



Planning Commission Meeting Minutes

January 17, 2024

47 S. Main Street, Council Chambers, 3rd Floor

7:00 p.m.

1. Zoom meeting link https://us06web.zoom.us/j/86088220422?pwd=g15Mw4GL_-kU_1ALXIf9Ec5OGBBBcg.XEv5uoK34p0PNvM_

2. Roll Call

Chair Toni Scott called the meeting to order at 7:00 pm. Roll call was taken showing Andy Stetz, Brad Bartholomew, Camille Knudson, and Toni Scott. Blair Hope joined the meeting later (online). County staff present was Rachelle Custer, Community Development Director; Stephanie Eastburn, Community Development Project Administrator/ Permit Tech; Nathan Harris, County Attorney; Brittany Lopez, Assistant County Manager.

3. Pledge of Allegiance

Brad Bartholomew led the group in the Pledge of Allegiance.

4. Minutes

A. Planning Commission Meeting Minutes October 11, 2023, November 15, 2023, December 6, 2023

Agenda Attachments

1. Planning Commission Meeting Minutes Oct 11, 2023.pdf
2. Planning Commission Meeting Minutes November 15, 2023_Draft.pdf
3. Planning Commission Meeting Minutes_December 6, 2023_Draft .pdf

Motion to approve the meeting minutes from October 11, 2023 by Camille Knudson. 2nd by Brad Bartholomew. All in favor.

Motion to approve the meeting minutes from November 15, 2023 by Camille Knudson. 2nd Brad Bartholomew. All in favor.

Approval of the meeting minutes from December 6, 2023 was moved to the end of the meeting.

5. Conditional Use Permits

A. Aaron McGill is requesting a Conditional Use Approval for Detached Accessory Dwelling Unit , Trish DuClos

PUBLIC HEARING AND MOTION CUP 2023-033

Agenda Attachments

1. CUP 2023-103_Staff_report_FINAL.pdf
2. CUP 2023-103 Planning_Commission_Agenda_Summary.pdf
3. CUP 2023-103_ HEARING NOTICE.pdf

Rachelle Custer, Community Development Director, summarized the staff report. Aaron McGill is requesting a Conditional Use Permit for a detached Accessory Dwelling Unit (ADU). The ADU is just under 778 square feet and complies with all ADU codes.

Toni Scott asked about the ordinances in South Rim. Rachelle stated the property is zoned RR-5. The county does not enforce CC&Rs.

Motion to open public hearing for CUP 2023-033 by Toni Scott. 2nd by Brad Bartholomew. All in favor.

No public comment.

Motion to close public hearing for CUP 2023-033 by Toni Scott. 2nd by Camille Knudson. All in favor.

Camille Knudson made a motion to approve CUP 2023-033 for the detached Accessory Dwelling Unit as long as the applicant complies with the requirements outlined in table 15-5-3.3.b 1-16 and that Planning Staff record the required notice for the table 15-5-3.3.b.1-16 upon approval. 2nd by Brad Bartholomew.

Andy Stetz- yes. Brad Bartholomew- yes. Toni Scott- yes. Camille Knudson- yes. The motion passed unanimously.

6. Rezones

A. Gary and Wendy Riddle are requesting a Rezone from A-20 to A-10., Trish DuClos

PUBLIC HEARING AND MOTION REZ 2023-078

Agenda Attachments

1. REZ 2023-078_Staff_Report_Final.pdf
2. REZ 2023-078 Planning_Commission_Agenda_Summary .pdf
3. REZ 2023-078_ PUBLIC NOTICE.pdf

Rachelle Custer summarized the staff report. Gary and Wendy Riddle are requesting a rezone from A-20 to A-10. The applicants would like to subdivide in the future.

Toni Scott asked about the application and who made the notes in red. Rachelle stated that the Planner, Trish DuClos, made those comments. Toni asked about the traffic study and where Mr. Bunderson noted that the traffic would allow them to go down to smaller lots. Is that something they're planning to do? Rachelle stated the property owners would have to rezone if they wanted to do that in the future. I believe he was just stating that for traffic's sake, the road could handle the smaller lots. Toni asked about the location of this property in relation to the other rezones that have been approved recently. Rachelle stated it's quite a ways from the industrial zoned properties.

Motion to open public hearing for REZ 2023-078 made by Toni Scott. 2nd by Brad Bartholomew. All in favor.

No public comment.

Motion to close public hearing for REZ 2023-078 made by Toni Scott. 2nd by Brad Bartholomew. All in favor.

Rachelle Custer stated that Blair Hope has now joined online.

Toni asked Rachelle if the minutes from December's Planning Commission meeting could be approved. Rachelle stated that they could make a motion to amend the agenda and add them at the end.

Camille Knudson made a motion to favorably recommend the approval of this rezone from A-20 to A-10 (REZ 2023-078) to the County Council. 2nd by Brad Bartholomew.

Toni Scott- yes. Andy Stetz- yes. Brad Bartholomew- yes. Blair Hope- yes. Camille Knudson- yes. The motion passed unanimously.

B. Jerome (Jay) Anderson is requesting approval for Rezone from MU-40-acre min.) to RR-1 (Rural Residential 1-acre min.), Trish DuClos

PUBLIC HEARING AND MOTION: REZ 2023-113

Agenda Attachments

1. REZ 2023-113_Staf Report_Final.pdf
2. Planning_Commission_Agenda_Summary 2023-113.pdf
3. REZ 2023-113_ PUBLIC NOTICE.pdf

Rachelle Custer summarized the staff report. Rachelle stated this applicant has applied for two separate rezones. This one affects two parcels. Jay Anderson is requesting a rezone of the southern portion of parcel 06-061-0-0007 and all of parcel 06-085-0-0002 from MU-40 to RR-1. The acreage amount for the RR-1 would be 139.87 acres. The General Plan states that areas outside of the growth boundary are intended primarily for agricultural and open space. The growth boundary ends on SR-199 so this property is outside the growth boundary per our General Plan.

Rachelle stated staff has received quite a lot of neighborhood responses (they were forwarded to Planning Commission). The top concerns were water, wildlife, traffic, lot size (down-zoning), sheriff protection, fire protection, light pollution, and population. This could potentially double the population of the current Rush Valley Town. Planning Staff expressed concern about how the rezones would affect Rush Valley. In the General Plan Update 2022, staff has identified two zones likely to surround Rush Valley which are agricultural with two areas of residential. There are no culinary water sources near the proposed rezone. The property owner has 14 acre-feet of water. The state still allows this area to apply for more.

Rachelle stated that in the *Elements* section in the General Plan 2022, it states no significant development shall occur outside of the growth boundary areas indicated on the map. Development on the fringes of the growth boundary should blend with the surrounding context and increase in intensity as development reaches major nodes and existing and planned infrastructure. Key areas for long-term agriculture and open space preservation have also been identified, which this is one that has been identified. Planning staff would also make a recommendation to the Planning Commission that the applicant be required to provide: sufficient water rights for their requested residential zoning district, water availability and water quality (there are some brackish areas in this aquifer), that a Geotech be provided for septic and well use (that the ground may handle 150 septic tanks with wells), and information from BLM regarding the Clover Reservoir Reserve impact be provided.

Jay Anderson, applicant, stated we hope to initially just focus on the front 40 acres, 20 of which would be residential and then look toward the back 140 acres. I've lived in Boise, Idaho for 40 years in a 1-acre subdivision. It's a wonderful place to raise children. It's bordered by two major roads and people that come into this subdivision say this is like staying in the country, but in the city. I think it could be a great blessing for this community. There are situations where people who grew up in Rush Valley would like to move back but either can't afford to or can't because of the zoning. Most of the lots there are 5 acre lots. This would provide potential for people to purchase more affordable property, but still keep it a country-like setting. I am speaking about the back 20 acres of the front 40. This is for 16 one acre lots in the back 20 acres.

Toni Scott asked for clarification from the applicant. You mentioned that you met with the Planning Commission and the Mayor, and they seemed receptive to this. Mr. Anderson stated I didn't say they seemed acceptable to this. I only said I met with them. Toni stated you mentioned in your application that you believe Rush Valley would express interest in annexation of your subdivision after they see the tax benefits. How did you come to that conclusion? Mr. Anderson stated I might've said they might. I don't remember them expressing any interest in annexation. In the future they may have the need for more tax revenue.

Motion to open public hearing for REZ 2023-113 by Camille Knudson. 2nd by Brad Bartholomew. All in favor.

