

**MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY PLANNING COMMISSION
January 4, 2023**

Chair Toni Scott called meeting to order at 7:00 p.m. Roll Call was taken showing herself, Jeff McNeill, Andy Stetz, Scott Jacobs, and Brad Bartholomew.

Staff: Trish DuClos, Code Enforcement/Planner. Rachelle Custer, Community Development Director. Stephanie Eastburn, Building Permit Tech. Andy Welch, County Manager. Colin Winchester, County Attorney.

Approval of Meeting Minutes from December 7, 2022. Motion to approve meeting minutes by Scott Jacobs. 2nd by Andy Stetz. All in favor. The motion passed.

Discussion and adoption of Proposed 2023 Tooele County Planning Commission Meeting dates. There was discussion about going to one meeting per month and adding a work meeting in between if needed. Rachelle Custer, Community Development Director, stated that it is required that we have at least one meeting scheduled per month, but it can be canceled if there is no business to discuss. It was discussed that since Erda and Lake Point are now incorporated and the staff can approve more administratively, the need for two meetings is probably not necessary. Motion to adopt the once-a-month schedule for the first Wednesday of every month, with the exception of July – instead of July 5th it will be July 12th by Scott Jacobs. 2nd by Jeff McNeill.

Andy Stetz- yes. Brad Bartholomew- yes. Jeff McNeill- yes. Scott Jacobs- yes. Toni Scott- yes. The motion passed.

REZ 2022-193 – Michael Drury is requesting to rezone a portion of land within a parcel about 24 acres in size from MU-40 to A-20. Trish DuClos stated that staff received an email where the writer stated that this property is under litigation. Trish read the email from someone who claims to be a co-owner of the property and does not wish for the property to be rezoned. Scott Jacobs asked if the person who wrote the email is a current owner. Rachelle stated we don't know. They are claiming to be a current owner, but I will have them send in proof of that. Jeff McNeill asked if there is a process in place during the application process where Planning/Zoning verifies the property owner. Rachelle stated yes. This property shows it's owned by Grantsville Real Estate, LLC. We will have to pay the state to see who the partners of the LLC are. Trish stated that this email came in right before the meeting, so we haven't had time to look into it. Toni Scott asked if this person was notified in advance that this is on the agenda. Rachelle stated that the notice would've went to Grantsville Real Estate, LLC, so whoever the manager is for that on our records is where it would've been sent – and that is to Mr. Drury. Colin Winchester, County Attorney, stated that according to county records, the property is owned by Grantsville Real Estate LLC and the state website states that the LLC is valid and current, and the registered agent is Mr. Drury. Rachelle stated we verify who all the partners are, which we will do.

There was no other public response prior to the meeting.

Trish Duclos stated the applicant eventually wants to split the property, but the current zoning acreage requirements doesn't allow him to do that. There was a previous application for this property to rezone and subdivide it, but it was withdrawn. There have been people reach out about wanting to keep the MU-40 area for a manufacturing/ heavy equipment storage yard. We've had people reach out for the A-20 portion that want to have a cannabis facility there. We just adopted the cannabis code. Staff's concern is the infrastructure of the road. We would like to see some type of mitigation to beef up the road if there will be heavy equipment coming in. Rachelle stated that it could be a condition of the rezone to have the applicant improve the road if the use isn't compatible with the road. Jeff McNeill asked how it would be determined how much of the road the applicant would be required to improve. Rachelle stated that it would be determined through a traffic study. The conditions we'd put on there would be based on a traffic engineer's recommendation. The traffic study included with the application doesn't anticipate heavy industrial use.

Scott Jacobs stated this application looks complete to me. Why would we place a condition for something that's already been done? Rachelle stated the traffic study didn't look at heavy equipment. We've had someone contact us since then wanting to do a heavy equipment storage yard on the back portion of this property. That is what brought to our attention that the road may not be sufficient. It could just be a condition, that depending on what uses may come to this property, road conditions may need to be made per a traffic engineer's recommendation.

