PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for ***Wednesday, December 13, 2023*** 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/@tooelecity or searching for our YouTube handle ***@tooelecity****. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecity.org 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 –** Consideration of a request by the Markosian Auto Group to amend the Land Use Map designation of the property located at 1232 West Utah Avenue from Regional Commercial to Industrial. – *Jared Hall, City Planner presenting*

4. **Public Hearing and Recommendation** – Consideration of Proposed Ordinance 2023-39, amending Tooele City Code, Chapter 2-9 regarding the Landmark Site Designation Process for the Preservation of Significant Historic Properties. – *Jared Stewart, Economic Development Director presenting*.

5. **Public Hearing and Recommendation** – Consideration of Proposed Ordinance 2023-43, amending Tooele City Code, Chapter 7-19 - Subdivision Regulations. *Jared Hall, City Planner presenting*

6. **Public Hearing and Recommendation –** Consideration of proposed amendments to the Multi-Family Residential Design Guidelines as found in Tooele City Codes 7-11a-18, 7-11a-12, and 7-11a-25. – *Andrew Aagard, Community Development Director presenting*

7. **Public Hearing and Recommendation** – Consideration of proposed amendments to the Tooele City Annexation Policy Plan, an element of the Tooele City General Plan. – *Andrew Aagard, Community Development Director presenting*

8. **Review and Recommendation –** Consideration of a request by Melissa Jensen representing Harris Community Village LLC for Preliminary Approval of the proposed Harris Community Village Condominium Subdivision, located at 251 North 1st Street in the MR-8 zoning district. – *Jared Hall, City Planner presenting.*

9. **Review and Recommendation –** Consideration of a request by Jared Payne representing Mountain Partner Investments for Preliminary Approval of the Millennial Park Subdivision located at 300 West 400 North in the MR-16 Multi-Family Residential Zone. – *Andrew Aagard, Community Development Director presenting.*

10. **Review and Recommendation –** Consideration of a request by Kelly White and Landon Sandberg to

amend the plat of the Kelly White Subdivision located at 738 West McKellar Street in the MR-8, Multi-Family Residential Zone. – *Jared Hall, City Planner presenting.*

11. **Review and Decision –** Consideration of a request by Jared Payne representing Mountain Partner Investments for Site Plan and Design Review Approval of the Millennial Park Subdivision located at 300 West 400 North in the MR-16 zoning district. – *Andrew Aagard, Community Development Director presenting.*

12. **City Council Reports** – *Maresa Manzione, City Council presenting*

13. **Business Item** – Vote for 2024 chair and vice chair positions.

14. **Review and Approval** – Planning Commission Minutes for the meeting held on November 8, 2023.

15. **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
December 7, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Jared Hall, City Planner / Zoning Administrator

Re: **Markosian Auto – Land Use Map Amendment Request**

Application No.:	P23-1369
Applicant:	Markosian Auto
Project Location:	1232 West Utah Avenue
Zoning:	LI, Light Industrial
Acreage:	6.9 acres (Approximately 300,564 ft^2)
Request:	Land Use Map Amendment from Regional Commercial to Industrial

BACKGROUND

Markosian Auto recently developed the subject property for auto sales in the LI, Light Industrial zone. In support of the sales activity and preparation of vehicles for sale on this property, the owners would like to improve some of the property for the storage of vehicles that have been reclaimed or repossessed, and some that have been damaged and are awaiting insurance approval for repairs. These types of activity cannot be approved in the existing Light Industrial zone. The applicant's intent is to apply for a change of zoning from Light Industrial to Industrial. This current request to amend the Land Use Map from Regional Commercial to Industrial is intended to support a change of zoning afterward, if successful.

ANALYSIS

General Plan Considerations. The current Land Use Map designation of the property is Regional Commercial. Land Use Map designations are in part intended to guide decisions about zoning. For that reason, certain zones are "preferred" and matched to a particular Land Use Map designation. Only the Industrial designation on the Land Use Map identifies the Industrial zone as preferred.

Some adjacent properties are also currently designated Regional Commercial on the Land Use Map; however, other adjacent and nearby properties are designated Industrial, Light Industrial, and High Density Residential. A map highlighting the subject property and depicting the designations is attached to this report as "Exhibit B".

Goals & Objectives. The Land Use Map is a part of the Land Use Element of the General Plan. The Land Use Element includes general goals and objectives as well as several more goals that are more specific to the Industrial Land Use category itself. In reviewing the Land Use Element, staff suggests that the following goals and objectives should be considered as they relate to the current proposal.

- Goal #6, Land Use Element: *"Encourage the transition of land uses from more intense regional and city-wide activity areas to less intense land uses within local neighborhoods."*

The proposed designation would allow an expansion of use already allowed on the site, and Staff finds that it would still preserve the transition from more intense to less intense uses.

- Goal #1, Industrial Land Use Goals and Objectives: *"Provide a variety of employment opportunities for the residents of Tooele and the surrounding area."*

  The expansion of the business to enhance existing function and consolidate additional functions will allow more skilled employment on this site in Tooele.

- Goal #2, Industrial Land Use Goals and Objectives: *"Provide opportunities for associated and support uses that build upon and enhance industrial areas."*

  The prevailing land use pattern in the adjacent area is industrial, and those uses are growing and will provide future re-investment and development. The subject property represents an expansion of those areas, but also an enhancement and transition in that the operations on site would include not just heavier uses if the requested amendments are granted (the vehicle storage) but sales and services as well.

Zoning. The property has been assigned the LI, Light Industrial zoning classification. As is the case with the Land Use designations, the surrounding properties are also located in a variety of different zones including Light Industrial, RD, Research & Development, and I, Industrial. Properties to the north, east and south are zoned RD Research and Development. A zoning map segment has also been included for reference as "Exhibit C". All properties in the immediate area are currently used for industrial or commercial purposes, or are unused.

The Industrial Land Use designation corresponds to both the Light Industrial and Industrial zones, which allow comparatively more intense land uses such as manufacturing, industrial processes, and warehousing. With that said, the Light Industrial zone does not permit the heaviest of these uses and can provide a buffer from those heavier uses and surrounding non-industrial land. The applicant has applied for the change in Land Use Map designation in order to pursue further development of the property that would include a fenced area to store vehicles that have been repossessed and/or are awaiting repairs to be authorized by insurance. The existing Light Industrial zoning of the property will not allow outdoor vehicle storage.

Criteria for Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

(1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
   (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
   (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
   (e) The suitability of the properties for the uses requested vis-à-vis the suitability of the properties for the uses identified by the General Plan; and
   (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Land Use Map Amendment submission and has issued the following comments:

1. Adjacent properties are undeveloped or industrial in their use. There are no residential properties in the immediate vicinity at this time.

2. There are several adjacent properties to the north and east that are designated "High Density Residential". These properties are currently zoned Light Industrial.

3. Several large adjacent properties are designated "Industrial" currently, and the subject property could be considered an expansion of that designation.

4. The proposed designation would allow further development of the property, expanding the existing industrial use.

5. Proposed industrial uses would require careful buffering of adjacent properties.

6. The proposed designation would allow the property owner to expand his operations on site, and increase the employment numbers as well.

Engineering Review. The Tooele City Engineering Division did not issue any comments regarding the proposed Land Use Map Amendment.

Public Works Review. The Tooele City Public Works Division have completed their reviews of the Land Use Map Amendment submission and completed their review without providing comments.

Building Division Review. The Tooele City Building Division have completed their reviews of the Land Use Map Amendment submission and completed their review without providing comments.

Noticing. Notice of the public hearing has been publicly posted and properly issued to area property owners in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a Land Use Map 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 of the proposed application on the character of the surrounding area.

2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.

3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.

4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.

5. The suitability of the properties for the uses proposed.

6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.

7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.

8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.

9. The overall community benefit of the proposed amendment.

10. Whether or not public services in the area are adequate to support the subject development.

11. 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 negative recommendation to the City Council for application number P23-1369: the request by Markosian Auto to amend the Land Use Map designation of the 6.9-acre parcel located at approximately 1232 West Utah Avenue, from Regional Commercial to Industrial based on the following findings and conditions:"

1. List findings and conditions…

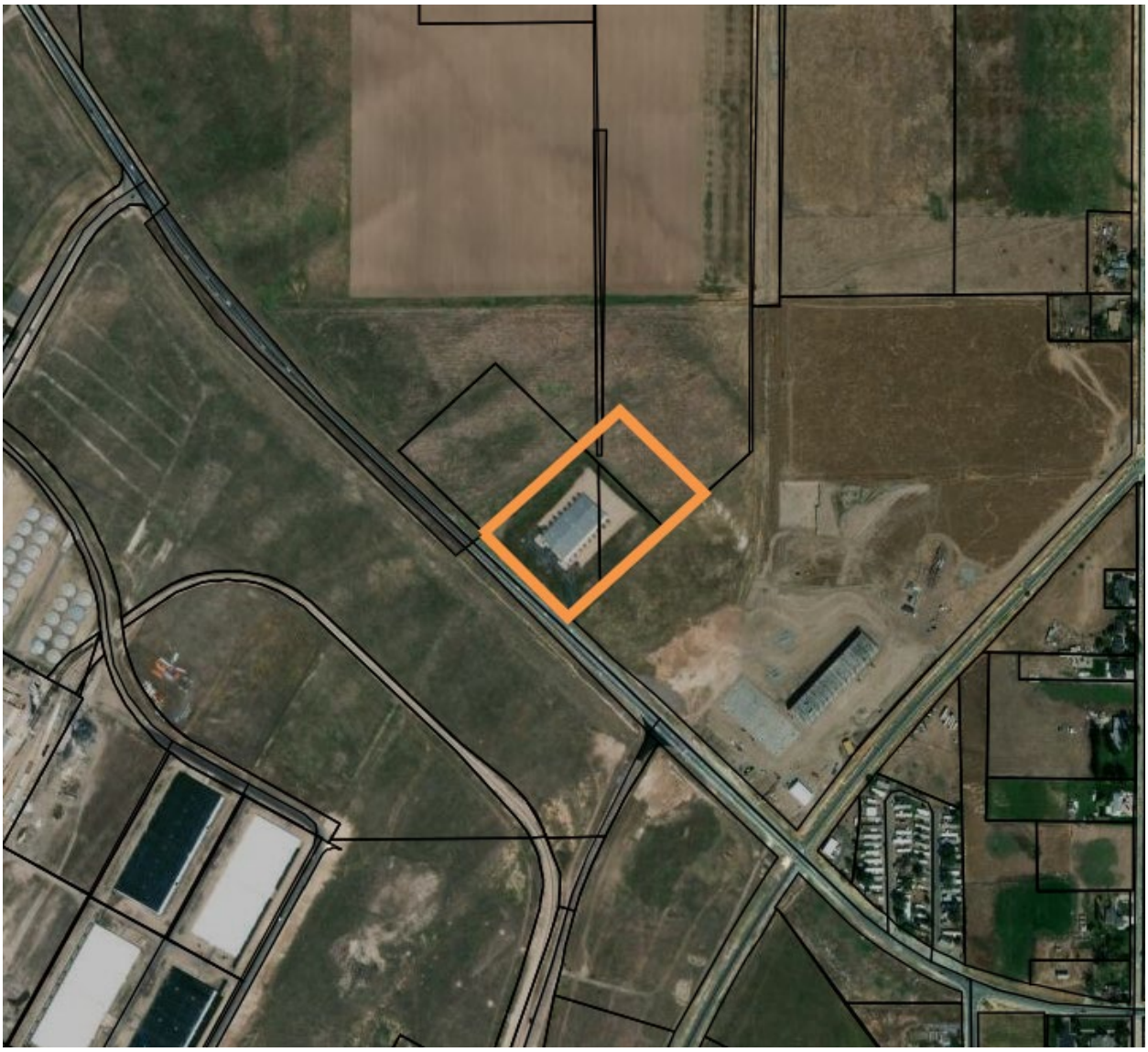
Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for application number P23-1369: the request by Markosian Auto to amend the Land Use Map designation of the 6.9-acre parcel located at approximately 1232 West Utah Avenue, from Regional Commercial to Industrial based on the following findings:"

1. List findings…

EXHIBIT A

MAPPING PERTINENT THE REQUESTED LAND USE MAP AMENDMENT:

AERIAL MAP

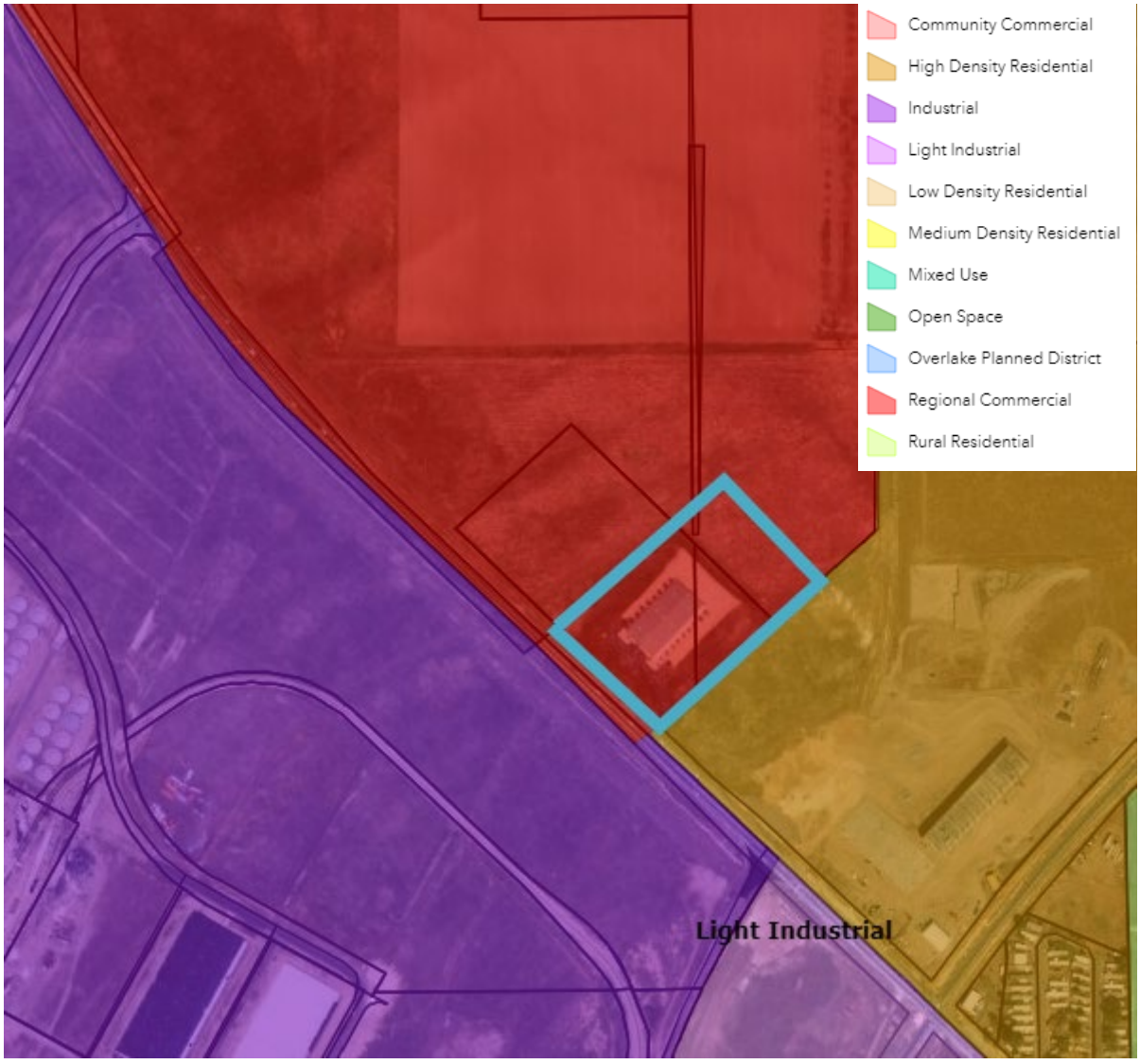


1: Subject Property, aerial view

EXHIBIT B

MAPPING PERTINENT THE REQUESTED LAND USE MAP AMENDMENT:

GENERAL PLAN, LAND USE MAP

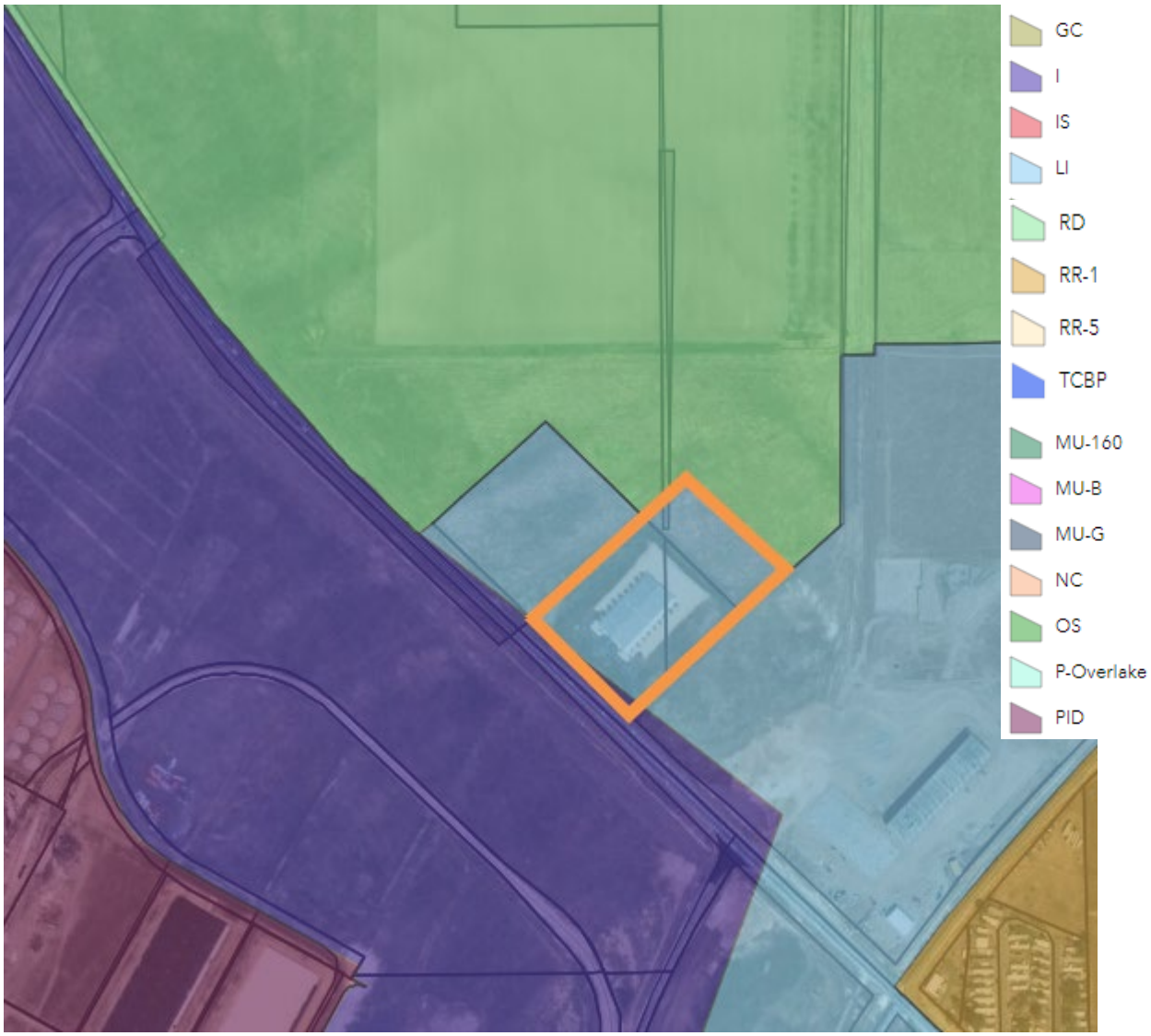


2: Subject Property, Land Use Map

EXHIBIT C

MAPPING PERTINENT THE REQUESTED LAND USE MAP AMENDMENT:

ZONING MAP



3: Subject Property, Zoning Map

EXHIBIT D

APPLICANT PROVIDED MATERIALS:

Zoning, General Plan, & Master Plan Map Amendment Application

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

Tooele City
Est. 1853

Notice: The applicant must submit copies of the map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information

Permit # 23-1369

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
10/30/2023	regional commercial	industrial	02-132-0009

Project Name: Markosian Auto — Acres: 2

Project Address: 1232 West Utah Ave, Tooele Utah 84074

Proposed for Amendment: ☐ Ordinance ☒ General Plan ☐ Master Plan: _____

Brief Project Summary: see attached sheets

Property Owner(s): Nick Markosian			**Applicant(s):** Nick Markosian		
Address: 4238 S. Redwood Rd			Address: 960 Leroy Dr. P.O. Box 572040		
City: Taylorsville	State: Ut	Zip: 84123	City: Taylorsville	State: Ut	Zip: 84123
Phone: 801-541-6654			Phone: 801-541-6654		
Contact Person: Alan Burrow			Address: 4238 S. Redwood Rd		
Phone: 801-884-9204			City: Taylorsville	State: Ut	Zip: 84123
Cellular:	Fax:		Email: alanburrow19.ab@gmail.com		

*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.

Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only

Invoice: 2231473

Received By:	Date Received:	Fees:	App. #:
Jessi	11/2/23	$1,200.00	6004396

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
}ss
COUNTY OF TOOELE }

I/we, Nick Markosian, 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.

Nick Markosian
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 31st day of October, 2023

CIARA L MCCALLUM
Notary Public - State of Utah
Comm. No. 731655
My Commission Expires on
Jun 14, 2027

(Notary)
Residing in Salt lake County, Utah
My commission expires: July 14th 2027

AGENT AUTHORIZATION

I/we, Nick Markosian, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), Alan Burrow, 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.

Nick Markosian
(Property Owner)

(Property Owner)

Dated this 31st day of October, 2023 personally appeared before me Nick Markosian the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

CIARA L MCCALLUM
Notary Public - State of Utah
Comm. No. 731655
My Commission Expires on
Jun 14, 2027

(Notary)
Residing in Salt lake County, Utah
My commission expires: July 14th 2027

Markosian Auto Tooele

Markosian Auto recognizes the need to expand our facilities in Tooele by adding an additional one acre for the purpose of storing vehicles. We understand that this will require a request for a zoning change. Markosian Auto would like to store two types of vehicles in an enclosed fenced area. The first type would be damaged cars waiting for pending insurance claims. These cars are typically removed from the property when an adjustment has been agreed upon. The second type of automobile that will be in this enclosure are vehicles that have been legally repossessed. These types of cars hopefully will be redeemed by our customers and returned to them. Some may remain unclaimed, and they are reconditioned here at Tooele and placed back in our inventory for resale.

The one acre we are asking for your consideration will be enclosed by an eight-foot-tall fence. It will have a rolling gate that will remain locked except during operating hours. This fence will be constructed of metal panels to obscure the vision of the automobiles. In addition, we have just had the land cleared, eight inches of road base put down, compacted and sloped to allow for water runoff into an established drainage system. This containment area is strictly for two types of cars. The first is an automobile awaiting an insurance adjustment. The second type car has been repossessed and may be released back to the customer upon payment. It should be noted that this one acre of fenced property is not a salvage yard or junk yard. Markosian Auto currently buys the parts needed for the service center from multiple national auto part suppliers.

Thank you for your consideration. We look forward to working together in the future. Our plans for our expansion are just on the horizon.

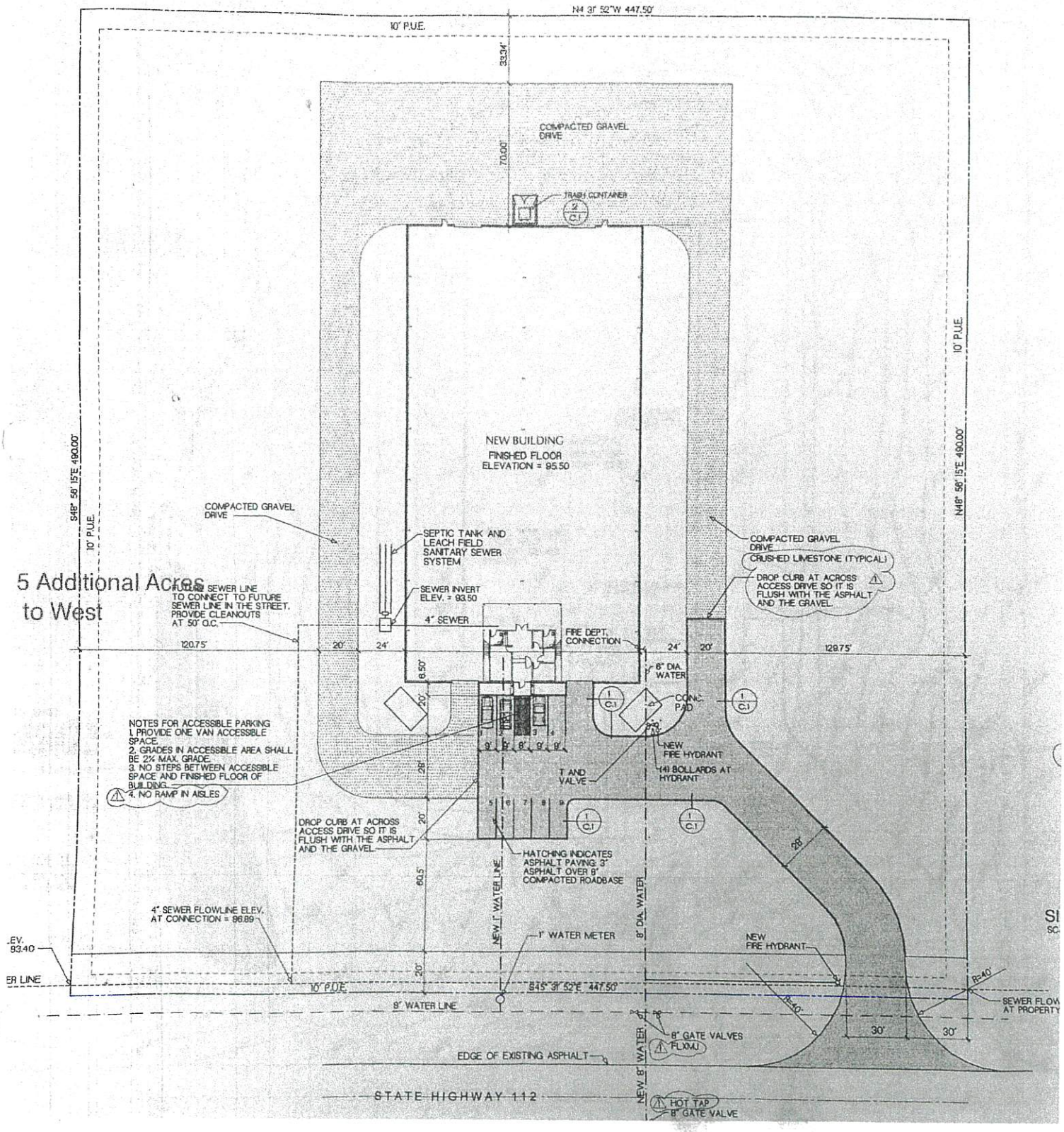
Thanks

Alan Burrow

Markosian Auto

AVAILABLE FOR SALE

2 Additional Acres to North



TOOELE CITY CORPORATION

ORDINANCE 2023-39

AN ORDINANCE OF TOOELE CITY APPROVING A LANDMARK SITE DESIGNATION PROCESS FOR THE PRESERVATION OF SIGNIFICANT HISTORIC PROPERTIES.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah's charter cities, including Tooele City, "the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law"; and,

WHEREAS, UCA Section 10-8-84 enables Tooele City to "pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and,

WHEREAS, UCA Chapter 9-8a creates the State Historic Preservation Office and contains the State of Utah's historic preservation policies; and,

WHEREAS, this ordinance approves a process by which the Historic Preservation Commission and the Planning Commission designate significant historic properties as landmark sites; and,

WHEREAS, the City Council recognizes that some properties and buildings within Tooele City hold particular historic value to the community which, if designated as landmark sites, would preclude demolition and establish a review process prior to significant construction; and,

WHEREAS, the City Council discussed the request in its October 18, 2023 public work meeting (see the meeting minutes attached as Exhibit B); and,

WHEREAS, the Planning Commission convened a public hearing on December 13, 2023, and voted to recommend approval of this ordinance to the City Council (see the Staff Report attached as Exhibit C and the Planning Commission minutes attached as Exhibit D); and,

WHEREAS, the City Council convened a public hearing on January 3, 2024; and,

WHEREAS, the City Council finds that this ordinance is in the best interest of Tooele City because it will encourage preservation of culturally significant historic resources:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Title 2 Chapter 9 is hereby enacted/amended as shown in Exhibit A/as shown below.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2024.

Exhibit A

Designation Process for Landmark Sites

***DESIGNATION OF LANDMARK SITES**:*

1. *DESIGNATIONS:*

Upon application of the property owner or by recommendation from the Historic Preservation Commission, the Planning Commission may designate certain areas or structures as landmark sites if the property satisfies the criteria in this section.

2. *CRITERIA FOR DESIGNATIONS*

Any building, structure, or site (hereinafter referred to as "historic resource") may be designated as a Tooele City landmark site if it meets the criteria in subsections 2a through 2c of this Section, and at least one (1) of the other criteria set forth in subsections 2d through 2h of this Section:

a) It is located within the boundaries of Tooele City.
b) It is at least fifty (50) years old.
c) There are no major alterations or additions that have obscured or destroyed significant historic features, such as: changes in pitch of the main roof, enlargement or enclosure of windows on the principal façades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and its appearance when viewed from the public rights-of-way.
d) It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6. Properties listed on or determined to be eligible for the national register must still retain their structural, architectural, and historic integrity. This process may be undertaken by consulting the State Historic Preservation Office to conduct a Reconnaissance Level Survey.
e) It is associated with events that have made a significant contribution to the broad patterns of the history of the city, state, or nation.
f) It is associated with lives of persons significant in the history of the city, state, or nation.
g) It embodies the distinctive characteristics of a rare or unique type, period, or method of construction, or represents the work of an architect or builder recognized as a master in their field, or possesses high artistic values or style, or represents a significant and distinguishable entity whose components may lack individual distinction.
h) It has yielded or may be likely to yield information important in prehistory or history (archaeological sites, for example).

3. PROCESS FOR LANDMARK SITE DESIGNATION

a) Application: Any person, group or association may nominate a prospective historic resource for formal designation. The initiation of designation proceedings

must be made by submitting to the Economic Development Department an application on a form furnished by the Department. The Department shall deliver all applications to the Historic Preservation Commission. The Commission, on its own motion, may initiate proceedings for the designation of a potential historic resource. The application shall be similar in form to that used for the National Register of Historic Places.

b) Notice to Owner: Notice that an application for designation is being considered by the Historic Preservation Commission shall be given to the owner or owners of record of the historic resource. The owner or owners shall be notified by regular U.S. mail, at the mailing address on record with the Tooele County Recorder, and at the property address, at least five (5) business days prior to Commission consideration of the application. The owner or owners shall have the right to confer with the Commission prior to final action by the Commission.
c) Recommendation of Commission: Following any investigation deemed necessary by the Commission, but in no case more than sixty (60) days after the receipt of any application for designation, the Historic Preservation Commission shall make a formal recommendation regarding the application. If designation proceedings are initiated by the Commission, final recommendation shall be made by the Commission no more than sixty (60) days after such initiation. The Commission's recommendation shall be in writing and signed by the chairperson of the Commission, and shall state the reasons for the recommendation. The recommendation may be limited to the proposed historic resource as described in the application, or may include other historic resources.
d) Forward Recommendations to Planning Commission: Within thirty (30) days after the final recommendation of the Historic Preservation Commission on a designation application, the Commission shall forward each application to the Planning Commission, together with the Commission's recommendations.
e) Action by Planning Commission: After considering the Historic Preservation Commission's recommendations, the Planning Commission may, by resolution, designate historic resources. Prior to the passage of the resolution, the Planning Commission shall hold a public hearing, notice of which shall be published online at Utah Public Notice, on the Tooele City website, and mailed to the owner or owners of property proposed for designation. Notice shall be as described in this Section. Following designation by resolution, a notice of such shall be mailed to the owners of record together with a copy of the designation resolution and of this Title.
f) Amend or Rescind: After an historic resource has been formally designated by the Planning Commission, the designation may be amended or rescinded in the same manner as the original designation was made.

4. RECORDATION OF LANDMARK SITE DESIGNATION:

Upon official designation, the City Recorder shall record the designation resolution with the County Recorder's Office. The City Recorder will also deliver copies of all designation resolutions to the Economic Development Department.

5. *CERTIFICATE OF APPROPRIATENESS FOR LANDMARK SITES:*

After the Planning Commission's approval of a designation resolution and prior to construction, landmark sites may be granted a certificate of appropriateness only if the following conditions are satisfied:

1. Substantial investment is made to upgrade the property and enhance its historic significance.
2. Any renovation maintains or enhances the historic, architectural and aesthetic features of the property.
3. The Planning Commission may impose such other conditions for granting a certificate of appropriateness as it deems necessary to protect the character of the landmark site.

6. *CONSTRUCTION UPON A LANDMARK SITE:*

Any construction upon a landmark site that materially changes the exterior appearance of, adds to, reconstructs, or alters a landmark site shall require a certificate of appropriateness from the Planning Commission. Applications for such permits shall be made to the Historic Preservation Commission who shall recommend the granting or denial of the certificate to the Planning Commission. The Planning Commission shall have final authority to grant or deny a permit to construct that is consistent with standards set forth herein. A certificate of appropriateness shall be required for alterations such as but not limited to:

a) Any construction that requires a building permit
b) Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;
c) Relocation of a structure or object on the same site or to another site;
d) Construction of additions or decks;
e) Alteration or construction of accessory structures, such as garages, carports, sheds, accessory dwelling units, etc.;
f) Alteration of windows and doors, including replacement or changes in fenestration patterns;
g) Construction or alteration of porches;
h) Masonry work, including, but not limited to, tuckpointing, sandblasting and chemical cleaning;
i) Construction or alteration of site features including, but not limited to, fencing, walls, paving and grading;
j) Installation or alteration of any exterior sign;
k) Any demolition;
l) Change, addition of, or removal of exterior paint; and
m) New construction.

7. *DEMOLITION PROHIBITED:*

No structure of building within a landmark site designation shall be demolished or removed unless the structure poses an immediate hazard to human health and safety. An owner's application for landmark site designation includes the owner's (1) acknowledgement of and agreement to construction limitations and demolition prohibitions on the site, (2) waiver of construction and demolition rights the owner might otherwise have, and (3) release of claims against Tooele City and its officers, agents, boards, and employees. The landmark site application form shall expressly state this owner acknowledgement, agreement, and waiver, with the location for the owner's signature.

8. *REMEDY FOR VIOLATION:*

Application for, assistance with, and use of grant funding for landmark sites shall be conditioned upon the Owner's agreement to comply with the provisions of this Chapter. Persons who violate this ordinance through unapproved demolition, construction, or modifications to landmark sites shall be required to correct or remedy improper construction and to restore the landmark site to the former, historic condition.

References:

Areas of state code with mentions to Landmark sites or historic preservation:

- *https://le.utah.gov/xcode/Title10/Chapter9A/10-9a-S534.html*
- *https://le.utah.gov/xcode/Title10/Chapter9A/10-9a-S503.html?v=C10-9a-S503_2019051420190514*

Cities where code was referenced:

- *St George: https://stgeorge.municipal.codes/Code/10-13E-3*
- *Ogden: https://codelibrary.amlegal.com/codes/ogdencityut/latest/ogdencity_ut/0-0-0-24957#JD_17-2-2*
- *Provo: https://provo.municipal.codes/Code/16.05.040*
- *Salt Lake City: https://www.slc.gov/boards/boards-commissions/historic-landmark-commission/*

Exhibit B

October 18, 2023, City Council

Public Work Meeting Presentation

Exhibit C

Staff Report

Exhibit D

Planning Commission Minutes

STAFF REPORT
December 8, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Jared Hall, City Planner / Zoning Administrator

Re: **Chapter 7-19, Subdivision – City Code Text Amendment Request**
Applicant: Tooele City
Request: Approval of amendments to Tooele City Code Chapter 7-19 regarding subdivisions of property.

BACKGROUND

This application is a request for approval of a City Code Text Amendment with the intent of providing changes to the subdivision regulations found in Chapter 7-19. State Land Use Regulations were revised in the 2023 general session by Senate Bill 174. Among other things, SB 174 clarified that municipalities could identify city staff, appointed boards, or a planning commission to be the land use authority for subdivisions, but that the legislative body (such as the City Council) was not to be involved in decisions for subdivision.

The City Attorney's office has worked with Planning, Engineering and other city staff to draft changes to TCC 7-19 in order to comply with SB 174, and has also addressed several other issues in the subdivision regulations.

ANALYSIS

Zoning Ordinance. Tooele City's subdivision regulations are located in Chapter 7-19. Ordinance No. 2023-43 has been prepared to enact the proposed amendments. The following is a brief summary and explanation of the principal changes and amendments that have been proposed in order to comply with SB 174. Full red-line / strikeout copies have been provided for your review as well, and Staff will be prepared to answer any questions at the public hearing.

- 7-19-8, Preliminary Subdivision – In this section, the proposed amendments establish requirements for making a preliminary subdivision application, and that the land use authority (the body making the decision to approve or deny) with regard to the preliminary application is the Planning Commission – not the City Council as was the case before. This subsection clarifies the duration of a preliminary approval (one year) and establishes a method for requesting extensions of that approval. This section also establishes an appeal authority for decisions about preliminary applications. The appeal authority is to be a three-person committee of qualified individuals selected by the Community Development and Public Works directors. These committees would not be standing committees, but would be formed as needed to hear any appeals.

- 7-19-10, Final Subdivision – This section proposes amendments which essentially establish that the purpose of final subdivision application is to assure that reviews are conducted verifying that all pertinent and required information has been provided, that the plat will be recordable, and that all the requirements and conditions that may have been established as a result of the *preliminary approval*

have been addressed and met. The land use authority for final subdivision plat is identified as a three-person committee; the Community Development Director, Public Works Director, and City Engineer. Requirements and time limits are established for Final Approval and recordation of the plat, with a process for requesting extensions as well. Appeals of decisions regarding Final Plats are proposed to be made to a three-person committee. In this case, the committee would be made up of licensed Utah Engineers – one selected by the City, one selected by the subdivider, and a third which would be selected by the first two.

- 7-19-11, Minor Subdivisions – Minor subdivisions are those where the minimal number of lots and lack of needed easements or road dedications have been allowed to receive preliminary and final approval at the same time. With the proposed amendments, City Staff will serve as the land use authority for minor subdivisions by way of a three-person committee made up of the Community Development Director, Public Works Director, and City Engineer. Appeals of decision would be made to a committee of three engineers selected by the City, the Developer, and a neutral party agreed to by the City and Developer. As with the other appeal committees, these would be formed only as needed.

- 7-19-20.1, Flag Lots – Flag lots are "L-shaped" lots, with a more narrow frontage requirement where they meet the public right-of-way. Their purpose is to allow subdivision of otherwise unusable property and they are an effective means of infill residential development. Changes and clarifications have been proposed to better process flag lots, and can be summarized in three simple parts:

  1. <u>The Staff:</u> The long, narrow portion of a flag lot extending to the public right-of-way is often referred to as the "staff". Changes proposed require a minimum of 20' for the staff in cases where the staff will not be more than 150' long. The staff must be 26' wide if the staff will be longer than 150' – however, in no case may a staff be more than 220' in length. These regulations were arrived at working with the Fire Department.

  2. <u>Turnaround:</u> Widths and other controls for the "hammerhead" turnaround areas at the termination of the staff portions of these lots are also established. Emergency services needs to assure that they can provide services to these properties, so a minimum width of 20' for lengths of 60' must be provided. The code contains figures and diagrams to help understand these regulations.

  3. <u>Adjacency Limits:</u> Because flag lots have an impact on the public right-of-way by creating a narrow lot with a driveway, and another 20' driveway on the same frontage, for example, Staff has proposed a limit of no more than two contiguous flag lots, and that in the case of two contiguous flag lots the "staffs" of each lot should not be adjacent to each other. The exception to this adjacency limit would be in the areas specifically overlaid for residential infill, Geographic Areas A & B, where the City has determined that infill residential development should be encouraged.

<u>*Criteria For Approval*</u>. 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. The Planning Commission and City Council should carefully weigh the proposed amendment to the City Code, consider the comments and input received from the public hearings to render a decision in the best interest of the community.

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 Planning Commission and City Council should carefully weigh the proposed amendment to the City Code, consider the comments and input received from the public hearings to render a decision in the best interest of the community.

Noticing. The applicant has expressed their desire to amend the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined 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 Ordinance No. 2023-43, amending Tooele City Code Chapter 7-19 regarding subdivisions, 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 Ordinance No. 2023-43, amending Tooele City Code Chapter 7-19 regarding subdivisions, based on the following findings:"

1. List findings …

EXHIBIT A
PROCESS AMENDMENTS MATRIX

Tooele City	Current			Proposed		
Subdivision Application Type	Recommending Authority	Land Use Authority	Appeal Authority	Recommending Authority	Land Use Authority	Appeal Authority
Preliminary Plan	Planning Commission	City Council	Administrative Hearing Officer	NA	Planning Commission	Committee of 3: Chosen by CD Director and PW Director
Final Plat	CD Director PW Director City Engineer	City Council	Administrative Hearing Officer	NA	CD Director PW Director City Engineer	3 Engineers: Developer's City's Neutral
Minor Subdivision	CD Director PW Director City Engineer	City Council	Administrative Hearing Officer	NA	CD Director PW Director City Engineer	3 Engineers: Developer's City's Neutral

EXHIBIT B
DRAFT ORDINANCE 2023-43, AND REDLINE DRAFT AMENDMENTS

TOOELE CITY CORPORATION

ORDINANCE 2023-43

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-19 REGARDING SUBDIVISIONS.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah's charter cities, including Tooele City, "the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law"; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to "pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and,

WHEREAS, Utah Code Section 10-9a-601 enables Tooele City to "enact ordinances requiring that a subdivision plat comply with the provisions of the municipality's ordinances" before a plat can be recorded and lots sold; and,

WHEREAS, Tooele City Code Chapter 7-19 is Tooele City's land use regulation (also known as ordinances) governing the subdivision of land in Tooele City; and,

WHEREAS, Tooele City's subdivision ordinances historically have provided for a preliminary plan approval process and a final plat approval process, in which the Tooele City Planning Commission provides non-binding recommendations on subdivision applications, and the City Council approves the subdivision applications, with the appeal authority being the City's administrative hearing officer (under TCC Chapter 1-28); and,

WHEREAS, the 2023 session of the Utah Legislature produced Senate Bill 174, effective May 3, 2023, under which legislative bodies were removed from the subdivision approval process, and requiring new municipal land use regulations regarding the subdivision of land, land use authorities, and appeal authorities (see Senate Bill 174 attached as Exhibit C); and,

WHEREAS, the City Administration formed a study committee consisting of the Community Development Director, City Planner, City Engineer, Public Works Director, and City Attorney to implement Senate Bill 174 through the preparation of proposed City Code amendments to TCC Chapter 7-19; and,

WHEREAS, the study committee met regularly over the course of six months to prepare the proposed amendments attached as Exhibit B, summarized in Exhibit A; and,

WHEREAS, as proposed, the land use authority for preliminary subdivisions will be the Planning Commission, and the appeal authority will be a committee of three qualified non-city employees selected by City administrative departments; and,

WHEREAS, as proposed, the land use authority for final subdivisions will be a committee comprised of the Community Development Director, Public Works Director, and City Engineer, with the signature of at least two required for approval, and the appeal authority will be as provided in Senate Bill 174, namely, an engineering group comprised of one engineer selected by the City, one engineer selected by the subdivider, and a third engineer selected by the former two; and,

WHEREAS, as proposed, the land use authority and appeal authority for minor subdivisions will be the same as for final subdivisions; and,

WHEREAS, the proposed amendments to Chapter 7-19 reflect the policy shift embodied in Senate Bill 174, where preliminary subdivisions will address planning-related concepts, such as, land use, development density, and site configuration, while final subdivisions will address detailed site engineering and design necessary for the subdivision; and,

WHEREAS, through the process of preparing the amendments to the subdivision review and approval process which is the subject of Senate Bill 174, the City Administration has modernized the formatting and language of Chapter 7-19; and,

WHEREAS, the City Administration presented Exhibit A and a summary of Exhibit B to the City Council during its November 1, 2023, public work meeting, and to the Planning Commission during its November 8, 2023, public business meeting; and,

WHEREAS, on December 13, 2023, the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to provide its recommendation to the City Council; and,

WHEREAS, on December 20, 2023, the City Council convened a public hearing, considered the Planning Commission recommendation, and accepted public comment:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that:

1) TCC Chapter 7-19 is hereby amended as shown in Exhibit B, attached and incorporated; and,

2) the City Administration is instructed to prepare preliminary and final subdivision application checklists for use by subdividers, consistent with this Ordinance; and,

3) this Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses; and,

4) this Ordinance shall take effect on February 1, 2024, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is approved by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____ _____

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. UCA 10-3-704(11).)

ATTEST:

_____
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

CHAPTER 19. SUBDIVISIONS

7-19-1. Application of Chapter.
7-19-2. General provisions.
7-19-3. Interpretation.
7-19-4. Severability.
7-19-5. Rules of interpretation.
7-19-6. Property line adjustments.
7-19-6.1. Property Combinations.
7-19-7. Dedications.
7-19-8. Procedure for approval of preliminary subdivision.
7-19-9. Plats and data for approval of preliminary plan. (Repealed.)
7-19-10. Procedure for approval of the final subdivision.
7-19-11. Plats, plans, and data for final approval. (Repealed.)
7-19-12. Public Improvements – bonds and bond agreements – warranty.
7-19-13. Applications for Reimbursement.
7-19-14. Failure to act – effect.
7-19-15. Phased development.
7-19-16. Design standards. (Repealed.)
7-19-17. Streets.
7-19-17.1 Double-frontage lots – definitions – design – maintenance.
7-19-18. Easements.
7-19-19. Blocks.
7-19-20. Lots.
7-19-20.1. Flag Lots.
7-19-21. Required land improvements. (Repealed.)
7-19-22. Street signs. (Repealed.)
7-19-23. Monuments and markers.
7-19-24. Public utilities.
7-19-25. Sidewalks required – specifications. (Repealed.)
7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
7-19-27. Sanitary sewers.
7-19-28. Engineering specifications.
7-19-29. Water service.
7-19-30. Trench backfill.
7-19-31. Filing of engineering plans.
7-19-32. Acceptance of public improvements.
7-19-33. Building permits.
7-19-34. Final Plat execution, delivery, and recordation. (Repealed.)
7-19-35. Minor Subdivision - Exemptions from preliminary subdivision process.
7-19-36. Effect of revocation and voiding.

7-19-1. Application of Chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, whether for residential or non-residential purposes, except in conformity with the provisions of this Chapter. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter.
(Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land is proposed within the incorporated limits of the City, the owner or subdivider shall submit both a preliminary subdivision application and a final subdivision application to the City for approval.

(2) Until a preliminary subdivision is approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract, or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(c) No improvements – such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, and lighting, grading, paving, or surfacing of streets – may be made by any person or utility.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Floodplain Administrator, and areas subject to poor drainage, will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision in compliance with state and federal regulations and with Chapter 4-13 of this Code.

(3) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the land use authority may cause to be prepared, before subdivision approval, a plan for the entire unit, the plan to be used by the land use authority to determine compliance of a subdivision application with City regulations.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, but prior to the approval of a final subdivision, shall apply to that final subdivision to the extent they do not alter the preliminary subdivision's use, density, or configuration. For purposes of this Chapter, the words "use, density, and configuration" shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City land use regulations in effect at the time of complete preliminary subdivision application submission;

(b) density: the number of lots contained in a preliminary subdivision approved by the Planning Commission;

(c) configuration: the general manner in which the density is laid out in a preliminary subdivision approved by the Planning Commission.

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and configuration of an approved preliminary subdivision and to a final subdivision application if the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by the subdivision's use, density, and/or configuration.

(6) Lots and parcels created and divided as allowed under state law without City land use approval pursuant to this Chapter shall not enjoy the rights otherwise vested by compliance with this Chapter. Owners of such lots or parcels may acquire vested rights by obtaining approval of a preliminary subdivision and final subdivision, or a minor subdivision. Such lots or parcels shall be subject to all City regulations concerning the development of subdivided land.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-3. Interpretation.

(1) In interpretation and applications, the provisions of this Chapter shall be held to be the minimum requirements.

(2) Where the conditions imposed by any provision of this Chapter upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(3) This Chapter shall not abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or private agreements, this Chapter shall govern.

(Ord. 1977-18, 10-19-1977)

7-19-4. Severability.

If any Section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such a holding shall not affect the validity of the remaining portions of the Chapter.

(Ord. 1977-18, 10-19-1977)

7-19-5. Rules or interpretation.

Words used in the present tense shall include the future. Words used in the singular shall include the plural, and the plural the singular.

(1) "May" is permissive.

(2) "May not" is prohibitive.

(3) "Must" indicates a mandatory requirement.

(4) "Shall" is mandatory and not discretionary.

(5) "Used for" shall include the phrases "arranged for, designed for, designated for, intended for, maintained for, occupied for, and similar phrases."

(Ord. 2013-16, 11-06-2013) (Ord. 1977-18, 10-19-1977)

7-19-6. Property line adjustments.

(1) Staff Authority. The Zoning Administrator or designee shall have the authority to approve or deny a property line adjustment in accordance with the regulations outlined in this Section. Alternatively, the Zoning Administrator may direct that the application follow the standard procedures for subdivision approval, as provided elsewhere in this Chapter. The applicant may appeal the decision of the Zoning Administrator to deny a property line adjustment, as outlined in Chapter 1-27 of the Tooele City Code.

(2) Property Line Adjustments. Applications to adjust property lines between adjacent properties:

(a) where one or more of the affected properties is included within a prior recorded subdivision plat, property line adjustment may only be accomplished upon the recordation of an amended plat that conforms to the standards outlined in this Section and following approval of an amended plat according to the standard plat approval process outlined elsewhere within this Chapter; or,

(b) where all of the affected properties are parcels of record, may be accomplished upon approval, execution, and recordation of appropriate deeds describing the resulting properties, upon compliance with the standards outlined in this Section, and following approval according to the terms of this Section prior to recordation.

(3) Standards. Owners of adjacent properties desiring to adjust common property lines between those properties shall comply with the following standards:

(a) no new lot, parcel, or property results from the property line adjustment;

(b) the adjoining property owners consent to the property line adjustment;

(c) the property line adjustment does not result in remnant land that did not previously exist (a remnant parcel is land that does not comply with the land use regulations of the zoning district where it is located);

(d) the property line adjustment does not result in a land-locked property, and all properties affected by the adjustment have access to a public or private street or right-of-way;

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements of this Title for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect

any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment, together with all required information and documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for subdivision approval.

(b) An application for a property line adjustment involving parcels of record shall include at least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state, including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all information and documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjusmtent; and,

(iii) recites the lrgal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(8) All property line adjustment shall preserve existing easements and provide for new easements for public improvements and other utilities serving the affected parcels.

(9) In the alternative to this Section, property owners may accomplish a lot line adjustment following the procedures established by State of Utah statute.

(Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

7-19-6.1. Property combinations.

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations may be approved only for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2013-16, 11-06-2013)

7-19-7. Dedications.

Every person who must dedicate any right-of-way, street, alley, or other land interest for public use, as part of a land use approval, may do so by way of a recorded final subdivision plat or by conveyance of a deed of dedication acceptable to the City.

(Ord. 2010-05, 06-02-2010) (Ord. 1981-24, 06-11-1981)

7-19-8. Procedure for approval of preliminary subdivision.

(1) Purpose and Scope. The purpose of the preliminary subdivision application and review is to verify the proposed subdivision complies with all City regulations for the subdivision of land. The scope of the preliminary subdivision shall include primarily the uses of land, and the density and configuration of those uses. All application requirements are intended to address that scope.

(2) Pre-application Review. For all proposed subdivisions, except for minor residential subdivisions, a subdivider shall schedule a pre-application meeting with the Community Development Department. The purpose of the meeting is to assist the subdivider by discussing in general terms the City's requirements for a proposed

subdivision, and to identify any major impediments to the subdivision's approval as proposed. A conceptual illustration and narrative shall be submitted to the City prior to the meeting. This submission is not a land use application. The City makes no commitments, grants no approvals, makes no appealable decisions, and vests no rights during this review.

(3) Land Use Application.

(a) The subdivider seeking preliminary subdivision approval shall submit a preliminary subdivision application. The application shall comply with all City land use, density, and configuration requirements of the General Plan and this Code.

(b) A complete preliminary subdivision land use application shall include the following:

(i) an application on an approved City preliminary subdivision application form;

(ii) all data and information listed on the City preliminary subdivision application checklist;

(iii) a preliminary subdivision plat, not to be recorded, containing the information and formatting required by this Chapter and by the preliminary subdivision checklist;

(iv) payment of the preliminary subdivision review fee, water modeling fee, and sewer modeling fee; and,

(v) evidence that the subdivider owns or has the ability to acquire municipal water rights sufficient for the development and construction of the subdivision.

(4) Land Use Authority.

(a) The land use authority for a preliminary subdivision application shall be the Tooele City Planning Commission.

(b) Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary subdivision plat to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, Health Department, and all non-City utilities anticipated to provide utility service to the subdivision.

(c) A preliminary subdivision application complying with all Tooele City regulations shall be approved. Any application not complying with all City regulations may not be approved.

(d) The Planning Commission chair shall sign the approved preliminary subdivision plat, except that if the chair voted against approval, the senior approving member shall sign the plat.

(5) Duration of approval – extension – phasing.

(a) Approval of the preliminary subdivision shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Planning Commission grants an extension in a public meeting, not to exceed six months, upon written request and payment of an extension review fee by the subdivider. If a complete application for final subdivision approval is not submitted to the Community Development Department prior to the expiration of the one-year period, plus any extension, which begins to run from the date that the preliminary subdivision is approved by the Planning Commission, the approval of the preliminary subdivision shall lapse automatically and shall be void and of no further force or effect. Thereafter, the subdivider must submit a new preliminary subdivision application, including the payment of all fees.

(b) Where a preliminary subdivision contemplates more than one final subdivision phase, the subdivider shall submit a completed final subdivision application for a second or subsequent phase within the scope of the same preliminary subdivision within two years of acceptance of public improvements from the previous final subdivision phase. Prior to the two years expiring, the land use authority may grant an extension in a public meeting, not to exceed six months, upon written request of the subdivider and payment of the extension review fee. Failure to timely submit the second or subsequent final subdivision application shall cause the approval for all un-platted portions of the preliminary subdivision to automatically lapse and expire and become of no further force or effect. Thereafter, the subdivider must submit a new preliminary subdivision land use application, including the payment of all fees.

(6) Appeal Authority. The appeal authority for the preliminary subdivision decisions of the Planning Commission shall be a three-person committee selected by the Community Development Director and Public Works Director, with committee members possessing qualifications relevant to the preliminary subdivision purpose and scope identified in this Section. A unanimous decision is not required. Approval requires the signatures of any two of the three committee members. Appeal procedures shall be those contained in Chapter 1-28 of this Code.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1998-17, 07-01-1998) (Ord. 1977-18, 10-19-1977)

7-19-9. Plats and data for approval of preliminary plan. (Repealed.)

(Ord. 2021-03, 01-20-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998)

7-19-10. Procedure for approval of the final subdivision.

(1) Purpose and Scope. The purpose of the final subdivision application and review is to verify that the application complies with all City regulations for the subdivision of land. The scope of the final subdivision review shall include all those technical, engineering,

design, construction, and other details necessary for recordation of the final subdivision plat and construction of the platted subdivision. All application requirements are intended to address that scope.

(2) Conformity to preliminary subdivision. The final subdivision shall conform substantially to the uses, densities, and configurations of the approved preliminary subdivision. Substantial nonconformity shall include increases in density of five percent or more, changes in use requiring a change of zoning, and any substantial reconfiguration of public streets.

(3) Phasing. The final subdivision may constitute only that portion of the approved preliminary subdivision which the subdivider proposes to record and construct as a single development project. For purposes of this Section, the word "construct" shall refer to the construction of public improvements and not of structures for occupancy.

(4) Land Use Application.

(a) The subdivider seeking final subdivision approval shall submit a final subdivision application. The application shall comply with all City requirements of this Code for the subdivision and development of land.

(b) A complete final subdivision application shall include the following:

(i) an application on an approved City final subdivision application form;

(ii) all data and information listed on the City final subdivision application checklist;

(iii) the payment of final subdivision review fees; and,

(iv) evidence that the subdivider owns municipal water rights sufficient for the development and construction of the subdivision.

(5) Land Use Authority.

(a) The land use authority for approval of a final subdivision shall be a three-person committee consisting of the Community Development Director, the Public Works Director, and the City Engineer. The approving signatures of at least two members of the land use authority shall be required to approve a final subdivision.

(b) Any final subdivision application complying with all Tooele City regulations shall be approved. Any application not complying with all City regulations may not be approved.

(6) Duration of approval – extension. Each approved final subdivision shall have the durations of approval described in Section 7-19-8 (Procedure for approval of the preliminary subdivision).

(7) Plat signatures. Upon approval of the final subdivision by the land use authority, and delivery of the final subdivision plat mylar to the Community Development Department, the Department shall secure the final subdivision plat mylar signatures of the land use authority.

(8) Plat Recordation – deadline – revocation – costs.

(a) The subdivider shall deliver to the City the fully executed final subdivision plat mylar within 90 days of final subdivision approval. Failure of the subdivider to fully execute the final plat mylar, or to deliver the fully executed final plat mylar to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final subdivision approval.

(b) No changes to the approved final subdivision plat mylar may be made without the written approval of the City.

(c) Tooele City shall promptly record an approved, fully-executed final subdivision plat mylar with the Tooele County Recorder upon the occurrence of the following:

(i) a statement from the subdivider of desired timing for recording the plat;

(ii) execution of a bond agreement, as applicable, pursuant to Section 7-19-12, above;

(iii) payment of all fees associated with the recordation of the final subdivision plat mylar;

(iv) conveyance of water rights pursuant to Chapter 7-26; and,

(v) all City signatures on the final subdivision plat mylar.

(9) Appeal Authority. The appeal authority for appeals from final subdivision decisions shall be a three-person committee consisting of a licensed Utah engineer selected by the City, a licensed Utah engineer selected by the subdivider, and a third licensed Utah engineer selected by the first two. A unanimous decision is not required. Approval requires the signatures of any two of the three committee engineers. Appeal procedures shall be those contained in Chapter 1-28 of this Code.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 2004-02, 01-07-04) (Ord. 1998-35, 10-07-1998) (Ord. 1998-16, 07-01-1998) (Ord. 1978-28, 11-21-1978) (Ord. 1977-18, 10-19-1977)

7-19-11. Plats, plans, and data for final approval. (Repealed.)

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-06, 05-18-2005) (Ord. 1998-35, 10-07-1998) (Ord. 1993-04, 05-04-1993)

7-19-12. Public Improvements – bonds and bond agreements – warranty.

Public improvements shall be completed pursuant to the following procedure:

(1) As part of the final subdivision application review, the subdivider shall submit plans and

specifications for all public improvements to the Community Development Department.

(2) No public improvements may be constructed prior to final subdivision approval.

(3) All public improvements shall be completed within one year from the date of final subdivision approval. The final subdivision land use authority may grant a maximum of two six-month extensions upon receipt of a written petition and payment of an extension review fee, and upon a finding of unusual circumstances. Petitions for extension must be filed with the Community Development Department prior to expiration of the one-year period, if no extension has been approved, or of an approved six-month extension. If the public improvements are not completed with the time allowed under this Section, further final subdivisions may not be approved within the preliminary subdivision in which the public improvements are incomplete. When the public improvements have been 100% completed and accepted within the final subdivision, another final subdivision for another phase within the same preliminary subdivision may be requested.

(4) (a) Except as provided below, all public improvements associated with a final subdivision must be completed, inspected, and accepted pursuant to Section 7-19-32 prior to the recordation of that final subdivision plat.

(b) A final subdivision plat mylar may be recorded prior to the completion, inspection, and acceptance of the final subdivision's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure timely and correct construction of all public improvements required in the subdivision, and to warrant their construction.

(c) Where public improvements are constructed prior to plat recordation, without a bond and bond agreement, under no circumstances may they be connected to the City's existing water distribution, sewer collection, storm drain collection, and streets systems located within City rights-of-way or easements without bonding under this Section for the connections.

(5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement must be signed by the Mayor and the City Attorney. The agreement must include, without limitation, the following:

(a) Incorporation by reference of the final subdivision documents, including the final subdivision plat, public improvements plans and specifications, and all data required by this Chapter which are used by the City Engineer to review the cost estimate for the public improvements construction.

(b) Incorporation by exhibit of the City Engineer's approved estimate of the cost of the public improvements construction.

(c) Completion of the public improvements within the period of time described in this Section.

(d) Completion of the public improvements in accordance with the final subdivision approval, City standards and specifications, and the approved engineering plans and specifications associated with the final subdivision.

(e) Establishment of the bond amount. The bond amount shall include the following:

(i) the subdivider design engineer's estimated cost of the public improvements to be constructed, as reviewed and approved by the City Engineer or designee; and,

(ii) a reasonable contingency of 20% of the estimated cost, intended to cover the costs of inflation and unforeseen conditions or other circumstances should the City need to complete the public improvements under the terms of the bond agreement.

(f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.

(g) The bond proceeds may be reduced upon written request of the subdivider as whole systems of improvements (e.g., sidewalks) are installed and upon approval by City inspectors on a Certificate of System Completion for Bond Reduction with a City inspection report form. The amount of the reduction shall be determined by reference to the cost estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.

(h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as provided in this Section and Section 7-19-32. Any bond amount reduction shall not be deemed an indication of public improvement acceptance.

(i) If the bond proceeds are inadequate to pay the cost of the completion of the public improvements, for whatever reason, including previous bond reductions, the subdivider shall be responsible for the deficiency. Until the public improvements are completed or, with City Attorney approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:

(i) no further final subdivisions may be approved within the preliminary subdivision or project area in which the improvements are to be located; and,

(ii) no further building permits shall be approved in the subdivision.

(j) If the bond proceeds are not transferred to the City within 30 days of the City's written demand, the City's costs of obtaining the proceeds, including the City

Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.

(k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in Section 7-19-32.

(6) Bond agreements shall be one of the following types:

(a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form.

(b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.

(c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.

(7) Warranty.

(a) The subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is either inadequate to reveal public improvement deficiencies anticipated based on known substandard materials or construction, or inadequate to protect the public health and safety.

(b) The one-year warranty period shall commence on the date of a Certificate of Completion and Acceptance signed by the following:

(i) Mayor;

(ii) Director of Public Works or designee;

(iii) Director of Community Development or designee; and,

(iv) City inspector responsible for inspecting the warranted public improvements.

(c) A Certificate of Completion and Acceptance shall not be deemed an acceptance of defects in materials or workmanship that are determined to exist in the public improvements before the end of the one-year warranty period. Written notice to the subdivider of the defects, delivered prior to the end of the warranty period, shall operate to extend the warranty period until the defects are corrected or resolved.

(d) The one-year warranty period will be considered successfully concluded only upon the occurrence of the following:

(i) an end-of-warranty inspection signed by a City inspector indicating that the public improvements are free of defects in materials and workmanship; and,

(ii) the signature of the Public Works Director on an End-of-Warranty Certificate.

(8) The final subdivision applications for two or more final subdivision phases may be approved, and the entirety of the property within those phases developed, simultaneously where all public improvements associated with the subdivisions are bonded for and constructed as if they were one phase. An application for final subdivision approval of multiple phases shown on the approved preliminary subdivision may also be approved under a single application when the final subdivision reflects all requested phases as a single phase in the overall configuration of the approved preliminary subdivision.

(9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

(10) The City Attorney may sign the final subdivision plat mylar upon 100% of the public improvements being completed and/or bonded in accordance with this Section, and with the warranty bond amount received.

(Ord. 2021-11, 05-05-2021) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2013-10, 06-05-2013) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 2000-24, 12-06-2000) (Ord. 1998-21, 07-01-1998) (Ord. 1996-26, 12-04-1996) (Ord. 1977-18, 10-19-1977)

7-19-13. Applications for Reimbursement.

(1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.

(2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:

(a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements by 10% or more; and,

(b) the Cost Differential exceeds $5,000; and

(c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and

(d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,

(e) the Prior Developer files an Application for Reimbursement in the office of the Director of Public

Works or City Engineer.

(3) Application for Reimbursement.

(a) Developers satisfying the above criteria may apply for reimbursement for recovery of a pro-rata share of the Cost Differential, minus the Depreciation Value, from a Subsequent Developer to the extent that the Subsequent Developer did not share in the Construction Cost of the Eligible Public Improvements.

(b) Notwithstanding other provisions of this Section to the contrary, subdivisions of ten lots or less, or single-lot developments, that are required by the City to fully improve a road right-of-way (i.e. road base, road surface, curb, gutter) are eligible to apply for and receive reimbursement for the Construction Cost of that portion of the road improvements that directly benefit subsequent development located adjacent to the road improvements, minus the Depreciation Value.

(4) The Application for Reimbursement shall be made on a form approved by the City Attorney, and shall include the following information:

(a) a brief description of the Eligible Public Improvements which may directly benefit future development; and,

(b) an engineer's written estimate of the Construction Cost of the Eligible Public Improvements, or an affidavit of the actual Construction Cost of the Eligible Public Improvements plus copies of receipts and paid invoices. Both the estimated and /or actual Construction Cost must be approved by the Director of Public Works or City Engineer.

(5) An Application for Reimbursement is not retroactive and may not seek reimbursement for uses or land development activities which exist as of, or have been approved by the City Council prior to, the effective date of the Application for Reimbursement.

(6) After an Application for Reimbursement is filed, the Prior Developer shall be under an affirmative duty to deliver to the City written notice of the identity of any development which the Prior Developer has knowledge or reason to believe will benefit from Public Improvements installed by the Prior Developer, and whether and to what extent the Subsequent Developer should share in the Cost Differential. The notice must be delivered to the Public Works Director or City Engineer prior to or with the benefitting development's final subdivision plat application or, in the case of a site plan, prior to the issuance of a building permit.

(7) When the Prior Developer has complied with the provisions of this Section, the City will make a reasonable effort to collect the Subsequent Developer's pro-rata share of the Cost Differential, minus the Depreciation Value, on behalf of the Prior Developer.

(8) Before making any payments to the Prior Developer pursuant to this Section, the City shall retain from amounts collected from a Subsequent Developer an administrative fee in the amount of 10% of said amounts collected, with a minimum administrative fee of $100.

(9) Before making any payments to the Prior Developer pursuant to this Section, the City shall make a determination whether the Prior Developer has any outstanding financial obligations towards, or debts owing to, the City. Any such obligations or debts, adequately documented, shall be satisfied prior to making payment to the Prior Developer, and may be satisfied utilizing amounts collected by the City on behalf of the Prior Developer pursuant to a Reimbursement Application.

