

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

PUBLIC MEETING

May 6, 2009

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

Roll Call / Members in attendance:

Judy Jameson	Joy Clegg	Bill Bergener	Jill Thomas
Bill Hogan	David Gibby	Radell Donnell	

Staff: Kerry Beutler Matthew Hilderman Kent Page Cindy Coombs

1. Approval of meeting minutes from April 2, 2009

Joy made a motion to approve the meeting minutes from April 2, 2009. Motion seconded by Judy. All concurred.

Recess Public Meeting and Open Public Hearing

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

2. REZ 09-03000006 Amendment to the Tooele County Zoning Map from Commercial Highway (C-H) District to Manufacturing General (M-G) District for property located in all of Sections 31 and 32, Township 1 South, Range 5 West that lies north of I-80 freeway right-of-way and south of the Union Pacific Railroad right-of-way and west of the Warner Spur.

Matt stated that George Miller, property owner, is requesting to rezone this property to an M-G zoning for a mass production development. Mr. Miller has stated the intended use but an approved rezone change could allow other uses within the M-G zoning district. Initial development can be serviced by the I-80 frontage road but further development will require a road network that is isolated and anticipated to be serviced by Tooele County. Applicant has stated that verbal conversations have taken place with the City of Grantsville for potable water and other services. Matt added that there is a current RR ROW which extends 300 ft on each side of this property. All permitted uses within this ROW require a conditional use permit.

Staff is concerned about 9 ½ lots not currently owned by the applicant but are included within the rezone area. Staff feels the applicant should address why the current C-H zoning is not viable to the development proposed and why rezoning the property only to the North of I-80 is essential. Staff recommends that if the property is rezoned, that all lots in the boundary are changed to eliminate spots of commercial zoning.

Mr. Miller stated he has owned this property for a long time and would like to be able to do something with it. He believes that property north of I-80 will not work as a C-H zone. He added that a C-H zone would work south of I-80 instead. The rezoned area will be for light industrial business. He will bring utilities in under I-80 with permission from UDOT. The closest water is approximately 5 miles away. Natural gas is about 3 miles away.

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Joy expressed concern over rezoning to M-G which includes a lot of extremely undesirable uses right next to I-80. Mr. Miller agreed but added that he will be bringing forth a master plan that will not include obnoxious uses.

3. **Proposed vacation of the public right-of-way interest in the following roads described as TC03337, TC03339, TC03340, TC03338, TC03724, TC03398, TC03400, TC03399, TC03342, TC03406, TC03403, Prospector Road, Richman Way, Prospector Lane, and Half Section Road. These roads are located south of the Grantsville Reservoir and west of South Mountain in Tooele County.**

Kent stated that according to Utah Code you can vacate with or without a petition by property owner. He added that this proposal was published in a paper once a week for four consecutive weeks, posted in 3 public places for 4 consecutive weeks, and mailed to all owners of adjacent property. Right-of-way easements, if any, may not be impaired. He showed a list of property owners inside the proposed road vacation area along with those who own property adjacent to the area. Mr. Roberts, applicant, is proposing to vacate the public rights-of-way. Kent added that Commercial Debenture, adjacent property owner, feels they will be adversely affected by vacating these roads as they are looking for a second access from their Stansbury Agricultural Properties.

Donald Skipworth, owner of Commercial Debenture and the managing partner for Fiddler Development explained he feels that this proposal to vacate is premature because he is currently in litigation with Mr. Roberts regarding a road ownership and access. Joy Clegg asked whether the County is involved in the litigation. Mr. Skipworth stated that it was not. Joy stated that the County would only vacating their public use of these roads; not a private use. The litigation involves private use of the roads.

Ed Roberts stated that the roads that he is looking to have vacated were made by farmers/ranchers over the last 50-60 years. He added that he does not want to interfere with anyone else's rights.

Discussion ensued over a possible trail or road along Mr. Roberts' property line. Concerns were raised regarding gates being left open, cows getting out, etc.

Recess Public Hearing and Open Public Meeting

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

4. **REZ 09-03000006 Amendment to the Tooele County Zoning Map from Commercial Highway (C-H) District to Manufacturing General (M-G) District for property located in all of Sections 31 and 32, Township 1 South, Range 5 West that lies north of I-80 freeway right-of-way and south of the Union Pacific Railroad right-of-way and west of the Warner Spur.**

Radell made a motion to recommend approval of the rezone to the Board of County

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Commissioners. Motion seconded by Judy. Concerns were raised as to businesses that would now be allowed with that type of rezone and water possibilities.

By verbal, roll call:

Bill Bergener – no Judy – yes, Joy – no, David – no, Jill – no, Bill Hogan – yes, Radell – yes

3 – yes and 4 no. The application for rezone will go to the Board of County Commissioners with a recommendation for denial.

5. **Proposed vacation of the public right-of-way interest in the following roads described as TC03337, TC03339, TC03340, TC03338, TC03724, TC03398, TC03400, TC03399, TC03342, TC03406, TC03403, Prospector Road, Richman Way, Prospector Lane, and Half Section Road. These roads are located south of the Grantsville Reservoir and west of South Mountain in Tooele County.**

Judy made a motion to recommend to the Board of County Commissioners the approval of vacating the roads. Motion seconded by Joy. Joy added that vacating only a portion of the roads would cause a hardship on a cattle rancher.

By verbal, roll call:

Bill Bergener – yes, Judy – yes , Joy – yes, David – yes, Jill – no, Bill Hogan - yes, Radell - yes

6. **Returned from the County Commissioners for further consideration) REZ #09-03000005 Amendment to the Tooele County Zoning Map from Multiple Use 40 acre minimum (MU-40) District to Mining, Quarry, Sand and Gravel Excavation District (MG-EX) District for property in portions of Section 4, 5 and 8, Township 3 South, Range 6 West, Tooele County, located three miles west of Grantsville City Limits and adjacent to Wasatch National Forest, Magpie and Pope Canyon.**

Matt stated that the County Commissioners have asked that this item be brought back before the planning commission for further consideration. Since the last meeting some extra submittals have been brought in by the applicant. He added that the general plan shows this area as grazing and open space. He then showed some of the items listed within the additional submittals from the applicant.

Joy expressed the following concerns: Mitigation of storm water – just a “plan”. Smaller acreage for rezoning – hasn’t been planned. All information provided is just planned; not really shown according to what she has read. She also feels that the applicant should know where the minerals to be extracted are located instead of listing that you are unsure in the application. She stressed that the applicant needs a plan; not just words written stating there is a plan.

Mr. Nielsen showed some storm water issues that were brought up by the County Commissioners. He stated that the reason for keeping the rezone for the total 922 acres is

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because he does not feel he should spend the money trying to find mineral deposits without being allowed a chance for the rezone.

Brett Mickelsen, applicant's engineer, stated that he has been working with Mr. Nielsen regarding his application. The maps he produced are a generalization of where deposits might be located. He added that there is also mention of storm water retention being possible within an area that flooded last year.

Joy made a motion to recommend to the Board of County Commissioners denial of the rezone. Motion seconded by David.

By verbal, roll call:

Jill – no, Judy – yes, Radell – no, Joy – yes, David – yes, Bill Bergener – no, Bill Hogan – yes.

4 yes and 3 no. Motion carries.

7. Public Concerns

ADJOURNMENT:

Judy made a motion to adjourn the meeting. Motion seconded by Joy. All concurred. The Tooele County Planning Commission meeting adjourned at 8:30p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission