

ANNING COMMISSION MINUTES October 8, 2008

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

Commission Members Present:

Shawn Milne, Chair
Fran Garcia
Ken Spence
John Curwen
Gary Searle
Steve Dale
Jerald Sagers

Commission Members Excused:

Phil Montano
Bob Gowans

City Employees Present:

Rachelle Custer, City Planner
Cary Campbell, Public Works Director
Roger Baker, City Attorney
Paul Hansen, City Engineer
Councilman McCall, City Council Representative

Others Present:

Councilman Wardle
Debbie Winn, Chamber of Commerce

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Milne at 7:00 p.m. Chairman Milne excused Commissioners Montano and Gowans from the meeting.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Wardle.

2. Public Hearing and Motion on a conditional use permit to construct an underground petroleum pipeline along area of Tooele City by UNEV Pipeline.

Presented by Rachelle Custer

a public utility and therefore they are allowed in all
onal Use Permit (CUP). They are requesting a CUP
to construct an underground pipeline which will go from North Salt Lake to Las Vegas.
Material was given to the Planning Commission several weeks ago for review on this
project. (This is included in the minutes as Exhibit A.) There were representatives from
Holly Corporation at the meeting to answer questions. Staff recommends approval of the
CUP with the condition that ongoing training be provided for emergency response.

Commissioner Curwen asked if any of the pipeline will be above ground.

A representative from Holly Corporation said the there will be one block setting that will
be above ground.

Chairman Milne stated that there was a meeting held a few weeks ago concerning this
issue and a public meeting was also held. There were representatives from Holly
Corporation and the meeting. Chairman Milne said that it was a very informative
meeting.

Commissioner Dale asked if private and public improvements will be restored when the
project is completed.

Ms. Custer stated that full restoration will be made.

Chairman Milne stated that this is a public hearing if anyone would like to come forward
and address the issue. No one came forward.

Commissioner Curwen moved to close the public hearing. Commissioner Dale
seconded the motion. All members present voted ðAyeö. The public hearing closed at
7:05 p.m.

Mr. Baker suggested that the Commission inquire about the amount of training that will
be offered.

Jim Townsend, Senior Vice President of UNEV Pipeline addressed the Commission. He
stated that as Tooele City has new firemen or existing firemen that would want to attend
the training school, the company would pay tuition for those students to attend. They try
to keep the amount to \$5,000 or less on an annual basis. That is what they typically have
done for other communities up and down the pipeline. He said that they would do this
whether it is part of the CUP or not.

Chairman Milne asked how many people could attend the training for \$5,000.

Mr. Townsend said that it depends on which school they attend it would pay for 1-2
people. The tuition varies at the different schools.

condition of the CUP that the applicant be required to
period of years. Then it would be up to the
emergency response personnel to take advantage of the training.

Commissioner Curwen asked Mr. Townsend if it was possible to do the training in Tooele. He stated that Tooele has a volunteer fire department it is hard for the firemen to go out of town because they have other jobs.

Mr. Townsend said that they would be happy to help with the training in Tooele. They would be happy to have a coordinating effort with the fire department. There will be training at the terminals which there is one in Cedar City that could be attended as well.

Chairman Milne noted that UNEV Pipeline has been very cooperative with the City and they appreciate that.

Commissioner Searle moved to approve a conditional use permit to construct an underground petroleum pipeline along the western edge of Tooele City with the condition that Holly Corporation will continue to provide ongoing training for emergency response personnel. Commissioner Sagers seconded the motion. All members present voted *aye*.

3. **Recommendation on an ordinance of the Tooele City Council amending Tooele City Code 7-1-5 to define “farm animals” and amending Tooele City Code 7-14-9 “Keeping of Animal and Household Pets”.**

Presented by Roger Baker

Mr. Baker stated that he has had time to reflect on the discussion for the proposed ordinance revisions since this was tabled six weeks ago. He said that there was a lot of misunderstanding and lack of communication on his part as to what the staff is trying to accomplish with these revisions. This ordinance has one objective and that is to clarify existing language in the ordinance. They are not changing the way the law operates or what the requirements are. One thing they are trying to clarify is that 6 ducks, 6 chickens, or 6 rabbits in the ordinance does not mean 6 of each for a total 18. The ordinance was always meant to mean a total of 6. That is not changing the ordinance as it currently operates it is a change in the words so it is clearer. The other small change is they are moving the number of dogs and cats someone is allowed to have out of the zoning ordinance and putting it in the ordinance that deals with dogs and cats. This is not a change on how the dog and cat ordinance works it is just being moved. They are also adding a definition of farm animals, which is not a restrictive definition it is broad. It basically says farm animals are the types of animals that are typically seen on farms. They are not doing anything to limit the number of farm animals that someone can have. Those limitations are already in the zoning code. If someone has a 1 acre lot in a RR-1 zone they are not limited to the number of animals they can have unless they cause a nuisance and then they are dealt with under nuisance laws. If someone is in an R1-30 zone which is basically a $\frac{3}{4}$ acre agricultural zone there are some limitations already in

event nuisances. Nothing being proposed tonight will

Mr. Baker stated that after the last meeting some Commissioners requested that the staff consider language that would allow existing single family lots in R1-7 zone to continue to enjoy their historic agricultural livestock uses. Mr. Baker tried writing some language for this and realized that they are not doing anything to take property rights away. The non-conforming use laws that are on the books will not change. It may be appropriate to have a discussion whether to create a new zoning district to recognize larger lots of historical agricultural uses. That discussion is a land use zoning policy discussion for another day. The Planning Commission could have the discussion to decide how to treat the historic lots. He would like to have the Planning Commission's recommendation regarding the minor clarifications to the existing ordinance that are being proposed. He also mentioned that the public hearing has already been held on this issue.

Commissioner Dale asked how nuisance is defined.

Mr. Baker said that nuisance is defined elsewhere in the code. It is defined in two places the first place basically adopts the common law that is found in the state code and cases. The other place describes very specific types of nuisances such as junk cars, weeds, graffiti, abandoned signs and any type of deleterious conditions. Deleterious means something that is generally harmful to human health. In the animal chapter nuisance animals is defined as animals that are allowed to create unbearable conditions of odor, and flies.

Commissioner asked if roosters are allowed in R1-7 zones.

Mr. Baker stated that the rooster issue has become noteworthy recently in Utah and other places. They have tried to not take rights away and roosters have not been addressed at all in the proposed revisions. Roosters are something that the City might want to be addressed in the ordinance. The purpose for allowing a small number of chickens and ducks is to encourage self-reliance and sustainable activities in the community. Since roosters don't lay eggs but they make a lot of noise it makes sense in the smaller residential zones to say that chickens do not mean roosters. That is not being proposed tonight, but it can be looked at. He knows land use lawyers that write development codes that specifically outlaw roosters in single family districts. Not in agricultural or rural lots, but in lots that are under 7,000 sq ft.

Chairman Milne said that he feels that would be prudent.

Commissioner Dale stated that should be extended into R1-10 lots as well.

Mr. Baker said that they would extend that to all high and medium density single family lots to include the R1-14 zoning district.

from a resident that is relevant to the current discussion.
permission.

Ms. Custer and Mr. Baker stated that they have not seen the letter.

Mr. Baker said the Community Development staff has not seen the letter either.

Chairman Milne stated that he would like the letter included with the minutes. (The letter is included in the minutes as Exhibit B).

Commissioner Sagers asked if this needs a public hearing.

Chairman Milne stated that the public hearing was held when this was tabled at the last meeting.

Commissioner Spence noted that he would like to take Mr. Baker's recommendation to have a discussion to possibly rezone the large lots that have an historical agricultural use on another day.

Commissioner Spence made a favorable recommendation to City Council, with the above recommendation on an ordinance of the Tooele City Council amending Tooele City Code 7-1-5 to define "farm animals" and amending Tooele City Code 7-14-9 "Keeping of Animals and Household Pets." Commissioner Dale seconded the motion and made an amendment to include adding a restriction to roosters in the ordinance. The vote was as follows:

Shawn Milne, ðAye
Fran Garcia, ðAye
Ken Spence, ðAye
John Curwen, ðAye
Gary Searle, ðAye
Steve Dale, ðAye
Jerald Sagers, ðNay

Commissioner Sagers stated that he is struggling with some of the ordinance and has doubts on some of the restrictions imposed.

Mr. Baker stated that these are not new restrictions, they exist in the present City Code, and they would be happy to look at Commissioner Sagers concerns.

Chairman Milne thanked Mr. Baker for his work on this ordinance.

- 4. Recommendation on ordinance 2008-04 an ordinance of the Tooele City Council enacting Tooele City Code Section 7-19-18.1 regarding the installation and maintenance of certain public improvements on double-frontage lots.**

Ms. Custer explained that several months ago this ordinance was brought before the Planning Commission and it was tabled. It is being brought back to the Planning Commission. There is one change that they would like to make to the ordinance that the Commission has before them and that is the definition of double frontage lots. The definition reads as follows: 1 (a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. "Double-frontage lot" includes corner lots adjacent to other double-frontage lots. "Double frontage lot" does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.

Mr. Baker said that the reason that they changed the definition from what they have is to include corner lots that are next to double-frontage lots.

Ms. Custer stated that the height of the wall was left out. Under section (i) it states that the wall shall be six (6) feet in height except as required under Tooele City Code §7-2-11 (Clear vision area at intersecting streets.)

Mr. Baker said that applies to corner lots there cannot be a six foot wall all the way to the intersection or you won't be able to see around it.

Ms. Custer stated that this will help beautify the double-frontage areas. As subdivisions are set up they try to avoid double-frontage lots, but when there is limited access collector roads it is inevitable.

Mr. Baker stated that in addition to beautification double-frontage lots have an adverse impact on the appearance of the back side of the lots; they are neglected and not maintained. It is not just to beautify but also to address the impact that those types of lots have on the infrastructure and on the quality of the neighborhoods.

Ms. Custer also stated that they are proposing to impose that a 6" masonry type wall be constructed and the park strip be landscaped with trees, stamped color concrete, tree grates, and irrigation. The trees will be no more than 35' apart.

Councilman Wardle addressed the Commission. He stated that this was tabled based on concerns that realtors had with this ordinance. Councilman Wardle said that they met with the Board of Realtors of Tooele County to try and address their concerns. The staff and Board of Realtors continued to discuss the economic impact of this on development and the practicality of it. They worked with Chris Sloan, the President of the Utah Board of Realtors and the Tooele County Board of Realtors to come up with this solution and they feel this is the best solution. He also said that it is critical to understand the public safety aspect of this. Double-frontage lots will now be maintained and also be snow plowed, which means kids will not have to walk in the streets. This applies to future development and he appreciates the staff's position that they will do all that is possible to

take care of what will happen in the future only if
This discussion has taken place over the last three
years and he hopes that it gives developers a clear understanding of the specifications.
This will maintain the visible part of the double-frontage lots and the safety aspect as
well.

Chairman Milne thanked those that were involved in this ordinance including
Councilman Wardle and Commissioners Garcia and Searle.

Commissioner Searle has noted kids walking in the streets when it snows on 520 E where
there are double-frontage lots. New developments in Salt Lake City adhere to making
double-frontage lots look nice, and they make sure those lots are plowed in the winter.
He is glad that this will now be done in Tooele. He has been a big advocate for this
ordinance. He thanked those who helped get this ordinance done.

Commissioner Searle made a favorable recommendation to City Council on ordinance 2008-04 an ordinance of the Tooele City Council enacting Tooele City Code Section 7-19-18.1 regarding the installation and maintenance of certain public improvements on double-frontage lots. Commissioner Garcia seconded the motion. All members present voted *aye*.

5. PUBLIC HEARING and RECOMMENDATION on an ordinance of the Tooele City Council amending Tooele City Code 7-19-18 addressing subdivision streets.

Presented by Mr. Hansen

Mr. Hansen explained that Tooele City Code 7-19-18 presently allows exceptions to the requirement to fully build roads that front a development based on four criteria. Those four criteria as presently constituted are 1) subdivisions which have received preliminary plan or final plat approval prior to September 16, 1998 2) developments that have received a site plan prior to September 16, 1998 3) planned developments which have received City Council approval prior to September 16, 1998. The fourth exception is based on non-residential developments which then list a set of criteria to include: employment, property and sales tax, water supply, and non-profit. Staff has looked at this and discussed this and they do not feel comfortable with the fourth criteria. Whether someone is non-profit or whether they are a generator of huge sales tax or no sales tax should not be criteria for how roads are built.

Mr. Hansen feels road should be built based on safety consideration and the need to get pedestrians and vehicles safely where they need to go. Mr. Hansen stated that a secondary item has come up recently which is how they deal with large roads, such as SR-36, 1000 N, and other large roads. Staff is proposing a clarification in the City Code which deletes that exception for non-residential business and simply makes valid to all users based on the need for traffic. As proposed the ordinance would say that if a developer is building adjacent to a street greater than 66' width right-of-way as defined

way is not available on the far side of the street or it that the City Council reserves the right to require that part not to be completed at the present time. The second clarification is 106ørights-or-way roads, (i.e. SR-36, SR-112, west of 1100 W and 1000 N, between SR36 and SR112, Tooele Blvd, south or 200 South, and Industrial Loop Road) which are principle streets, not be required to put in curb, gutter, and sidewalk. Those are already very wide roads and they have a different use. Staff recommends a favorable recommendation to City Council of the proposed ordinance clarifications.

