that a new hole will provide an interest to her children and could cause a serious injury. She added that she does not want the added noise or pollution.

Holly Peterson said that her children were upset because they enjoy being able to see wildlife and if this rezone happens, the land around them would change.

Elizabeth Valdez lives in the Rawhide subdivision and feels that her quality of life is good now but this proposed rezone would negatively affect the environment. She stated that there is not any more wildlife seen in the area because of the current gravel pits.

Diane Maquire, UDOT, showed the area that they currently own. She said that UDOT needs gravel and they were approached by the adjoining landowners who happen to be the applicants to consider a deal. When she came here tonight she thought that the people would be in favor of this. She added that the UNEV pipeline would go right through and will affect the property they currently own.

Gary Hunter asked whether UDOT purchased the property when it was MU-40 and they said yes. It was purchased 2 years ago.

Mayor Rydalch said that when UDOT purchased the property someone started to create a road but the person who was driving the vehicle apparently had not received permission from UDOT for that purpose.

Carl Rhoades added that this is a superfund clean up site so why would you move the soil and create a larger problem.

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Renee Spooner, UDOT legal counsel, stated that the road that was being created was not their doing. They are working with the EPA regarding this site.

Gary Bolinder, applicant, stated that the volume from this new gravel pit would not be any greater than the current one. He added that if they don't allow UDOT access on the north side, then the trucks will turn onto SR-36 and head south at a slow speed. He added that the dust, windshields, etc are just a part of having gravel pits. He feels it will be different with their gravel pit because it is further off the road and out of sight.

Kendall Thomas, Stockton City Council, stated that he believes that this does not match the general plan and that we have a history of what can and would happen. He said that there are too many gravel pits already in the area.

Sterling Stoddard said that UDOT is intending to mine sand and gravel. Their access, currently, is on the south side of the 'bar' but if this rezone is allowed then a "haul road" would be created and the access would then be from the north.

Gary Hunter realizes UDOT does not need to abide by the County ordinances and they can mine the gravel without going through the process most others need to.

Diane Maquire reminded the residents that the UNEV pipeline will go through no matter what. She feels that if this rezone is allowed, it would be the best idea for all involved.

Gary Hunter stated that her explanation still does not answer his questions. He feels that UDOT could work out something with the current landowner.

Mark Wooley asked whether Diane was responsible for buying the property. She said that she was. Mark feels that when you buy property you have to do your "do diligence" and he does not feel that the Stockton residents should have to pay for her mistake.

Gary Bolinder added that there will not be any more zoning further to the west regarding mining and gravel.

6. Amendment to the Tooele County Land Use Ordinance, Chapter 25, Drinking Water Source Protection Overlay Zone

Kent showed the proposed amendment to Chapter 25 to better clarify that this protected overlay zone is for public water systems. The proposed change is as follows:
Chapter 25 Public Drinking Water Source Protection Overlay Zone (insert the word "Public" before "drinking water" throughout Chapter) 25-3. Zone 1.
The area for Zone 1 for all public drinking water sources is a 100-foot radius. Permitted uses in Zone 1 shall be the well or margin of the collection area and all accessory structures and equipment that are appurtenant to the operation and maintenance of the public drinking water source protection overlay zone. All building permit applications located within Zone 1 of all public drinking water sources shall also be reviewed by the Tooele County Health Department.

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7. Amendment to the Tooele County Land Use Ordinance, Table 15-5-3.6, Utilities and utility services and 16-4-3.6 Utilities and utility services

Matt stated that this amendment came to the staff’s attention when an application for a building permit to place an emergency generator was brought in. It was determined that a CUP would be needed. The current land use ordinance does not address emergency generators for home use. This amendment will address that issue.

AMENDMENT TO UTILITIES AND UTILITY SERVICES < text version >
1ST REVISION

2009

Table 16-4-3.6. Utilities and utility services. (Ord. 2006-30, 11-22-06)								
#	Use	Residential (R-1-__)				Multiple Residential (R-M-__)		
		21	12	10	8	7	15	30
a	Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P	P	P	P
b	Accessory buildings and uses customarily incidental to conditional uses	C	C	C	C	C	C	C
c	Essential service facilities	C	C	C	C	C	C	C
d	Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C	C	C	C	C
e	Substations or transmission lines of 50 KV or greater capacity	C	C	C	C	C	C	C

- permanent / temporary emergency generators shall be a permitted use in the above districts subject to the following restrictions:
- i. the generator shall meet all front, side, and rear setbacks for the residing zoning district.
 - ii. the generator’s exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
 - iii. the generator shall be used only during periods of emergency situations or for periodic testing and necessary maintenance operation.
 - iv. the generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day (7) period and no test shall exceed a total of thirty (30) minutes.

Staff recommends approval with the conditions stated.

8. Recess Public Hearing and Open Public Meeting:

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

9. Amendment to the Tooele County Zoning Map from Commercial Tourism (C-T) and Technology Industries (T-I) Districts to Commercial Tourism (C-T) and Technology Industries (T-I) Districts for property in Section 1, Township 3 South, Range 5 West located east of and adjacent to Sheep Lane, north of State Road 112

Radell made a motion to approve the amendment to the Tooele County zoning map. Motion seconded by Jill.

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10. Amendment to the Tooele County Zoning Map from Multiple Use-40 (MU-40) and Manufacturing General (M-G) Districts to Mining, Quarry, Sand and Gravel Excavation District (MG-EX) for property in portions of Sections 13, 14 and 23, Township 4 South, Range 5 West located west of and adjacent to the Union Pacific Railroad tracks, north of and adjacent to Stockton City limits along the Stockton Bar

Bill said that he was not on the planning commission when this issue was addressed regarding the gravel pit that is in place now. He added that he would, personally, have a hard time putting a gravel pit close to a residential area. Another thing he feels should be looked at is the importance of this “bar” historically. He feels that the Stockton Bar should be made into a State Park.

Radell and Jill stated that they are against this amendment.

David said that he would start off with the staff concerns regarding this proposal being against the current general plan. He added that he feels that air quality impacts should also be addressed. He also spoke of the trucks, wind patterns, superfund sites, concerns for potential of surface to ground water contamination along with the possibility of cutting down the proposed area to be mined, etc. He expressed concern to the impacts for the homeowners located nearby. Jill added that the resources available or not available should be addressed.

Radell made a motion to recommend the tabling of this application until more information and research has been obtained regarding the issues addressed by David. Motion seconded by Jill.

By verbal roll call:

Jill – yes, David – no, Radell – yes, Bill - yes

11. Amendment to the Tooele County Land Use Ordinance, Chapter 25, Drinking Water Source Protection Overlay Zone

Radell made a motion to approve the amendment as written. Motion seconded by David.

By verbal roll call:

Jill – yes, David – yes, Radell – yes, Bill - yes

12. Amendment to the Tooele County Land Use Ordinance, Table 15-5-3.6, Utilities and utility services and 16-4-3.6 Utilities and utility services

Jill made a motion to approve the amendment as written. Motion seconded by David.

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13. Public Concerns:

None were expressed.

ADJOURNMENT:

Radell made a motion to adjourn the meeting. Motion was seconded by David. All concurred. The Tooele County Planning Commission meeting adjourned at 9:52 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission