

TOOELE CITY PLANNING COMMISSION MINUTES
January 9, 2019

Date: Wednesday, January 9, 2019

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Tony Graf
Tyson Hamilton
Bucky Whitehouse
Melanie Hammer
Chris Sloan
Phil Montano
Shauna Bevan
Ray Smart

Commissioner Members Excused:

Matt Robinson

City Employees Present

Mayor Debbie Winn
Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Paul Hansen, City Engineer
Roger Baker, City Attorney

Council Member Present:

Council Member Gochis

Council Members Excused:

Council Member McCall

Minutes prepared by Kelly Odermott

Chairman Graf called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Montano.

2. Roll Call

Tyson Hamilton, Present
Tony Graf, Present
Bucky Whitehouse, Present

Melanie Hammer, Present
Chris Sloan, Present
Phil Montano, Present
Shaunna Bevan, Present
Ray Smart, Present

3. **Recommendation on a Subdivision Preliminary Plan for Sunset Estates Phase 8 proposed by Russ Tolbert of Hallmark Homes, for the creation of 24 lots, located at approximately 400 West 2300 North on approximately 10.7 Acres.**

Presented by Andrew Aagard

Mr. Aagard stated the 10.7 acre property is on the north side of Tooele City, just west of the Home Depot. A map of the property was shown on screen. The area around the proposed development is largely vacant. The land is undeveloped. Sunset Estates Phase 7 is located directly south of the proposed development. The zoning of the property is R1-10 Residential. It requires a minimum lot size of 10,000 square feet for single family lots. Properties to north, east, and south have the same zoning, while properties to the west are R1-7 residential, allowing 7,000 square foot lots. The subdivision that is proposed is 24 single family lots ranging in size from 10,000 square feet up to 14,000 square feet. Each lot within the subdivision meets or exceeds the minimum ordinance requirement for lot width and lot sizes. There is a large storm water basin proposed to the northeast corner of the property. The basin is a 1.12 parcel acre that will require landscaping by the applicant before it is dedicated to the City. A landscaping and irrigation plan will need to be submitted during the final plat review process. The development will be required to install, the sidewalk, park strip, curb and gutter and 30 feet of asphalt on 400 West and 2400 North, that will be public streets. There will be double fronting lots on the development. Double fronting lots do require additional treatment with fencing and park strip landscaping that will be verified during the final plat review. Staff is recommending approval of the Sunset Estates Phase 8, with the conditions listed in the Staff Report. Conditions five and six address the water retention pond, landscaping and double fronting lots. Any other conditions are basic housekeeping items.

Chairman Graf asked the Commission if there were any comments or questions.

Commissioner Hammer asked for clarification on the double frontage lots and if the double fronting lots will be reviewed and addressed during the final plat approval. "Is it at that time the City will determine if they will have a Homeowners association or join the service district in that area?" Mr. Aagard stated that is correct.

Chairman Graf asked the Commission if there were any other comments or questions, there were none.

Commissioner Hammer moved to forward a positive recommendation to the City Council for the Sunset Estates Phase 8 Preliminary Plan request by Russ Tolbert representing Hallmark Homes, application number P18-368, based on the findings and subject to the conditions

listed in the Staff Report dated December 31, 2018. Commissioner Sloan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Smart, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

4. **Recommendation on a Subdivision Preliminary Plan for Country View Villas proposed by Dave Erikson, for the creation of 136 lots, located at approximately 1000 North 200 East on approximately 26.6 Acres.**

Presented by Andrew Aagard

Mr. Aagard stated that the application is a 20.6 acre partial located south of 1000 North and east of 100 East located directly east of a private school and commercial business. The property is currently zoned MDR PUD, Medium Density Residential with Planned Unit Development Overlay. The MDR zone permits up to 8 units per acre and the PUD establishes criteria that is unique to the development itself. For the most part the PUD standards reduce building setbacks and reduce lot width from the standard MDR of 75 feet down to 48 feet. The PUD standards provide the following lot configuration and yields approximately 3500 square foot lots. A graphic of the units was shown on the screen. The preliminary subdivision plat is laid out with four conjoined lots on the perimeter and interior. A clubhouse and guest parking will be in the northwest corner. All space between the conjoined buildings will be common space maintained by the HOA. Access into the site will be from 1000 North and 870 South. The connection at 870 South will provide connection through the Legacy apartments to 100 East and is being constructed or is completed at this time. The stub road to the south is for future development. All roads in the development are proposed to be public streets. There is a storm water retention basin proposed at the northeast corner next to the clubhouse. The basin will be maintained by the development HOA. The development is proposed to be phased and each phase will need final plat approval. Staff is recommending approval of the proposed preliminary plan with the conditions listed in the Staff Report.

Chairman Graf asked the Commission if there were any comments and concerns.

Commissioner Montano asked Mr. Paul Hansen to comment on water issues and address the water usage for the development. Mr. Hansen stepped forward and addressed the Commission. Mr. Hansen stated that this development will be required to provide water rights in accordance with City Code. Whenever a development comes into the City, the City does a water model to see what the impact will be. The information that the City has at this time is that the City can meet this demand and that the City continues to develop new culinary sources constantly. This is what impact fees are for and why the City aggressively continues to search for more sources of water.

Chairman Graf asked if the Commission there were any other comments or questions, there were none.

Commissioner Hamilton moved to forward a positive recommendation to the City Council for the Country View Villas Preliminary Plan request by Dave Erikson, representing Irish Creek LLC, application P18-277, based on the findings and subject to the conditions listed in the Staff Report dated December 31, 2018 . Chairman Bevan seconded the motion. The vote as follows: Commissioner Hamilton, “Aye,” Commissioner Hammer, “Aye,” Commissioner Sloan, “Aye,” Commissioner Bevan, “Aye,” Commissioner Smart, “Aye,” Commissioner Montano, “Aye,” Chairman Graf, “Aye.” The motion passed.

5. **Public Hearing and Decision on a Conditional Use Permit by Steve Morrey of Savage Tooele Transload to allow a “Chemical Manufacture and Storages” use on property located at 351 South Emerald Road in the I Industrial zoning district on approximately 7.45 Acres.**

Presented by Andrew Aagard

Mr. Aagard stated the 7.5 parcel is located in the industrial depot on the west side of the City boundary. A map of the parcel was shown on the screen. The area is highly industrial with numerous railroad spurs and industrial structures in close proximity. The property is zoned I Industrial as are the properties to the north, west, and south. To the east, property is located in unincorporated Tooele County and has a manufacturing usage zoning designation. The zoning in the County is fairly similar to the zoning in the City. The applicant is requesting a Conditional Use Permit to authorize chemical manufacturing and storage on the property, with an emphasis on the storage rather than the manufacturing. The applicant is proposing a business that will transfer product from railcars to semi-truck transport so the product can be shipped locally to buyers of the commodities. Currently the applicant has indicated that they will be transloading two chemicals, liquid form of ammonia sulfate and solid ammonia prille. Mr. Aagard stated for clarification, that the Staff Report may have said Ammonium nitrate and if it does, that is an error. The products are ammonia sulfate and ammonia prille. The application is unique in that jurisdictional boundaries bisect the business with Tooele City and Tooele County. Most of the proposed business is will be conducted in Tooele County, with some of the business being conducted in Tooele City at the northern side. Mr. Aagard stated that the applicant will need to obtain all entitlements from Tooele County in order to conduct operations on the Tooele County side. The facility proposed at this location is a temporary facility, anticipated to be used for six months. The applicant is in process for finalizing plans for permanent facility that will be located at approximately quarter mile to the west, entirely in Tooele City boundaries. The applicant will be required at that time to either amend the Conditional Use Permit or obtain a new Conditional Use Permit for the property. They will need to conduct a site plan review and possibly a subdivision plat if lot outlines are shifted or a parcel is divided.

Mr. Aagard stated staff has scrutinized this application, has conducted numerous meetings with Savage Transload and Tooele City Fire Department. The Fire Department has approved the proposal with the request that the fire department be permitted a tour of the site and operation. The fire department is also requesting that prior to any new product being brought into the site, that the applicant apprise them of the proposed product for fire department approval. There are no utilities at this site, no water, sewer, or permanent structures. All water will be trucked in and all waste will be trucked out. All structures will be temporary in nature. The business will generate additional truck traffic. Mr. Aagard stated that he is not entirely sure,

he thought he remembered from one meeting, that Savage anticipated approximately 600 truck deliveries per year. All trucks are welcome in the City; there are established truck routes through the City that need to be followed. Those routes are SR 36, Main Street and 1000 North to SR112 where traffic signals connect to the industrial loop road. Trucks may not utilize Utah Avenue.

