

REZ 2019-13

## Rezone Summary and Recommendation

**Public Body:** Tooele County Planning Commission

**Meeting Date:** January 15, 2020

**Parcel ID:** 04-038-D-0039

**Current Zone:** M-G    **Proposed Zone:** MG-EX

**Property Location:** Located approximately 2.5-3 miles west of Rowley Road and I-80, on the north side of I-80.

**Request:** Rezone from M-G to MG-EX

**Unincorporated:** Skull Valley/Delle

**Planners:** Jeff Miller

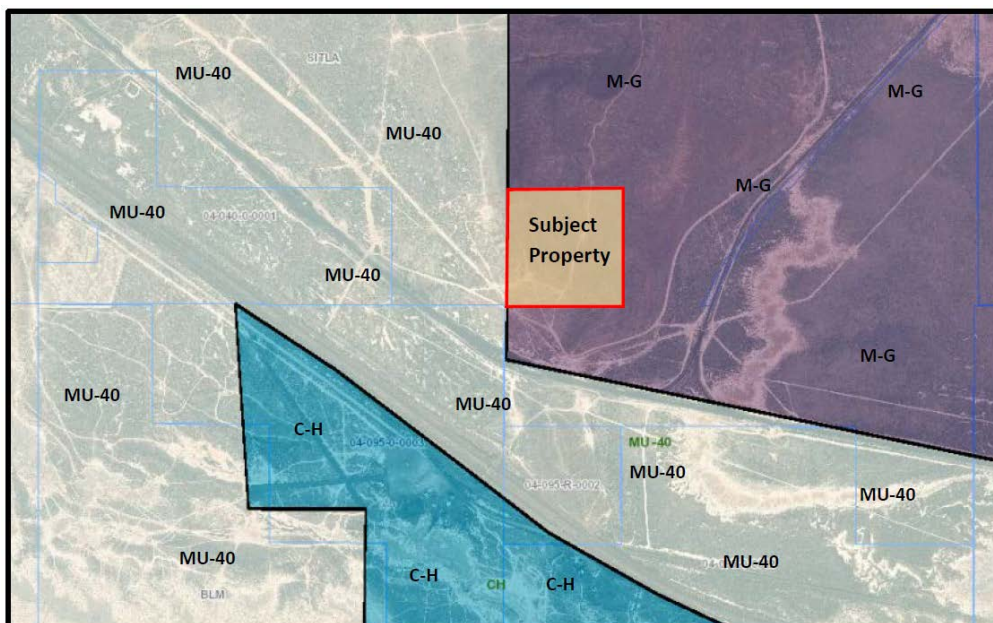
**Planning Commission Recommendation:** Not yet received

**Applicant Name:** Bret Randall

### PROJECT DESCRIPTION

Bret Randall is requesting a rezone from M-G (Manufacturing General) to MG-EX (Mining, Quarry, Sand and Gravel Excavation) Zone for approximately 40 acres of property owned by the State of Utah School and Institutional Trust Lands Administration (SITLA). If successfully rezoned to the MG-EX Zone, the applicant intends to move forward with a conditional use submittal and other subsequent approvals necessary, in order to obtain permission to extract rock materials in support of railroad development along the Rowley Road corridor.

### SITE & VICINITY DESCRIPTION (see attached map)



The subject property is located approximately 2.5 to 3 miles west of Rowley Road and I-80, on the north side of I-80. To the north and east, there is a large area of parcels zoned M-G, with sporadic pockets of parcels zoned MG-EX. To the south and west there are large areas of parcels in the MU-40 (Multiple Use, 40 Acre Minimum Zone). On the south side of I-80, there is a large area of parcels zoned C-H (Commercial Highway).

### ZONE CONSIDERATIONS

Requirement	Existing Zone (M-G)	Proposed Zone (MG-EX)
Height	No Maximum Height	No Maximum Height
Front Yard Setback	Minimum yard setbacks shall be established in the conditional use permit or planned unit development approval, except that no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district, and provided they do not encroach on any easement.	Not well defined in ordinance. However, setbacks would be established during permitted use or conditional use permit approval
Side Yard Setback	Same as above.	Same as above.
Rear Yard Setback	Same as above.	Same as above.
Lot Coverage	Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through planned unit development approval.	N/A
Lot Area	No Minimum Lot Area Established.	N/A
Required Improvements	Improvements required by the planning commission may include:  (a) Street grading; (b) Street base; (c) Curb and gutter; (d) Sidewalk; (e) On-site surface drainage facilities; (f) Culinary water facilities; (g) Wastewater disposal; (h) Street monuments; and (i) Any other infrastructure deemed necessary.	N/A

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

### GENERAL PLAN CONSIDERATIONS

The Tooele County General Plan Update 2016 does not provide detailed information regarding future anticipated growth along the I-80 Corridor or in the Skull Valley/Delle area. However, there are other mining, quarry, sand and gravel extraction operations within other MG-EX zones in the general vicinity. The proposed location is a

good fit for the anticipated use of the property, if rezoned to MG-EX and additional conditional use permits are granted for the property.

---

## ISSUES OF CONCERN/PROPOSED MITIGATION

---

Planning Staff anticipates a detailed review process (which should further identify any potential issues of concern and proposed mitigation to address these concerns), if the property is successfully rezoned and the applicant proceeds with subsequent submittals for approval of the anticipated rock extraction use of this property. With this property not being in close proximity to residential areas, it is anticipated that potential issues of concern will be relatively minor in nature.

---

## NEIGHBORHOOD RESPONSE

---

Any comments that are received from the general public or the surrounding neighbors will be forwarded to the Tooele County Planning Commission for review and will be summarized on January 15, 2020.

---

## PLANNING COMMISSION RESPONSE

---

This item will be heard by the Tooele County Planning Commission on Wednesday, January 15, 2020. Their recommendation and any conditions of approval will be forwarded to the Tooele County Commission.

---

## PLANNING STAFF ANALYSIS

---

Tooele County Land Use Ordinance 3-9 (3c), states that in analyzing the proposed rezone request, Planning Staff should analyze, *"the extent to which the proposed development of the subject property in accordance with the requested zoning will be in harmony with and compatible with surrounding land uses and present development."*

**\*Please see the attached written response from the applicant and property owner as required by section 3-9 of the Tooele County Land Use Ordinance.**

---

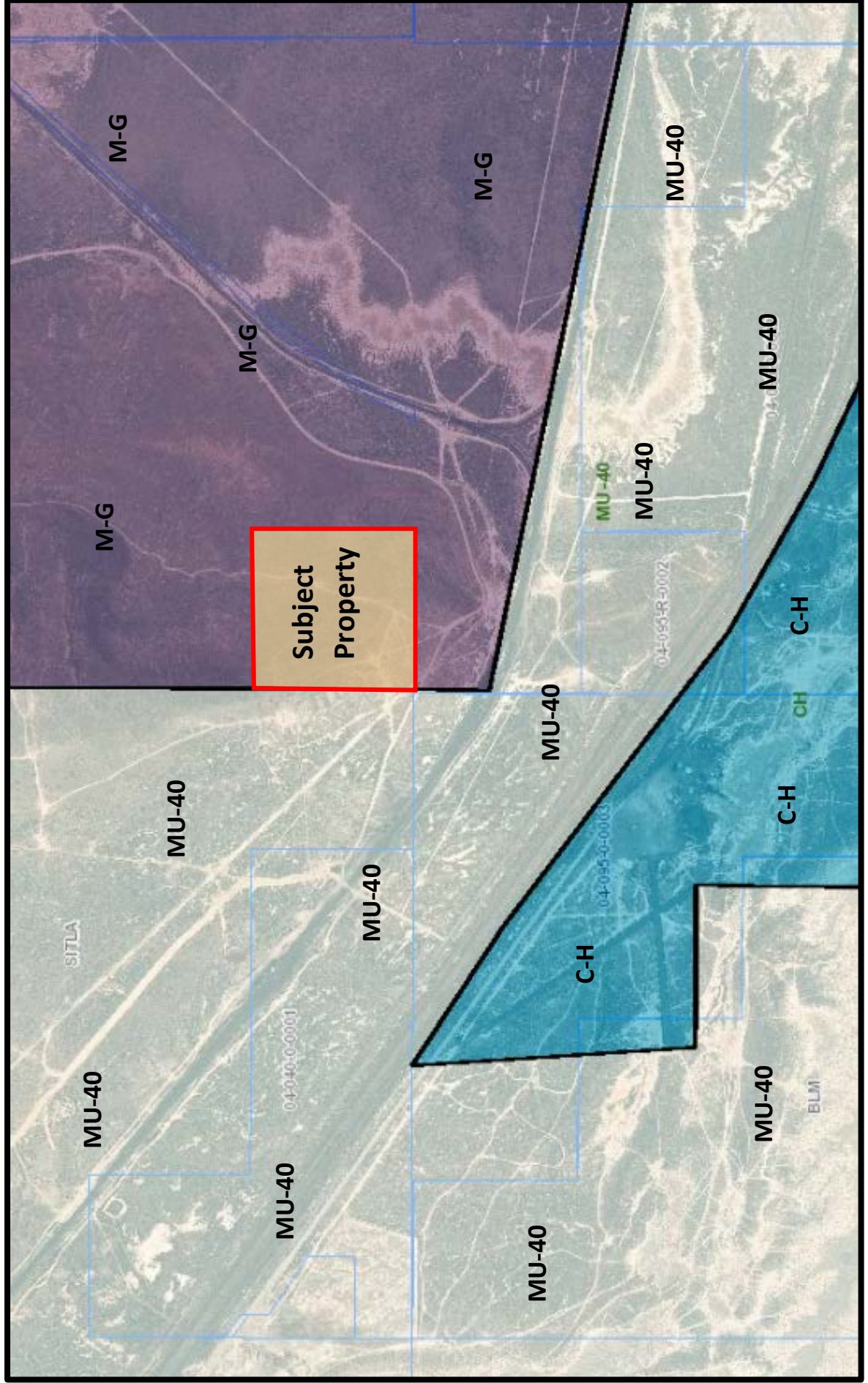
## PLANNING STAFF RECOMMENDATION

---

Planning Staff recommends that the Tooele County Planning Commission analyzes the information provided in this Staff Report to ensure that the proposed rezone request would be compatible with existing commercial and residential uses in the surrounding area prior to making a recommendation to the Tooele County Commission.

# REZ 2019-12: Rezone from M-G to M-G-EX

Unaddressed Parcel: (Parcel: 04-038-D-0039)



## ATTACHMENT A

**An application to amend the zoning map shall address:**

**(a) general existing site characteristics including ownership, topography, soils, drainage, vegetation and other physical characteristics of the area proposed to be changed;**

The School Institutional Trust Lands Administration (SITLA) owns significant amounts of property in the Delle area. Just north of the Delle I-80 interchange, on the north side of the Union Pacific Railroad tracks, there exists an outcropping of quartzite bedrock and gravel that is suitable for producing a variety of rock products, such as Rip-Rap, E-Fill, and railroad ballast. In anticipation of development of railroad infrastructure along the Rowley Road corridor, the Applicant has leased a 40-acre parcel of property from SITLA to generate rock materials to support this rail development. Other, limited markets may also exist, including the Union Pacific Railroad (Rip-Rap and Ballast). The Applicant intends to secure a Small Mining Permit (up to 10 acres for quarry and processing/stockpile) from the Utah Division of Oil, Gas & Mining. If the disturbed area exceeds 10 acres, a Large Mining Permit will be required from DOGM.

The Site is presently zoned MG under the Poverty Point Area Zoning Map. The proposal is to re-zone a 40-acre parcel to MG-EX to support intermittent quarry operations as market opportunities may arise.

The topography is a rocky outcropping. Soils are typical of Lake Bonneville lakebed, silty clay at the base of the rocky outcropping. A portion of the area to be rezoned has been previously disturbed. There existed at some time in the past what appears to be a livestock corral. Remnants of this operation are present. There also exists, on the northwest portion of the property to be rezoned, an abandoned mining operation, including a mine portal, waste rock, and what appears to be a limited amount of mine waste and debris. Throughout the site, there exists limited vegetation.

Rainfall at the site location is limited. There are a few, small, ephemeral drainages. There is insufficient rainfall to result in material surface flows, ponds, or pools.

The site is not currently occupied. It is used, from time to time, for recreation, target shooting, off-road vehicle recreation, limited livestock grazing, and open space / wildlife habitat. Given the sparse water resource and vegetation, agricultural (range) and wildlife habitat uses appear to be limited.

Given the slopes on the outcropping and other characteristics, the rock outcropping area is not developable in its current state. After mining, the developability of the property is expected to be improved.

**(b) a legal description of the area to be zoned;**

The SW 1/4 of SW 1/4 of Section 32, Township 1North, Range 8 West, Salt Lake Base and Meridian.

**(c) types of land uses permitted, conditional or prohibited in the current zoning district and the proposed zoning district;**

The Site falls within the I-80 Corridor Planning District in the Tooele County General Plan. It is situated about four miles south of the Municipal Solid Waste Corridor, East Corridor. The Site is currently zoned

M-G or Manufacturing General. This zone allows for “heavy industrial processes.” See Tooele County Land Use Ordinance, Chapter 17-2-2 and associated tables. The proposed zoning district is the Mining, Quarry, Sand & Gravel Excavation Zone or MG-EX, as described in the Tooele County Land Use Ordinance, Chapter 27.

**(d) existing transportation patterns to include public and private roads and internal and external circulation patterns, rights-of-way, easements and parking;**

Access to the Site is via the Delle Well Road, a Tooele County gravel road. The Delle Well Road connects to the Delle I-80 Interchange about 1 mile south of the Site and to Rowley Road, approximately 4.2 miles to the northeast. The transportation access is depicted, in part, on the following map:



**MAP 1**

**Legend:**

**Yellow:** 40 Acre Parcel Subject to Re-Zoning as MG-EX (SITLA Ownership under Lease)

**Blue:** SITLA Property Boundary

**Green:** Parcel No. 04-095-0-0003 owned by Consultorio de San Tiago Fundacion SA LLC

**(e) existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings with a general description of size area, intensities/densities, and height, and proposed storm-water drainage facilities;**

The Site currently supports the following land uses: open space, Off-Road Vehicle use, target shooting, wildlife habitat. The Site does not support farming or agricultural uses, nor does SITLA have any grazing permits on the Site or the immediately-surrounding property. In the longer view of things, the proposed land use is temporary. Once rock is removed and the slopes are reduced, the Site could support industrial or commercial land use, though the market demand for such uses remains speculative. That said, the Site is served by existing rail and would support industrial uses. The other questions posed in this part of the application, such as relating to improves streets, parking areas, densities, buildings, and so forth are not relevant to the Site or to the present application.

**(f) existing and proposed utilities and infrastructure;**

There are not existing utilities or infrastructure, apart from the County road (Delle Well Road). Applicant does not anticipate implementing any utilities or other infrastructure, apart from (potentially) a well to provide water for dust suppression.

**(g) relationship of proposed zone change with Tooele County General Plan and how specifically the proposed zone change would conflict, conform, complement or otherwise affect the Tooele County General Plan as well as any special studies that are designed to further detail the Tooele County General Plan in a specific area;**

The proposed rezoning is consistent with the Tooele County General Plan (“TCGP”). The Site is located in the heavy industrial corridor specified in the TCGP. Tooele County has identified this general area as being suitable to support heavy industrial uses, including the disposal of municipal solid waste, hazardous waste, and radioactive wastes. This designation is based on a number of considerations, including the fact that the area does not and likely will not support residential land use, agricultural land use, and so forth. Moreover, approximately four sections of land immediately north of the Site are presently zoned MG-EX.

**(h) an area map showing adjacent property owners and existing land uses within 500 feet of the area proposed to be rezoned;**

**(i) the location, description and acreage of land uses;**

The Site is located within a much larger parcel of land that is all owned by SITLA, except that the southwest corner of the Site is within 500 feet of the northeast corner of Parcel No. 04-095-0-0003 currently owned by Consultorio de San Tiago Fundacion SA LLC (“CDSTF”). There is no land use on the CDSTF Property that is immediately adjacent to the Site. However, approximately 0.44 miles south of the Site (as the crow flies), also south of the Union Pacific Railroad and Interstate 80, there exists a gasoline station / convenience store. Given the distance and the intervening infrastructure (Union Pacific Railroad and Interstate 80), it is not reasonable to believe that the proposed rezoning of the Site will have an unreasonable impact on the convenience store land use.

Following is a larger-scale map showing the relative acreages and land uses:



**MAP 2**

**(j) approximate location and number of residential units along with approximate square footage, density and height;**

None.

**(k) approximate location and square footage of non-residential buildings;**

None.

**(l) calculation of approximate amount of open space both before and after buildout construction, indicating areas of expected open space and new landscaping, and including maintenance plans for these areas;**

Not applicable.

**(m) if the site has unusual or unique natural features, a demonstration of how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural draining patterns, and if appropriate, geotechnical studies submitted to indicate soil types, depth of bedrock and slope stability;**

Not applicable. To the extent this is applicable, reclamation of all mining operations will be governed by the Utah Mined Lands Reclamation Act, through the Division of Oil, Gas & Mining, as well as by Tooele County, pursuant to the conditional use permit and the land use ordinance.

**(n) a description of the availability of culinary and irrigation water, community facilities such as schools, fire protection services and other types of facilities that would serve the re-zoned area and how these facilities are affected by this proposal;**

There may be likely saline groundwater available at the Site that would be suitable for dust suppression uses. There is no anticipated need for fire protection and other services as there are no improvements anticipated. Moreover, these issues will be addressed in the conditional use permit, which would still be required under the proposed land use.

**(o) approximate location and size of storm water detention and retention areas and calculations on the impact to those systems as a result of the change in density and use of land;**

Not applicable.

**(p) an indication of the construction schedule of any project proposed;**

Not applicable.

**(q) for multi-phased projects, a phasing plan that describes the anticipated timing and geographical extent of each phase;**

Not applicable.

**(r) a detailed traffic study showing the vehicle trips per day on average at buildout and a determination how the project would significantly alter existing traffic patterns or volume;**

This element does not appear to be highly applicable to the present application. The market for rock in this location is limited. The anticipated potential traffic impacts are negligible. The impacts to County roads are likewise anticipated to be minimal. The County roads in the area are gravel, except for approximately .45 miles of the I-80 frontage road. Impacts to this short segment of frontage road are anticipated to be minimal. For loads that are delivered to support industrial development in the Rowley Road area, existing traffic patterns and volumes are minimal.

**(s) for applications involving a PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone; and**

Not applicable.

**(t) any other study or information required by the planning commission or zoning administrator.**

TBD.