

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

PUBLIC MEETING

August 5, 2009

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

Roll Call / Members in attendance:

Jill Thomas	Bill Bergener	Joy Clegg	Bill Hogan
Radell Donell			

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

1. Approval of meeting minutes from July 1, 2009

Bill Bergener made a motion to approve the meeting minutes from July 1, 2009. Motion seconded by Joy. All concurred.

2. CUP # 09-00100013 Farm/Ranch Housing located at 120 Skull Valley Road

This application is for the allowance of a trailer on the property to continue to stay if permitted to be ranch hand housing. Matt stated that the applicant has applied for a building permit to construct a log home on the same parcel of land that this trailer is currently residing. The Tooele County Land Use Ordinance does not allow two dwellings on one property. The applicant was offered three options:

1. Temporary occupancy of modular home until final completion of single-family dwelling, then modular home demolished and removed from premise
2. Temporary occupancy of modular home until final completion of single-family dwelling, then modular home would need to be converted to be inhabitable
3. Depicting the modular home as ranch or farm hand housing, the primary use of the property would need to depict such activities and secondary housing be used for employee(s) and their spouse and child(ren).

The applicant stated the employees from the fencing operation would work on the ranch during the off-season from the range and ranch fencing; staff determines this type of use proposed does not meet the requirements and intent of the Tooele County Land Use Ordinance. Because of this staff, recommended denial of this CUP for farm and ranch hand housing until sufficient documentation, such as an approved business license and employment, records of an operation at 120 Skull Valley Road can be confirmed. Matt added that, today, Ms. Jensen met with the planning division and has decided to meet the employment requirements regarding ranch hands.

Dee Jensen stated that her son and daughter-in-law have lived in the existing trailer and are building a new log cabin on the same lot. When they move into the new home, a ranch hand would like to move into the trailer, expand on it and eventually put a log cabin look around the outside.

Radell made a motion to approve the CUP. Motion Seconded by Bill Bergener.

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

PUBLIC MEETING

August 5, 2009

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

3. CUP# 09-00100014 Private Recreational Grounds, located on Lot 10, Block 2, Gold Hill-Goodwin Town sites

Kerry stated that the applicant has requested service for six electrical boxes to accommodate camp trailers that might be visiting. These camp trailers will be used for vacationing, hunting and other recreational activities.

Staff recommends approval with the following conditions:

- 1. Recreational coaches shall be kept to a temporary recreational occupancy within the property and not be utilized as permanent residences (used by any one individual longer than 30 consecutive days at a given time)*
- 2. Recreational grounds are for private use only. No lot or tract of land shall be rented or held out for rent to owners or users*
- 3. Comply with all State and County Health Department requirements regarding recreational use*
- 4. All recreational coaches shall display a current license plate*
- 5. Maintain a five foot setback from property line for all recreational coaches, including any pop outs*
- 6. Recreational coaches be stored in a manner as not to be kept in a state of disrepair, damaged or inoperable*
- 7. No more than six recreational coaches located on the property at any given time*
- 8. Private recreational ground established and maintained as to not create a nuisance within the area or on adjacent properties*
- 9. The property shall be open to inspection by employees of the Department of Engineering, Tooele County Health Department, and the Tooele County Sheriff's Department.*

Joy made a motion to approve the CUP with staff recommendations. Motion Seconded by Bill Bergener.

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

4. CUP# 09-00100015 Industrial Auction to include truck & heavy equipment service and repair facility, truck wash and equipment storage yard located west of Hardy Road overpass and south of and adjacent to Hardy Road

Matt stated that the applicant is requesting this site be allowed to operate industrial auctions including truck & heavy equipment sales, service, repairs, truck wash and storage. Matt added that this area is currently zoned MD. It is located next to I-80 and will be visually available for traffic. This proposal is for temporary use at this point but could become permanent if it works out for the applicant.

TOOELE COUNTY PLANNING COMMISSION
47 SOUTH MAIN STREET, TOOELE, UTAH 84074
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PUBLIC MEETING

August 5, 2009

Staff recommends approval with the following conditions:

- 1. *Maximum ceiling height shall not extend fifty-feet (50') for enclosed structures.***
- 2. *On-premise lighting, for event, security, & identification purposes, shall be controlled in such a manner as to not unreasonably impede, obstruct, and/or pose a hazard beyond their boundaries and comply with the TCLUO §8-13, On site lighting.***
- 3. *Applicant shall abide by the TCLUO Chapter 24 Sign Regulations, for temporary and permanent signage, and follow all necessary permitting applications.***
- 4. *Landscaping shall be designed with a decorative rock landscape with some indigenous shrubs as an entry feature.***
- 5. *If food is to be handled and prepared for sale, operation of concessions shall be in accordance with the provisions of the Tooele County Health Department.***
- 6. *Toilet and lavatory facilities shall be numbered, located, and waste disposed of in accordance with the provisions of the Tooele County Health Department, local, and state laws.***
- 7. *Each auction shall be inspected by the North Tooele County Fire Department for fire and safety potential and take adequate steps, as determined by North Tooele County Fire Department authority figure, to insure fire and safety protection for the site, attendees, staff, and surrounding lands.***
- 8. *The permit shall be reviewed by the governing planning commission with the addition of additional structures and/or alterations to the proposed layout.***
- 9. *The establishment shall conform to all applicable codes and regulations from the North Tooele County Fire Department, Tooele County Health Department, Tooele County Sheriff Department, and Tooele County Building Department.***
- 10. *The property shall be open to inspection by the employees of the Department of Engineering, Tooele County Health Department, and the Tooele County Sheriff's Department.***

Joy expressed concern over traffic circulation. She feels that UDOT should look at this proposal and state any requirements they might have.

Scott Lennon, applicant, stated that they are currently located at UID and are looking for easier access to I-80 and more visibility. He explained how the traffic flow has been proposed to be and that trucks will be required to go along a specific route to remediate any problems. Hardy Bridge will be rehabilitated to meet the new loads that will be going across it. Mr. Lennon asked for a change in the recommendations regarding signage. They would like permission to place three 100-square foot signs for the length of their lease.

Bill Bergener made a motion to approve the CUP along with the request by the applicant for three 100-square foot signs. Motion Seconded by Radell.

By verbal roll call: Jill – yes, Radell – yes, Joy – yes, Bill Bergener – yes, Bill Hogan – yes.

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

PUBLIC MEETING

August 5, 2009

5. CUP # 09-00100016 – Tooele County Gun Range, located south of S.R. 112, west of Sheep Lane adjacent to the Tooele Army Depot

Kerry showed the proposed location of the gun range and that access would be east of the gun range. The property for the gun range will utilize 30 acres of the overall 155 acres of the proposed subdivision. Operation of a gun range requires a CUP to meet the current land use ordinance. The applicant is proposing 15' tall berms be established around the range. Baffles will also be installed that will prevent someone from bringing rifles up and projecting out of the site. Gun safety classes will be held on the site within a reception building. There will be a tall fence around the perimeter of the property.

Staff recommends approval with the following conditions:

- 1. Any lightning used on site shall be directed downward and not create nuisance in conjunction with Section 8-13 of the Tooele County Land Use Ordinance.*
- 2. The hours of operation shall be from dawn to dusk.*
- 3. All signage shall comply with the provisions of the sign ordinance of Tooele County.*
- 4. Adequate sanitary facilities shall be made available as approved by the Tooele County Health Department.*

Jill expressed concern regarding guns being fired towards highways and possible lead contamination.

Bill Dixon stated that all the high-powered type ammo is collected into one lead collection system per shooting range. This system is professionally designed and meets current standards. He added that the baffles spoken of would prevent firing out of the gun range.

Joy made a motion to approve the CUP with the staff's proposed conditions. Motion Seconded by Jill.

By verbal roll call: Bill Bergener – yes, Joy – yes, Radell – yes, Jill – yes, Bill Hogan – yes.

Recess Public Meeting and Open Public Hearing

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

6. PUD #09-02200001 Concept plan Deseret Peak Commercial P.U.D. Amended, located south of and adjacent to S.R. 112, west of Sheep Lane across from the Tooele County Deseret Peak Complex

Kerry displayed and explained that the intent of the proposed PUD is to combine two subdivisions into a new formation. This new formation will allow placement of the shooting range and other available lots for purchase. The proposal would also provide a new alignment for Sheep Lane. Access permits to Hwy 112 are in process currently. The

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PUBLIC MEETING

August 5, 2009

concept plan also has a 50-foot utility easement to accommodate future water and sewer to the PUD. There is a proposed drainage basin on the west side of the overall site. Staff recommends approval of the concept plan.

Kerry stated that the Engineering office has received a letter from the Deseret Peak Special Service District to provide water and sewer for this facility. Nicole Cline stated that this project would not happen overnight and the County will continue to look at other water resources, as needed, for projects proposed in this PUD. Jill questioned Nicole as to where this concept plan would be receiving the water needed and where the sewer will be connected for this project. Nicole stated that Tooele County has a well that has been under utilized near this area and this well is the one that will be used for this project. Jill stated that she was to understand that the Grantsville sewage ponds were at capacity. Nicole stated that the State has done some evaluating on this and feels that it will be 10 years before capacity is reached.