Mr. Aagard stated when moving chemicals from one tank to another there is a potential of a leak or a spill. The applicant has indicated that they have measures in place to deal with any potential spill and these measures will meet all local, state, federal, and fire department regulations and recommendations. At the behest of the City Attorney, Tooele City Code section 7-5-4 findings of fact requires the Planning Commission when approving or denying a Conditional Use Permit, establish into the public record a finding of facts. Mr. Aagard stated that he did send an email to Planning Commission members, stating this and explain the criteria when formulating the motion.

Mr. Aagard reviewed with the Commission the conditions listed in the Staff Report. Condition one through four are standard housekeeping conditions that staff uses in pretty much every situation to cover all basis. Condition five addresses the temporary nature of the business at this location. It provides the applicant with two years to construct and relocate the business to the permanent facility. This condition is inserted to ensure that the temporary facility remains temporary and does not morph into a legally nonconforming permanent facility. Staff believes by what has been stated by the applicant, that two years is more than enough time to facilitate construction and relocation. Condition number six requires the applicant to obtain all entitlements from Tooele County, Conditional Use Permit, site plan approval, whatever the County will require. The City wants to ensure the County is happy as well with the business operations. Condition seven requires all truck traffic to and from the site to utilize only established truck routes. There will be increased truck traffic with this business, and it needs to be ensured that they will not create hazards and nuisances on the smaller streets. Having this condition does provide a mechanism for enforcement if that becomes a problem. Condition eight requires a Tooele City business license prior to operations. A business license ensures proper registration and necessary business inspections. Condition nine addresses chemical spills and that the containment of all spills remain in conformance with all federal and state codes. Condition ten requires the permanent facility to have necessary utilities, such as water and sewer and thus enabled proper fire protection as required by Tooele City Code. Condition eleven requires the company to inform Tooele City Fire Department of any changes in product type prior to accepting new product type at the site. Even though the applicant has indicated with this application only two product types, they have also stated that the business may not be limited to those two chemicals in the future. A business such as this could handle all types of product and commodities. The City staff would like to make sure the fire department is apprised of any new chemicals which may be onsite.

Staff is recommending approval of the Conditional Use Permit with the eleven conditions. Mr. Aagard stated he would attempt to answer any questions, but the applicant was in attendance at the meeting and the City would defer to them for questions the city staff is unable to answer.

Chairman Graf asked the Commission if there were any comments or questions.

Commissioner Bevan asked what the hazards are if there is a chemical spill or leak. Commissioner Bevan stated she is not familiar with the chemicals and would like to know what the hazard would be to the ground water and surrounding areas. Mr. Aagard stated that he would defer to the applicant and perhaps the City engineer to address that.

Commissioner Smart asked if an operation this size gets monitored by the EPA or anyone above the City, state agency or anything. Mr. Aagard stated he did not know what agencies do the monitoring of the company.

Commissioner Sloan had a couple of clarification questions. He asked that for fire department review, do they need to check every truck with product, or just okay any new type of product that enters the site?. Mr. Aagard stated that if the company changes from ammonia sulfate or ammonia prille to treated lumber, that would need to be disclosed to the fire department. Commissioner Sloan stated that there is a wide disparity from chemicals to treated lumber, is the term product type narrow enough to ensure new types of product are disclosed? Mr. Aagard stated he thinks it is. Commissioner Sloan also asked if the City knows where the product is coming from, will they be going through downtown Tooele heading towards 1000 North, will they be coming from the North? Mr. Aagard stated that it is anticipated that most truck traffic will be coming from Interstate 80 down through Tooele, to 1000 North. There is a possibility that truck traffic could be coming from the south. SR36 is an established truck route all the way through the City.

Chairman Graf asked if there is a leak or a spill, he is interested in knowing the mitigating factors that will come into place in safeguarding the businesses surrounding this facility if they require any special equipment or anything that needs to be in place if anything were to happen. And if it were to happen and spreads, is it toxic? Mr. Aagard stated he would defer to the applicant for that answer.

Chairman Graf asked the Commission if there were any other comments or questions, there were none. Chairman Graf opened the public hearing.

Mr. Philip Hoskins of Savage Services stepped forward to address questions from the Commission. He is the Director of Business Development for the company and he has a few other members of the team with him, members of the engineering group and executive vice president and operations manager who is a resident of Tooele. He wanted to make sure he addressed all the questions that were asked.

Mr. Hoskins stated in regard to the question, who are they regulated by, Savage is overseen by several entities, OSHA and FRA, federal railroad administration, as well as local fire department. Regarding the response to a hazard chemical spill. First the first line of defense is to never have a spill. The goal of the company, being a nationwide company, is to keep their reputation of being an extremely safe company. They do not want to tarnish that. An outline of their rigorous processes and procedures that go along with handling the chemicals was submitted with the Conditional Use Permit. Those procedures are the first line of defense and have been built over 20 years of experience and learning the business. He stated over the last 20 years the company

has not had a spill of significant consequence over a few gallons. The Company prides themselves in being very safe in what they do. If things do happen, the spill is like little BB's in a solid state. The way an employee deals with a spill is by shoveling or sweeping them up. They are solid, there is nothing that would get into the ground water from the solid state. The liquid material is a liquid when it is heated at a fairly high temperature. Once it hits the air it will turn back to a solid fairly quickly. To mitigate any issues that may come from drips, the company will have spill pans that reside under the railcars. Those spill pans are designed to catch any drips that would otherwise have access to the ground and contain it to be disposed of it properly. This is for the temporary facility. In the permanent facility, Savage will work with the City and fire department so that anything put in place or designed will meet standards. Mr. Hoskins stated that Savage does handle quite a few products and many of them are not hazards, lumber, steel, corn syrup, sweeteners, but some of them are hazards. The company plans to work hand in hand with emergency services to make sure everyone is made aware of what will be handled and have full approval from the fire department. The last thing, if there was a leak or spill, Savage will post all of the commodities handled at the facility so that the fire department has easy access to that information. That way first responders will know what chemicals are on property and what actions are needed to mitigate any accidents on the property.

Mr. Hoskins asked if that answered the questions the Commission had.

Commissioner Sloan asked how the materials will be shipped, doubles, singles. Mr. Hoskins stated it will be a combination depending on the product. A lot of the liquids will probably run in doubles and construction products will probably run in singles. Just as a clarification, likely Savage will not be the sole trucking provider, and in many cases won't provide trucking at all, but Savage will ensure that all contracts with customers will define the route that the City has stated.

Chairman Graf stated that this is a temporary facility, does the company anticipate offloading or transporting any other chemicals or materials other than what is listed? Mr. Hoskins stated that the way that the business works, it is very customer demand driven. It is difficult to tell the Commission what commodities will be transported, there is a list of commodities that are in various stages of negotiations with customers. He can't tell the Commission that ten of those will come tomorrow or next week or next month. The nature of the business fills a void where a customer does not have enough volume to justify their own warehouse to handle these commodities. Mr. Hoskins gave a couple examples of how they work, if Detroit Diesel or Purple warehouse need a chemical for their operations but did not have the warehouse space, Savage Transport could bring it in and store the chemicals for the companies. It would be difficult to tell the Commission everything that Savage is planning. He did state that there will be more commodities because they want to grow and plan to have up to 15 employees and that will come with additional products through the facility. Commissioner Graf had a follow up question, if there are additional chemicals that the mitigation plan accommodates those? Mr. Hoskins stated that they would work hand in hand with the fire department to ensure that any new commodity that Savage intends to bring to the site first comes for approval before they would move the product through the facility.

Chairman Graf asked if the Commission had any further questions or comments, there were none.

Ms. Julie Watson stepped forward to address the Commission. She stated that the Department of Transportation has safety ratings for trucking companies, and she would recommend for the City, if it's possible, to check the safety ratings of the companies who are coming and providing trucking. If the companies are under that umbrella, then they should be a safe company. Commissioner Sloan asked if that was regulated at the state or federal level. Ms. Watson stated that it is both federal and state. She believed that Savage is federal, and state regulated. Commissioner Sloan asked that if they are getting an okay from state and federal regulators then they are fine? Mrs. Watson stated yes.

Chairman Graf closed the public hearing.

Chairman Graf stated that in order to satisfy Ordinance 7-5-4 as a Commission they need to make a finding of fact in the Conditional Use Permit. Chairman Graf wanted to briefly list the requirements of finding of fact so that the Commissioners know the requirements and address any concerns that may have come up in discussion. The factors that need to be considered are:

- 1. the reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties.*
- 2. the evidence identified regarding the identified reasonable anticipated determinantal effects of the proposed use.*
- 3. the reasonable conditions imposed, as part of the conditional use permit approval, intend to mitigate the reasonable anticipated determinantal effects of the proposed use;*
- 4. the reasons why the imposed conditions are anticipated or hoped to mitigate the reasonable anticipated determinantal effects of the proposed use;*
- 5. the evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonable anticipated determinantal effects of the proposed use.*

Chairman Graf asked the Commission if there were any concerns about what has been presented and not being able to meet these five elements; there were no comments.

Chairman Graf stated that before they take it to a vote, he proposes that the finding of the conditions as outlined in the Staff Report 1 through 11 satisfy Ordinance 7-5-4 in all five elements of this ordinance and propose to make that finding a fact.

Commissioner Bevan asked if that is a motion. Chairman Graf stated that it is his motion. Commissioner Sloan seconded that, but clarified with Mr. Baker, if he was comfortable with that verbiage. Mr. Baker stated that he has no issue with it, but he thinks that if this were to be reviewed by a court, a court would prefer a more specific finding. For example, condition seven, which is the truck traffic condition; you would make a finding that this proposed use has the reasonable, foreseeable determinantal effect of increased truck traffic that could affect circulation on city streets and the evidence of that is an average of 2 trucks a day, if not more. To mitigate that adverse affect the condition the Commission will require is for the company to keep their trucks to the established truck routes to mitigate the effects. The exercise is what bad things might happen, what evidence does the Commission have that might happen, and

what the Commission is going to do about it. The first four conditions are housekeeping conditions as addressed by Mr. Aagard, because they are required to comply with City laws, but Mr. Baker would like to see some discussion regarding each of the proposed conditions. That is the exercise required by the State statute.

Chairman Graf stated the Commission could take a look at what they have in their report. The Commission will start with the site layout plan and general plan and zoning. Chairman Graf asked the Commission if any Commissioners had detrimental effects and results can occur and how it is or is not mitigated by the proposed plan and zoning. Mr. Baker indicated that the Commission does not have to make findings for things that are already required by law. The Company is required to comply with the City General Plan, the zoning, and City Codes. The Commission does not have to make a finding because they are already law. Where a condition is used to mitigate an anticipated determinantal effect that is where the Commission has to identify what this bad thing is and why this condition will help. Mr. Baker gave the example of the truck route, the City will have more traffic, therefore stay on the truck route. It can be that simple.

Chairman Graf thanked Mr. Baker for his direction and directed the Commission to review chemical storage. Detrimental effects could be leaking of product during transfer from train to truck this could cause spills, ground contamination. Chairman Graf asked if there any other detrimental effects that the Commission is concerned about? There were none.

Commissioner Sloan stated that of the Conditions most of them fall under not necessarily housekeeping but fall under law or ordinance. There are one or two that jump out, truck traffic, there is an increase there. Commissioner Sloan stated that he had asked the questions about the trucks and the requirement that they stay on the required truck routes. Chemical spill containment, the Commission had talked about state, federal, and local issues but those are in statutes. Mr. Baker stated that the Planning Commission could require the company to have a safety plan in place that is available to City and fire staff. That should be stated expressly.

Commissioner Bevan asked if everyone feels that the safety plan that they talked about is sufficient for leakage, that Savage has a container under the railcars. Commissioner Sloan asked Commissioner Whitehouse to address the concerns since he is with the fire department.

Commissioner Bevan asked what happens with the trucking. She lives on Utah Avenue and she knows that there are trucks that travel down the street and are not supposed to be on that street. What happens if the trucks are caught driving down that street, because individual truckers could take the route and may not even understand they have taken the wrong street. What's going to happen?

Mr. Whitehouse stated that any entity that operates with hazardous materials is required to submit a hazardous materials management plan. In the plan, he has received and reviewed already, Savage has outlined the practices they go to ensure that the truck drivers are briefed on where they can and can't drive trucks in terms of transportation routes. If those individuals are on the transportation routes and found on unauthorized routes, they will be pulled over, cited,

and redirected to appropriate routes. Savage has outlined that they will do everything in their power to ensure that those routes are followed. It has been very thorough in the plan.

Chairman Graf asked Commissioner Whitehouse about the condition to tell the fire department about the changes in product prior to new products at the site. How much time does the fire department need for that to be effective, understanding the products? Commissioner Whitehouse stated that typically in an operation regardless in Tooele City or Tooele County, whenever they start working with a new product, they will notify local fire authorities because local fire authorities have the ability to make alterations to the operations if they feel there is something that is proposed that is unsafe. They will typically notify 10 days to two weeks. There is no prescribed notification protocol. Mr. Whitehouse stated that Savage has been very transparent in everything that they have outlined for the City and have made it abundantly clear that they plan on being good community partners and will notify the fire officials at whatever intervals needed. He feels that that requirement is satisfied.

Commissioner Sloan asked Mr. Hoskins if he understood that the commodities will be cleared prior to contracting the product. Mr. Hoskins stated that is correct.

Mr. Baker stated to the Commissioners regarding the condition that they were talking about, which is the requirement of advance notice to the fire department. The Commission has identified the potential adverse effect of new product which will be at the site without advance notice. To mitigate those risks, we are asking the Commission to impose communication of the new product. The Commission needs to look at it as what do they think could happen and what is being proposed to mitigate that risk.

Commissioner Sloan stated that he is getting a little bit lost. His understanding is that if the Commission is to make a motion and subject to the staff recommendations which have been discussed is that redundancy? Does the Commission need to go item by item?

Mr. Baker stated that what has been done in the conditions is the end game. He wants the Commission to back up and say Condition five, which is the two-year move. The Commission has identified in allowing a temporary operation to go on longer than two years, therefore the Commission is imposing a condition that the permit is only for two years.

Commissioner Sloan stated that this example is what he was looking for; the Commission needs to go through each of these conditions. Mr. Baker stated that the first thing the Commission needs to do is identify the potential detrimental effects. The Commission cannot jump right to the conditions without first identifying the potential adverse effects.

Chairman Graf stated they would try again. One through four is covered by law and those don't need to be addressed, as a Commission because those are covered by law. In looking at condition five some of the potential detrimental effects that could be satisfied by this condition is a limited scope. If Savage had an indefinite period of time, business can change, products could change and that could cause materials that are concerning to be brought in and perhaps by condition five a limit to the time for which the business will be operated and if a permanent facility has not been constructed within the two year period, the Commission will review the

Conditional Use Permit again. This mitigates the change of business and there is a period of time at least in two years a new Conditional Use Permit would be examined by the Commission and revisit the conditions. Mr. Baker stated the City does not want a permanent temporary facility. Commissioner Bevan asked if it was something, within a years' time they should be in the process of building a permanent facility or after the period two years they need to clean up. Mr. Hoskins asked the Commissions if it would help to know what the business plan is for the facility. Commissioner Bevan stated yes.

Mr. Hoskins stated that the company's intention is to purchase property. Savage is in the final stages of negotiations with property owners. The purchase will hopefully be finalized in the next few weeks and there will be a due diligence period. There are no issues anticipated which would stall the purchase of the property. Once the property is purchased, construction will start. Construction will be in accordance with rules and regulations. The intent of the company is to be under construction by second quarter of 2019 and be in the facility within 90 and 120 days. Chairman Graf asked where the permanent facility is located? Mr. Hoskins stated that it is still in the industrial depot, where the test track is. It is to the west of the temporary facility on the eastern side of the race track.

Chairman Graf stated looking to Commissioner Bevan's suggestion, adding to condition five that within a year, the company will provide an update to the appropriate authorities of the status and progress of the permanent facility. Mr. Hoskins agrees and would accommodate that.

Chairman Graf asked if the Commission is comfortable and agrees that condition five mitigates the permanent business in temporary facility, there were no comments

Chairman Graf moved on to condition six and stated that this seems to be a legal issue as well. It relates to obtaining a legal use permits from Tooele County. Mr. Baker stated that this foresees the potential risk of the City approving a Conditional Use Permit for part of the project and the County not approving one for another part of the project. It needs to be both or none. Therefore, the condition is that Savage get both Conditional Use Permits to be in effect. Commissioner Bevan stated yes that. Chairman Graf stated that condition six mitigates that risk.

Chairman Graf addressed condition seven, this has been mentioned of truck traffic. We live in a small town, we don't have that many roads. Commissioner Bevan talked about Utah Avenue being a road that is not truck approved. Trucks should not be going down that. An issue is having a large truck carrying chemicals on public roads through residential areas, potential spills is a possible potential effect." Mr. Bolser made a statement in regard to comments made by Mr. Whitehouse regarding the enforceability of that and he is entirely correct. "One additional note, to answer Commissioner Bevan's original question, with this condition in place if there is a violation by a contractor of this company, the Conditional Use Permit, would potentially be in jeopardy where the Planning Commission would have the ability to address it from a standpoint of revocation for violation of the condition and potentially causing harm to the business because they would not have business license due to the revocation. It is an added level of enforcement that is in the realm of the Planning Commission to address." Mr. Hoskins stated that he wanted to make sure that it is clear. Savage will be providing truck services and will be directly responsible for the truck route and any violation will be on them. The company will do

everything in their power with the customers that the truck routes in the agreements will be attached to the contracts, is also adhered to. But sometimes the customers are not always a contractor and don't always have control over what their contractors do. Savage will do everything in their power to ensure that those are met and will work hand in hand with the City if those are not being met. He doesn't want there to be an understanding that they have control of all the trucks, because Savage will not have control of all of the trucks. Chairman Graf asked if agreements with private trucking will have approved routes. Mr. Hoskins stated that anyone who is a contractor of Savage will have the routes, but sometimes the customers will contract the trucking. There will be an exhibit which dictates the trucking route, but they may not be Savages' contractor, they may be a customer's contractor. Chairman Graf asked the Commission if they feel the detrimental effects of having the trucks on the roads is mitigated by condition seven? There were no comments.

Chairman Graf addressed condition eight deals with law, local, state, federal. "Clearly chemical spills have a detrimental effect on plants people, and property. It appears condition eight mitigates the detrimental effects of a spill by outlining that Savage needs to be in accordance with local, state, and federal regulations. As per Tooele City Fire Department recommendations as well." Chairman Graf asked the Commission if they are in agreement that condition eight mitigates the detrimental effects as well. Commissioner Sloan stated that it was discussed that Savage has to have a plan in place. Mr. Baker stated that this is condition nine as well.

Chairman Graf moved onto the next condition, one of the potential effects of not having a permanent facility, is that there is no a permanent infrastructure. Perhaps, by having a permanent facility by having permanent infrastructure that mitigates a temporary property from not being permanent. Chairman Graf stated he assumed that the temporary facility is being repurposed for operations. Mr. Hoskins stated that they are constructing a new building for the permanent facility. The temporary facility is just that, Savage will be using a leased property. Commissioner Bevan asked when Savage returns the temporary building what does Savage do to make sure it is cleaned up of all spills and waste? Mr. Haskins stated Savage does a Phase 1 analysis of the property before they assume it for own internal risk purposes. They want to make sure there are no risk situations. When Savage is finished with the property, they perform the same analysis to ensure that it is in the same condition as when they took it over. Mr. Baker stated that the company is offering a condition to the Commission that they will do anyways. The Commission can hold them to that through this process. Commissioner Bevan asked that the Commission add that the property they are vacating will be returned to its previous condition when returned to the property owner.

Chairman Graf stated that as an additional condition the property when it is vacated will be returned to the previous condition prior to the Conditional Use Permit as shown by Phase 1 Environmental study.

Chairman Graf went back to condition eight, one of the detrimental effects for a business to not be licensed locally and there is no oversight as a benefit of a license. Condition eight the company shall be issued a business license prior to operation. Condition eight appears to mitigate the potential of an unlicensed business operating in Tooele City. Chairman Graf asked if the Commission was in agreement. Commissioner Bevan stated yes. Mr. Hoskins stated that

Savage has submitted the application for a business license and it is pending the Conditional Use Permit.