Gary Morgan: I live in Rush Valley. I have two things I want to make a point on. The first one being, on page 8 of the application. He [the applicant] claims there was a survey sent out to somebody, and that the respondents "were strongly in favor of development and services" because the nearest gas station is 9 miles away, etc. I have not found a single Rush Valley

resident that I've spoken to or online that have seen that survey. The second thing is he wants to bring in a gas station. Fifty percent of Utah draws their drinking water from the ground. Rush Valley draws one hundred percent of its drinking water from the ground. I am the fuels manager for Dugway Proving Ground. There are over 3,000 sites that are leaking today that have resulted in contaminated drinking water and in some cases explosions. If you draw your drinking water from the ground, you do not want a fuel station anywhere near it. Testing requirements, annually, they have to be tested for tightness and they are allowed a leak rate of 0.1 gallons per hour. That is about the volume of a coke can. You can leak up to the volume of a coke can every hour and still be considered a passing rate. In 24 hours, that's about two gallons. Over the course of a year, that's about 700 gallons. You no longer have a spill at that point, you have a plume. That will render your drinking water completely unusable. Speaking of water, frankly, we do not have the water. I did the math and if the average household uses 300 gallons per day. [the speaker's time ended]

Brian Johnson, Mayor of Rush Valley: You guys should've received my letter earlier. I just wanted to state that we have met with Mr. Anderson in our Planning meeting and discussed some of his concerns. It's interesting that somebody from Boise, Idaho thinks this would be a great thing for the town of Rush Valley. We are a very strong, independent little community. We have stood by some of our Zoning regulations for several years. We have RR-5, A-10 and A-40 and we feel like they serve the community and the residents well. We have had development there; we've had subdivisions. We've had opportunities for residents to subdivide and to do things they want to do with the current zoning in place. Another issue is water. Water in Rush Valley is very precious. The state engineer has a policy for Rush Valley district that's broken up into 3 different districts and we are in the northern, which is still open for appropriation. There is water available, but the state engineer's opinion is that any development moving forward will be slow and methodical. That is the approach that we, the town of Rush Valley, have always taken as well. In the Tooele County General Plan update, the land we're discussing is in that agricultural area, not in the residential in the land use concepts.

Todd Baird, Rush Valley: My concern is for the waterfowl management area that is to the east of the proposed property. The water there is precious. I think if wells are sunk in there it's going to affect that waterfowl.

Dean Alder, Rush Valley: Currently I'm operating one of the agricultural wells, owned by Mr. Hymas. It's one of the two agricultural wells closest to the proposed development. We've had a couple of decades-long drought in the area. These wells we use experience fluctuations in the amount of water they'll produce. We've noticed this from year to year. We're optimistic that next year, where we've had a good water year, we'll have water. But for the past few decades, it's been hit and miss. More wells drilled will affect that. I'm also speaking on behalf of my brother and sister-in-law who own and operate the other well that's nearest to this development. Currently, their well has went out because of the lack of water. We have the assessment from the well driller when they came to look at the well. It's because of it running dry; and sucking air has caused their motor to go out. The cost is astronomical on these things. Any more development would add to that. We share the desire that we don't love the extra traffic and the taking away from our type of lifestyle.

Lacey Burrows: I am a life-long resident of Rush Valley. I currently serve on the town council and my husband and I own the alfalfa field which shares the property line west of this proposed subdivision. There are many factors that have been brought up tonight. Mayor Johnson provided a letter on behalf of the town council, so I will not reiterate what has already been said. I would like to state on record that as a landowner, this will directly affect our farming operations and our livelihood. Considering the general opinion of the town, I respectfully ask you to consider the comments tonight and leave the zoning as is.

Jo Bohman: Mr. Anderson thinks this will be affordable housing. Does he consider the cost of building a home, the cost of sinking a well? Most everybody is generational. They would not want to live in a subdivision. Most everyone owns their property, or it's handed down from generation to generation. It does not take into consideration that he's taking most of Rush Valley's livelihood away. They depend on the hay. They depend on the water - as we all do. If anyone wants proof, they can come live with me. Trying to water trees, your water completely

stops. Twenty minutes later, you get sediment. In your house, you hear air. If anyone – whoever, my door is always welcome, they can come stay with me for proof. I no longer have a lawn because of the water issue. I no longer have trees. He plans to grow trees and shrubs there. How? Taking our water? When we do not get the ability to grow trees, shrubs, flowers? A one-acre subdivision is what he's stating. The roads, school, charter school? In Rush Valley? What is this guy thinking? He can stay in Boise, Idaho and build the subdivision there and live happily ever after.