7. VAC# 09-02500003 Proposed vacation of the public right-of-way interest in abandoned portions of Silver Avenue outside the realignment of Silver Ave., situated in Sections 25, 30, 32 and 33, T4S, R5W, located east of Mormon Trail Road and west of Hogan Lane, south of realigned Silver Avenue

Bill Hogan withdrew himself from this item for a conflict of interest.

Matt explained that this proposal is to abandon two sections of Silver Avenue and to realign it without as many curves. Staff recommends approval.

Bill Hogan stated that the name of the road is not Hogan Lane and should be Hogan Road. He added that there is a small additional dirt road that needs to be added to the proposed vacation.

8. VAC# 09-02500004 Proposed vacation of the public right-of-way interest in a portion of Bald Mountain Loop Road, Hartmann Gulch Road, Halls Basin Road, South Fork Ophir Canyon Road and Rover Hill Road situated in the N $\frac{1}{2}$ and the SE $\frac{1}{4}$ of T5S, R4W and the S $\frac{1}{2}$ and SW $\frac{1}{4}$ of T5S, R3W located within Ophir Canyon

Matt stated that the County has been in negotiations for a year with landowners to maintain the private landowner's road rights and still provide access for the public to use roads for recreation, etc. He also read a letter from SITLA requesting that South Fork Ophir Canyon Road and Rover Hill Road be left open for mining rights.

Matt Torres told stories of growing up and using these roads for family recreation. He is against the closure of these roads.

Scott Degelbeck stated that he lives in Ophir and has been on all these roads. If this is the landowners request to close these, he is for that. He added that people will not stay on just the roads so is supportive of the action to vacate.

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

PUBLIC MEETING

August 5, 2009

JoAnn Torres added that she understands individual's property rights but believes that there should be access on prescriptive use roads which she feels the proposed vacated roads are.

Leo Ault stated that he is the landowner of these roads. He added that there have been locked gates on these roads for the whole time they have been around. People have been cutting off the locks and using the roads. He stated that is trespassing.

Gary Bevan (on behalf on Georgia Monroe) stated that she is in favor of the vacating of these roads. She owns property in the area and feels this proposed vacation is a good idea.

Dwayne Strickland said that his family has been going over these roads for the last 50 years. He feels that they should be kept open for people to enjoy.

Ty Bevan, representing Georgia Monroe, stated that this ground is used for cattle production. This type of business is not conducive to people and vehicles. Cattle ranching require wide-open places. He agrees with the proposed vacation.

Steve Ault said that he has never seen his family turn down requests for access to the properties. This has caused problems with vandalism, etc. He added that if SITLA ever comes forward with their request in the letter sent to the Engineering office, they would not be turned down. They would definitely have access.

Dave Lawrence feels this is a heart breaker for some people. He stated that many years ago, Ophir had a lot of freedom and that is now changed. He agrees with the landowners and their concerns.

Bill Dixon said that his problem with this is all these roads were deemed RS2477 roads and that means they have been used by the public for many years. He is an avid motorcycle racer and has been on these roads for most of his life. He believes that if you give people a place to ride or hike and signage showing this, people will stay on the road or trail.

Steve Ault has been in the Ophir area for years and his family has never considered these roads as being public so the vacation is for private roads and not public prescriptive uses.

JoAnn Torres added that if people have been given permission to use the roads, then a prescriptive use exists.

9. VAC# 09-025-00005 Proposed vacation of Last Chance Lane, a 60-foot wide dedicated right-of-way located in Last Chance Ski Ranch PUD, south of Pony Express Road north of Vernon

Kent explained that the applicant is Rick Lybert and his proposal is to vacate the public

TOOELE COUNTY PLANNING COMMISSION
47 SOUTH MAIN STREET, TOOELE, UTAH 84074
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PUBLIC MEETING

August 5, 2009

right-of way for this road. He added that the County has some concerns that need to be addressed. The road is a gravel road. There has been some vandalism and concerns of dangers with the open lake. Staff recommends approval with the staff concerns addressed.

Rick Lybert expressed concerns over people falling through the ice during winter, many buoys have been destroyed, geese killed, etc.

Dale Christiansen, landowner, feels that since the road only services the private property owners it should be considered a private road. He added that many safety issues exist.

Cody Larkin, co-owner, stated that people will not live out there full time. He feels that people still come onto the property even with signs and a gate.

10. AMD# 09-04300002 Amendment to the Tooele County Land Use Ordinance, Chapters 15, 16, 17 & 17a, Tables 15-5-3.6, 16-4-3.6, 17-5-3.10 & 17A-5-3.10, Utilities and utility services

Matt stated that this is a technical review that staff has performed regarding these particular chapters. He explained the proposed changes. "Essential services" means services provided by public or private utilities, including underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.

Recommendation: Staff recommends Essential Services be adopted as a permitted use in all zone districts

Substations/ Transmission lines of 50 KV or greater

Recommendation: Staff recommends substations and transmission lines are separated. Substations would remain as a conditional use in all zones and transmission lines would remain conditional use in all zones. Staff would further recommend these changes be made to Chapters 15, 16, 17, & 17A.

Recess Public Hearing and Open Public meeting

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

11. PUD #09-02200001 Concept plan Deseret Peak Commercial P.U.D. Amended, located south of and adjacent to S.R. 112, west of Sheep Lane across from the Tooele County Deseret Peak Complex

Joy made a motion to recommend approval of the PUD to the Board of County Commissioners. Motion Seconded by Bill Bergener.

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By verbal roll call: Jill – yes, Radell – yes, Bill Bergener – yes, Joy – yes, Bill Hogan – yes.

12. **VAC# 09-02500003 Proposed vacation of the public right-of-way interest in abandoned portions of Silver Avenue outside the realignment of Silver Ave., situated in Sections 25, 30, 32 and 33, T4S, R5W, located east of Mormon Trail Road and west of Hogan Lane, south of realigned Silver Avenue**

Bill Hogan withdrew from the vote on this item.

Joy made a motion to recommend approval of the proposed road vacation to the Board of County Commissioners along with the road being Hogan Road – not Hogan Lane. Motion Seconded by Jill.

By verbal roll call: Joy – yes, Radell – yes, Jill – yes, Bill Bergener – yes, Bill Hogan – yes.

13. **VAC# 09-02500004 Proposed vacation of the public right-of-way interest in a portion of Bald Mountain Loop Road, Hartmann Gulch Road, Halls Basin Road, South Fork Ophir Canyon Road and Rover Hill Road situated in the N¹/₂ and the SE¹/₄ of T5S, R4W and the S¹/₂ and SW¹/₄ of T5S, R3W located within Ophir Canyon**

Jill stated that she feels more information is needed regarding whether these roads have been gated since they were formed or if the public has had access to them all along.

Bill Hogan said that there have been negotiations between Tooele County and the property owners.

Doug Hogan, Tooele County Attorney, stated that if there is a public right-of-way to these roads, the County is asking to have that interest vacated for just these sections. He went on to add that the property owners feel that there has never been a public right-of-way to these lands, but the County feels there has been.

Bill Bergener added that people have always had access to public land and locked gates can cause problems of their own. He also believes that landowners have rights too.

Joy explained as a cattle rancher she has dealt with the same issues that the landowners in Ophir Canyon are dealing with. She feels that if the County can help, she thinks they should.

Joy made a motion to recommend approval of the road vacations to the Board of County Commissioners. Motion Seconded by Radell.

**TOOELE COUNTY PLANNING COMMISSION
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By verbal roll call: Bill Bergener – yes, Joy – yes, Jill – yes, Radell – yes, Bill Hogan – yes.

14. VAC# 09-025-00005 Proposed vacation of Last Chance Lane, a 60-foot wide dedicated right-of-way located in Last Chance Ski Ranch PUD, south of Pony Express Road north of Vernon

Jill made a motion to recommend approval of the road vacation to the Board of County Commissioners. Motion Seconded by Joy.

Bill Hogan feels that this road should not be allowed to be private. It is part of a subdivision and so should be public. He feels this issue should be tabled.

By verbal roll call: Radell – yes, Joy – yes, Jill – yes, Bill Bergener – yes, Bill Hogan – no.

15. AMD# 09-04300002 Amendment to the Tooele County Land Use Ordinance, Chapters 15, 16, 17 & 17a, Tables 15-5-3.6, 16-4-3.6, 17-5-3.10 & 17A-5-3.10, Utilities and utility services

Joy made a motion to recommend approval of the amendment to the Tooele County Land Use Ordinance to the Board of County Commissioners. Motion Seconded by Bill Bergener.

By verbal roll call: Radell – yes, Bill Bergener – yes, Jill – yes, Joy – yes, Bill Hogan – yes.

Public Concerns

Bill Hogan expressed concerns over signs that he believes are not legal. Kerry stated that staff has gone out and taken pictures. These possible violations are being reviewed.

ADJOURNMENT:

Joy made a motion to adjourn the meeting. Motion seconded by Jill. All concurred. The Tooele County Planning Commission meeting adjourned at 9:55 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission