



Planning Commission Meeting Agenda

October 02, 2024

47 S Main St., Council Chambers, Room 308

07:00 PM

Those who wish to watch the meeting online can do so at this link:

<https://us06web.zoom.us/j/87557557305>

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

1. Pledge of Allegiance

2. Roll Call

3. Minutes

A. Approval of the Minutes from the September 4, 2024 Planning Commission Meeting

Attachments

1. Planning Commission Meeting Minutes September 4, 2024_DRAFT.pdf

4. Conditional Use Permits

A. CUP 2024-119; Conditional Use Permit for private recreational park and camp or resort

PUBLIC HEARING AND MOTION: CUP 2024-119

Attachments

1. CUP 2024-119_Staff report_final.pdf
2. Planning_Commission_Agenda_Summary_2024-119.pdf
3. Public Notice_Hearing_10 days_AMD CUP 2022-113.pdf

B. AMD CUP 2022-113; Amendment to Conditional Use Permit for private kennel

PUBLIC HEARING AND MOTION: AMD CUP 2022-113

Attachments

1. AMD CUP 2022-113_Staff report_final.pdf
2. Planning_Commission_Agenda_Summary_2022-113.pdf
3. Public Notice_Hearing_10 days_AMD CUP 2022-113.pdf

5. Planning Commission Comments

6. Adjournment



Planning Commission Meeting Minutes

September 04, 2024

Emergency Operations Center

15 E 100 S Tooele, UT 84074

7:00 p.m.

1. Pledge of Allegiance

Tim Gillie, member of the public, led the group in the Pledge of Allegiance.

2. Roll Call

Chairman Blair Hope called the meeting to order at 7:00 pm. Roll call was taken showing Michael Dow, Brad Bartholomew, Toni Scott, Blair Hope, Andy Stetz, Curtis Beckstrom, and Ron Elton. It was noted that Commissioner Knudson has resigned from the Planning Commission.

3. Minutes

A. June 19, 2024

Agenda Attachments

1. June 19, 2024 Planning Commission Meeting Minutes_Draft_R1.pdf

Motion to approve the June 19th 2024 minutes by Toni Scott. 2nd by Michael Dow. All in favor. The motion passed unanimously.

B. August 7, 2024

Agenda Attachments

1. August 7, 2024 Planning Commission Meeting Minutes_DRAFT.pdf

Motion to approve the August 17th, 2024 minutes by Ron Elton. 2nd Andy Stetz. All in favor. The motion passed unanimously. *[Editor's note: Brad Bartholomew and Toni Scott later stated they need to abstain from this motion, due to not being at the meeting]*

4. Rezone

A. Doug & Matt Hogan are requesting to rezone a property from MU-40 to RR-1, Trish DuClos

PUBLIC HEARING AND MOTION: REZ 2024-109

Agenda Attachments

1. REZ 2024-109_Staff Report_Final.pdf

2. REZ 2024-109 Planning_Commission_Agenda_Summary .pdf

3. REZ 2024-109_ PUBLIC NOTICE.pdf

Trish DuClos, Planning Staff, summarized the staff report for REZ 2024-109. This is a rezone request for a large property just west of the South Rim subdivision for 307.66 acres. The request is to rezone from MU-40 to RR-1. South Rim is an RR-5 zone, but there is a development agreement, so the lot sizes range from 1 to 3 acres. This is consistent with the General Plan update from 2022. There is concern with water. The applicant hasn't turned in proof of water, but it isn't required at the rezone phase. He does have water rights he could transfer over. They will do a water system similar to South Rim.

Trish stated the applicant turned in a detailed traffic study. The biggest concern for staff is the intersection where Connor Avenue and Grant Avenue intersect. They propose that in 2029 at full build out, they request that Stockton City improve that intersection. It increases the traffic substantially in that area.

Ron Elton asked about the smaller lot size. Trish stated that the South Rim subdivision was created through a different subdivision code that allowed them to cluster the lots and provide open space. We now have a conservation subdivision they could go through, but it would require them to have a sewer and water system. They will have a water system, but not sewer; they will have septic systems.

Motion to open public hearing by Toni Scott. 2nd by Brad Bartholomew. All in favor.

Trish read a letter received by Planning Staff sent in by John and Charlotte Dravick, residents of the South Rim subdivision. Their concerns are density, light pollution, water access, septic impact, utilities and traffic.

Yvonne Morris- My property is adjacent to this property. My concerns are water, road wear and tear, septic, sewer, light pollution. I think there is a better way to zone this. I too would love to see it zoned RR-5 with green spaces. We're not opposed to progress, we are opposed to that density. This morning, we watched a herd of elk travel across this property. It would be a shame to lose that along with all the protected raptors that nest out there. There is more to consider than just profit. Water is one of them. I would love to see a study done on traffic.

Michael Lucas- My biggest concern is water. They've put restrictions on us this summer to make sure we have enough water for fire suppression, etc. but now you have enough for 250 homes. It seems contradictory to me. In the 8 years I've been out there, watching the growth, all the trucks take more than half of their lane. On my motorcycle I've been forced to the far side of my lane. You give us a minute to talk to the 142-page report. Most of us aren't ever going to understand that impact study. The impact to that road is far greater than the data for an impact study on traffic. I watch accidents all the time on Silver and Mormon Trail. You need to do better on your research.

Ridgeline Road Resident [Name unintelligible]- A couple concerns I have- one is the fire suppression system. It's a voluntary system. Right now they're building a new fire house. And the lack of police presence we have. There is no police out there. The people getting pulled over out there are from highway patrol that lead them to local area. Another concern is the amount of water that come out of the canyons and rushes down Silver Avenue. It's dug a 12-foot trench down through that area. It's definitely a flood zone. We have water that comes up over Ridgeline. We are out there shoveling to clear the mud. Being in a floodplain these new developments will be required to have flood insurance. They've dug a ditch back there as well behind Ridgeline to prevent that. When we get a lot of rain up there, the 18-inch drainage pipes we have flood over. A lot of basements have flooded.

Michael Lucas- There was a development growth study from 2022 that mentions the Mormon Trail as a major road from the Salt Lake Valley to Rush Valley. That is one of the worst roads in this county. To think that you're going to put 250 more homes out there and have half the people go that direction to get to I-80 is absurd. That road is horrible. I refuse to take my motorcycle down there because it is in that bad of shape. I watch horse trailers go down these roads and they're garbage. The extra traffic is a big concern.

Jim Johnson- The one concern that hasn't been mentioned is the lawsuit we have with the gravel pit. No where on my closing documents when I bought my house did it say that there is a commercial gravel pit across the street. It is 50 yards from me. Are the Hogan brothers prepared to put a disclosure comment to all these new possible owners that there is a huge gravel pit across the street? No one is going to buy a home out there.

Emily J (Online)- My concerns mirror what everyone else said. I'm concerned with the water issues, with the increased lighting for the birds out there. I also saw the elk and I worry where they're going to go. Increased traffic that's brought to the area and the possibility of that gravel

pit coming back to out here. I am not opposed to progress. I think the lots should be done a bit differently.

Charlie Chadwick- My concerns are the traffic and the curves- traffic is tight going through there; the sewage problems and water issues. Traffic, coming through Tooele is even pretty bad. The post office will be overrun with all the new things.

Lori Paige – I am disheartened. It seems the only ones who were notified are us on Ridgeline. This affects all of South Rim. A lot of people were upset that they never heard any of this was taking place. It affects the people in Stockton as well. It sounds like a shady deal. We are concerned about water. We have been told not to water on some days during the summer. We ask that you consider larger lots. The light pollution and traffic. We left Tooele to be out in the country so we didn't have to deal with light pollution or traffic.

Becky McCormick- My concern is where the aquafer is and what happens when you add 300 more septic systems out there. I have concerns with the county road crews can't get out there during the snowstorm. To add another subdivision will tax the county. During the flooding, the snow and getting our kids safely to school. I love growth and I know that it's going to come but I would request larger lots.

Val Griffith- I've lived all my life where there have been septic systems. It seems like if you put 307 lots on one acre lots you'll have trouble fitting the leach fields and septic tanks. The way it is now, the RR-5 there's enough room for that for the houses that are there. That is my biggest concern- septic, propane, you need enough space for those things. We were also not notified of the gravel pit. We are concerned that everyone knows about it. I don't oppose having houses there. It seems it would be better the RR-5.

Blair Hope stated the code is written that people that live within a certain amount of feet of the petitioned property are notified. That's why only some people were notified, and not all of South Rim and Stockton.

Rachelle Custer, Community Development Director, stated that is our code. State law says only neighboring properties.

Motion to close public hearing by Curtis Beckstrom. 2nd by Toni Scott. All in favor.

Doug Hogan, co-applicant, stated that Commissioner Elton asked why we are asking for RR-1 The PUD code was repealed. We can't apply for the same thing as The Benches at South Rim. There are no 5 acre lots in South Rim. It's RR-5 zoning with a PUD. There are a lot of 1-acre lots in The Benches at South Rim.

Doug explained as far as the water question that was asked, there are two issues- one is source and the other is storage. The concern about when water can be used is a storage issue. The current system has two wells and one tank. What's proposed is that there would be additional storage. There is no problem with the source. There's adequate water in the well. The benefit is that there would be multiple tanks. We believe our proposal fits in with the General Plan.

Doug explained about the state's process for granting water to property owners. Doug explained that they are planning for one acre lots, with small deviations that will be a bit smaller. There is opens space accounted for, for trails, but no plan for a park. There are costs to maintain the park.

Blair hope asked about adding two-acre lots. Doug stated that can be discussed at the subdivision stage. The issue is economically will you be able to recoup your costs and sell them.

Toni Scott asked about Hickman Wash, and whether this is in a flood zone. Doug stated I know the engineer has accounted for that in this plan.

Blair Hope asked about the costs for the development for the new subdivision. Doug stated the

new development will pay impact fees to pay for itself.

Ron Elton stated that the traffic study was fairly narrow in scope. Do you know why it didn't consider the s curves and the state of Mormon Trail Road? It's interesting they looked at the intersections in Stockton.

Doug stated I'm not sure why the traffic engineer didn't consider the s curves. Doug compared it to the developments in canyons and the narrow roads that lead there. There is a 5 way intersection at the gas station that may need to be addressed.

There was discussion regarding the infrastructure, roads and the repealed subdivision code.

Brad Bartholomew stated that Utah is a non-disclosure state, so it's not required (to disclose things like the gravel pit). Blair stated that is part of the due diligence of the buyer.

Brad stated that this is a rezone application, and the plans are just a concept at this point. Brad asked what the next step is. Trish stated the next step will be to go to Council Meeting, where Council will vote on it. They will take your recommendation into consideration. If it's approved, the applicant can apply for the subdivision. That's when we'll get into the details of the roads and lot sizes, etc.

Rachelle stated as part of the rezone, you could make a condition that they have a traffic study done to analyze certain areas like the s curves. Doug stated that there have been multiple offers to fix the s curves. They made the road wider. The county said they don't want it straight road because people would drive too fast.

Ron Elton made a motion to recommend to the county council a denial of this request for rezoning, based on all the concerns raised for REZ 2024-109, but we recommend a rezone to RR-5 which is consistent with the designation and the General Plan, if the applicant consents. As a side note I would ask to consider a PUD to allow for a subdivision to allow for a subdivision consistent with the adjacent subdivision. The motion failed for lack of 2nd.

Andy Stetz made a motion to recommend approval for (REZ 2024-109) the rezone parcel from MU-40 to RR-1, one-acre minimum. 2nd by Curtis Beckstrom.

Roll call vote: Michael Dow – aye. Brad Bartholomew – aye. Toni Scott – aye. Andy Stetz- aye. Curtis Beckstrom- aye. Ron Elton- nay, I believe the subdivision should be consistent with the existing subdivision. I think the county should be able to accommodate that. I don't think the RR-5 would be consistent with that, but that's what we have left. We've got a lot of concerns. We do have the ability to mitigate the impacts to the community. The roads are inadequate. I drive the s curves multiple times a week and have people coming into my lane. People who down the Mormon trail road say it isn't well maintained. We have the ability to regulate, and the only way we can do that is make the subdivision consistent with the adjoining property. Blair Hope- aye. The motion passed 6-7.

Ron Elton made a motion to take a 5-minute break. 2nd by Toni Scott.

5. Land Use Ordinances

A. Text amendment to Tooele county Land Use Chapters 2, 15 and 16, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-114

Agenda Attachments

1. TCLUO 2024-114 Planning_Commission_Agenda_Summary.pdf
2. TCLUO 2024-114_staff report_Final.pdf
3. TCLUO 2024-114 Public Notice_Hearing_10 days.pdf

Trish summarized the staff report and explained the difference between home-based business, cottage industry, home occupation, and the ag industry. Trish stated our current code contradicts itself. There are two different home occupations one is permitted, and one is reviewed by staff. The other is the home-based businesses are larger than that. The table

addresses those.

Trish explained some of the issues staff has faced with the contradictions in the ordinance and the lack of clarification between the home businesses.

Motion to open public hearing by Blair Hope. 2nd by Brad Bartholomew. All in favor.

No public comment.

Motion to close public hearing by Toni Scott. 2nd Brad Bartholomew. All in favor.

Motion to recommend the 2024-114 amendments by Ron Elton. 2nd by Toni Scott. All in favor.
The motion passed unanimously.

B. Amendment to Tooele County Planning Commission's Policies and Procedures, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-115

Agenda Attachments

1. TCLUO 2024-115 Planning_Commission_Agenda_Summary_2024-115.pdf

2. TCLUO 2024-115_staff report.pdf

3. TCLUO 2024-115 Public Notice_Hearing_10 days.pdf

Motion to go through Commissioner Knudson's proposal and vote section by section made by Ron Elton. 2nd by Andy Stetz. All in favor. The motion passed unanimously.

Motion to approve the first paragraph and add and to it "and is the land use authority for Tooele County" by Ron Elton. 2nd by Toni Scott. All in favor. The motion passed unanimously.

Motion to approve paragraph 1 and 2 as indicated by Ron Elton. 2nd by Michael Dow. All in favor.

Motion to approve section 3.1 changes by Ron Elton. 2nd Toni Scott. All in favor.

Motion to leave in section 3, the paragraph Election of Officers, and change "staff" to "the Community Development Department shall appoint a secretary" by Toni Scott. Michael Dow 2nd. All in favor.

Motion to keep the first paragraph in section 3.2 as originally stated, without the deletion by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to approve the second paragraph of 3.2, and not accept the next sentence that the county would appoint, and that the quorum present may select an acting chairperson by majority vote by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to leave in the last sentences of 3.2, starting with "the secretary shall ensure..." by Ron Elton. 2nd by Scott, with the corrections of the spelling of ensure. All in favor.

Section 3.3 Rules and Procedure- Motion to approve with the acceptance of deleting the first sentence and accepting the remainder of that paragraph by Ron Elton. 2nd by Michael Dow. All in favor.

Motion to accept the last paragraph of 3.3 as proposed with the underlined portions by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to delete section 6 by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to accept section 3.3 as proposed with the provision that the chairperson or 4 members of the Planning Commission, under signature, may add items to the agenda by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to approve subparagraph 6 (section 8) as proposed and leave in "The chair may close the public hearing or comment period as deemed appropriate without a vote, second vote, or

vote of the Commission,” and the last sentence be deleted by Ron Elton. 2nd Michael Dow. All in favor.

Motion to approve subsection 7 of 3.3 with the apostrophe s by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to leave subsection 3.3.8 Ron Elton. 2nd by Michael Dow. All in favor.

Motion to delete the section Reconsideration of Commission’s decision as proposed by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to approve 3.4 as proposed, with the addition of a period and the word are, and delete the last sentence by Ron Elton. 2nd by Toni Scott. The motion passed.

Motion to delete the Conduct of Hearings paragraph by Ron Elton. 2nd Toni Scott. All in favor.

Motion to approve the proposed section 3.5 by Ron Elton. 2nd by Curtis Beckstrom. All in favor.

Motion to delete the ex parte contact section and insert the County Code provisions regarding ex parte contact provisions by Ron Elton. 2nd by Toni Scott. All in favor.

Motion to accept section 4 amendments as proposed, delete those provisions and add that one sentence by Ron Elton. 2nd Toni Scott. All in favor.

Motion to accept section 5 and 5.1 as proposed by Ron Elton 2nd Toni Scott. All in favor.

Motion to not include the rest of packet that was attached to the agenda by Ron Elton. 2nd by Toni Scott. All in favor.

C. Text amendment to Tooele County Land Use Chapter 4, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-116

Agenda Attachments

1. TCLUO 2024-116 Planning_Commission_Agenda_Summary_2024-116.pdf
2. TCLUO 2024-116_staff report_Final.pdf
3. TCLUO 2024-116 Public Notice_Hearing_10 days.pdf

Trish DuClos summarized the staff report for the text amendment. Tooele County Community Development is requesting a Land Use Ordinance update to Chapter 4 “Supplementary and Qualifying Regulations.” These changes update verbiage on lots having greater than 30% slope. It also takes out the verbiage of animals requiring a CUP. And updates the wording throughout from “Department of Engineering” to “Community Development Department.”

Chairman Hope opened the public hearing.

No public comment.

Chairman Hope closed the public hearing.

Motion to recommend changes to chapter 4 of the Tooele County Land Use Ordinance, 2024-116, as proposed to the County Council by Toni Scott. 2nd by Curtis Beckstrom. All in favor.

D. Text Amendment to Tooele County Land Use Chapter 21 WILDLAND/URBAN INTERFACE OVERLAY ZONE (WUI), Janet White

PUBLIC HEARING AND MOTION: TCLUO 2024-117

Agenda Attachments

1. TCLUO 2024-117Planning_Commission_Agenda_Summary_2024-117.pdf
2. TCLUO 2024-117_staff report_Final.pdf
3. TCLUO 2024-117 Public Notice_Hearing_10 days.pdf

Trish summarized the staff report. Changes are to the references of other code numbers.

Chairman Hope opened the public hearing.
No public comment.
Chairman Hope closed the public hearing.

Motion to approve recommendations of TCLUO 2024-117 by Michael Dow. 2nd by Toni Scott.
All in favor.

Ron Elton asked that the minutes reflect that the Planning Commission is recommending approval (to the Council).

E. Text amendment to Tooele County Land Use Chapter 35 Subdivisions, Trish DuClos

PUBLIC HEARING AND MOTION: TCLUO 2024-118

Agenda Attachments

1. TCLUO 2024-118 Planning_Commission_Agenda_Summary_2024-118.pdf
2. TCLUO 2024-118_staff report_Final.pdf
3. TCLUO 2024-118 Public Notice_Hearing_10 days_2024-118.pdf

Trish DuClos summarized the staff report. Tooele County Community Development is requesting a Land Use Ordinance update to Chapter 35 "Subdivisions." The changes are to update minor title changes, as well as updating processes and timelines to reflect state code requirements.

Ron Elton asked that 35-4-6 indicates the final plat application would be approved by the Community Development Department, rather than the Planning Commission. Trish stated this is what state code requires, and Planning Commission previously voted on.

Chairman Hope opened the public hearing.
No public comment.
Chairman Hope closed the public hearing.

Motion to recommend for approval TCLUO 2024-118 by Michael Dow. 2nd by Curtis Beckstrom.
All in favor.

6. Planning Commission Comments

Brad Bartholomew stated that he needed to abstain from the vote on the approval of the August 17th, 2024 meeting minutes. Blair Hope stated Toni Scott needed to abstain on that vote as well.

7. Adjournment

Motion to adjourn by Blair Hope.

Time of adjournment 9:17 pm.

Conditional Use Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: October 2, 2024

Parcel ID: 03-019-0-0026

Current Zone: RR-5 (Rural Residential 5-acre minimum)

Property Address: 1674 N Blue Peak Dr

Unincorporated: Pine Canyon

Request: Conditional Use Approval for private recreational grounds and camp or resort

Planner: Trish DuClos

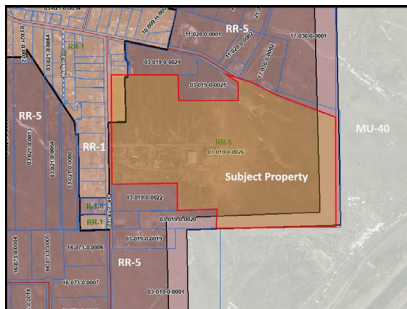
Planning Staff Recommendation: Approval with Conditions

Applicant Name: Rodney Park

PROJECT DESCRIPTION

Rodney Park, the property owner, is requesting to have a “Private park, recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory.”

SITE & VICINITY DESCRIPTION (see attached map)



The subject property is located just East of Blue Peak Dr. It is currently zoned RR-5 (Rural Residential, 5-acre minimum). The property is 89.83 acres in size. There are multiple zones around the property. On the East side and a portion of the South side there is a large MU-40 (Multiple Use, 40-acre minimum) zone. The other Southern portion and the North side of the property are RR-5 zones. West of the property are RR-1 (Rural Residential, 1-acre minimum) and one property that is zoned R-1-8 (Residential, 8,000 sf minimum).

LAND USE CONSIDERATIONS (RR-5, Rural Residential, 5-acre minimum)

Requirement	Standard	Proposed	Compliance Verified
Height	35' Feet	Smaller than 35'	Will Comply
Front Yard Setback (same as Main Building)	30 Feet	More than 30'	Will Comply
Rear Yard Setback (accessory buildings)	10 Feet	Differs between multiple structures	Will Comply
Side Yard Setback (accessory buildings)*	10 Feet *if 10' behind the dwelling	Differs between multiple structures	Will Comply
Lot Coverage	10 %	Not yet determined	Will Comply
Lot Area	5 Acre	89.83 Acres	Yes

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

NEIGHBORHOOD RESPONSE

Planning staff has not received any neighborhood feedback on this item. Any comments received after this staff report is submitted will be addressed to planning commission at the meeting.

PLANNING STAFF ANALYSIS

Tooele County Land Use Table 15-5-3.5(e) allows for a “Private park, recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory” with a CUP (conditional use permit) approved by planning commission. The CUP has been requested first so the site plan can reflect any conditions place by planning commission.

ISSUES OF CONCERN/PROPOSED MITIGATION

Staff requests planning commission to put clear and concise conditions for such a large property that could have multiple uses.

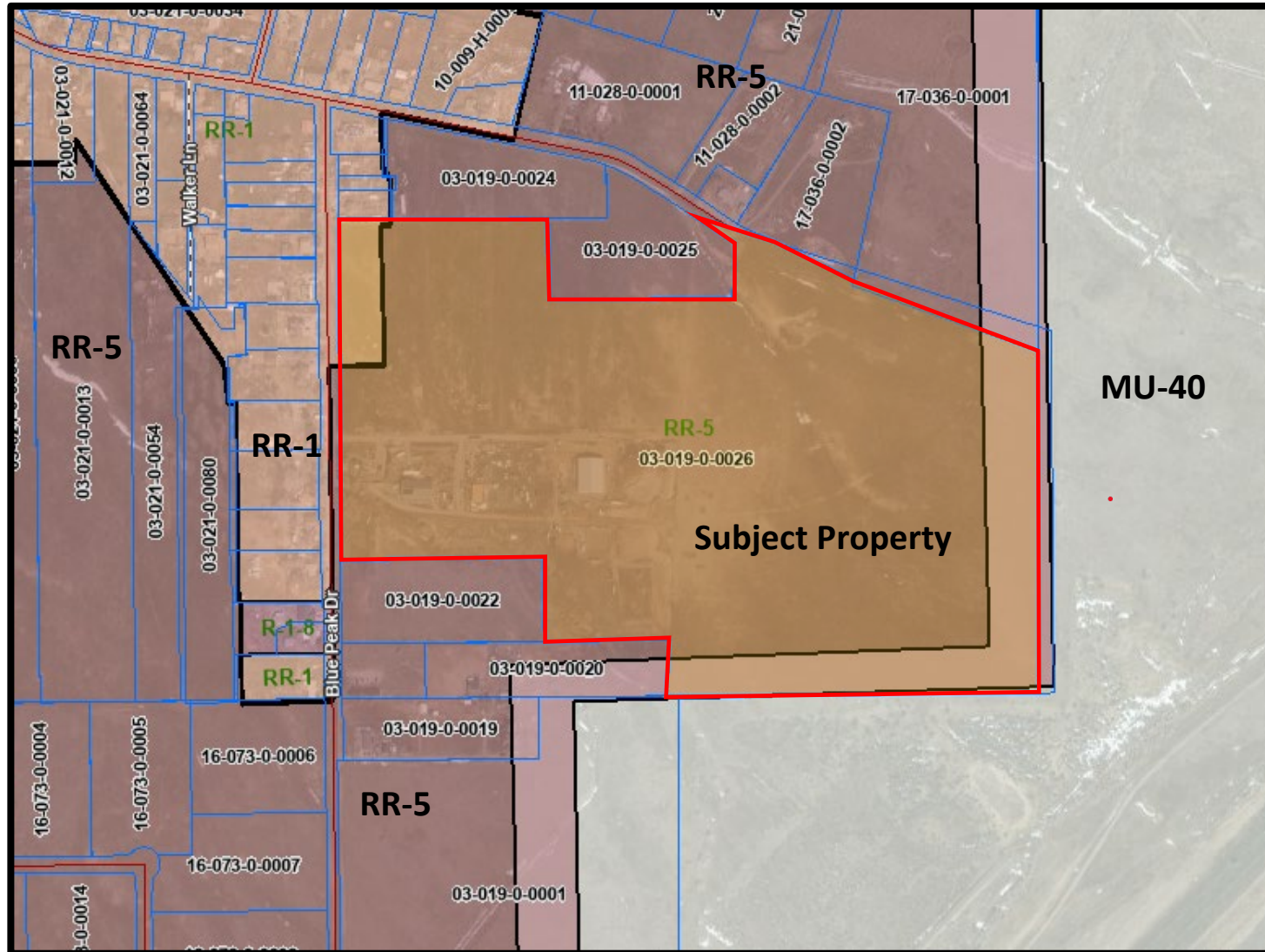
PLANNING STAFF RECOMMENDATION

Staff recommends that the Tooele County Planning Commission consider conditions such as a maximum number of accessory dwelling units, bathrooms, etc. How far the structures, parking, areas, and arenas are from neighboring properties and houses. If fencing could be required and any other possible mitigation to allow such a use on a large property without becoming a nuisance to the neighbors.

CUP 2024-119: CUP for private recreational park and camp or resort

Address: 1674 N Blue Peak Dr, Pine Canyon, UT 84074

Parcels: 03-019-0-0026





Conditional Use Permit Application

Required to go before Planning Commission

Fee \$300.00

***unless amendment

Property information and location (all lines applicable to this site must be filled in)

Parcel # 03-019-0-0026 Lot # _____

Subdivision Name: _____

(For office use only)

CUP #: _____ Fee \$300.00 Receipt #: _____

Is this an amendment to previous CUP? Yes ☐ No ☐ Is this a temporary CUP? Yes ☐ No ☐

*** Amendment fee – 50% of Normal Fee

Application Determination:

Approved ☐ Denied ☐

Conditions imposed? Yes ☐ No ☐

By: _____ Date: _____

Property Owner(s) Information

Name(s): Rodney Burt Park

Address per tax rolls: 1674 BLUE PEAK DR

City/County: Tooele State: Utah Zip: 84074

Office/home phone: _____ Fax: _____

Mobile phone: 801-707-1964 Message phone: _____

Email address: rodneypark73@gmail.com

Applicant's Information if different than Property Owner(s)

*Agent Authorization notarization needed

Name(s): _____

Address per tax rolls: _____

City/County: _____ State: _____ Zip: _____

Office/home phone: _____ Fax: _____

Mobile phone: _____ Message phone: _____

Email address: _____

All information in this application is required and must be completely filled out and signed with the required paperwork submitted or the application will be denied.

There shall be no presumption of approval of any aspect of the process.

APPLICATION IS HEREBY MADE TO THE PLANNING COMMISSION REQUESTING THAT:

(Describe in as much detail as possible the business and use on property)

Table 15-5-3.5 #e, and Table 15-5-3.1 # p. I want to host small scale horse shows on occasion (max of once per month). They're a great opportunity for riders to showcase their talents, improve their skills, and have fun with their horses. I also want to create a small private recreational camp. The Camp will consist of equal to or less than 5 tent camp sites, 10 horse trailer parking stalls, 8 1 bedroom (less than 200sqft) cabins with electricity and no plumbing, 1 building with 4 toilets and 4 showers. The purpose of the building with the toilets is to provide a facility that is better than a porta-potty for guests of the private recreational camp and visitors to the horse show. The purpose of the private recreational camp is to provide a comfortable area for guests to stay for the weekend when they are in town for the horse show. Because I need two CUP's to do this, and only one can go through the approval process at a time, this application is for Table 15-5-3.5 #e.

Total acreage of parcel: 89.93 Area occupied by this use: 0.25

Current zoning designation: RR-5 ☒ Current use of land (residential, commercial, etc.): Agricultural

What area(s) of the property will be used for the business (accessory structures, yard space, in the residence, etc.)?
See attached Site Plan.

How many Employees will be coming to work at the property (whether to pick up items or work)? 4

How many deliveries or pickups will be made to the property?: 1 per month

How many customers will be allowed at the property at one time? 100 max

What type and how much raw and finished product will be stored? N/A

How and where will equipment and materials/product be stored? N/A

What will your hours of operation be? 8AM to 8PM, by invitation only.

Include the following with the application:

Applicant

County



Site Plan with the following:

1. A north arrow, the scale of the drawing, and the date of the drawing.
2. Street names and addresses.
3. **Property lines with dimensions.**
4. All sidewalks, driveways, curbs and gutter, **and parking areas** (if any).
5. **All existing easements, rights-of-way, and any other significant features on the site.**
6. **Existing buildings** and significant features located on adjacent properties **within 50 feet (50')** of the subject property boundaries.



Responses to the following questions:

1. How does your proposed project fit in with surrounding properties and uses? _____

The proposed horse show and small campground project perfectly aligns with the existing rural residential zoning (RR-5) and the area's character. The the historical presence of a Boy Scout camp across the street further demonstrates the suitability of the land for recreational purposes. The rural nature of the surrounding properties and the planned location of my facilities within the central part of my land will minimize any potential impact on neighboring properties. My project will not only enhance the local equestrian community but also provide a valuable recreational asset to the area, fostering a sense of community and preserving the rural ambiance.

2. In what ways does the project not fit in with surrounding properties and uses? _____

One way that the project does not fit in with the surrounding properties is that, since the closure of the Boy Scout camp, my project would become the only private recreational campground in Pine Canyon. However, I believe this distinction can be seen as a positive. It offers a unique and much-needed amenity to the area, providing a private and tranquil retreat for visitors to the horse show.

3. What is your plan to mitigate the potential conflicts/nuisances with surrounding properties and use, if an exist? _____

To ensure minimal disruption to neighboring properties, I will strategically locate the horse show and campground centrally within my property, creating a natural buffer zone. Additionally, I will implement noise-reduction measures like restricting activities during quiet hours. I will carefully manage traffic flow for the horse show and camp site to minimize any potential disturbances. These steps will help maintain a peaceful and harmonious environment for all.

Applicant

County



Applicant must provide printed labels from the Tooele County Recorder's office of adjacent property owners of this property (and immediately across the street).

Conditions imposed:

*Staff or planning commission may add further restrictions.

In submitting this application, I (We) agree to the following conditions and understand that any breach of any one or more will cause this permit to become void:

1. No more than 1 employee may be employed at the dwelling that does not reside within the dwelling. All other employees of the business who work at the dwelling shall be residents of that dwelling.
2. No retail or wholesale sales be conducted that would present a nuisance or interfere with the normal residential traffic pattern in the neighborhood.
3. All federal, state, and local codes, laws, regulations, and license requirements be complied with.
4. On site advertising shall be in accordance with Tooele County sign ordinance and shall not be more than 2 square feet in area.
5. All dwellings on the premise shall be kept in such a way that their exterior will be maintained in a residential manner.

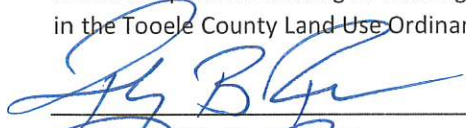
6. *

7. *

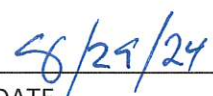
8. *

I (We) as the owner(s) of this property have read and do hereby agree to and understand the above terms and conditions without reservation and place my signature below as an act of such agreement. It is further agreed and understood that should I (we) violate any of the above conditions, this permit shall become null and void without further process and such use will not be permitted upon the property. This permit is issued site specific and not transferable to another property, but may be transferred to a new owner.

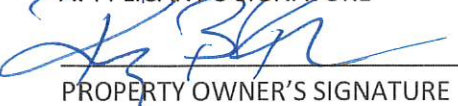
I (We) understand that the Zoning Administrator shall not authorize a conditional use permit unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Tooele County Land Use Ordinance for such use.



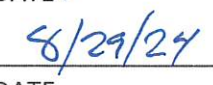
APPLICANT'S SIGNATURE



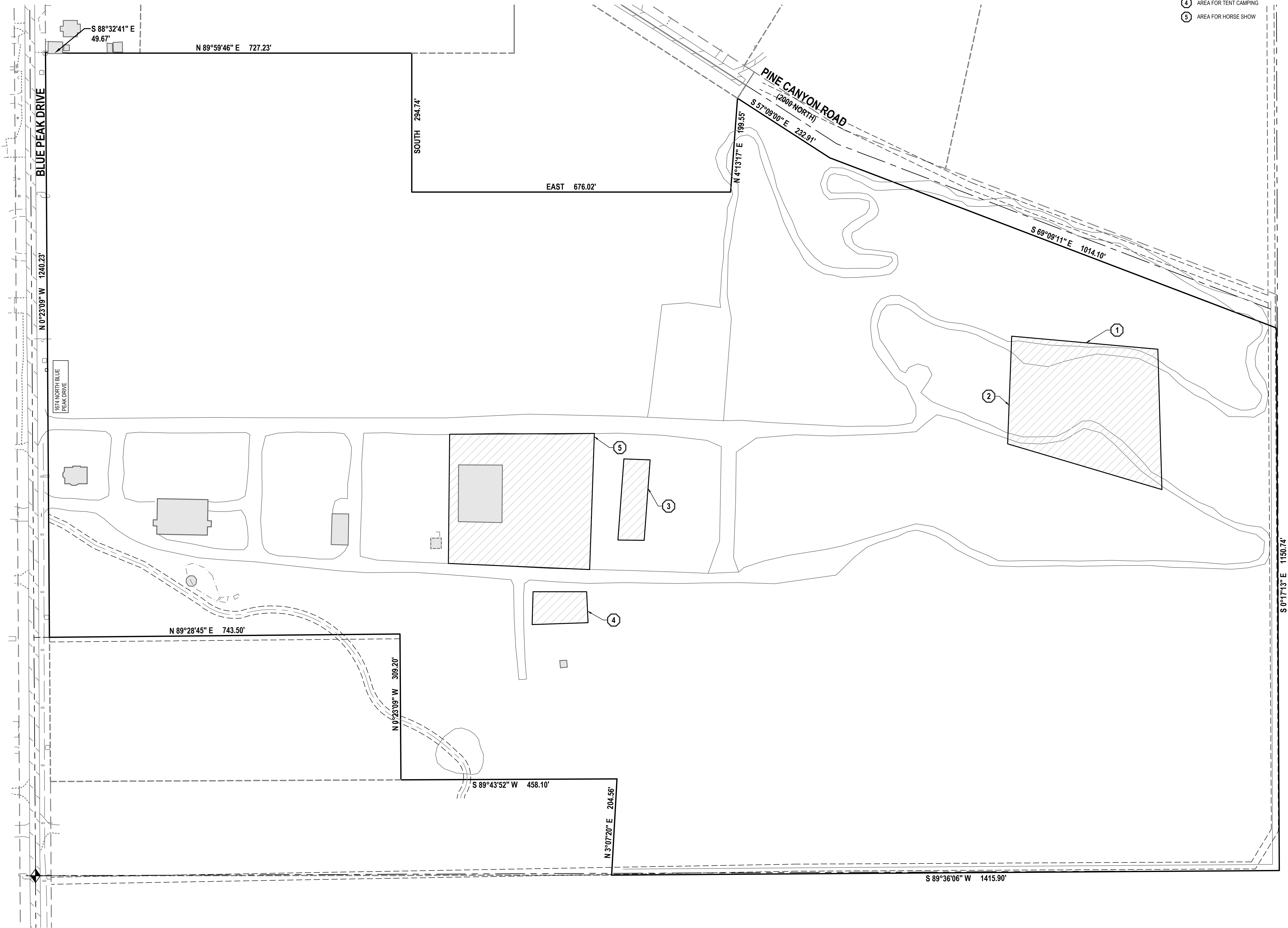
DATE



PROPERTY OWNER'S SIGNATURE



DATE



SCOPE OF WORK:
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① AREA FOR 1 BEDROOM CABINS THAT HAVE ELECTRICITY BUT NO PLUMBING
- ② AREA FOR A SINGLE BUILDING WITH PLUMBING THAT HAS TOILETS AND SHOWERS
- ③ AREA FOR HORSE TRAILER PARKING AND TENT CAMPING
- ④ AREA FOR TENT CAMPING
- ⑤ AREA FOR HORSE SHOW



TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
COLBY CARPENTER
640 S 1050 W APT B-303
TOOELE, UTAH

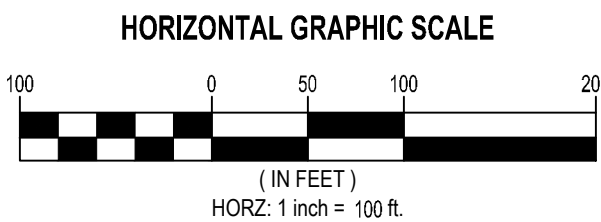
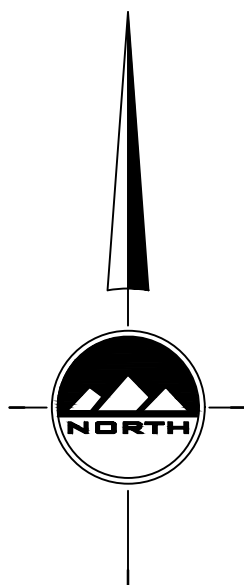
CONTACT:
COLBY CARPENTER
PHONE: 480-436-0904

PRIVATE RECREATIONAL CAMP
SITE PLAN
2094 PINE CANYON ROAD
PINE CANYON, UTAH

SITE PLAN

PROJECT NUMBER
9256
DRAWN BY
C. CARPENTER
PROJECT MANAGER
C. CARPENTER
PRINT DATE
8/30/24
CHECKED BY
C. CARPENTER

C-100





**Tooele County Planning
Commission
Agenda Item Summary**

Department Making Request:

Community Development

Meeting Date:

October 2, 2024

Item Title:

CUP 2024-119 CUP for Private recreational park and camp or resort

Summary:

Request to allow a private park, recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory



NOTICE OF PUBLIC HEARING

- **SUBJECT:** AMD CUP 2022-113 – amendment to a conditional use permit for a Private kennel
- **PROJECT SUMMARY:** Amendment to CUP 2022-113 to request more litters than the already approved 1 litter every 2 years.
- **ADDRESS:** 2063 W Silver Ave
Unincorporated: Stockton **Planner:** Trish DuClos

On **October 2, 2024** the Tooele County Planning Commission will hold a public meeting regarding the request described above. The meeting will be held at 7:00 p.m. at the Tooele County Administration Building (First floor) 47 S. Main Street, Tooele, UT 84074. Also via zoom located on the Tooele County Website: <https://tooeleco.org/> under “Meeting agendas” and then the zoom link will be imbedded in the “Agenda Packet.”

You have the right to attend and speak at the public hearing. Please be aware, however, that in making its decision the Planning Commission can only rely on evidence, not opinion or conjecture. You may also submit comments in writing, but please do so at least 24 hours before the meeting date so that your comments can be provided to the Planning Commission and to the applicant in an appropriate manner. For questions or additional information, please contact the Planning Office at 435-843-3160.

The future meeting regarding this application will also be posted at the Tooele County Building, posted on the Tooele County Website and Utah Public Notice Website.

Tooele County
Community Development

Tooele County Community Development
47 South Main Street, Tooele, UT 84074
(435) 843-3160
www.tooeleco.org



Planning and Zoning

47 S. Main Street • Room 208 • Tooele, UT 84074
Phone: (435) 843-3160 • Fax: (435) 843-3252
https://tooeleco.gov/departments/elected_officials/departments/developmentdepartments/departments/development/index.php

AMD CUP 2022-113

Conditional Use Summary and Recommendation

Public Body: Tooele County Planning Commission

Parcel ID: 16-045-0-0202

Property Address: 2063 W Silver Ave, Stockton, UT 84071

Request: Conditional Use Approval for Private Kennels

Unincorporated: Stockton

Planners: Trish DuClos

Applicant Name: Dale Shaw and Mary Hulet

Meeting Date: October 2, 2024

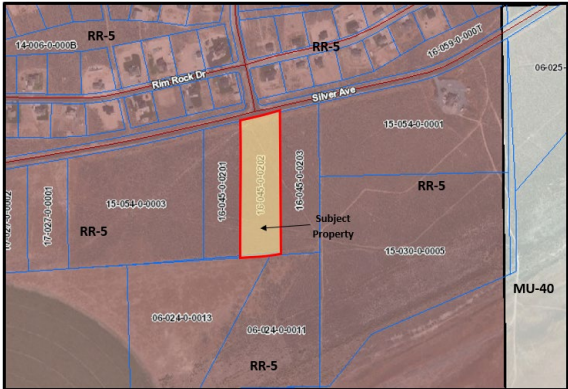
Current Zone: RR-5 (Rural Residential, 5 Acre Min).

PROJECT DESCRIPTION

Dale Shaw and Mary Hulet are requesting an amendment to their conditional use permit of a private kennel to allow more dogs and litters. The kennels are built and currently being used.

The previous CUP and conditions are attached to this report.

SITE & VICINITY DESCRIPTION (see attached map)



The subject property is 5.96 acres in size. The property is located in Valley Ranches at South Rim Amd 2 Subdivision, just south of Silver Ave and just South of South Rim Subdivisions. Immediately adjoining properties along Silver Ave consist of single-family residences in the RR-5 (Rural residential, 5-acre minimum) zoning district. Further East of the property is a MU-40 (Mixed-use, 40-acre minimum) zone. A residence located two lots east of the property has a commercial kennel license. Another private kennel further East has been approved as well.

LAND USE CONSIDERATIONS (RR-5 Zone, Agricultural, forestry and keeping of farm animals)

Requirement	Standard	Proposed	Compliance Verified
Table 15-5-3.1(m)	Kennel (Minimum lot size: 4.7 acres; Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet)	Property is 5.96 Acres. Kennel was stated in previous CUP to be at least 100 feet from all property lines.	Yes

Table 15-5-3.1 Agriculture, forestry and keeping of animals.	Zones		
	RR-1	RR-5	RR-10
Use			
Kennel, boarding	-	-	C
Kennel, breeding	-	-	C
Kennel, private	C	C	C

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

In the previous staff report, planning staff raised concerns of how to manage litters and how to allow personal breeding without going against the Tooele County Land Use code, which does not allow a breeding kennel in the RR-5 zone. The proposed mitigation was addressed in the original CUP's conditions. The conditions have not been followed. To mitigate the violation of the conditions the applicants have request this CUP amendment.

NEIGHBORHOOD RESPONSE

The original CUP was brought before Planning Commission because Planning Staff had received a complaint on the property having an illegal kennel. The owners complied by obtaining a CUP for a private kennel. Over the past 2 years code enforcement and Tooele County Sheriff Deputies have been called/contacted about the dogs at the address. How many they actually have and nuisances, such as barking. Staff received an anonymous written complaint that provided detailed information on the dogs at the property. This is attached to the report. Code Enforcement sent a Courtesy Notice to the property owners/applicants stating they were in violation of their CUP. Thus, a request to amend the CUP was requested.

Any other comments that are received after this staff report is submitted will be presented to the Planning Commission at the meeting on October 2, 2024.

PLANNING STAFF ANALYSIS

Planning Staff has been in contact with the applicants in order to come into compliance with Tooele County Land Use codes. The applicants have provided a statement and explanation of their proposed request to allow more breeding at their property. This is attached to this report.

Tooele County Land Use Table 15-5-3.1(m) does not allow for "kennel, breeding" in the RR-5 zone. It also requires the kennels to be a "Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet." The kennel in front of the house appears to be closer than 100' to the front property line. The applicants have mentioned putting an area behind the house for the dogs.

PLANNING STAFF RECOMMENDATION

Staff recommends that planning commission look at Tooele County's land use codes and all attachments, along with the neighborhood responses and determine if the proposed amendment request is cohesive with codes and the surrounding neighborhood and uses. Then consider any conditions, if any, or denial of the amendment.



Conditional Use Permit Application

Required to go before Planning Commission

Fee \$300.00

***unless amendment



Property information and location (all lines applicable to this site must be filled in)

Parcel # 16-045-0-0202 Lot # 202

Subdivision Name: _____

(For office use only)

CUP #: 2022-113 Fee \$300.00 Receipt #: _____

Is this an amendment to previous CUP? Yes ☒ No ☐ Is this a temporary CUP? Yes ☐ No ☐

*** Amendment fee – 50% of Normal Fee

Application Determination:

Approved ☐ Denied ☐

Conditions imposed? Yes ☐ No ☐

By: _____ Date: _____

Property Owner(s) Information

Name(s): Dale Shaw and Mary Hulet

Address per tax rolls: _____

City/County: _____ State: _____ Zip: _____

Office/home phone: 801-580-8043 (Dale) Fax: _____

Mobile phone: 801-400-8053 (Mary) Message phone: _____

Email address: Lizzyhulet@gmail.com

Applicant's Information if different than Property Owner(s)

*Agent Authorization notarization needed

Name(s): _____

Address per tax rolls: _____

City/County: _____ State: _____ Zip: _____

Office/home phone: _____ Fax: _____

Mobile phone: _____ Message phone: _____

Email address: _____

All information in this application is required and must be completely filled out and signed with the required paperwork submitted or the application will be denied.

There shall be no presumption of approval of any aspect of the process.

APPLICATION IS HEREBY MADE TO THE PLANNING COMMISSION REQUESTING THAT:

(Describe in as much detail as possible the business and use on property)

Please see attachment for amendment request.

Total acreage of parcel: 5.96 Area occupied by this use: _____

Current zoning designation: R-1-8 Current use of land (residential, commercial, etc.): R

What area(s) of the property will be used for the business (accessory structures, yard space, in the residence, etc.)? see diagram - as in prior CUP

How many Employees will be coming to work at the property (whether to pick up items or work)? N/A

How many deliveries or pickups will be made to the property?: N/A

How many customers will be allowed at the property at one time? N/A

What type and how much raw and finished product will be stored? N/A

How and where will equipment and materials/product be stored? N/A

What will your hours of operation be? N/A

Include the following with the application:

Applicant

County

☐☐

Site Plan with the following:

1. A north arrow, the scale of the drawing, and the date of the drawing.
2. Street names and addresses.
3. **Property lines with dimensions.**
4. All sidewalks, driveways, curbs and gutter, **and parking areas** (if any).
5. **All existing easements, rights-of-way, and any other significant features on the site.**
6. **Existing buildings** and significant features located on adjacent properties **within 50 feet (50')** of the subject property boundaries.

☐☐

Responses to the following questions:

1. How does your proposed project fit in with surrounding properties and uses? _____

2. In what ways does the project not fit in with surrounding properties and uses? _____

3. What is your plan to mitigate the potential conflicts/nuisances with surrounding properties and use, if an exist? _____

Applicant

County

☐☐

Applicant must provide printed labels from the Tooele County Recorder's office of adjacent property owners of this property (and immediately across the street).

Conditions imposed:

*Staff or planning commission may add further restrictions.

In submitting this application, I (We) agree to the following conditions and understand that any breach of any one or more will cause this permit to become void:

1. No more than 1 employee may be employed at the dwelling that does not reside within the dwelling. All other employees of the business who work at the dwelling shall be residents of that dwelling.
2. No retail or wholesale sales be conducted that would present a nuisance or interfere with the normal residential traffic pattern in the neighborhood.
3. All federal, state, and local codes, laws, regulations, and license requirements be complied with.
4. On site advertising shall be in accordance with Tooele County sign ordinance and shall not be more than 2 square feet in area.
5. All dwellings on the premise shall be kept in such a way that their exterior will be maintained in a residential manner.
6. *

7. *

8. *

I (We) as the owner(s) of this property have read and do hereby agree to and understand the above terms and conditions without reservation and place my signature below as an act of such agreement. It is further agreed and understood that should I (we) violate any of the above conditions, this permit shall become null and void without further process and such use will not be permitted upon the property. This permit is issued site specific and not transferable to another property, but may be transferred to a new owner.

I (We) understand that the Zoning Administrator shall not authorize a conditional use permit unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Tooele County Land Use Ordinance for such use.

Mary E Hulet
APPLICANT'S SIGNATURE
Dale
PROPERTY OWNER'S SIGNATURE

9/3/2024
DATE
9/3/24
DATE

To Whom it May Concern,

We are applying to have the CUP for our property changed as it does not allow for the conditions we had discussed while writing and agreeing to its conditions 2 years ago. We are asking that the number of litters allowed in a certain time frame be adjusted, and are willing to negotiate the number of dogs owned if that is needed to gain the adaptation to the CUP. We have been told that we would need a commercial, ag or MU zoning to allow our current process but find that to be prejudicial as we are not running a business or commercial operation in any sense of the word. Please see the following information for help in understanding the need to adjust the CUP.

A commercial zoning is used when the owner of the property is seeking to make a profit and operating a business. We have never, ever ended a calendar year at a profit, and we never will. It's not the intent or purpose of what we do, and it is also not achievable given the way we train, show, test, and care for our dogs. We've never filed our taxes as a dog business or attempted to regain our massive yearly losses on the dogs as any business would do. Our dogs are our very expensive, very well-loved family members. They are fed high quality dog food – it's necessary to keep them in peak condition to perform or exhibit. It's also necessary to keep them in good health. That is incredibly expensive, especially in the current market which has drastically changed since we moved here two years ago. In one month alone, the cost of dry kibble, health supplements, prescribed medications and the fresh additions to their food is over \$1200. Vet care is also an issue we take very seriously, our dogs are all fully vaccinated, and health tested for all of the issues that are recommended by the national breed club and the OFA. Per dog, the cost of complete testing for eyes, heart, hips, elbows, thyroid, LPN 1-3 and LEMP comes to well over \$2000. Then add to that any issues they may have, or illnesses or injuries. Last year our total veterinary bills were far over my teaching salary all on their own. But we need to know that they are healthy and structurally sound before we ask them to be athletes, and we are committed to their well-being. We have our dogs professionally groomed on a weekly rotation in addition to the general brushing and bathing at home. We take one dog each week to the groomer at a cost of over \$100 per visit including a modest tip for the groomer – adding up to about \$500 per month. We take them to weekly training sessions for conformation and agility, trick dog and scent work in Eagle Mountain, costing between 75-150 weekly, over \$500 per month, depending on how many dogs we bring and how long we stay for training. We travel all over the Western United States to show them from CA to WA, from NM to ID. The cost of the rented van, the hotel, grooming for show, the professional handlers, the gas, etc easily makes each dog show a \$1500-\$2000 event for us. If we do have a litter of puppies, the costs are also astronomical. Pre-breeding testing to insure mom is well is \$100, then progesterone testing, importing the semen used from as far away as Latvia if he is the best match for our girl or France or Canada, costing between \$1800 - \$900 per shipment, then semen analysis for them male \$450, ultrasound, \$200, xray \$200, pre-whelp reverse progesterone, \$100 X however many days needed, and finally more often than not, a c-section at \$3500 if planned or \$4000 + if emergency. Equipment like the right collars and leashes, the right brushes and shampoos, dog toys, etc are also hundreds each month and thousands each year. These costs are so far beyond any puppy sales from whatever puppy we may not meet the qualifications for what we need in a keeper puppy. This is not a commercial business. We are a family, dedicated to showing our dogs, and trying very hard to do all the right things for the dogs we love, while working to improve the breed through selective breeding when necessary to provide a new direction or improvement to our current dogs. We have lost more than

100k on these beloved dogs, and we do not regret a dime spent on them, but we do object to the label of "commercial" as we are not attempting to make money, not conducting ourselves as a business, we are just pursuing our great love of competing with our much-loved family members.

This CUP has one of the strictest regulations regarding breeding when compared to surrounding jurisdictions. Both Juab County (4 Animal Control Regulations) and Salt Lake County (8.04.100 - Pet limits) have no restrictions regarding the number of dogs or number of litters. Mona City (10-13 ANIMAL RIGHTS) went to the extent of passing an animal rights act specifically NOT restricting the number of animals with the exception of swine. There is not a regulation in this county for the births of chickens, bunnies, kittens, goats or snakes someone may have in their homes, so it appears prejudicial to do so with dogs. The "Adopt Don't Shop," PETA movement and too many irresponsible breeders causes way to many people to believe that all breeding of dogs is wrong. While there ARE bad breeders, those should be regulated by their unhealthy or abusive practices, not just because they have puppies. There are others like us, who breed to preserve a wonderful breed. We don't want the abused pit bull or lab mix that can be found at the local shelter with unpredictable character traits, or issues from abuse, as sad as their story undeniably is. We want a dog that has stable character, and is bred specifically to be a calm, level headed companion. To blame us, or punish us for the horrible actions of people who bred or surrendered their abused or poorly trained dogs to the shelter is not just. We did not create that problem and are not contributing to it. Our dogs are only ever placed with families that sign a contract that IF the dog should ever leave their home, it comes back to us. There is a hefty fine involved if they do not do that. Why? Because my dogs will never populate the shelter. I will retrain, rehome, care for them until they are stable, and place responsibly in the right homes. In all of our years in dogs, three of ours have been returned, and we gladly took them back, did some training work, and were able to successfully rehome them with families where they spent the rest of their lives. I have one dog at my home now that was bred by another breeder, but is my breed of dog. Their owner needed an emergency placement for the dog, and the breeder was out of the country, so I took her in and am rehabilitating her and doing some health testing before we place her in a new home. We are very responsible, ethical dog owners, and should not be punished for the irresponsible behavior of others.

The one litter provision of the CUP is simply not enough to achieve the intent and purposes we discussed and were approved for by the council. When we agreed to this CUP, we were in a terrible position. We bought this home with almost six acres after seeing that there were several kennels on the same street and dogs barking throughout the South Rim area. We felt assured that dogs were welcome and allowed. We had lived in Eagle Mountain before, where we had only one acre but were allowed to have six dogs, and litter numbers were not regulated. We were not given the option to discuss why one litter was the number assigned every two years, it was just arbitrarily assigned based on some other CUP in the area. Here is why it does not work to maintain our program. Our first litter had three puppies. One had a heart murmur and was tiny, the other two were very small. None of those puppies had a future in competition. The next litter had one puppy. She had a disease called megaesophagus. We nursed her through that, did the needed treatments, and placed her free of charge, healthy now, but not strong enough to compete and obviously, she was not a show puppy. The next litter was a litter of six. We were thrilled with them. We had a breed specialist fly in from Washington to help us evaluate the litter and choose the best one to show. We trained and worked and dreamed about this puppy and six months later she was diagnosed with eye cataracts

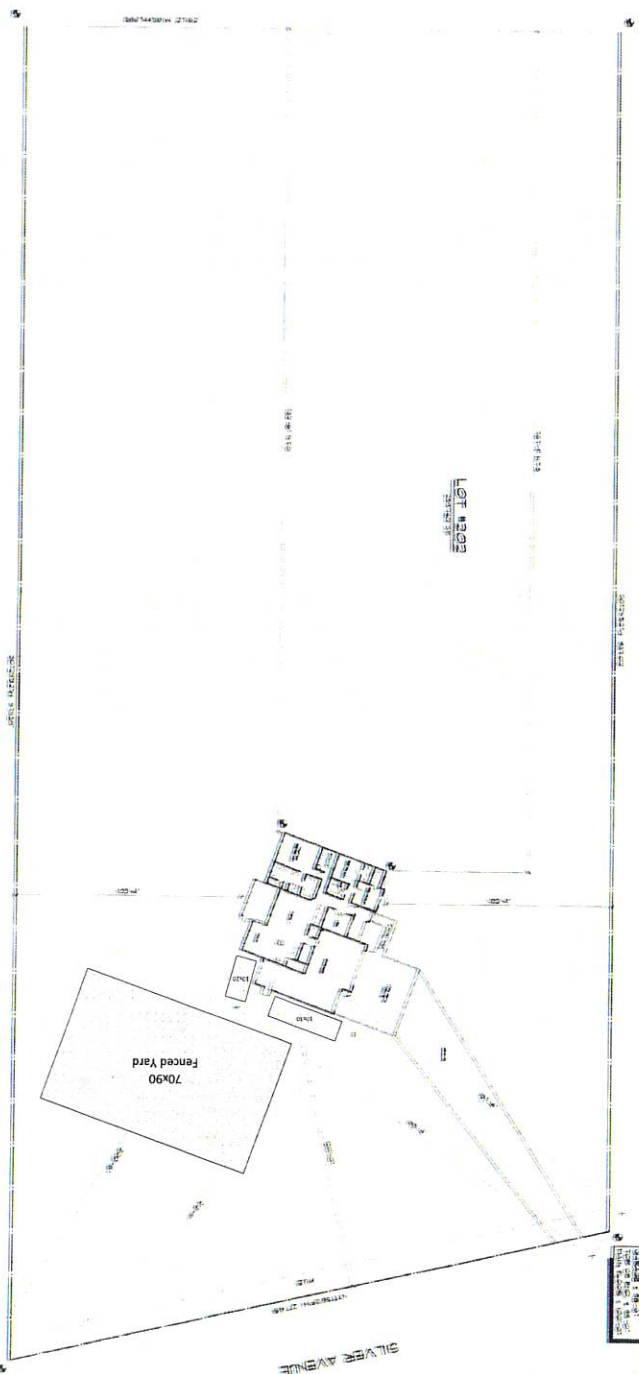
and was never going to be a show puppy. We again placed her in a lovely pet family free of charge with full knowledge of her limitation. Next we spent thousands of dollars to fly to Boston to bring home a puppy from Canada. Five months later in her hip prelim x-ray, she was found to have minor hip dysplasia, and can not be in an impact sport. So she lives now in a family with a pool doing hydrotherapy in CA. So here we are again, with no puppy to work on in future competition. Meanwhile, we have retired three dogs, one adult failed her thyroid test and went back to her breeder in the Czech Republic, another failed the hip x-ray as an adult and is in a low impact pet home now. If we were just a backyard breeder seeking to make money, I would skip all the testing, breed dogs with so many health flaws, and maybe yes, you could make a profit. But that is not who we are or what we are trying to do here. But the one litter limit did not allow us to replace the dogs lost to the high standards of health testing that we feel is imperative to uphold.

We try incredibly hard to be the best dog owners in the neighborhood. My dogs are never, ever the ones posted on the neighborhood chats for being lost or roaming the neighborhood across the street. They are on-leash or in a fenced yard at all times. My dogs are not outside if I am not home or when we go to sleep at night. They sleep inside with us. When I am home, as a teacher, they are out during afternoon and early evening and I am listening for them. If they start barking for a few minutes, I give them a verbal correction, and if they persist, I take them back inside. They do bark at the Fed Ex trucks coming to our house or at the neighbors' stray cats sometimes or the deer or sometimes coyotes that stray onto our property, but no more than the other dogs in the neighborhood and never for extended periods of time. Our dogs are NOT nuisance barkers and are inside when others would be sleeping. My puppies are also very well regulated when we have them. Because there are owls, foxes, hawks and coyotes in the area, my puppies are raised entirely in the house until they go home with their new families, to keep them safe and germ-free. They are right in the middle of my family room, harming no one, except maybe my own sleep. They go out with us only to have 5 minute runs through the yard supervised by me 100% of the time, or to go on car rides or to socialization time with my parents or car rides to learn to tolerate that before heading to their forever families. They are never outside barking and annoying anyone. They are raised to be house companions because that is exactly what they will be, whether in my home or for non-show pups for their forever home.

We had planned to build a nice, fenced grass area on the opposite side of the house this summer, but when this notification came, warning of fines and consequences for non-compliance, we put those plans on hold and instead started looking at options for another place to live where we could show our dogs and create the best competition team we can in peace. While here, we have taken top 7 in the nation for one of our dogs in conformation competition, finished two dogs Grand Championships, completed 6 championships, earned 3 titles of Canine Good Citizenship, one title in agility and numerous Trick Dog titles as well. We have loved our time here living in this beautiful place, with friendly people, teaching in a public high school here that I just love. But, my dogs are my family. Competing with them has been the dream of my lifetime. If the CUP can not be adjusted to allow us to realistically maintain our dreams, then it is time for us to seek another county that can see beyond the bad behavior or some animal abusers and not judge us for their sins, but allow us the freedom to responsibly, ethically, compete with the dogs we are willing to invest all that we have and all that we earn to enjoy the experience with. For some people, it's horses, for us, it's these amazing dogs.

Thank you for your time in reviewing and considering an alteration to the CUP that we have learned by experience cannot support and allow for the intent and purposes for which it was created. We seek an alteration that allows us to do what we had discussed in the original CUP writing – breed often enough to replace the dogs who are retired, fail testing, or cannot qualify to show. The current CUP does not allow us to do that.


May E. Hunt



APPROVED BY
 TOOELE COUNTY ZONING
 4/9/21 TD
 DMS and Project

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO THE CENTER OF THE LOT.
 3. ALL DIMENSIONS ARE TO THE CENTER OF THE LOT.
 4. ALL DIMENSIONS ARE TO THE CENTER OF THE LOT.

SITE PLAN
 2003 WEST SILVER AVENUE
 STOKTON, UTAH

2003 WEST SILVER AVENUE
 STOKTON, UTAH

SITE PLAN

[illegible]

SILVER AVENUE

LOT # 202

Date and Initial

4	9	21	TD
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APPROVED BY
TGOELE COUNTY ZONING

30 of 47

To Whom It May Concern:

July 20, 2022: Tooele County meeting regarding private kennel. County allowed 15 dogs and 1 litter every 2 years to keep one puppy. Mary Hulet and Dale Shaw: 16-045-0-0202. They are in gross violation of these terms. With the birth of at least 91 puppies, they are basically a puppy mill and there is concern as to the condition of the dogs. The citizens of Tooele County do not want this reputation, disturbance, or the blatant defiance of the county ordinance, and as concerned citizens, we are worried about dog welfare. There needs to be a surprise inspection to check on the welfare of these puppy mill dogs. **The inspection should include garage and basement!** Mary Hulet has operated puppy mill stores in the past in Salt Lake and Utah counties.

Breedings for Timpvale Bernese Mountain Dogs and Leo Fidelis Leonbergers (kennels of Hulet/Shaw) during and since the July 2020 meeting that are publicly known from their Facebook pages, Berner Garde database, and WILD Leonberger database . These are the litters that Hulet/Shaw have had at their house in Tooele County (concerning the ordinance above).

1. Born August 1, 2022 – 3 puppies
Bernese Mtn Dogs-
“Bella” Ingrid Gabbi Bernparadies (dam) to Ranger Van’t Stokerybos (sire)
2. Born August 4, 2022- 9 Puppies
Bernese Mtn Dogs-
“Oakley” Gledis Alpine Tricolour (dam) to “Eli” Rely on Eli Van’t Stokerybos (sire)
-kept 1
3. Born August 20, 2022 – 6 puppies
Leonbergers-A
“Lyric” Bessi Nasa Duma (dam) to “Eirie” Eirann Son of Mustafa (sire)
-kept 1
4. Born August 25, 2022 – 1 puppy
Bernese Mtn Dogs-
“Sasha” Timpvale Hunt For Red October (dam) to “Eli” Rely on Eli Van’t Stokerybos (sire)
5. Born September 30, 2022 – 8 puppies
Bernese Mtn Dogs-
“Dibbs” Timpvale And I Call Dibbs (dam) to “Sunny” Powder Keg Farm’s Avalon Sunset (sire)

6. Born November 13, 2022 – 5 puppies
Bernese Mtn Dogs-E
"Asti" Millenium Star Chinzano Asti (dam) to "Eli" Rely on Eli Van't Stokerybos (sire)
-kept 1
7. Born February 10, 2023 – 3 puppies
Leonbergers-B
"Quinn" Hana Nasza Duma (dam) to "Georgi" Vanitza's Gorgeous
8. Born March 16, 2023 - 4 puppies
Bernese Mtn Dogs-F
"Bella" Ingrid Gabbi Bernparadies (dam) to "Bronco" Elenius Life Flavio Ignite My Fire (sire).
9. Born May 10, 2023 – 8 puppies
Leonbergers-C
"Trekki" Zillion Stars (dam) to "Georgi" Vanitza's Gorgeous (sire)
10. Born May 21, 2023 – 8 puppies
Leonbergers-D
"Lyric" Bessi Nasza Duma (dam) to "Swagger" Ready to Rock Valuer (sire)
-kept 1
11. Born June 2, 2023 – 6 puppies
Bernese Mtn Dogs-G
"Asti" Millenium Star Chicano Asti (dam) to "Bronco" Elenius Life Fire Ignite My Fire (sire)
12. Born October 26, 2023 – 3 puppies
Bernese Mtn Dogs-
"Flyer" Timpvale Air Force Aviator to "Bix" Powder Keg Farm's Comanche (sire)
13. Born October 30, 2023 – 3 puppies
Leonbergers-E
"Quinn" Hana Nasa Duma (dam) to "Nitro" Nitro Orijenns Wisdom Du Temple D'Artemis (sire)
14. Born November 19, 2023 – 4 puppies
Bernese Mtn Dogs-H
"Asti" Millenium Star Chicano Asti (dam) to "Bix" Powder Keg Farm's Comanche (sire)
-kept 1 puppy

15. Born December 9, 2023 – 7 puppies
Bernese Mtn Dogs-I
“Dibbs” Timpvle I Call Dibbs (dam) to “Bix” Powder Keg Farm’s Comanche (sire)
16. Born December 12, 2023 -7 puppies
Leonbergers-F
“Rogue” Dobryi Leonid Justice Rebellion (dam) to “Swagger” Ready to Rock Valuer (sire)
17. Born February 28, 2024 -6 puppies
Leonbergers-G
“Trekki” Zillion Stars (dam) to “Erden” Erden Zordyani Chakulan (sire)
-kept 1
18. Pregnant June 3, 2024
Bernese Mtn Dogs
“Flyer” Timpvle Ace Aviator (dam) to “Bix” Powderkeg Farm’s Comanche and to “Bjorn” Bjorn AV. Hiselfoss (sires)

Known Leonbergers (think she has more):

Swagger	Lucy-rehomed
Trekki	Moxie-rehomed
Lyric	Hero-rehomed
Georgi	
Katniss	
Kismet	
Sia	
Riot	
Disney	
Happy	
Halo	
Rogue	

Known Bernese Mtn Dogs (minimum):

Bella
Ivetta
Bronco
Dibbs
Flyer
Chica
Asti
Rackam

People Detail for People ID 47265

Done

Name: MARY HULET (Master HH)

Second Name: See household button below

Address:

Country: United States of America

Phone:

Email:

Fax:

Web Site:

Kennel Name:

Display: Hide full address, phone and email

Data Source: BG Dog Submission

BMDCA Status:

Deceased:

Last Updated: 9/29/2022 10:08:00 PM

Dogs Owned

Dog ID	Dog Name	Call Name	Sex	Registration #	Whelp Date	Reside	Deceased
222003 (Dog_Detail? DogID=222003)	TIMPVALE INTERNATIONAL FLEET MAZER RACKHAM (./Dog_Detail.aspx? DogID=222003&Disp=Rel)		M	WS82129902	Nov 19, 2023	YES	
212582 (Dog_Detail? DogID=212582)	TIMPVALE ENCANTADA SENORITA (./Dog_Detail.aspx?DogID=212582&Disp=Rel)	CHICA	F	WS78665002	Nov 13, 2022	YES	
214856 (Dog_Detail? DogID=214856)	TIMPVALE AIR FORCE AVIATOR (./Dog_Detail.aspx?DogID=214856&Disp=Rel)	FLYER	F	WS75065801	Dec 13, 2021	Yes	
198237 (Dog_Detail? DogID=198237)	ELENIUS LIFE FLAVIO IGNITE MY FIRE (./Dog_Detail.aspx?DogID=198237&Disp=Rel)	BRONCO	M	WS72863402	Jan 14, 2021	Yes	
207323 (Dog_Detail? DogID=207323)	TIMPVALE AND I CALL DIBS (./Dog_Detail.aspx?DogID=207323&Disp=Rel)	DIBBS	F	WS69367506	Aug 4, 2020	Yes	
195881 (Dog_Detail? DogID=195881)	GOLDAWARD IVETTA (./Dog_Detail.aspx? DogID=195881&Disp=Rel)	IVETTA	F	WS72041702	Feb 27, 2020	Yes	
196020 (Dog_Detail? DogID=196020)	INGRID-GABBI BERNPARADIES (./Dog_Detail.aspx?DogID=196020&Disp=Rel)	BELLA	F	WS70565501	Feb 14, 2020	Yes	
190642 (Dog_Detail? DogID=190642)	GLEDIS ALPINE TRICOLOUR (./Dog_Detail.aspx?DogID=190642&Disp=Rel)		F	WS60336302	Sep 26, 2019	Yes	
196011 (Dog_Detail? DogID=196011)	MILLENIUM STAR CHINZANO ASTI (./Dog_Detail.aspx?DogID=196011&Disp=Rel)	ASTI	F	WS70565601	Jan 4, 2018	Yes	

People Detail for People ID 50762**Done****Name: DALE SHAW****Second Name: See household button below****Address:****Country: United States of America****Phone:****Email:****Fax:****Web Site:****Kennel Name:****Display: Hide full address, phone and email****Data Source:****BMDCA Status:****Deceased:****Last Updated: 9/29/2022 10:22:00 PM****Dogs****Litters****Clubs****Household****Dogs Owned**

Dog ID	Dog Name	Call Name	Sex	Registration #	Whelp Date	Reside	Deceased
222003 (Dog_Detail? DogID=222003)	TIMPVALE INTERNATIONAL FLEET MAZER RACKHAM (./Dog_Detail.aspx? DogID=222003&Disp=Rel)		M	WS82129902	Nov 19, 2023	Yes	
212582 (Dog_Detail? DogID=212582)	TIMPVALE ENCANTADA SENORITA (./Dog_Detail.aspx?DogID=212582&Disp=Rel)	CHICA	F	WS78665002	Nov 13, 2022		
207323 (Dog_Detail? DogID=207323)	TIMPVALE AND I CALL DIBS (./Dog_Detail.aspx? DogID=207323&Disp=Rel)	DIBBS	F	WS69367506	Aug 4, 2020		

People Detail for People ID 47265

Name: MARY HULET (Master HH)**Second Name: See household button below****Address:****Country: United States of America****Phone:****Email:****Fax:****Web Site:****Kennel Name:****Display: Hide full address, phone and email****Data Source: BG Dog Submission****BMDCA Status:****Deceased:****Last Updated: 9/29/2022 10:08:00 PM****Litters Bred**

Litter ID	Whelp Date	Sire Name	Dam Name
65814 (Litter_Detail?LitterID=65814)	Nov 19, 2023	POWDER KEG FARM'S COMMANCHE	MILLENIUM STAR CHINZANO ASTI
65299 (Litter_Detail?LitterID=65299)	Jun 2, 2023	ELENIUS LIFE FLAVIO IGNITE MY FIRE	MILLENIUM STAR CHINZANO ASTI
62952 (Litter_Detail?LitterID=62952)	Nov 13, 2022	RELY ON ELI VAN'T STOKERYBOS	MILLENIUM STAR CHINZANO ASTI
61787 (Litter_Detail?LitterID=61787)	Dec 13, 2021	RANGER VAN'T STOKERYBOS	MILLENIUM STAR CHINZANO ASTI
61320 (Litter_Detail?LitterID=61320)	Aug 4, 2020	RELY ON ELI VAN'T STOKERYBOS	GLEDIS ALPINE TRICOLOUR



Case #: 240023
Date: 07/17/2024
Parcel: 16-045-0-0202

Property owner: Shaw Dale J
Property owner mailing address: P.O. Box 577, Stockton, UT 84071
Property address: 2063 W Silver Ave, Stockton, UT 84071

Courtesy Notice

Tooele County has found the property to be in violation of one or more of the codes listed below. Please have these violations remedied to prevent any further significant negative impact and ongoing nuisance that this illegal usage of the property has had on surrounding neighbors and the general community.

Violation(s):

7 - 1. Definition of conditional use. A conditional use is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (Ord 2005-22, 9/13/05)

7 - 2. Permit required. A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be located, or if the use is specified as conditional use elsewhere in this Tooele County Land Use Ordinance. (Ord 2005-22, 9/13/05)

Table

#	Use Table 15-5-3.1. Agriculture, forestry and keeping of animals.	Multiple use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	2	10	20	40	1	5	10
m	Kennel (Minimum lot size: 4.7 acres; Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet)										
	Kennel, boarding	C	C	C	C	C	C	C	-	-	C
	Kennel, breeding	C	C	C	C	C	C	C	-	-	C
	Kennel, private	C	C	C	C	C	C	C	-	C	C

Remedy action needed:

The property is not allowed to have a breeding or boarding kennel. It is strictly for private use only, granted under CUP 2022-113. You shall only have 1 litter every 2 years for the personal gain of choosing one pup. The selling of that 1 litter is only allowed at that time.

Your property must come into compliance by **08/07/2024**. Should you fail to come into compliance with this enforcement by the date given Tooele County will explore the pursuit of further legal action, whether criminal, civil or both. If the listed violations are not in compliance by the above date, civil penalties may begin to accrue following that date. Also, the revocation of the CUP entirely or more restrictions placed to ensure compliance with land use codes and animal nuisance codes.

Please contact our office with further questions. If the violation is remedied by the deadline date no further action is needed.

Trish DuClos, COSS, IZC



Ordinance Enforcement Administrator/Planner
Tooele County
trish.duclos@tooeleco.gov

Conditional Use Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: July 20, 2022

Parcel ID: 16-045-0-0202

Current Zone: RR-5 (Rural Residential, 5 Acre Min).

Property Address: 2063 W Silver Ave, Stockton, UT 84071

Request: Conditional Use Approval for Private Kennels

Unincorporated: Stockton

Planners: Trish DuClos

Planning Staff Recommendation: Approval with conditions

Applicant Name: Dale Shaw and Mary Hulet

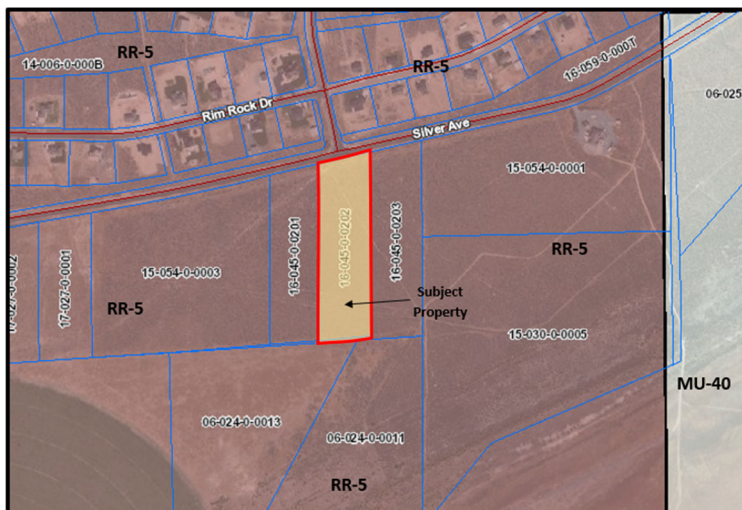
PROJECT DESCRIPTION

Dale Shaw and Mary Hulet are requesting a conditional use approval to have private kennels on the property. The property is 5.96 acres in size. The kennels are built and currently being used. The kennels are placed approximately 120 feet away from Silver Ave and just over 100 feet from neighboring property lines. The applicants have requested to house up to 15 dogs at a time for personal use.

Applicants own and show both Leonberger and Bernese Mountain Dogs. Both breeds are large and gentle dogs. Hillspet.com describes Leonbergers "calm and quiet dogs, but they are not lethargic." Hillspet.com describes Bernese Mountain "dog as alert and good-natured." The tendency to bark is low for both breeds.

Further description of the land and dogs is attached to this report on a page the applicants provided.

SITE & VICINITY DESCRIPTION (see attached map)



The subject property is located in Valley Ranches at South Rim Amd 2 Subdivision, just south of Silver Ave and just South of South Rim Subdivision. Immediately adjoining properties along Silver Ave consist of single-family residences in the RR-5 (Rural residential, 5-acre minimum) zoning district. Further East of the property is a MU-40 (Mixed-use, 40-acre minimum) zone. A residence located two lots east of the property has a commercial kennel license. Another private kennel further East was just approved as well.

LAND USE CONSIDERATIONS (RR-5 Zone, Agricultural, forestry and keeping of farm animals)

Requirement	Standard	Proposed	Compliance Verified
Table 15-5-3.1(m)	Kennel (Minimum lot size: 4.7 acres; Minimum distance to all property lines 100 feet; Minimum distance to all neighboring dwellings to be 150 feet)	Property is 5.96 Acres and over 100 feet from property lines.	Yes
Table 15-5-3.1 Agriculture, forestry and keeping of animals.	Zones		
Use	RR-1	RR-5	RR-10
Kennel, boarding	-	-	C
Kennel, breeding	-	-	C
Kennel, private	C	C	C
Compatibility with existing buildings in terms of size, scale and height.			Yes
Compliance with the General Plan.			Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning Staff raises concerns of how to manage litters and allow personal breeding. Proposed mitigation is addressed in conditions under staff recommendations. Similar to the previously approved kennel.

NEIGHBORHOOD RESPONSE

Planning Staff has received a complaint on the property having an illegal kennel. Any other comments that are received after this staff report is submitted will be presented to the Planning Commission at the meeting on July 20, 2022.

PLANNING STAFF ANALYSIS

Planning Staff has reviewed the proposed conditional use and has found that it is cohesive with surrounding uses, the Tooele County General Plan Update 2016, and the Tooele County Land Use Ordinance.