Chairman Milne stated that he appreciates the intent of not exempting non-residential business developments based on tax revenue. He asked what is driving this intended change. He remembers discussion several years ago and it was contentious that they allowed not finishing curb and gutter on major roads. It seems advantageous for someone not to have to finish the other side of the road in some cases but there are roads where the road edges are eroding because there is no curb and gutter. He wonders about the prudence in allowing a kind of situation where pedestrians are pushed into the street because there is no sidewalk.

Mr. Hansen stated the reason that staff is bringing this to the Commission is because of many things that have come to pass over the last several years. The primary reason that they are deleting the non-residential exception is because there is no connection to traffic. He believes that if they were challenged in court that is a basis that is not defensible. It gives a right to one entity over another without equal consideration. It is staffø recommendation to delete that exception. Mr. Hansen used an example if there is a road stubbing from the east and a road stubbing from the west and they want to complete the middle block, and one developer is willing to complete the road and the other developer is not able to complete the road, does the City do what they can to get connectivity in-between or does the City say they donø want that opportunity as a City so neither developer can develop. This is a provision in the code that allows the City flexibility to help achieve the end means. It should not be an opportunity for all developments to not have to build full roads. His recommendation is that they must build full roads as they can, whenever they can for public good and public safety. There will be instances where having this øtoolö in the øtool boxö would be beneficial to take a step forward.

Chairman Milne asked what kind of safeguards are there in this proposal that would limit an arbitrary and capricious nature of politics involved with City Council. If there were two full width roads and the City ended up with one half of the segment between two pieces, doesnø that open up a ÷can of wormsö for the City? He can see some places where it would be beneficial but there are other places where it would jeopardize the City.

Mr. Baker said that it is important to understand that although there are several exceptions that they do not confer carte blanche ability on the part of the developer or on part of the City to build roads that are incomplete. On an arterial road the road would be complete when the far side of the road develops. There is some logic in the course in which that road is developed. Mr. Baker used 1000 N, west of SR-36 which is in process

...ample where the City might not have the ability with highway all at once. But it is advantageous to build part of it to allow it to be used. Under the current ordinance partial streets can not be built. They do not feel that is good policy in all instances. There will be relatively few circumstances in which they will have exceptions. Mr. Baker referred to Chairman Milne question regarding what will prevent whimsical decisions on the part of elected officials, he can not answer that.

Mr. Hansen stated that most developments come to the Planning Commission first in the form of a subdivision and subdivisions are where they acquire rights-of-ways for public roads. He believes that there is an opportunity for staff to catch it and make recommendations, and Planning Commission to look at it and make recommendations. He also feels that they need to trust City Council to do the correct thing as well. If he felt hesitant about this he would not recommend this to the Commission.

Mr. Baker asked Mr. Hansen to explain that the ordinance provides the standard to which the street will be developed under the exception.

Mr. Hansen referred the Commission to sub section three of the ordinance. There is a standard provided and he believes the Cities interest will be satisfied in all conditions.

Commissioner Dale asked in the situations where they would grant that exception if there would be a minimum pavement width required?

Mr. Hansen stated absolutely.

Commissioner Dale asked what it would be.

Mr. Hansen replied that it would be dependent upon what is happening. It would not go below 28ø and if it needs to go bigger they would make it bigger. He used the Home Depot subdivision as an example; they made them build a full road. They bring semi-trucks to their business and a lot of clients. It will vary on the use and what is happening.

Mr. Baker realizes that "adequate travel surface" is a little vague. The adequacy of the travel surface is going to depend on the traffic load, the location, the nature of the street and a review of public safety considerations by the staff. It will come down to the recommendation of the staff of what adequate is.

Commissioner Dale stated he could see a situation where some potential developers would choose to transfer the other half of the property where the road would be built to a different ownership entity and claim that they do not own it. Would the City be protected against that type of scenario? They are not required to grant the exception.

Mr. Baker stated that would be a good reason not to grant an exception because it is totally pretextual. Section (2) (d) tries to address that by saying "where the opposite side

the owner or developer. Staff has tried to foresee that

Commissioner Dale said that they could grant the possible exception on the state highways. As developments have gone north of the hospital there are no sidewalks on SR-36. There are new developments south of 700 S and on the west side there is no sidewalk. Commissioner Dale noted that it would be nice if there were sidewalks in those locations.

Mr. Hansen stated that is a good point. This proposed ordinance brings the City closer in conformance to UDOT. The City met with UDOT officials during the development approval phase of many of the business which from SR-36 in the vicinity of the railroad overpass, and the property north of the overpass of SR-36. On the developments north of the railroad, UDOT has stated they do not want curb, gutter or sidewalk. They do not want people walking on that busy of a street, they would rather have frontage road for people to walk on. The City can not control what UDOT does on its roads.

Commissioner Dale asked if that is a discussion they should have with UDOT as the boundaries of the City changes?

Mr. Hansen stated they have had those discussions with UDOT and continue to meet with them as development conditions change.

Chairman Milne stated that this is a public hearing if anyone would like to come forward and address the issue. No one came forward.

Commissioner Dale moved to close the public hearing. Commissioner Sagers seconded the motion. All members present voted *aye*. The public hearing closed at 7:50 p.m.

Commissioner Curwen moved to make a favorable recommendation to the City Council on an ordinance of the Tooele City Council amending Tooele City Code 7-19-18 addressing subdivision streets. Commissioner Sagers seconded the motion. All members present voted *aye*.

6. **PUBLIC HEARING and RECOMMENDATION on ordinance 2008-09 an ordinance of the Tooele City Council amending the Tooele City code chapter 7-16 regarding Auto Impound Yard.**

Presented by Ms. Custer

Ms. Custer explained that in 1998 there were some changes made to table two of chapter 7-16. Auto impound yards, military surplus yards, and vehicle storage yards were omitted from the ordinance at that time. This ordinance puts that back into the code as a conditional use in heavy industrial zones. They will only be allowed in an *IO* zone as a conditional use. It also adds a definition for auto impound yards, military surplus yards,

public or private storage yards for the temporary equipment the yard is to be screened. This does not allow for dismantling or sales. There is also a footnote on the table that talks about how far away from a highway these yards may be and that they must be screened.

Chairman Milne said that he had some concerns until he read the footnote.

Chairman Milne stated that this is a public hearing if anyone would like to come forward and address the Commission.

Jack Tomlin, 1180 W Utah Avenue addressed the Commission. Mr. Tomlin stated that he owns a military surplus yard and wanted to know how this affects him.

Mr. Baker said that this ordinance makes him legal. He stated that right now the ordinance does not allow a military surplus yard as an allowed use. They recognize it as an existed use and it needs to be in the table of uses.

Chairman Milne closed the public hearing at 7:55 p.m.

Commissioner Sagers made a favorable recommendation to the Tooele City Council on ordinance 2008-09 an ordinance of the Tooele City Council amending the Tooele City code chapter 7-16 regarding Auto Impound Yards. Commissioner Searle seconded the motion. All members present voted *aye*.

7. **PUBLIC HEARING and RECOMMENDATION on final plat approval for Mathew Acres phase 1 an 8.29 acre 31 lot residential subdivision to be located at approximately 200 E 1000 N.**

Presented by Rachelle Custer

Ms. Custer stated that the developer is requesting final plat approval for phase 1 of their development at 200 E 100 N. This will consist of 31 residential lots. This development is in an R1-7 zone. The lots ranges from 7,000 sq ft to 9,400 sq ft. Offsite sewer easements have been acquired. Staff recommends a favorable recommendation to the City Council for final plat approval of Mathew Acres phase 1.

Chairman Milne noted that there is a round about for temporary access and there is an ingress/egress road to the west. He asked if that will be completed.

Ms. Custer stated that part of the approval.

Chairman Milne asked if the Matthews own the corner where the temporary turn around is?

The applicant stated that they do own that.

the residential or commercial.

Ms. Custer stated that will be commercial.

Commissioner Dale asked what the future intent of 250 East is where it stubs into that phase.

Ms. Custer said it will extend into the next phase.

Commissioner Dale asked if that will have to be re-routed in the future.

Mr. Hansen verified that they are talking about the large commercial square in the left hand corner.

Commissioner Dale said öyesö.

Mr. Hansen said the reason that road and utility easement was shifted to the west side is that as that property develops the building could occupy the center of that space without having to relocate the sewer line. The access thorough 200 E will not be as a public dedicated road, rather it will be through the parking lot of a future commercial development.

Commissioner Dale asked if they are approving a dead end street that will never go anywhere.

Mr. Hansen stated that the street will go into a parking lot of a commercial development. It will transition from residential into commercial. He also noted that 1000 N is only a half street dedication. This is an instance where the right-of-way to the north of 1000 N is not owned by this developer nor has been owned by this developer in the past. This would be a recommendation that would take advantage of the ordinance that the Commission just made a recommendation to the City Council on. It also includes double-frontage-lots, so the requirement for double-lot-frontage standards will apply to 1000 North.

Chairman Milne stated that this is a public hearing if anyone would like to come forward and address this issue.

Chairman Milne closed the public hearing at 8:00 p.m.

Commissioner Searle moved to make a favorable recommendation to the City Council on final plat approval for Mathew Acres phase 1 a 8.29 acre 31 lot residential subdivision to be located at approximately 200 E 1000 N. Commissioner Dale seconded the motion. All members present voted öAyeö.

**and RECOMMENDATION on preliminary and
Utah Industrial Depot 13 a three lot subdivision to
be located along Emerald Road.**

Presented by Mr. Hansen

Mr. Hansen said that this is a three lot industrial subdivision located along the eastern boundary of Utah Industrial Depot. Emerald Road is presently a private road. This property lies between Emerald Road and extends eastern to the City limits. In the Commissioner's packet is a letter written by Mr. Hansen to the developer's engineer. He stated that all of the items in that letter have been addressed to the satisfaction of the RDA which is working out agreements in terms of maintenance of the detention basins, and roads. The only item that has not been fully satisfied at this time is the requested letter from the Carlisle / Hunter Panels properties agreeing to vacate their access rights to Emerald Road. Mr. Hansen said that UID has represented to the City that they have had verbal discussions with them and they are agreeable to that, but the City does not have a formal document in hand at this time. Mr. Hansen is recommending that the Planning Commission advance this with a favorable recommendation to the City Council with the condition that prior to final City Council approval that the City has a copy of that agreement to vacate that private access easement along Emerald Road.

Commissioner Dale asked what parcel A is.

Mr. Hansen stated that is a storm water detention basin.

Commissioner Dale asked about the 20 ft strip that runs along the west side of Emerald Road.

Mr. Hansen stated that it is part of the drainage conveyance system. He indicated that Mr. Sant, the RDA Director for the City, is working on a maintenance agreement with UID for the 20' strip and the detention basin. The 20' strip and the detention basin would be owned by Tooele City but maintained by the UID.

Chairman Milne stated that this is a public hearing if anyone would like to come forward and address this issue. No one came forward.

Chairman Milne closed the public hearing at 8:03 p.m.

Mr. Baker stated that initially he had some concerns about eliminating the Emerald Road right-of-way connecting to SR-112 and eliminating the easement that connects SR-112 to the Carlisle Syntec property. The City doesn't like to limit access to property owners; rather, they like to enhance it for the benefit of the properties and the public. Mr. Randy Sant has been working very closely with UID and has assured Mr. Baker that all of these concerns have been discussed thoroughly, and discussions have taken place with Carlisle Syntec and they are happy to abandon their Emerald Road easement and utilize B Avenue and Industrial Loop Road instead of Emerald Road. Mr. Baker has worked with the

ed to language for emergency access easements so these properties across what is now known as Emerald Road. They will need a signed easement document from them. The UID attorney has also agreed to the language for the storm water basin and maintenance agreement. That is a document that they will need to have signed by the City Council meeting. Mr. Baker also noted that they do want confirmation in writing from Carlisle Syntec that they are consenting to the elimination of the Emerald Road easement.

Commissioner Garcia made a favorable recommendation to the City Council on preliminary and final plat approval for Utah Industrial Depot 13 a three lot subdivision to be located along Emerald Road. Commissioner Searle made an amendment to include the condition that prior to City Council approval that the City has a copy of an agreement to vacate the private access easement along Emerald Road. Commissioner Sagers seconded the motion and the amendment. All members present voted ðAyeö.

9. **Review and Approval of Planning Commission minutes for meeting held September 10, 2008.**

Commissioner Spence moved to approve the minutes as presented. Commissioner Sagers seconded the motion. All members present voted ðAyeö except for Commissioners Spence and Garcia because they were not present at the meeting.

10. **Adjourn**

Commissioner Sagers moved to adjourn the meeting. Commissioner Garcia seconded the motion. All members present voted ðAyeö. The meeting adjourned at 8:08 p.m.

Approved this 22nd day of October 2008

Chairman Milne