

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, October 9, 2024** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

We encourage anyone interested to join the Planning Commission meeting electronically through Tooele City's YouTube channel by logging onto www.youtube.com/@tooelecitey or searching for our YouTube handle **@tooelecitey**. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecitey.gov any time after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** – Proposed amendments to Tooele City Code 7-4-9; Parking Lots, Tooele City Code 7-16-4, Table 2 Table of Development Standards, and Tooele City Code 7-19-26, Park Strip Landscaping in Commercial and Industrial Subdivisions, regarding landscaping requirements in the Industrial zoning district. *Andrew Aagard, Community Development Director presenting*
4. **Public Hearing and Decision** – Application #2024-050. A request by Jake Tate for Conditional Use Permit approval to allow the installation of a 110' monopole communication tower on property located at 1148 W. 60 South in the LI, Light Industrial zoning district. *Jared Hall, City Planner presenting*
5. **City Council Reports**
6. **Review and Decision** – Minutes of the Planning Commission meeting held September 25, 2024
7. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Jared Hall, Tooele City Planner prior to the meeting at (435) 843-2132.

STAFF REPORT

October 4, 2024

To: Tooele City Planning Commission
Business Date: October 9, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: **Landscaping Requirements in the Industrial Zone – City Code Text Amendment Request**

Applicant: Tooele City
Request: Request for approval of a City Code Text Amendment regarding proposed revisions to Tooele City Code 7-4-9; Parking Lots, Tooele City Code 7-16-4, Table 2 Table of Development Standards, and Tooele City Code 7-19-26, Park Strip Landscaping in Commercial and Industrial Subdivisions, regarding landscaping requirements in the Industrial zoning district

BACKGROUND

This application is a request for approval of City Code Text Amendments to change the landscaping requirements in the Industrial zoning district. The proposed amendments will affect Tooele City's Automobile Parking Ordinance, Tooele City's Table of Commercial Development Standards and Tooele City's Subdivision Ordinance for park strip landscaping.

ANALYSIS

Purpose. Tooele City Administration and members of the Tooele City Council approached staff and requested that Staff begin the process of amending Tooele City's landscaping requirements for properties located within the I Industrial zoning district. The Industrial zone is Tooele City's heaviest industrial zone and permits a wide range of very intense industrial uses. Industrial uses are generally uses that DO generate impacts to surrounding properties in the form of noise, odors, vibrations, truck traffic, glare and so forth. Because these uses do generate impacts they are sequestered into two locations. The first being the Peterson / Ninigret Industrial Depot which was formerly the Tooele Army Depot. The second being the Bolinder area, north of SR 112. Both of these Industrial areas are sufficiently isolated from any residential and commercial areas. The intent of the ordinance amendment is to eliminate most landscaping requirements for properties located within the Industrial zone to reduce development costs and make development in these areas more financially feasible for development.

Ordinances Affected. The following ordinances all have landscaping standards and are proposed for amendments:

1. TCC 7-4-9; Parking Lots.
2. TCC 7-16-4; Table 2, Table of Development Standards.
3. TCC 7-19-26; Park Strip Landscaping in Commercial and Industrial Subdivisions.

Tooele City Code 7-4-9; Parking Lots:

The changes proposed in this code include the addition of new language that will remove the requirement that all parking lots include one landscape island for every 15 parking stalls. This proposed amendment does not remove the requirement for parking row end caps but does remove the requirement to include 1 tree per end cap

and other landscaping requirements. The proposed amendments also remove landscaping requirements for parking islands that run the length of the parking rows.

Tooele City Code 7-16-4; Table 2; Table of Development Standards

There is one change proposed for the table and one change proposed for the note section referenced by the table. The first change removes the 15 foot front yard landscaping requirement from the table for properties in the Industrial zone.

The second change adds an additional paragraph to note F2 requiring the developer to reclaim areas disturbed during construction by providing a seed mix composed of native Utah grasses and shrubs and that they provide a disturbed area reclamation plan during the time of site plan design review. A disturbed area reclamation plan is necessary because landscaping does more than just add aesthetics to a site. Landscaping serves to assist in storm water management by reducing water run-off, reducing soil erosion and controlling the spread of noxious weeds. In Utah, when one looks at areas of undisturbed soils they will see a mix of tall grasses, sage brush, rubber rabbit brush, mallow and other plants. These native plants hold the soil in place and prevent the germination of seeds and spores of noxious, non-native, invasive weed species. Once the soil is disturbed these aggressive, fast growing, invasive species seeds will germinate resulting in a proliferation of Russian Thistle (commonly known as the tumbleweed), Goat Heads (commonly known as the sticker weed), Spurge and even the Sunflower. A properly administered disturbed area mitigation plan will assist in reclaiming the disturbed area to, hopefully, maintain the native Utah landscape appearance and keep the noxious weeds under control.

Tooele City Code 7-19-26; Park Strip Landscaping in Commercial and Industrial Subdivisions.

The changes proposed in this code include adding Light Industrial and Industrial Service to the section title, thus clarifying a distinct difference between the heavier Industrial zone and the lighter industrial zones. The amendment then adds a new section that specifically removes park strip landscaping requirements in industrial zones. Thus the landscaping requirements in the Light Industrial and Industrial Service zones remains unchanged. The changes will only affect the Industrial zone.

The proposed amendment will remove park strip landscaping requirements from properties located in the Industrial zone but also requires that the developer shall take efforts to reclaim areas disturbed during

construction by providing a seed mix composed of native Utah grasses and shrubs and that they provide a disturbed area reclamation plan during the time of site plan design review.

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Sections 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. Tooele City Planning Department staff want to emphasize the importance of having a disturbed area reclamation plan requirement in the ordinance in order to prevent soil erosion, assist in storm water management and prevent the excessive germination of noxious and invasive weeds.

Engineering Review. The Tooele City Engineering Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The City Engineer expressed support for the requirement of the developer providing a disturbed area reclamation plan and reclaiming the disturbed areas with a native grass and shrub seed mixture.

Noticing. The City staff have issued appropriate public notice as required in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the landscaping requirements in the Industrial zoning district requests by Tooele City for the purpose of revising the City Codes regarding minimum landscaping requirements for park strips, interior landscaping and landscaping parking lots for all properties zoned Industrial, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the landscaping requirements in the Industrial zoning district requests by Tooele City for the purpose of revising the City Codes regarding minimum landscaping requirements for park strips, interior landscaping and landscaping parking lots for all properties zoned Industrial, based on the following findings:”

1. List findings ...

EXHIBIT A

PROPOSED AMENDMENTS

7-4-9. Parking Lots.

Every parcel of land containing a public or private parking lot shall be developed and maintained in accordance with the following requirements:

(1) Each off street parking lot shall be surfaced with a bituminous surface course, Portland cement concrete or other approved surface to provide a dustless surface. The Planning Commission, following a recommendation from the City Engineer, must approve any surface that is not bituminous surface course or Portland cement concrete.

(2) The sides and rear of any off-street parking lot which face or abut a residential district shall be adequately screened from such district by a masonry wall or solid visual barrier fence not less than three or more than six feet in height as measured from the high side.

(3) Landscaping.

(a) Each parking lot shall be landscaped and permanently maintained. All landscaping is strongly encouraged to be low or no water use design and varieties. There shall be no natural turf, seed, or sod used for landscaping within parking lot areas. Artificial turf shall be utilized in areas where a sod-like appearance is desired. Trees and shrubs within parking lot areas shall utilize drip-style irrigation systems.

(b) Landscaping area within the parking lot shall also be eligible for calculation into the required site landscaping requirement.

(c) At least 5% of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.

(d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-2 identifies areas anticipated for consideration.

(e) Landscaping end caps not less than eight feet in width, exclusive of curbing, and extending the entire length of the parking stall it borders, shall be provided at each end of single and double parking rows. Landscape end caps shall be outlined with curbing to ensure the viability of the landscaping and separation between parking and landscaping. These end caps shall include one tree for each single row end cap and two trees for double row end caps.

[\(i\) Parking end caps within the Industrial zoning district are exempt from the landscaping requirements.](#)

(f) Landscaped Islands. Landscaping islands shall be provided in all parking areas as follows:

(i) Parking areas containing less than 75 parking spaces shall not be required to provide landscaped islands that break up rows of parking.

(ii) Parking areas containing less than 75 parking spaces which are part of a phased development that will result in the expansion of the parking for the development to be more than 75 parking spaces shall be required to provide landscaped islands as described in Subsection (f)(iii) herein.

(iii) When required, the maximum number of parking spaces in a row without separation by a landscaping island shall be 15. Landscaping islands shall include 1 tree for single row islands and 2 trees for double row islands. Tree requirement may be waived where pedestrian walkways are provided within the landscape islands.

(iv) All parking lots within the Industrial zoning district are exempt from the parking island requirement and island landscaping requirements.

(g) Where landscaping islands are proposed to run the length of parking rows:

(i) those areas shall include plantings and ground covers with at least one tree per four parking stalls that front upon that landscaping;

(ii) trees shall be evenly spaced through the landscaping area;

(iii) landscaping areas may be broken up by pedestrian pathways that cross the landscaping area only when that pathway is a segment of an established and identified pedestrian pathway beyond the landscaping area and through the parking area

(iv) pedestrian pathways running the length of the landscaping island shall be not less than five feet in width;

(v) pedestrian pathways running the length of the landscaping island may be included in the calculation of landscaping only when landscaping of at least three feet in width is provided between the walkway and the parking spaces it borders.

(vi) All parking lots within the Industrial zoning district are exempt from the landscaping requirements for parking islands that run the length of the parking rows.

7-16-4. Table 2, Table of Development Standards.

Development Requirement	District									
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial Service (IS)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlay (GO)
Minimum Required Front Yard Landscape Area (measured from front property line) See Note F1	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	15 Feet See Note F1	40 Feet See Note F1	15 Feet See Note F1	15 Feet See Note F1	15 Feet. No landscaping required for auto impound yard, military surplus yards, or vehicle storage yards. See Note H See "Minimum Required Landscape Area" below	15 Feet See Note F1	10 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	20 Feet See Note F1

Development Requirement	District									
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial Service (IS)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlay (GO)
Minimum Required Landscape Area (percentage of total site area which may include required landscaping within parking areas)	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	10% See Note F1	15% See Note F1	See Note F2	See Note F2	See Note F2	10% See Note F1	No Requirement but must comply with requirements of the Planning Commission for compliance with Chapter 7-11 Tooele City Code See Note F1	15%, provided a greater percentage may be required by the Planning Commission for compliance with Chapter 7-11 Tooele City Code See

Notes:

F1.

No plans for any primary building or structure shall be approved by the Planning Commission or Community Development Department unless a Landscaping Plan is submitted and approved by the Planning Commission or Community Development Department, consistent with the considerations of Tooele City Code §7-11-8. Landscaping in accordance with the approved Landscaping Plan shall be installed prior to issuance of a Certificate of Occupancy unless a bond is posted pursuant to Tooele City Code §7-22-4. The Landscaping Plan shall include at a minimum:

1. A 50/50 mix of evergreen and deciduous trees and shrubs;
2. 60% of trees and shrubs with a minimum caliper of 2 inches and a minimum height of 5 feet;
3. park strip trees, at least one for every 30 feet of right-of-way frontage, in compliance with Tooele City Code §4-11-20 and be of a variety identified in the Tooele City Street Tree Selection Guide.

F2.

1. Critical Areas. "Critical Areas" shall mean those areas of a development site which have a particular sensitivity to environmental considerations, aesthetics, and employee and public convenience, health, and well being. Critical areas shall be determined administratively during discussions/negotiations between Tooele City staff and the developer, and shall address at least the following areas: principle vehicle entrances for employees and customers; principle pedestrian building entrances for employees and customers; employee gathering and rest areas; storm water drainage, detention, and retention facilities; and, screening of exterior building equipment.
2. Minimum Acreage. The 1% site acreage requirement is in addition to, not inclusive of, Critical Area landscaping.
3. Minimum Acreage Requirement Mitigation. In lieu of the 1% acreage landscaping requirement, the developer may pay to Tooele City a mitigation sum equal to the requirement, multiplied by \$20,000 per acre, a reasonable average landscaping budget based upon the most current Tooele City Parks and Recreation master planning documents. For example, the optional mitigation sum for a 200-acre site would be \$40,000; for a five-acre site, \$1,000. Tooele City will apply mitigation funds to landscaping improvements in Tooele City Parks.
4. Critical Area Requirement Mitigation. In the event that Tooele city staff and the developer conclude that landscaping of a given Critical Area is not possible or practicable due to feasibility or engineering difficulties, the developer shall pay a mitigation sum equal to the area of the Critical Area not landscaped, multiplied by \$20,000 per acre, in lieu of installing

the subject Critical Area landscaping. Financial or budgetary difficulties shall not be considered grounds for a determination of impossibility or impracticability or for payment of a Critical Area requirement mitigation sum.

5. Administrative Appeal. Development applicants affected by the administrative determination referenced above may appeal in writing to the Planning Commission, which shall uphold, modify, or reject the determination. No further administrative appeal shall exist.

6. Areas disturbed during the construction process shall complete the following:

- i. All areas disturbed by construction shall be reclaimed with a seed mixture of composed of native Utah grasses and shrubs.
- ii. A disturbed area reclamation plan shall be provided in lieu of a landscape and irrigation plan during the site plan review process.

7-19-26. Park Strip Landscaping in Commercial and Industrial, Light Industrial and Industrial Service zoned Subdivisions.

(1) All park strip areas in commercial and industrial subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be landscaped and perpetually maintained by the owner of the appurtenant property with low or no water use materials and plantings with drip-style irrigation systems for trees and where irrigation is necessary. The use of seeded or sodded lawn grasses in park strips areas of non-residential subdivisions shall be prohibited. The decorative aesthetic or appearance of lawn grass may be accomplished through the use of artificial turf.

(2) (a) The commercial or industrial subdivision developer shall be responsible for the cost of purchasing and planting trees on both sides of all proposed subdivision streets within all park strip areas, except where there are existing trees acceptable to the Director of the Parks and Recreation Departments. Newly planted trees shall not be farther apart than 35 feet. Trees planted in park strip areas shall be of a type listed in the Tooele City Street Tree Selection Guide. Newly planted trees shall not be less than two inches in caliper, measured one foot from the ground, and shall not be shorter than eight feet in height. Trees shall be planted during a season of the year when it reasonably can be expected that they will survive. In no case shall trees be planted sooner than seven days prior to the issuance of an occupancy permit for any structure on the property appurtenant to the park strip.

(b) Commercial or industrial subdivision developers shall do one of the following to ensure compliance with the park strip tree requirement:

(i) post a bond in accordance with the provisions of Section 7-19-12 of the Tooele City Code, in the amount of \$200 per required park strip tree; or

(ii) make a non-refundable payment to Tooele City in the amount of \$200 per required tree, which shall be used by the Director of the Parks and Recreation Department to plant trees within the park strips of the subdivision.

(3) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses which minimizes adverse visual, auditory, and other conditions. The screen planting plan shall be approved by the land use authority upon the recommendation of the Community Development and Parks and Recreation Departments.

7-19-26A Park Strip Landscaping in Industrial Subdivisions

1. All Properties located within the Industrial zoning district shall be exempt from any landscaping requirements provided the following are completed:
 - i. All areas disturbed by construction shall be reclaimed with a seed mixture composed of native Utah grasses and shrubs.
 - ii. A disturbed area reclamation plan is provided in lieu of a landscape and irrigation plan during the site plan review process.

STAFF REPORT

October 4, 2024

To: Tooele City Planning Commission
Business Date: October 9, 2024

From: Planning Division
Community Development Department

Prepared By: Jared Hall, City Planner / Zoning Administrator

Re: Jake Tate, Conditional Use Request for 110' Monopole

Application No.: 2024-050
Applicant: Jake Tate
Project Location: 1148 W. 60 South
Zoning: LI, Light Industrial
Acreage: 0.08 acres
Request: Request for Conditional Use approval to allow the installation of a new, 110' cellular monopole tower on a portion of the subject property in the LI Zone.

BACKGROUND

Jake Tate proposes to construct a new 110' cellular monopole on a roughly 2,500 ft² portion of the subject property. The monopole would be built inside a fenced enclosure along the south property line, west of the access onto the property from 60 South. The LI zoning district allows monopole towers as permitted uses, but the proposed height of 110' requires the Planning Commission's approval through a conditional use permit (CUP.)

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan places the subject property in the Light Industrial category, and the property is located in the Light Industrial zoning district. The property is currently used for shops and storage. The purpose of the Light Industrial zone is to recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which will add to employment opportunities and economic diversity within the city. The proposed use of a portion of this property for a monopole tower does not contradict or inhibit the purpose of the zoning.

The surrounding properties include industrial uses and vacant properties. Adjacent and nearby properties are all located within the same LI zoning district. The nearest property in residential zoning is approximately 872 feet away, and the closest existing dwelling is over 1,300 feet away. Other vacant parcels in the area are zoned for industrial uses. With conditions prescribed by the zoning code, current patterns of development in the area can appropriately accommodate the installation of a monopole tower on the subject property. Mapping pertaining to the subject property and the zoning in the area can be found in Exhibit "A", attached to this report.

Site Plan. The proposed tower would be located on a 50' X 50' gravel pad, fenced and gated. The remainder of property will continue in current uses for shops and storage. The site plan provided by the applicant indicates that the cell tower enclosure will contain just over 2,500 ft² of the subject property. The entrance to the property is from 60 West. From that entrance, a gravel entry to the fenced cell tower site is provided. The tower site will be surrounded by an 8-foot high chain link security fence. The tower itself and all equipment necessary for it will be contained within this area. Site plans and elevations of the tower can be found in Exhibit "B" attached to this report.

Criteria for Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3) and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.
- (4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Findings of Fact. As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for findings of fact:

Prior to approving or denying a Conditional Use Permit application, the Planning Commission shall make, in the business meeting at which the public hearing is conducted or the permit is approved or denied, a finding of the following facts:

- (1) The reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties;
- (2) The evidence identified regarding the identified reasonably anticipated detrimental effects of the proposed use;
- (3) The reasonable conditions imposed, as part of the Conditional Use Permit approval, intended to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (4) The reasons why the imposed conditions are anticipated or hoped to mitigate the reasonably anticipated detrimental effects of the proposed use;
- (5) The evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.

In response to the City Code requirement for findings of fact, the following are the staff identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property:

1. The application presents the likelihood of construction and development resulting from its approval. Construction and development present the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Engineering, Public Works, Fire Department and Building Division plan reviews, permitting, and inspection processes.
2. The proposed tower will have some visual impact for surrounding properties. The visual impact of a tower like this is best mitigated by placement away from residential or other sensitive properties. As noted, the site is over 1,000 feet from the nearest residential dwelling, and is located surrounded by industrial uses and their associated storage and parking areas. The proposed location is appropriate for visual impact mitigation.
3. Towers can present an attraction for climbing, and should be secured to ensure public safety. There are requirements in Chapter 7-27 governing towers and facilities that will be reviewed in the Staff Report. Fencing the site and removing any climbing pegs below 20' are effective in securing the site and tower itself.

4. The tower must be operated properly so that radio interference and other concerns can be mitigated. The ordinance requires the owners and operators of monopole towers to abide by Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations to assure that the signals from towers do not cause problems or harm, and Chapter 7-27 requires that the owners and operators have an maintain licenses with both the FCC and FAA.

Standards of Review. As noted previously, the proposed tower is a permitted use in the LI zone, but the proposed height of 110' requires conditional use approval by the Planning Commission. In addition to the criteria for reviewing CUPs generally, the City Code contains standards specific to monopoles that should be reviewed as well. Both the considerations for monopoles generally, and those which are to be applied for situations requiring conditional uses are reviewed in the following:

Considerations for Monopoles Generally, Section 7-27-13

- Setback. Monopole towers must be set back at least 115% of the height of the pole from the nearest residential lot line. In this case that calculated setback is a minimum of 126.5'. The proposed location for the lease site at the northeast corner of the property results in setbacks greater than 800 feet from residential property lines.
- Antenna. The tower must be designed to allow colocation of future antenna, and the antenna itself should not exceed 15' in width. These conditions can be met by the application.

Staff finds that the application meets these standards of review.

Considerations for Monopoles Requiring CUPs, Section 7-27-14.

- Compatibility. The proposed tower and facility's mass, height, and design should be compatible with the surrounding area. The proposed tower will be part of an industrial area, where the surroundings provides compatible scale with larger building sizes as well as parking and storage areas.
- Screening. The potential use of topography or other structures to screen the facility should be considered. There is no significant topography or vegetation in the area that provides any natural screening, but the open areas around the tower itself mitigate the visual impact in a different way.
- Disguise. Given the location in an open, industrial area no viable options to disguise the tower present themselves. The open areas around the tower itself provide the greatest visual buffer.
- Parcel Size. The parcel is large enough to easily accommodate the placement of the tower and the lease area to support it without interference to parking or access to the larger site.
- Location on Parcel. The proposed location is the most appropriate to avoid impact to the function of the larger site.
- Co-location. The applicant has designed the tower for the possibility of co-location of additional providers in the future.

Staff finds that the application satisfies or can satisfy these standards of review.

Additional Requirements for Monopoles, Sections 7-27-15 through 18.

- Separation. Monopoles must be located at least one thousand feet (1000') from each other. The

proposed monopole is not located within that distance of any other monopole or other tower.

- Location. Monopoles may not be located in required landscaping, buffer, or parking area. The proposed monopole is to be located on a portion of the larger property.
- FCC & FAA Compliance. Tooele City code requires that monopoles, like other telecommunication facilities, comply with Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations for radio frequencies. Compliance with this section (7-27-16-1a) of the code will be a recommended condition of approval.
- Licensing & Permits. All licenses for government agencies for operation of the facility must be provided to the City. Compliance with this section (7-27-16-1b) will be a recommended condition of approval.
- Fencing. Monopoles must be fully enclosed by a minimum 6-foot tall fence or wall. The applicants have proposed an 8-foot tall fence, and staff will recommend that the inclusion of the 8-foot tall fence be a condition of approval to secure the site.
- Lighting. The Planning Commission can require security lighting for the site if it is considered desirable. The applicants have not proposed lighting specifically for security. The site is part of a secured industrial lot, and is itself enclosed in another fence. Staff is not proposing to require any specific security lighting for the site.
- Parking. The City may require a parking stall for the facility. The site plan is large enough to allow a vehicle to enter the enclosed area and park. Staff is not recommending that a formal parking space be required in this case.
- Accessory Structures. Freestanding accessory buildings and equipment shelters are not allowed to exceed 450 ft². The proposed equipment shelters meet this requirement.

Staff finds that the proposed monopole tower meets or can meet these requirements. The tower and facility will be reviewed for Site Plan approval administratively if the Planning Commission finds that the application satisfies the requirements for a conditional use permit, and all these conditions will be enforced through that review process and with required building permits.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use submission recommends approval noting the following:

1. The applicant should provide all required information to obtain Site Plan approval for the development of the site and construction of the monopole tower.
2. The applicant must comply with the requirements of Tooele City Code Sections 7-27-16-1a and 7-27-16-1b for licensing and operations under FCC and FAA rules.
3. The applicant will need to obtain Tooele City Building Permits for all work prior to beginning construction or work of any kind on the site.
4. The applicant should provide an 8-foot fence around the tower lease area to secure the site.
5. The applicant will need to meet the requirements of Tooele City Code Chapter 27 as reviewed in the Staff Report.
6. The applicant will need to meet all requirements of the City Engineer and Public Works Department for grading, drainage, and utility provision on the site.

Noticing. Public notice has been issued in the manner outlined in the City and State Codes for the public

hearing, including notices to neighboring property owners. No comments have been received as of the writing of this report, 10/04/24.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the request for Conditional Use Permit, application number 2024-050 by Jake Tate, subject to the following conditions:

1. All requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of the monopole tower, including permitting.
2. All requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of the monopole tower, including permitting.
3. All requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and construction of the monopole tower, including permitting.
4. The applicant shall comply with the requirements of Tooele City Code Sections 7-27-16-1a and 7-27-16-1b for licensing and operations for FCC and FAA regulations.
5. The applicant shall install an 8-foot fence around the tower lease area to secure the site.
6. The applicant shall meet the requirements of Tooele City Code Chapter 27 as reviewed in the Staff Report dated October 4, 2024.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. With conditions, the proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The area is conducive to the use of a monopole tower as proposed by the applicant.
7. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we APPROVE the request for Conditional Use Permit, application 2024-050 by Jake Tate, to allow the installation of a 110-foot high monopole tower on a portion of the property located at 1148 W. 60 South in the Light Industrial zoning district, based on the findings of fact and subject to the conditions of approval listed in the Staff Report dated October 4, 2024:”

1. List any additional findings of fact and conditions

Sample Motion for Denial – “I move we DENY the request for Conditional Use Permit, application 2024-050 by Jake Tate, to allow the installation of a 110-foot high monopole tower on a portion of the property located at 1148 W. 60 South in the Light Industrial zoning district, based on the findings of fact:”

1. List findings of fact

EXHIBIT A

MAPPING PERTAINING TO THE REQUEST



1: Subject Property, aerial view



2: Subject Property, zoning

EXHIBIT B


APPLICANT SUBMITTED INFORMATION

Conditional Use Permit Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.gov




Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Project Information				2024050				
Date of Submission: 18 Sep 2024		Current Zoning: Municipal		Parcel #(s): 10-029-F-0010				
Project Name: Tooele Cell Tower				Acres: 0.08				
Project Address: 1148 West 60 South Street, Tooele, UT 84074				Units: 1				
Project Description: A 110' monopole cell tower is proposed on the private property of Christensen & Griffith Construction. The tower will be leased out to telecommunication providers.								
Current Use of Property: Private property, used as a storage lot/warehouse for Christensen & Griffith Construction.								
Property Owner(s): Chad Griffith				Applicant(s): Jake Tate				
Address: 30 S Tooele Blvd				Address: 2010 N Redwood Road				
City: Tooele		State: UT	Zip: 84074		City: Salt Lake City	State: UT		Zip: 84116
Phone: 801-580-3375				Phone: 801-410-8505				
Contact Person: Mitchell Dial				Address: 2010 N Redwood Road				
Phone: 385-429-7530				City: Salt Lake City	State: UT	Zip: 84116		
Cellular:		Fax:		Email: mitchelld@awaeng.com				
Signature of Applicant: 								
						Date: 18 Sep 2024		

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with City Master Plans, Code, Rules and or Regulations.

For Office Use Only				2240984		
Fee: \$600.00 (213)		Received By: 		Date Received: 9/20/24		Receipt #: 2687645

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
 }ss
COUNTY OF TOOELE }

I/we, Brack Griffith, being duly sworn, depose and say that I/we am/are the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my/our knowledge. I/we also acknowledge that I/we have received written instructions regarding the application for which I/we am/are applying and the Tooele City Community Development Department staff have indicated they are available to assist me in making this application.

Brack Griffith

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 18 day of Sept., 2024



Julie D. Judd

(Notary)
Residing in Tooele County, Utah
My commission expires: July 28, 2024

AGENT AUTHORIZATION

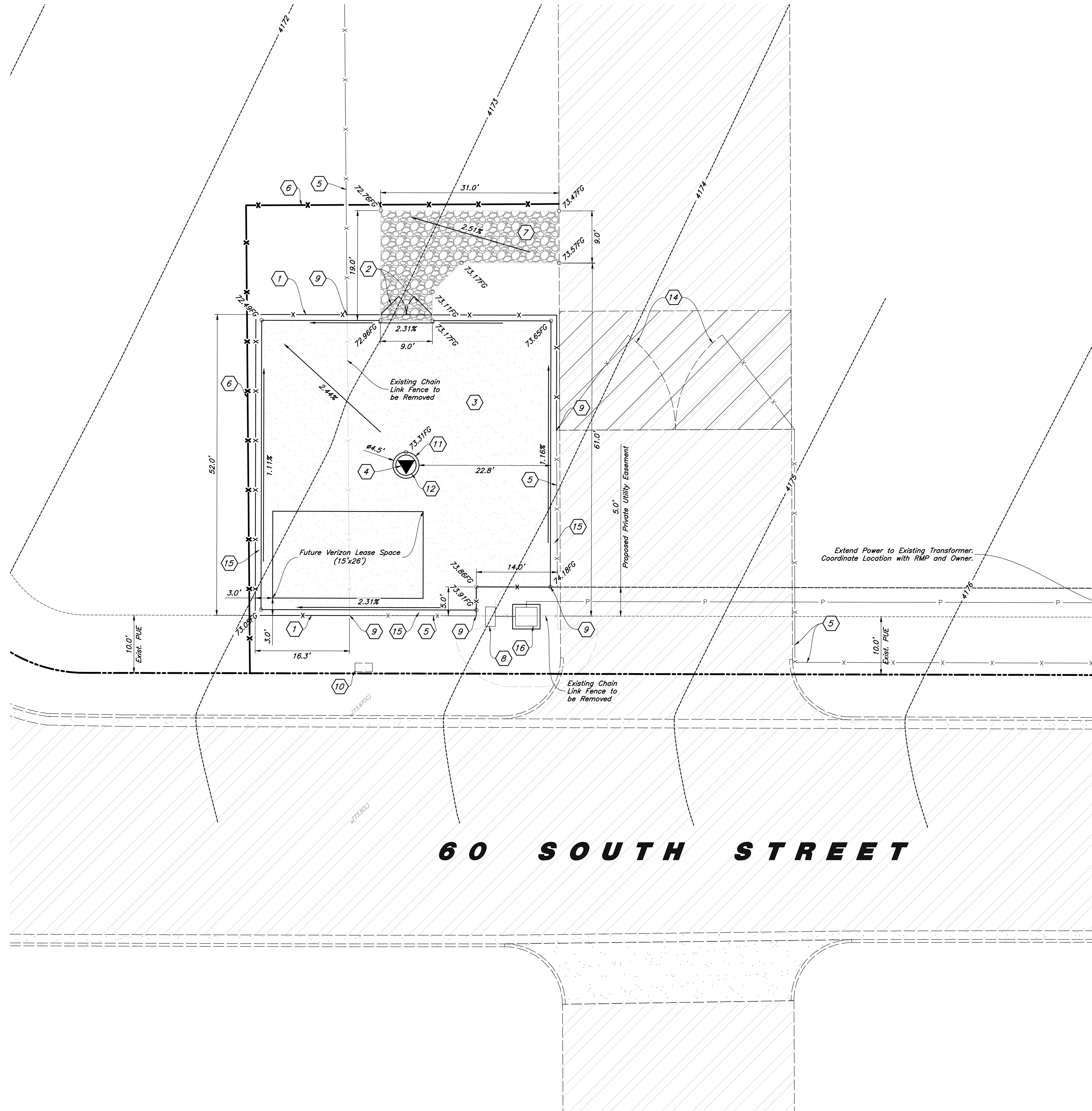
I/we, _____, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), _____, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

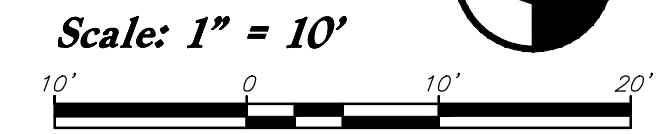
(Property Owner)

Dated this ___ day of _____, 20___, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)
Residing in _____ County, Utah
My commission expires: _____



Site Data
 Disturbed Site Area = 3,266 s.f. (0.08 ac.)



Hatch Legend

- Existing Asphalt Paving
- Existing Concrete Paving
- Compacted Gravel Surface
- Gravel Construction Access

Site Construction Notes

- 1 Const. Chain Link Fence (C3.1)
- 2 Const. Chain Link Gate (C3.1)
- 3 Const. 50'x50' Compacted Gravel Surface (C3.1)
- 4 Const. 110.0' Monopole Cell Tower (C2.1)
- 5 Existing Chain Link Fence to Remain
- 6 Const. Silt Fence, Remove After Construction is Complete (C3.1)
- 7 Const. Vehicle Washdown and Stabilized Construction Entrance (C3.1)
- 8 Const. 4-Gang Main Meter, see Grounding Details on sheet E3.1
- 9 Connect Proposed Chain Link Fence to Existing Chain Link Fence
- 10 Exist. Fiber Handhole
- 11 Const. Tower Ground Ring
- 12 Const. Tower Foundation
- 13 Const. Electrical Transformer per Rocky Mountain Power
- 14 Existing Motorized Chain Link Gate
- 15 Const. 4" Thick Gravel Pad w/ Weed Barrier Between Compacted Gravel Pad & Existing Chain Link Fence
- 16 Const. Power Transformer (by others)

General Grading Notes:

1. All grading shall be in accordance with the project specifications.
2. Fills shall be compacted per the recommendations of the project specifications.
3. Areas to receive fill shall be properly prepared and approved by a Geotechnical Engineer prior to placing fill.
4. Fills shall be benched into competent material as per project specifications.
5. All trench backfill shall be tested and certified by a Geotechnical Engineer.
6. A geotechnical engineer shall perform periodic inspections and submit a complete report and map upon completion of the rough grading.
7. The final compaction report and certification from a Geotechnical Engineer shall contain the type of field testing performed. Each test shall be identified with the method of obtaining the in-place density, whether sand cone or drive ring and shall be so noted for each test. Sufficient maximum density determinations shall be performed to verify the accuracy of the maximum density curves used by the field technician.
8. Dust shall be controlled by watering.
9. The location and protection of all utilities is the responsibility of the permittee.
10. Approved protective measures and temporary drainage provisions must be used to protect adjoining properties during the grading process.
11. All public roadways must be cleared daily of all dirt, mud and debris deposited on them as a result of the grading operation. Cleaning is to be done to the satisfaction of the City Engineer.
12. The site shall be cleared and grubbed of all vegetation and deleterious matter prior to grading.
13. The contractor shall provide shoring in accordance with OSHA requirements for trench walls.
14. Aggregate base shall be compacted per the project specifications.
15. As part of the construction documents, owner has provided contractor with a topographic survey performed by manual or aerial means. Such survey was prepared for project design purposes and is provided to the contractor as a courtesy. It is expressly understood that such survey may not accurately reflect existing topographic conditions.
16. If Contractor observes evidence of hazardous materials or contaminated soils he shall immediately contact the project engineer to provide notification and obtain direction before proceeding with disturbance of said materials or contaminated soil.

General Site Notes:

1. All dimensions are to back of curb unless otherwise noted.
2. Fire lane markings and signs to be installed as directed by the Fire Marshal.
3. Aisle markings, directional arrows and stop bars will be painted at each driveway as shown on the plans.
4. Const. curb transition at all points where curb abuts sidewalk, see detail.
5. Contractor shall place asphalt paving in the direction of vehicle travel where possible.
6. Limits of demolition/disturbed areas shown on the plans may not be an exact depiction. It is the contractor's responsibility to determine the means and methods of how the work will be completed. The contractor shall determine the area of construction impact. The contractor is responsible to restore all impacted areas and all restoration shall be part of the contract bid.

Construction Survey Note:

The Construction Survey Layout for this project will be provided by Anderson Whalen & Associates. The Layout Proposal and Professional Services Agreement will be provided to the General Contractor(s) for inclusion in base bids. The Survey Layout proposal has been broken out into Building Costs and Site Costs for use in the Site Work Bid Form.

Survey Control Note:

The contractor or surveyor shall be responsible for following the National Society of Professional Surveyors (NSPS) model standards for any surveying or construction layout to be completed using Anderson Whalen and Associates ALTA Surveys or Anderson Whalen and Associates construction improvement plans. Prior to proceeding with construction staking, the surveyor shall be responsible for verifying horizontal control from the survey monuments and for verifying any additional control points shown on an ALTA survey, improvement plan, or on electronic data provided by Anderson Whalen and Associates. The surveyor shall also use the benchmarks as shown on the plan, and verify them against no less than three existing hard improvement elevations included on these plans or on electronic data provided by Anderson Whalen and Associates. If any discrepancies are encountered, the surveyor shall immediately notify the engineer and resolve the discrepancies before proceeding with any construction staking.

PRIVATE ENGINEER'S NOTICE TO CONTRACTORS

The Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this project, including safety of all persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and that the contractor shall defend, indemnify, and hold the owner and the engineer harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting for liability arising from the sole negligence of the owner or the engineer.

Note:

Ensign Engineering is the licensed Surveyor responsible for providing surveying services for this project. Anderson Whalen & Associates has relied upon Ensign Engineering for professional services in preparing this drawing. Anderson Whalen & Associates makes no claims to the accuracy of the information provided by Ensign Engineering.



Site/Grading Plan
Tooele Cell Tower
 Approx. 1148 West 60 South Street
 Tooele, UT 84074



31 July, 2024

SHEET NO.
C1.1

REV. DATE DESCRIPTION

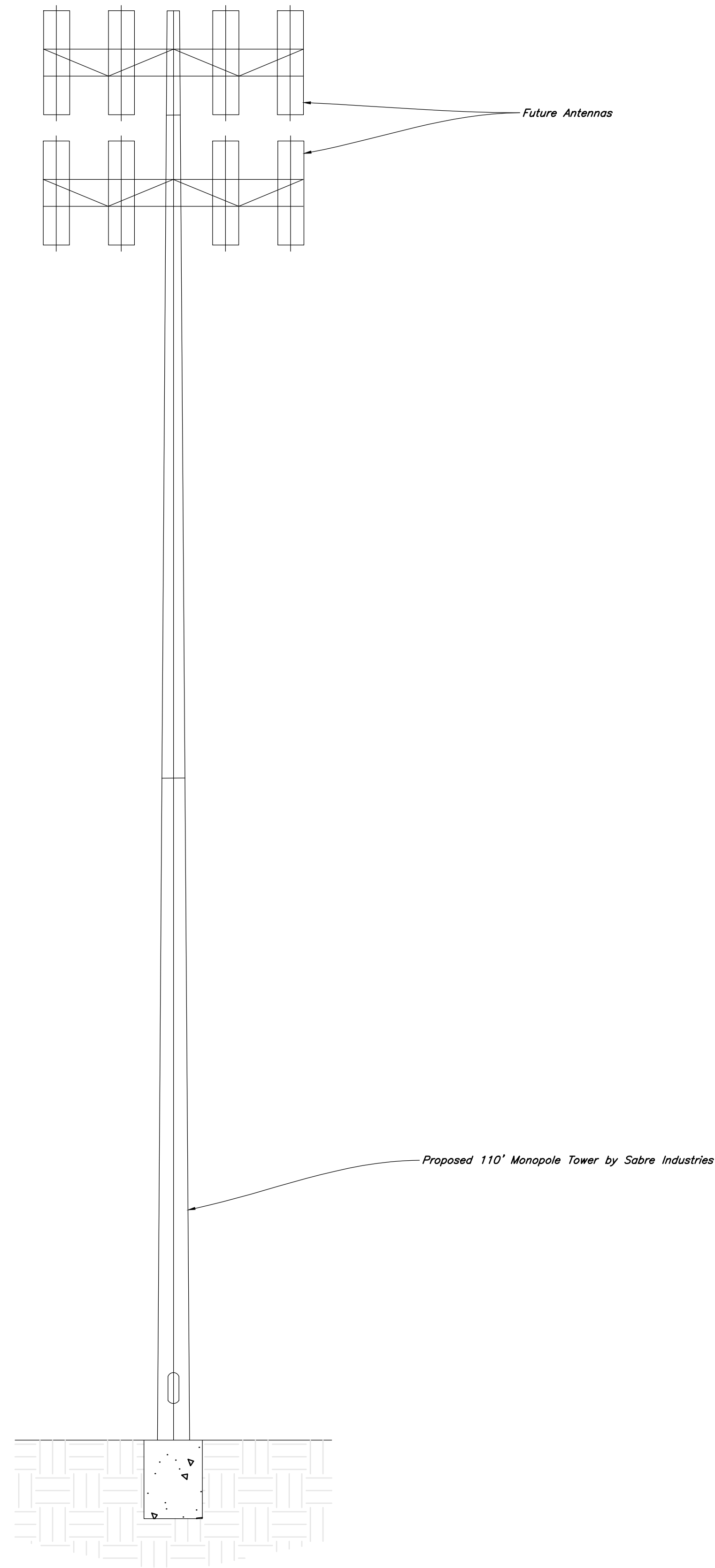
Designed by: JT
 Drafted by: MD
 Client Name:
 C & G Construction
 24-106 SP

110'-0" +/-
T / Tower

106'-0" +/-
Center Line / Future Antennas

96'-0" +/-
Center Line / Future Antennas

0'-0" (REF)
T / Grade



1

Tower Elevation Detail

Not to Scale

Designed by: JT
Drafted by: MD
Client Name:
C & G Construction
24-106 GR

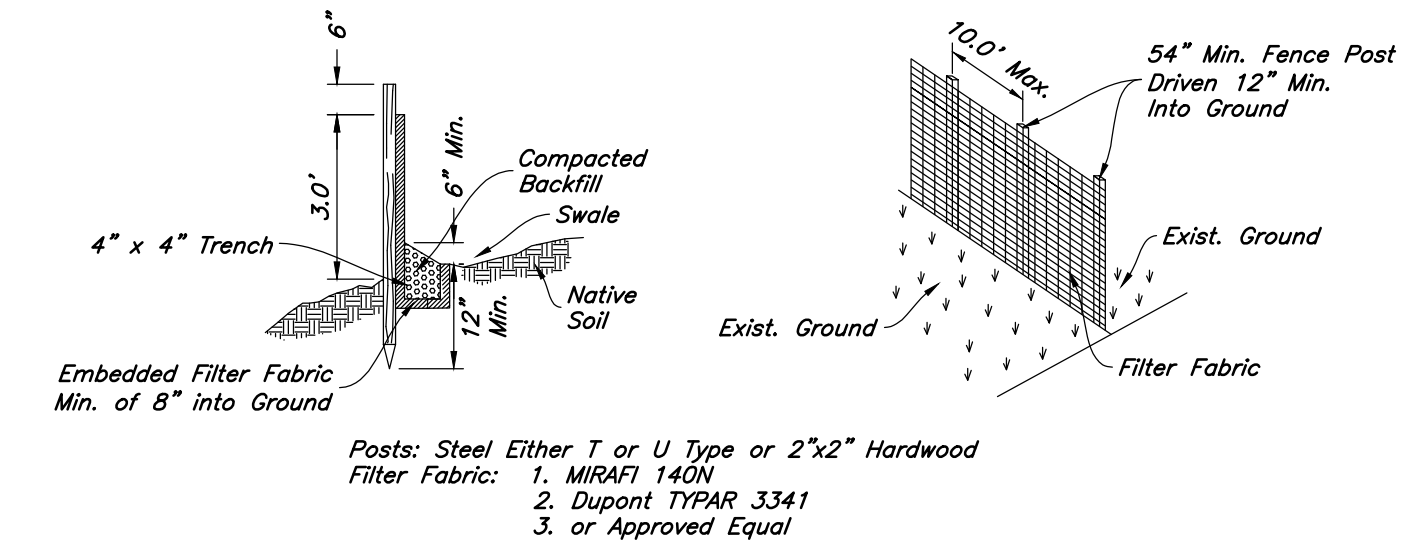


Elevations
Tooele Cell Tower
Approx. 1148 West 60 South Street
Tooele, UT 84074



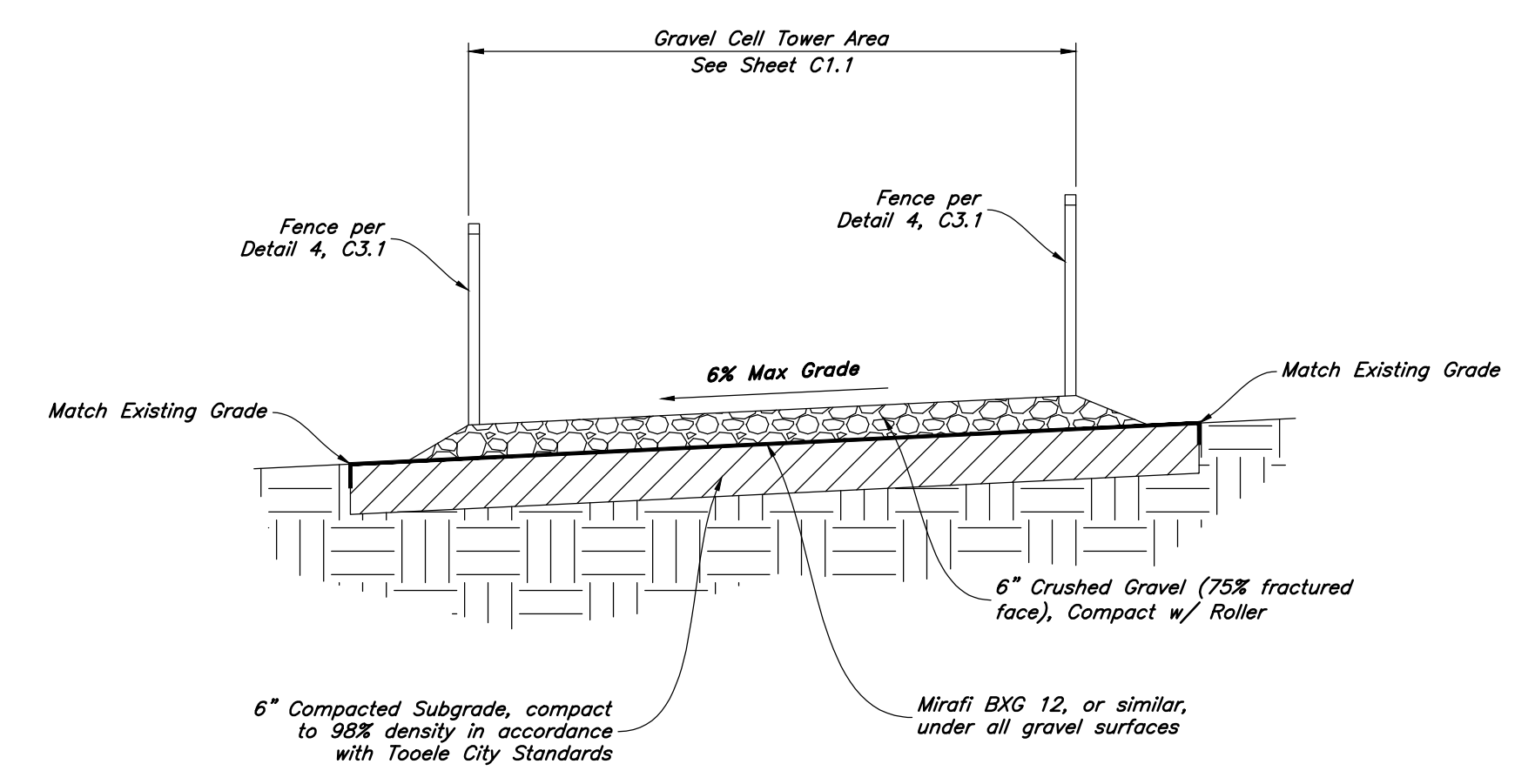
31 July, 2024

SHEET NO.
C2.1

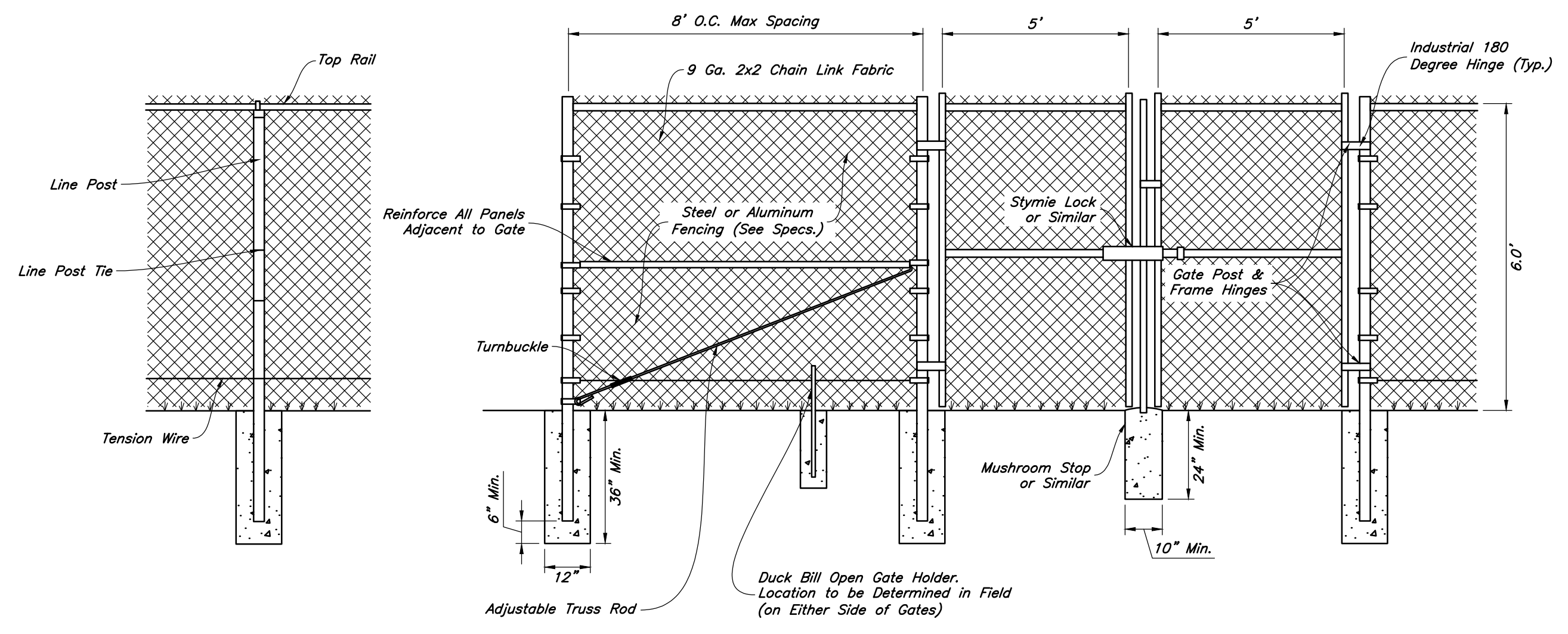


- Notes:
1. Filter cloth to be fastened securely to fence posts with wire ties or staples.
 2. When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
 3. Collected material shall be removed when "duges" develop in the silt fence.

3 Temporary Silt Fence
 Not to Scale

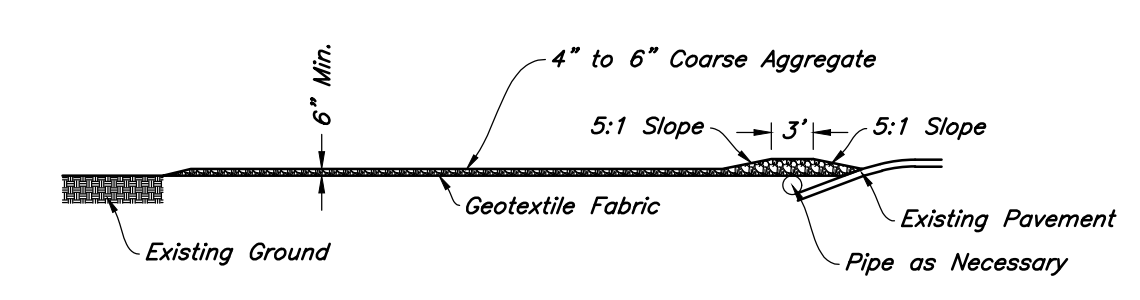


2 Site Compound Cross Section
 Not to Scale



- Chain Link Fence & Gate Construction Shall Comply with APWA Specification Section 32.31.13 & APWA Plan No. B31
- Fence Contractor to Provide Tension Wire at Bottom of All Fencing & Gate
- Line Post Ties to be Provided at All Line Posts
- Center Brace Rail to be Provided as Required by Fence Supplier

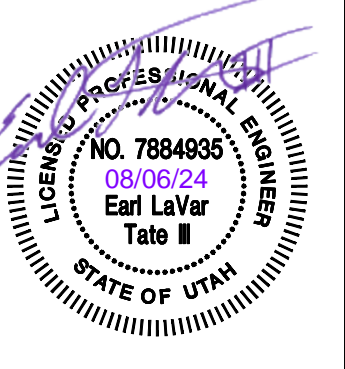
4 Chain Link Fence & Gate Detail
 Not to Scale



1 Stabilized Construction Entrance
 Not to Scale

APWA
 2010 North Redwood Road, Salt Lake City, Utah 84116
 (801) 521-8629 - AllWelding.com

Details
Tooele Cell Tower
 Approx. 1148 West 60 South Street
 Tooele, UT 84074



31 July, 2024

SHEET NO.
C3.1

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, September 25, 2024

Time: 7:00 p.m.

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

Commission Members Present:

Tyson Hamilton
Weston Jensen
Kelley Anderson
Chris Sloan
Jon Proctor

Commission Members Excused:

Melanie Hammer
Matt Robinson
Jon Gossett
Alison Dunn

City Council Members Present:

Dave McCall

City Employees Present:

Andrew Aagard, City Development Director
Jared Hall, City Planner
Roger Baker, City Attorney

Minutes prepared by Katherin Yei

Chairman Hamilton called the meeting to order at 7:09 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Jon Proctor, Present
Chris Sloan, Present
Tyson Hamilton, Present
Weston Jensen, Present
Kelley Anderson, Present
Alison Dunn, Excused
Melanie Hammer, Excused
Jon Gossett, Excused

Matt Robinson, Excused

3. Public Hearing, Review and Decision – Application #2024-048. A request by Smith’s Food & Drug Centers, Inc. for Conditional Use Approval to allow an accessory drive-thru facility on property located at approximately 2400 N. Main Street in the GC, General Commercial zoning district.

Presented by Jared Hall, City Planner

Mr. Hall presented a Conditional Use Permit for Smith’s Food & Drug Center for an accessory drive-thru facility located at 2400 North Main Street. It is zoned GC, General Commercial. They will use the drive-through for their pharmacy. There will be landscaping along the drive through to help hide the waiting cars. Staff is recommending approval with the conditions listed.

The public hearing was opened. No one came forward. The public hearing was closed.

Commissioner Proctor motioned to approve request by Smith’s Food & Drug Centers, Inc. for Conditional Use Approval to allow an accessory drive-thru facility on property located at approximately 2400 N. Main Street in the GC, General Commercial zoning district based on the findings of fact and subject to the conditions listed in the staff report.

Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Anderson, “Aye”. The motion passed.

4. Review and Decision – Application #2024-044. A request by UPDWELL HOMES for Site Plan and Design Review approval for the Lot 107 Townhomes of Lexington Greens, a multi-family residential project on property located at 620 W. Carole’s Way in the MR-16 Multi-Family Residential zoning district.

Presented by Jared Hall, City Planner

Mr. Hall presented a site plan and design review for the lot 107 townhomes at Lexington Greens. It will be 18 units within the subdivision. It is in the MR-16 zone. There are 2 car garages and a driveway to meet the parking requirements. The 4-unit buildings are under the brick standards and will need to be adjusted. All other standards are being met. Staff is recommending approval with the conditions listed.

Commissioner Sloan motioned to approve a request by UPDWELL HOMES for Site Plan and Design Review approval for the Lot 107 Townhomes of Lexington Greens, a multi-family residential project on property located at 620 W. Carole’s Way in the MR-16 Multi-Family Residential zoning district based on the findings and subject to the conditions listed in the staff report. Commissioner Anderson seconded the motion. The vote was as follows:

Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Anderson, “Aye”. The motion passed.

5. City Council Reports

Council Member McCall reported the following from the City Council meeting:

They approved an agreement with Broken Arrow for the parking lot at Denny’s to help facilitate the development. The development on 1000 North for the mixed-use condos had been tabled.

6. Review and Approval – Planning Commission Minutes

Commissioner Andrew needs to be changed to Commissioner Anderson.

Commissioner Jensen motioned to approve the minutes. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Proctor, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Anderson, “Aye”. The motion passed.

Commissioner Sloan abstained from voting.

7. Adjourn

Chairman Hamilton adjourned the meeting at 7:24 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 ____ day of October, 2024

Tyson Hamilton, Tooele City Planning Commission Chair