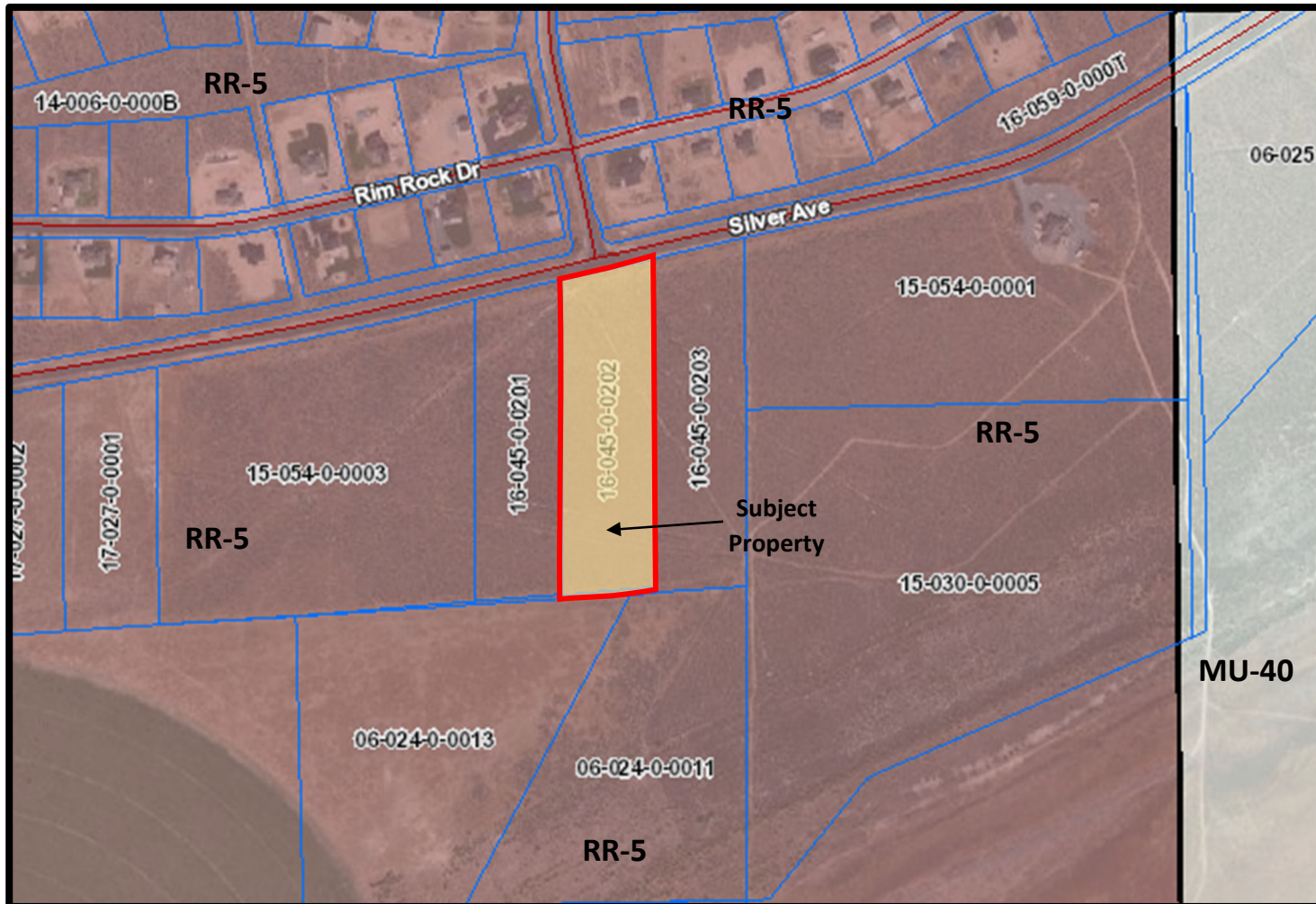
PLANNING STAFF RECOMMENDATION

Staff recommends that the Tooele County Planning Commission makes a motion to grant approval for the proposed conditional use, subject to the following conditions of approval:

1. The kennels may not be used for public use of boarding or breeding.
2. A litter may only be allowed a maximum of every 2 years because the owner is using the litter for personal gain of increasing his dog numbers. Extra pups may be sold at that time only, once the owner has chosen his dogs from the litter.

CUP 2022-113: Private Kennels

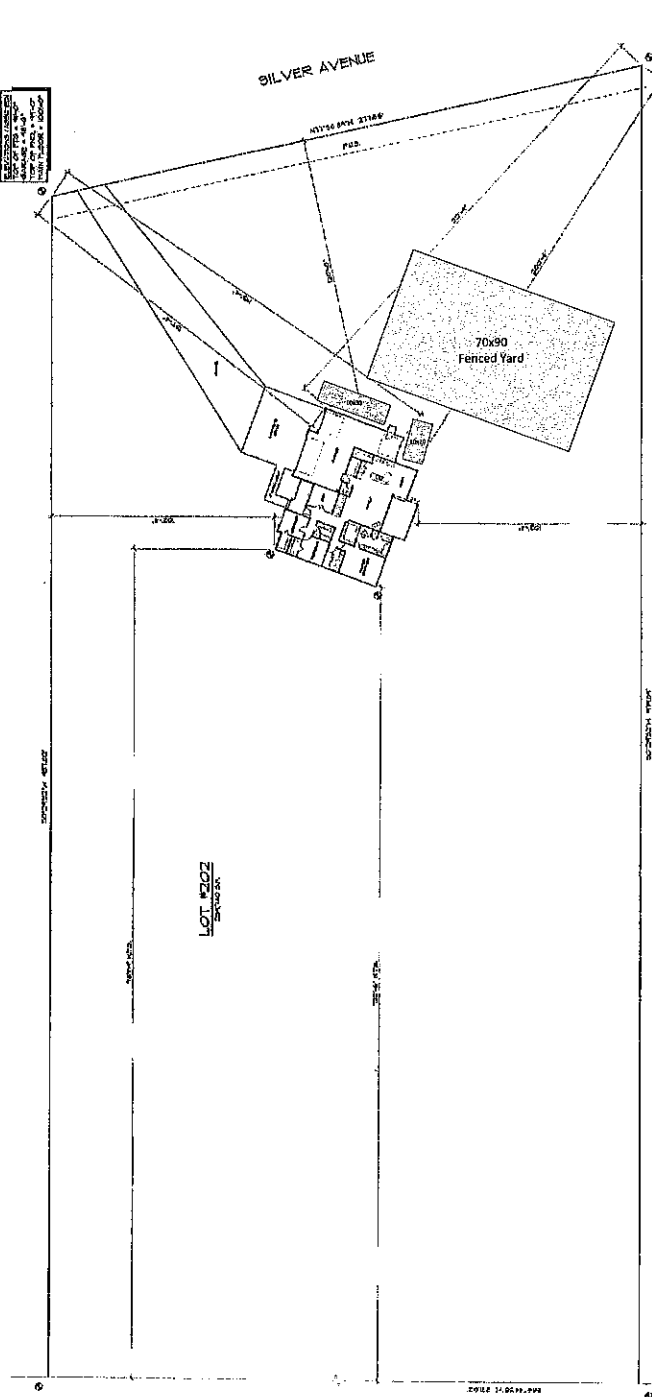
2063 W Silver Ave, Stockton, UT 84071 (parcel ID: 16-045-0-0202)



APPROVED BY
 TOOELE COUNTY ZONING
 4/9/21 TD
 Date and Initial

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2063 WEST SILVER AVENUE
 STOCKTON, UTAH

SITE PLAN
 08/14/2018

The applicants Dale Shaw and Mary Hulet request a private kennel license. Applicants own and show both Leonberger and Bernese Mountain Dogs. Both breeds are large and gentle dogs. Hillspet.com describes Leonbergers "calm and quiet dogs, but they are not lethargic." Hillspet.com describes Bernese mountain "dog as alert and good-natured." The tendency to bark is low for both breeds.

We love our dogs and enjoy showing them in dog shows throughout the West. We have 3 champion dogs and recently our dog Swagger achieved grand champion status. We moved to this home specifically so we would have a place for our dogs. Dale's commute to work went from 40 minutes to 1:25 minutes. Mary's commute increase from 25 minutes to over an hour. We have sacrificed substantially to move to Tooele County and to have a home for our dogs.

This application fits well with the surrounding area. The next home to the east of the residence (about .25 mile) is Rush Lake Kennels and to the west is a home with horses, goats, dogs and other animals. Across the road in the South Rim area many homes have dogs, horses, goats, chickens and other animals. Rush Lake is located to the south and east of the property with no possibility for development.

The attached map shows the home and current location of the exterior dog kennels. Each dog has a kennel in the house either in the basement or garage, depending on weather and temperature conditions. The dogs are not allowed to roam loose and are escorted in between their kennels and the fenced exercise yard. They are generally kenneled inside during the night except with the moderate temperatures we have had lately, the young puppies have been kenneled in the 10x30 outside run. The exterior kennels are portable and can be moved if required. They are currently placed to take advantage of the shade the house provides them. The dogs are not big barkers but they are moved inside if they don't stop barking. We are not interested in grooming or boarding dogs other than our own dogs. We recently had our dogs boarded at Rush Lake Kennels while we went on vacation. We will breed our dogs and select pups will be retained for showing. The remaining puppies will need to be sold but so far this year we have had exactly one Leonberger puppy which we gave to a friend. Last year we had 2 litters of Bernese Mountain dogs. 2 of our current puppies are from those litters.

We do not know of any negative impact this may have on surrounding properties except there may be some people who generally object to dogs. In order to mitigate pest problems, we scoop the poop on a regular basis, always once a day, most often twice a day. This has very little impact compared to the cows roaming the sagebrush, horses in their stalls, goats, chickens and other animals that are not cleaned up after.

Below are pictures of us at a couple dog shows.

Dale and Mary at Logan, Utah dog show 2022. Trekkie, Quinn, Hero & Swagger



Dale with grand champion Swagger at Klamath Falls, Oregon dog show 2022



Mary with new champion Trekkie at Laramie, Wyoming dog show





Tooele County Planning Commission Agenda Item Summary

Department Making Request:

Planning Staff

Meeting Date:

October 2, 2024

Item Title:

AMD CUP 2022-113 Conditional Use for Private Kennels

Summary:

Request to amend CUP 2022-113 to allow more litters than the already approved 1 litter every 2 years.



NOTICE OF PUBLIC HEARING

- **SUBJECT:** AMD CUP 2022-113 – amendment to a conditional use permit for a Private kennel
- **PROJECT SUMMARY:** Amendment to CUP 2022-113 to request more litters than the already approved 1 litter every 2 years.
- **ADDRESS:** 2063 W Silver Ave
Unincorporated: Stockton **Planner:** Trish DuClos

On **October 2, 2024** the Tooele County Planning Commission will hold a public meeting regarding the request described above. The meeting will be held at 7:00 p.m. at the Tooele County Administration Building (First floor) 47 S. Main Street, Tooele, UT 84074. Also via zoom located on the Tooele County Website: <https://tooeleco.org/> under “Meeting agendas” and then the zoom link will be imbedded in the “Agenda Packet.”

You have the right to attend and speak at the public hearing. Please be aware, however, that in making its decision the Planning Commission can only rely on evidence, not opinion or conjecture. You may also submit comments in writing, but please do so at least 24 hours before the meeting date so that your comments can be provided to the Planning Commission and to the applicant in an appropriate manner. For questions or additional information, please contact the Planning Office at 435-843-3160.

The future meeting regarding this application will also be posted at the Tooele County Building, posted on the Tooele County Website and Utah Public Notice Website.

Tooele County
Community Development

Tooele County Community Development
47 South Main Street, Tooele, UT 84074
(435) 843-3160
www.tooeleco.org