Scott Jacobs asked in chapter 4, 4-20 is there a possibility when you do a split zone, could you do an A-20 and a commercial general zone. Trish stated yes, there are some in the county right now. We have an ordinance in place to address those issues.

Jeff McNeill asked if it all remained MU-40, and the heavy equipment yard, which is an allowed use, came in would we require them to rebuild the road, if it's a permitted use. Rachelle stated we would ask them to do a traffic study to make recommendations of what upgrades would need to be made when they went through the site plan review process. Jeff McNeill asked could we force them if it's a permitted use. Rachelle stated if that if it is a life-safety issue we absolutely can.

Michael Drury, the applicant, stated about the email that was sent by Tracy Gibbs, it was for a financial loan from a couple years ago which was converted into equity in another company. The case is in the middle of being dismissed. I've provided the clean title commitment; he's not on the operating agreement or on the entity. A few months ago, the medical cannabis ordinance was approved; that was a result of a buyer I have who would like to buy the front 28 acres. I did try to rezone to RR-1 previously and there was a lot of pushback from the neighboring farmers, so I said forget the residential [zone]. What if we did medical cannabis and a small business park? The lady with the zoo and the farmers were all happy. This fits in with them. I had already done the traffic study with Hales Engineering, who said the road would support 3,000 cars per day. I called them and asked if there was a buyer for the back property in the future, how could we analyze the road for that? They said we would estimate how many semis would travel it. Right now, there are plenty of semis going up and down the road because of the farm operations. The potential buyer for the back half stated that it would be two semis a day at best. It would be just to bring stuff in. He has an operation in West Valley City where people in the construction business uses him for parts. He would move his salvage yard to this property. The front half of this property would be an indoor, 80,000 square foot grow facility. They use a tremendous amount of led lights. His condition was if this property support that. The power lines are right there on the side of the

property. Rocky Mountain Power said that's not very much at all. Rocky Mountain Power did a study. They said based on the power requirements that the medical cannabis operation will require, it will generate a sizable power bill. Working with Rocky Mountain Power, it justifies bringing in a \$4 million power line to the area. Rocky Mountain Power has agreed to bring that in for free because of the potential tenant's grow lights. We don't have a water line yet. This is a simple rezone to get the front to A-20. It's not going to go through any other zoning. One of the conditions the buyer wants in order to buy the property is to agree for 30 years that there will be no request to rezone to residential. They don't want any neighbors complaining either. The power will help supply the industrial manufacturing company that bought the property across the street as well. The back part will stay 43 acres and will remain an MU-40. I did get the fire department letter, the health department letter, and did the percolation test. Everyone has signed off on the final plat map, except for Planning & Zoning.

Open public hearing (**REZ 2022-193**) motion made by Jeff McNeill. 2nd by Scott Jacobs. All in favor.

Jared Higley- My family owns all the property around this. I specifically own the property right in front of it. I don't like finding out on short notice that they want to put a medical cannabis plant in front of my house. I don't think it's a good idea. I drive down Higley Road every day. I am concerned about the road; it is not wide enough for two cars. If two are passing, one has to pull off into the weeds. I've never said I was happy about this. We are all farmers around there and I would like it to stay farmland. The piece he's talking about putting all that equipment on floods every year. Which would be a big concern for anything that goes in there. They had to put a pump in to pump water out to be able to use the rifle range. I was told by Planning and Zoning that I had to get rid of my equipment that didn't run. I told them that the equipment that doesn't run is used for parts for our other tractors, etc. I was told I had to get rid of them. It bothers me now that they're talking about bringing in a tractor/ equipment wrecking yard. It probably wouldn't bother me if I hadn't been told to get rid of our equipment. My brother isn't happy about it. My family is not happy about it. My father, who borders the property, didn't get notice of this.

Chris Eddington- I live on Higley Lane. Medical marijuana is one thing, but when you start bringing trucks in. I drove truck. There's trucks going in and out all the time. Then they have to bring dirt in. They can't just use the dirt that's there, it has to be special dirt. Then high-powered power lines we're going to have a cancer problem with more power going through the lines. The road is not built for heavy truck traffic.

Terry Durfee (online)- I live on Burmester Road. We need to rethink how notification is given. I don't think most people knew this was happening. I only know about this because I have subscriptions on the Utah Public Notice website. That's the only reason I know anything about this. We might want to look at how notifications are done and try to make it easier for people to know what's going on. I'm opposed to it because Higley Lane is not a great road at all. I've been on it in the last week or two. It's barely drivable for someone in a car. Having semis on there a lot will be a really bad deal. My issue isn't with the cannabis, it is with the water usage that would require. We have been in a drought for twenty years. I am really concerned about the water consumption. I do think it's better than having a bunch of houses there.

Michael Drury- The salvage yard is just a potential; it's not on the table today. I think it's a sturdy road. The road would have to be addressed with the Conditional Use Permit if that party was interested.

Today is just the rezone. The indoor greenhouses are brilliant growers. They don't waste a drop of water. It gets recycled over and over. There isn't a water issue there; we have a couple water shares and plenty of water on the property. To my knowledge, the power is going to be underground, not high-powered lines. I think it's a big development for the area. The placement of the greenhouse will be in the very back of the property, as far back from the road as they can. It's 25 acres so it's all the way back. The revenue it will bring to the county is fantastic. It's a money-making operation. If the construction equipment recycling company comes in that will also bring in big revenue, much more than any business on that road is bringing. That's what we're trying to promote is responsible development, good businesses that are not residential.

Close public hearing (REZ 2022-193) Motion to close public hearing by Scott Jacobs. 2nd by Brad Bartholomew. All in favor.

Toni Scott asked Rachelle Custer to clarify how the notices are sent out. Rachelle stated that 10 days before the meeting there is a notice sent to all adjoining property owners of all items that are on the agenda. Jeff McNeill stated that you can go onto the Utah Public Notice website and subscribe to whatever you want, whether it's the city notices or Planning and Zoning agenda. Toni Scott stated that it's on the county website as well. Rachelle stated that it is no longer listed in the newspaper since it went online. And since they went to once a week the deadlines don't match up. 53:18 Scott Jacobs stated that it isn't required by the state Ombudsman Code. Since most have gone digital, the municipalities are no longer required to post it in public printing, but they do have to comply with the state website. Sending the public notification in the mail is by no way the responsibility of the municipality to ensure that it gets to the recipient. So if it gets lost or not delivered, the county did its part to get it out. Also, the ten-day notice is the day they post it and mail it, not the day it is delivered.

Jeff McNeill asked if they have to be in an A-20 zone or does the MU-40 zone allow medical cannabis facilities. Rachelle stated it would have to be A-20 or MD. State law requires that we have an agricultural and an industrial zone that allows it.

Brad Bartholomew clarified tonight we are only looking at the rezone. Toni Scott stated that's correct.

Colin Winchester, County Attorney, stated that he has done some research and will share if the commissioners would like to hear it. I have an account with the Utah Department of Business Regulation. The sentence in the email that I am concerned about is "I am the co-owner of that property and LLC, and Mike and I are in the middle of a lawsuit regarding that property" There is a lawsuit pending in Salt Lake District Court. It was filed in June of last year, by Tracy Gibbs against Mike Drury and others. It has nothing to do with the property. It is a lawsuit based on an alleged business loan that Mr. Drury did not repay. Moreover, according to the Department of Business Regulations, Mr. Gibbs is not an owner of the LLC, he's not a member of the LLC, and not an officer of the LLC. I will pass this information to Rachelle.

Motion to give a favorable recommendation to the County Council for REZ 2022-193 by Jeff McNeill. 2nd by Scott Jacobs.

Brad Bartholomew- yes. Andy Stetz- yes. Toni Scott- yes. Scott Jacobs- yes. Jeff McNeill- yes. The motion passed.

Motion to adjourn made by Scott Jacobs. 2nd by Brad Bartholomew. All in favor.
Time of Adjournment was 8:04 pm.

THE FORGOING MINUTES ARE HEREBY APPROVED BY _____