Kim Shaffer: I'm a resident of Rush Valley, I live on Main Street. You've heard a lot of things already. One thing we've become accustomed to in Rush Valley is the big booms. The military base will have 20 pits that detonate explosions from April 1st through October 31st. Please consider our lifestyle of farming and ranching. And the things city folks don't understand like the booms, railroad tracks, waterfowl, traffic, and that EMS and fire are all volunteer. Even with the great job they do, we've had 6 major fires and they were all a loss. Please consider keeping us zoned the way we are. Thank you for your time.

Boone Baird, Rush Valley resident: I sit on the Planning/Zoning Commission. One concern that may not get talked about as much is the population increase. According to data pulled from the state, what he's proposing to do will double the current population of Rush Valley. That is my biggest concern. We have about 475 residents. His current proposal will raise that to almost a thousand. We do not have the volunteer force to provide any of that. We do not have a police department, or a sheriff's department. We don't have an on-staff ambulance or fire department. Everything is volunteer. The current response time is about 30 minutes. As Kim Shaffer stated, fires can be a complete loss. Unless the county plans to step in and handle this and shoulder some of the burden, it is nearly impossible for any of that to fall on the citizens of Rush Valley. The other concern I have, along with everyone else's concern, is water. We have many homes over the past two years that have gone dry. That is home wells, not agricultural wells. They've lost water to their home and had to re-drill. We know that re-drilling is a very expensive measure. Bringing in 100 homes is going to dry up wells that currently sit in Rush Valley. The town does not have the ability to support these homes. This is someone from Boise, Idaho, not from Utah.

Jeremiah Harding: I am currently a councilman over our roads. As far as future annexation, we don't have the equipment or manpower to support this. I agree with everything everyone's said about water.

Kris Burrows: I am the adjoining to Lacey and we own the property to the west. A lot of people don't realize what they're getting when they come out. It's cold in the winter and hot in the summer. It's miserably cold. People bring their dogs out and drop them off. We don't have sidewalks. The people that come out there from the city expect sidewalks, streetlamps, and to change our way of life to their way of life. If they want to change our way of life, they need to stay in the city, or wherever they come from – California, Salt Lake, wherever. They want to come out and get in the cowboy situation. Most people last 2-3 years. They can't handle our lifestyle. I appreciate what everyone's said.

Pete Albrecht, President of Rush Valley, currently serving as town councilmember: I'd like to second everything everyone's said tonight. The fact that we don't have the resources, my question to the county is are they willing to take on this type of burden of cost for our safety. I currently serve on the Emergency Management Team as well. The situation we're up against right now is finding out how we can take care of our residents the best way possible with the resources we have. We're very challenged by this. My question to the county is are they willing to take on the cost of this project as well for our Emergency Management?

Darryl Sagers, life-long Rush Valley resident: I would like to reiterate that the little town of Rush Valley might not be a lot to everybody, but it's everything to us. It's a place where we've all chosen to live and to raise our families. It's not for everybody. We chose to live out there. If we wanted to live in a one-acre lot subdivision, we'd certainly be living somewhere else. A lot of those places can maintain their own roads/sidewalks and snow removal. I second everything as far as emergency stuff that has to go along with a community like that. I second everyone else's opinion.

Patty Rowe, Rush Valley resident: I would like to speak about our road situation. Jeremiah is one of our council members. He is also our only Roads employee for the whole town. He works out in the desert. He does snowplowing in the wee hours of the morning with a snowplow that does not go into reverse. That is what we have in our town; that is what our town can afford. We cannot have any more roads to plow, any more people calling us screaming that they need their snow plowed. When I came home today 2 of our town members were out on their tractors plowing the roads. That's what we do, take care of each other because that's the only way it's going to get done. If we add all of these homes and all of these people, there's just no way our town can handle the added burden of taking care of those things.

Bill Harding, Rush Valley resident: I just want to echo what's been said here today. Huge concern over water issues, which has already been pretty well addressed. Another issue is septic tanks. That sewage is leaching back into the ground and on those one-acre lots, where you're also drawing your drinking water, a one-acre lot is too small to be putting your raw sewage into the ground and then turn around and pull it back in to your drinking water. Thank you.

Deanne Evans: I've lived in Rush Valley since 1974. My husband was born and raised, generational family. Mr. Anderson, I do not know you personally, but I do question your integrity. This board has stated that you had sent around some kind of survey about how we feel about this whole thing. I get really worried when people aren't honest or when they don't do or say what they are choosing to do. Why are you so afraid to find out? Is it because we don't want it, and you don't want to hear that?

Janet Wyman: I too am a life-long resident of Rush Valley. As we were doing some research, we found out that on June 30, 2021 on REZ 2021-074, it says that the Tooele County Health Department has made it known that standard septic systems will not be allowed going forward on lots smaller than 5 acres in size due to increased nitrate ground water contamination. That was on the rezone summary page 4.

Gary Davis: I've been in Rush Valley since 1984. I agree with everything on water. I had a well punched 3 years ago. It runs for 1 hour twice a day and that's it. After 1 hour, it starts cavitating the pump. I'm right in the flats where this property is that this guy from Boise wants to screw up. You've already let them screw up the whole north end of Tooele Valley, don't let them do it to the south. Keep every one of them cotton picking guys out of here.

Motion to close public hearing for REZ 2023-113 made by Toni Scott. 2nd by Brad Bartholomew. All in favor.

Andy Stetz asked the applicant if there has been a perc test done out there and if he has drilled any test wells. Mr. Anderson stated that there is an existing well on the property. We've not done any perc tests. Andy Stetz asked how old the well is. Jay stated he was unsure. Toni Scott asked do you have a recent water testing from that. Jay stated no, but we are planning to do one.

Rachelle Custer, Community Development Director, stated I would like to make a point of clarification about the survey. The applicant states on his application the Rush Valley Planning District document also includes a survey, where the respondents to the survey expressed a strong desire for more employment opportunities in Rush Valley. It wasn't a survey he conducted.

Andy Stetz stated building on one acre lots with septic systems, you're looking for trouble. I know what the code says, but that would be a big concern. Toni stated I believe since the application was made, there have been changes in the requirements for septic system and drain fields. They are supposed to be better for one-acre lots.

Brad Bartholomew stated in all of the other rezones, we've always been told we don't decide on water during the rezone process. We don't decide that; that is up to the state. They (the applicant) would need to prove that before they can get a building permit. Any decision we

make can't be based on whether we think there's enough water or not. Rachelle stated on a rezone there are requirements to be submitted with the application. There's the caveat that can include any plans deemed necessary by the Zoning Administrator. Where this is an aquifer that is not well studied, I believe that the Planning Commission could make that a requirement – that he prove that there are sufficient water rights and availability prior to granting the rezone. Once it's rezoned, you can't do much.

Toni Scott stated that in our General Plan it's agricultural. The 2022 General Plan states that under concerns/general recommendations specific to the Rush Valley area that there was not enough water to support both residential development and agricultural growth. Growth and development should be based on available water and aquifers. Toni asked the applicant how his subdivision meets these requirements. Mr. Anderson stated this property now is zoned 40 acre agricultural. Right now, the Utah Division of Water Resources is saying that this part of Tooele County has 14,500 acre-feet of unappropriated water. Toni asked is that a recent survey. Mr. Anderson stated it's from SITLA. It's based on two US geological survey studies. One in 2009 and one in 2011. When we purchased the property, we were told by the state that we could apply for water that's unappropriated in that area. My understanding is that instead we could plant that field all alfalfa. The state is claiming that the water is there to support it, but someone would have to apply for it to gain beneficial use.

There was some discussion about water usage to grow alfalfa. Mr. Anderson stated that if the neighboring property owner was to do alfalfa on a portion of this property, it would take far more water than this development would.

Toni asked the applicant again how this plan fits within the General Plan. Mr. Anderson stated that there are many people commuting to get out to Dugway Proving Grounds. So they're utilizing gas and resources to go through Rush Valley and would love to live closer to their work. I grew up in Bluffdale, Utah. People that grew up there couldn't afford to live there because of the 1-acre lot requirement. It sounds like Rush Valley doesn't have enough of a tax base to maintain their roads, but they don't have an interest in increasing that. This property is in the county so it would be up to the county to see if it benefits the county. I think it would.

Toni Scott stated that the General Plan talks about buffering less compatible land uses with the surrounding area. Going from 40 acres to 1 acre lots doesn't buffer it. Mr. Anderson stated one option would be going down to 5 acre lots, which you see both in Rush Valley and in Stockton. Those lots are less practical because unless you have horses or cattle you have 5 acres that people can't afford. Going to the 1-acre lots would allow for properties that young families could afford. I envisioned an area that still feels like the country but isn't so large that you have to buy a 5-acre lot.

Toni Scott stated page 16 the land use distinction concepts for Rush Valley. It creates the ability for development to blend in with the existing community. Tell me how your development blends in with the existing community. Mr. Anderson stated the survey that I quoted, stated that Rush Valley citizens would like more employment opportunities closer to where they live.

Blair Hope stated that I believe this is putting the cart before the horse. The basic requirements for this rezone have not been met. There are no clarifications on any of the questions asked of the applicant. How do you know if you can even proceed without even doing a perc test? This should be postponed until the due diligence has been done.

Jay Anderson stated as far as the gas station leakage, when I attended the Rush Valley Planning committee someone applied for a gas tank on their property. I can see the need for them, because you have to travel 9 miles to the nearest gas station. If there are numerous citizens that have them, that may be more dangerous than a service station that is regulated by a government agency. Most people talked about the amount of water – an option would be to do alfalfa and use more water and I wouldn't have to go through a rezone. There have been people that have had to drill new wells, which I believe a person has a right to buy a piece of property and improve on it. If a citizen of Rush Valley, my neighbor, wanted to drill a new well I wouldn't say hey you can't do that because it will impact my well. We plan to utilize a company that's been used by a number of municipalities that will do a complete analysis. We've also talked to the county health department. They said yes, you can put wells and septic tanks as

long as they're 100 feet apart. In most cases, that's not practical and you have to share a well. Four homes would share a well. We are also looking at a community septic system. My understanding is that we did everything that was required for a rezone and even that was very expensive. I realize there is a lot more that would have to take place for the subdivision to be approved. In my mind, the reason your system is set up the way it is, is so it isn't so costly to get a property rezoned and then you've spent all this money for nothing if it's denied.

Toni Scott stated regarding the person who applied for the fuel tank in Rush Valley; it was probably an above ground diesel tank. There is less chance of a leak for an agricultural tank. Toni asked about the email from the Health Department. Rachelle stated that Mr. Slade with the Health Department sent Trish (the Planner) an email that stated that 1-acre conventional septic tanks may work if there's a community water system or shared wells with a minimum of 4 homes per well.

Blair Hope made a motion to table REZ 2023-113 until the applicant provides: an approved quality of water, a study done on the water availability, and a recent perc test; and shows how this fits within the General Plan. 2nd by Andy Stetz.

Camille Knudson- Before I vote on this, I just want to say agricultural property is very limited in our county and we need to hold on to it as precious as it is. I really hate to see it being reduced even further, especially to development. As the applicant stated, he doesn't want to go through all of this and then have it ultimately denied. I'm voting no to the motion.

Brad Bartholomew- yes. Toni Scott- yes. I think there's too much gray area. I would like to see that survey. I want to see that it fits in our General Plan. Andy Stetz- yes. Blair Hope. The motion passed 4-1.

Toni Scott made a motion to take a 10-minute break. All in favor.

Toni Scott called the meeting back to order at 8:35 pm.

C. Jerome (Jay) Anderson is requesting to rezone his properties from MU-40 (Multiple Use, 40-Acre Minimum) to M-D (Manufacturing Distribution), Trish DuClos

PUBLIC HEARING AND MOTION: REZ 2023-114

Agenda Attachments

1. REZ 2023-114_Staff Report_Final.pdf
2. Planning_Commission_Agenda_Summary 2023-114.pdf
3. REZ 2023-114_ PUBLIC NOTICE.pdf

Rachelle Custer stated I have a question for the applicant before we begin. Mr. Anderson, we have two rezone applications. One is from MU-40 to MD and another from MU-40 to Commercial General. What was advertised for the rezone is to MD. Is that the correct zoning district you are after on the front 21 acres? Mr. Anderson stated yes, that is correct.

Rachelle summarized the staff report. Mr. Anderson has applied for a rezone for the northern portion for parcel 06-061-0-0007 from MU-40 to MD, Manufacturing Distribution. It would be 21.49 acres. The applicant would like to do a subdivision for possible commercial and warehousing. The property is located just east of Rush Valley Town limits. According to the future land use map of the Tooele County General Plan update 2022, the subject property is located in a large geographical area of agricultural with some residential. The Planning Commission and County Council should consider whether the proposed rezone fits the general area and General Plan. The applicant has attended Rush Valley town meetings and spoken with the mayor and fire chief. The applicant has addressed all concerns and provided all required information in the rezone application. Staff has received several comments, most of them addressed the residential rezone, but they stated the comments were for both. Concerns are water, wildlife, traffic, lot size (which doesn't pertain to this), sheriff, fire, and light pollution. One thing I didn't mention in the last one is that there is no water system in this area, so there are no fire hydrants. It does have to be constructed with the Wildland Urban Interface code, which does require some upgraded fireproofing and water storage tanks onsite, typically.

Rachelle stated Planning staff expressed concerns about the proposed rezones and how they would affect Rush Valley given it borders their town limits. The applicant has attended their Planning Commission meeting and addressed their concerns. In the General Plan update 2022, staff has identified two zones likely to surround Rush Valley, agricultural and residential. There are no culinary water sources near the proposed rezone. The property owner does have water rights. The state allows this area to apply for more. The applicant has provided a trip generation study for the proposed rezones, with both the commercial and residential, which would significantly affect the traffic in the area. Planning staff recommends that Planning Commission analyze the information provided to ensure the proposed rezone would be compatible with existing residential uses and infrastructure in the surrounding area. I will again point out that the element in the General Plan states that this property is outside the growth boundaries and anticipated to be agricultural.

The applicant, Mr. Anderson, stated we are modeling this after a little subdivision close to Cedar Fort. They were able to bring in some businesses. We think that for people that want to start a small business, this would be attractive to them and more affordable. The survey stated that people who live in Rush Valley have to commute to find work. This rezone could address that issue.

Toni Scott made a motion to open public hearing for REZ 2023-114. 2nd by Brad Bartholomew. All in favor.

Janice Thomas: I am a long-time resident of Rush Valley. We've talked about all the septic tanks and the water. With a business like a gas station, that's one of the main things, is a restroom. What are you going to do with all of the use of a restroom? It's a great idea to have all these businesses, but in today's world, we have the internet. We're happy doing our business on the internet and taking advantage of that rather than having a business area.

Bryan Johnson, Mayor of Rush Valley: The comments I submitted online were for both REZ 2023-113 & 114. Going back to the General Plan update 2022, this land sits in that designated agricultural; how does this commercial downzone fit into that?

Gary Morgan, resident of Rush Valley: I wanted to comment on the wildlife. Rush Valley is home to turkey, deer, elk, coyotes, sage grouse, which are a threatened species. They depend on this land. The native grasses and shrubs are a source of cover, a source of feed for them. There are large amounts of sage on this parcel in question which is the main source of digestible protein for mule deer, which are on the decline in the west. It holds a year-round feed for pronghorn. I've personally witnessed pronghorn and mule deer does dropping their fawns in this field. There is also a wetland next to this parcel that will host waterfowl, native songbirds, and spadefoot toads. My fear is that in developing this land we will lose these acres that this wildlife depend on. We'd also lose the water that they depend on. It will cause this wetland to dry up, which would be a detriment to the county's wildlife and the state's wildlife as well.

Kris Burrows: You talked about Cedar Fort. Cedar Fort has a gas station, which is closed. Stockton has a gas station and a closed restaurant. Why? It's because the further you go out from the hub, the more expensive the fuel is. I drive right past Stockton everyday to go to Tooele to fuel up because it's cheaper. I go to Tooele to buy my stuff because it's cheaper. The further out you go, the more expensive the fuel's going to be. We have Dugway to the west, Tooele to the north, and nothing to the south. To the east of us we have the chemical depot. We're fine traveling 15-20 miles. The majority of people will bypass Stockton. Stockton has had many restaurants, and none have been successful.