Chairman Graf stated condition nine and ten had been addressed. Chairman Graf addressed condition eleven and one of the detrimental effects of having a business that has a lot of different products is that the City and Fire Department would not be prepared if they are not given notice of what is coming into Tooele, and if they are not given notice to combat a chemical spill people could be affected by the spill. Commissioner Hammer stated that Commissioner Sloan had asked Mr. Aagard about the product type and if that is a specific enough term. "Could the Commission ask Mr. Whitehouse if he agrees that that term is specific enough?"

Commissioner Whitehouse stated that with his discussions with Savage so far the product type is consistent with what the fire department would require to be notified of. The product type is consistent with the industry standard, if they were going to change product type drastically and it is highly dangerous, they will notice the fire department. Commissioner Bevan asked Commissioner Whitehouse if they would prefer a time limit of notification? Commissioner Whitehouse stated that he didn't know if that is necessary. Much of this is covered by the fire code.

Chairman Graf asked if the Commission felt that the detrimental effects of bringing different product types is mitigated by condition eleven? Commissioner Bevan stated yes. Chairman Graf stated that based upon those findings the Commission has satisfied Ordinance 7-5-4 meeting all five elements and that has been addressed and approved.

Commissioner Smart asked about the public comment if they are already categorized as safe or if the City needs to establish a rule that the companies that they hire be safe? Ms. Watson stated that the categories of safety like Savage has a safety rating with the Federal Department of Transportation. The City can look that up online for the rating, what they should be hauling and if they are approved in state or interstate travel. Commissioner Smart asked if the state government has a rating or does the City need to find that rating? Ms. Watson stated that in order to haul Hazmat, the company would need to be reviewed by a higher agency.

Mr. Hoskins stated that if they are contracting with a company for trucking, that company has to meet all DOT requirements. Savage is a national company and they are monitored by DOT regularly. Commissioner Bevan asked about the customers that are contracting with subcontractors. Mr. Hoskins stated they would fall under the same regulations as Savage.

Mr. Baker thanked the Commissioners for their patience of walking through the process that is required by state law for approval of Conditional Use Permits. And he thanked the applicant for their patience in the process.

Mr. Hoskins wanted to address condition six, he asked if Savage was to perform all of the work in the City jurisdiction would they need to get approval from the County. Mr. Baker stated they would not because they would not need to get permits from the County.

Chairman Graf stated for clarification that he intended to make the finding but is there any further comments about the conditions that cause the Commissioners concern and do not mitigate potential detrimental effects that have been discussed? There were no comments.

Chairman Graf moved that the Commission adopt all the conditions that have been discussed in addition to the staff recommendations and make a finding of fact that the Commission has addressed all five elements and is satisfied that the conditions proposed mitigate the detrimental issues identified. Commissioner Hammer seconded the motion.

Chairman Graf withdrew his motion and asked if there was a motion to approve the Conditional Use Permit and findings of fact in one motion.

Commissioner Sloan moved to approve the Conditional Use Permit, by Steve Morrey, representing Savage Tooele Transload permitting chemical manufacturing and storage on property located on 351 South Emerald Road, application P18-821 including the findings of fact and subject to the conditions listed in the staff report dated January 9, 2019. Chairman Graf incorporated the new conditions that were talked about as well. Commissioner Sloan accepted that.

Commissioner Sloan moved to approve the Conditional Use Permit, by Steve Morrey, representing Savage Tooele Transload permitting chemical manufacturing and storage on property located on 351 South Emerald Road, application P18-821 including the findings of fact and subject to the conditions listed in the Staff Report dated January 9, 2019 and including the additional items by the Commission. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

6. **Review and Approval of Planning Commission minutes for meeting held on December 12, 2018.**

Chairman Graf asked the Commission if they had any questions or concerns.

Chairman Hamilton moved to approve minutes from the meeting held on December 12, 2018. Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

Chairman Graf proposed the Commission allocate time in the next meeting to discuss and brainstorm goals for 2019, that the Planning Commission would like to accomplish.

7. **Adjourn**

Commissioner Bevan move to adjourn the meeting. The meeting adjourned at 8:05 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 24th day of January, 2019

Tony Graf, Chairman, Tooele City Planning Commission