Karen Burnett: We moved to Rush Valley because that's the kind of lifestyle we wanted. We wanted to be out away from people. I don't know who interviewed about people wanting services out there. That's the whole idea of going out there. Yes, it's inconvenient that we don't have a service station or a grocery store, but that's the price I am glad to pay to live in that area. I don't know anybody out there that wants a store out there, or a service station. I don't appreciate someone coming from Boise, Idaho and telling us what we want.

Jo Bohman: He spoke about South Rim in Stockton. The old folks in Stockton were on a very limited income. I, myself, grew up in Stockton and I just put a septic tank in the house I bought. I spent six grand to put that in. Right after that, Stockton went to sewer for South Rim. It did not benefit Stockton at all. What did we do before Mr. Johnson came in? Where was he 20 years ago? We've all lived driving to Tooele to get fuel. Even Eureka or Vernon. The main thing for me is the water. Like Mr. Burrows said, we're not going to pay \$5 for fuel. In order for him to make any money, I'm sure that's what he'll have to charge. So of course, we're going to drive to Tooele like we have for 30 years. He went from a developer to a hay farmer in 2 seconds.

Kevin Taylor, Rush Valley: I commute into Salt Lake every day and the reason I commute every day is because I want to live in Rush Valley, the way Rush Valley is. I would rather commute. I feel like it's my choice, my decision. If I wanted to live next to a gas station, there are plenty of them that I could buy next to right now.

Toni Scott made a motion to close public hearing for REZ 2023-114. 2nd by Camille Knudson. All in favor.

Toni Scott asked the applicant how he planned to address fire suppression if this rezone passed. Mr. Anderson stated we were asked to contact both Stockton Fire Department and Rush Valley Fire Department. I visited with the fire chief of Stockton and the Rush Valley fire people. They stated they have a contract with Tooele County for fire suppression in that area. Toni Scott asked if that would be with North Tooele Fire Department or the County itself. Rachelle clarified that this would fall under Tooele County's jurisdiction. There are interlocal agreements with Rush Valley and Stockton Fire to help neighboring communities. This would fall under Anthony Bott (Tooele County Fire Marshal) and Bucky Whitehouse. What I was addressing is the structures themselves would have to be built to an upgraded fire code and onsite water storage would have to be provided for fire fighting services. Toni stated some of the subdivisions were required to have suppression water tanks in the attics of the homes. That is what we're talking about, rather than fire fighting services. Toni asked the applicant if he is prepared to address. Mr. Anderson stated just as a clarification; one of the businesses we named is a service station, but we've named a number of other potential businesses. We recognize that whatever goes in there would have to meet the fire suppression codes. I would not be the one to put the service station in.

Toni asked about the other businesses that the applicant mentioned. Are these people you've spoken with, that are interested? Or is this a if I build it, they will come? Mr. Anderson stated a little of both.

Toni again asked the applicant how this plan fits in with the county's General Plan. Mr. Anderson stated I got that information from something called the South Rush Valley Planning.

Camille Knudson made a motion to make an unfavorable recommendation to the County Council for REZ 2023-114. 2nd by Blair Hope.

Brad Bartholomew- Yes, because I don't see how this fits into the General Plan. Andy Stetz- Yes, for the same reason- I don't see how it fits in the General Plan. Toni Scott- Yes, for the same reasons. Blair Hope- Yes, because it's not cohesive with the current General Plan. Camille Knudson- Yes, for all the reasons as stated. The motion passed unanimously.

Toni Scott made a motion to review the meeting minutes from December 6, 2023. 2nd by Camille Knudson. Toni stated that Commissioner Stetz cannot vote on this item [because he was not present].

Camille Knudson made a motion to approve the meeting minutes from December 6, 2023. 2nd by Toni Scott. All in favor. The motion passed.

7. Adjournment

Motion to adjourn made by Toni Scott. 2nd by Blair Hope. All in favor.

Time of adjournment was 9:03 pm.

8. Notice of Special Accommodations:

- A. Pursuant to the Americans with Disability Act, individuals needing special accommodations during this meeting should notify Janet White, Tooele County Community Development, at 435-843-3160 prior to the meeting.