(10) The City reserves the right to refuse any incomplete Application for Reimbursement. All completed Applications for Reimbursement shall be made on the basis that the Prior Developer releases and waives any claims against the City in connection with establishing and enforcing reimbursement procedures and collections.

(11) The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected funds unclaimed after one year from the expiration of the Application for Reimbursement shall be returned to the Subsequent Developer from which the funds were collected minus the City administration fee. Any funds undeliverable to a Prior Developer, or to a Subsequent Developer from which the funds were collected, whichever the case, shall be credited to the City enterprise fund corresponding to the Eligible Public Improvements for which the funds were collected, as determined by the Finance Director.

(12) Political subdivisions of the state of Utah (e.g. Tooele City Corporation) that construct Eligible Public Improvements shall be considered Prior Developers for purposes of this title, and may file Reimbursement Applications and receive reimbursement under the provisions of this Chapter.

(13) Public Improvements required as a condition of annexation are not eligible for reimbursement pursuant to this Section.

(14) All City development approvals, including, but not limited to, subdivisions and site plans, shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with this Section.

(15) A Subsequent Developer may protest in writing the assertion of a Prior Developer that the Subsequent Developer will benefit from Eligible Public Improvements constructed by the Prior Developer. Protests should be delivered to the Public Works Director or City Engineer, and must include documentation sufficient to demonstrate that the Subsequent Developer's development will derive no benefit, or a lesser benefit than asserted, from the Prior Developer's Eligible Public Improvements. The Public Works Director or City Engineer will decide the matter, whose decision shall be final.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2005-06, 05-18-2005) (Ord. 1999-35, 12-01-1999) (Ord. 1998-35, 10-07-1998) (Ord. 1997-13, 04-02-1997)

7-19-14. Failure to act – effect.

(1) City. Should the land use authority fail to act upon any preliminary or final subdivision application within the time periods established by State law, the application shall be deemed denied.

(2) Application. Should the applicant for any preliminary or final subdivision application fail to resubmit corrected plans or application materials from any City review of the application within 180 calendar days from the return of that City review, the application shall be deemed abandoned and lapsed for lack of diligence. Prior to an application being deemed abandoned, the Community Development Department shall provide to the applicant a notice of potential abandonment at least 30 calendar days prior to abandonment. Following abandonment, the City shall determine the expended portion of fees paid through all efforts involved with the application up to and including the process of abandonment. All unexpended application fees will be refunded to the applicant. For the purpose of entitlements by this Chapter, abandoned applications shall be considered as if having never been submitted for review. An abandoned application may be resubmitted as a new application at any time following abandonment, including the payment of new application fees and a complete new package of application materials, and shall be subject to all regulations and requirements applicable on the date of the new application submission.
(Ord. 2021-02, 01-20-2021) (Ord. 2020-05, 04-01-2020) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-15. Phased development.

Each final subdivision within a preliminary subdivision or project area shall be considered a phase of the preliminary subdivision and shall be developed in a logical and orderly manner based on the subdivision's uses, densities, configuration, and utility systems. All phases shall be contiguous, so that all public improvements shall be contiguous and continuous from their point of beginning in the development throughout the balance of the development.
(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-16. Design standards. (Repealed.)
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-17. Streets.

(1) The arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission, as the preliminary subdivision land use authority, upon the positive recommendation of the Directors of the Community Development and Public Works Departments. All streets shall comply with this Section and with the provisions of Title 4 Chapter 8 of the Tooele City Code and the current Tooele City Transportation Master Plan, including the Tooele City Transportation Right-of-Way Master Plan.

(2) An exception to the general rule for road cross sections or right-of-way improvements required by Title 4 Chapter 8 of the Tooele City Code may be granted by the Planning Commission, as the preliminary subdivision land use authority, for major collector or arterial streets adjacent to the proposed subdivision. Streets of lesser classification, and streets interior to a subdivision or between phases of a subdivision, may not be excepted. In no case may the pavement width of an excepted street be less than 30 feet. Exception requests must be submitted in writing to the Directors of the Community Development and Public Works Departments prior to the Planning Commission's review of the preliminary subdivision. The Directors shall provide a written recommendation on the exception request to the Planning Commission for its review with the preliminary subdivision application. The recommendation may be based on a professional traffic study. Any exception shall be based on the following factors:

(a) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic, including crossings of the road or right-of-way;

(b) existing transit, vehicular, bicycle, and pedestrian traffic in the area;

(c) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;

(d) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(e) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;

(f) existing right-of-way improvements in the area;

(g) the degree to which the rights-of-way leading to and from the area requested for exception have been developed and completed;

(h) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;

(i) the degree to which the entirety of the rights-of-way have been dedicated and improved outside of the area requested for an exception;

(j) land uses in the area, including but not limited to schools, recreational opportunities, and public facilities, that may have the potential to affect the existing improvements' ability to accommodate all anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

(k) phasing and a phasing schedule for the proposed subdivision;

(l) any development agreement with terms affecting right-of-way improvements duly executed by the Mayor for the exception-requesting subdivision or other developments in the area; and,

(m) documented history of vehicle-vehicle, vehicle-bicycle, and vehicle-pedestrian conflicts and accidents.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2008-13, 11-05-08) (Am. Ord. 1998-32, 10-07-1998) (Ord. 1998-25, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-17.1. Double-frontage lots – definitions – design – maintenance.

(1) Definitions. For purposes of this Section, the following terms shall be defined as follows.

(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.

(b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.

(c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.

(2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.

(a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.

(i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.

(ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.

(iii) The park strip concrete thickness shall be a minimum of four inches.

(iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.

(b) Park strip trees. Trees shall be planted in the park strip as follows.

(i) Park strip trees shall be chosen from the Tooele City Street Tree Selection Guide.

(ii) Park strip trees shall be spaced not more than 40 feet apart and not less than 30 feet apart, or as called for in the Tooele City Street Tree Selection Guide.

(iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Sections 4-11a-2 and 7-19-26, as amended.

(iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system. Irrigation to park strip trees shall be a drip-style irrigation system.

(c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.

(d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.

(i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.

(ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.

(iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.

(iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.

(v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.

(e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.

(f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.

(g) The final determination of whether an application complies with the design standards of this

Section shall be made by the City Planner. The determination is appealable to the Community Development Director.

(3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Chapter 4-11a, as amended.

(4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained as follows.

(a) Home Owners Association. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.

(b) Covenants, Conditions, and Restrictions. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.

(c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.

(d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

(Ord. 2023-22, 06-07-2023) (Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2008-04, 11-05-2008)

7-19-18. Easements.

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities, except where deemed unnecessary, and shall be at least ten feet wide.

(2) Easements shall be designed to provide continuity from block to block.

(3) Where subdivisions and/or parcels abut a watercourse, drainage way, channel, or stream, storm water easements or drainage rights-of-way shall be provided.

(4) Obtaining new easements or preserving existing easements shall be a requirement of all boundary line adjustments under this Chapter.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-19. Blocks.

Subdividers shall adhere to the provisions of Title 4 Chapter 8 of the Tooele City Code regarding blocks.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20. Lots.

(1) The lot dimensions and layouts shall conform to the requirements of this Title.

(2) Lots abutting a watercourse, drainage way, channel or stream shall have a minimum width or depth, as required, to provide an adequate building site and to afford the minimum usable area required by ordinance for front, side, and rear yards.

(3) All corner lots shall be sufficiently larger than others so as to allow for building set-back lines on both streets as provided in Section 7-6-6 of the Tooele City Code.

(4) All lots shall abut on an adequate public or private access, as approved by the City Engineer, Public Works Director, or Community Development Director.

(5) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation or residential development from highways or primary thoroughfares or to overcome specific disadvantages of topography and orientation.

(6) Side lot lines shall be substantially at right angles or radial to street lines.

(7) See also the lot standards contained in Chapter 7-2 of this Code.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2003-05, 06-04-2003) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-20.1. Flag Lots.

(1) Flag or L-shaped lots (hereinafter "flag lots") may be allowed in certain locations to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other ordinances adopted by the City. The primary purpose of this Chapter is not to make development of property easier. Rather, it is to serve as a

"last resort" for property for which there is no other reasonable way to develop.

(2) Flag Lots. In order to encourage the more efficient use of land, flag lots are allowed subject to the following conditions:

(a) A flag lot shall be comprised of a staff portion contiguous with the flag portion thereof (hereinafter the "staff" and "flag", respectively).

(b) The staff shall intersect with and be contiguous to a dedicated public street. The minimum paved width of the staff portion of flag lots shall be 20 feet where the maximum staff length is less than 150 feet, and 26 feet where the staff length is greater than 150 feet but less than 220 feet maximum, unless otherwise approved by the Planning Commission and fire department upon a showing of unusual circumstances.

(c) The staff shall be improved with concrete or asphalt surface capable of supporting the weight of the City's fire fighting apparatus.

(d) No structures, trees, parked vehicles or stored materials shall be allowed within the Fire Access Restricted Area, and the staff shall be marked with "No Parking" signs.

(e) The front side of the flag shall be deemed to be that side nearest to the dedicated public street upon which the staff portion intersects.

(f) The staff shall be deemed to end and the flag shall be deemed to commence at the extension of the front lot line across the staff.

(g) The flag square footage shall be the same or greater than the minimum square footage as required in the underlying zone, exclusive of the staff.

(h) The minimum front setback for all building shall be 30 feet, excluding the staff, from the front lot line of the flag. All other setbacks shall be those of the underlying zone.

(i) The building setbacks shall provide 20-foot minimum vehicle parking in front of the garage, exclusive of the Fire Access Restricted Area.

(j) No more than two flag lots may be served by one staff.

(k) Except in In-Fill Geographic Areas A and B, no more than two flag lots may be contiguous to each other where the common or separate staffs connect to the same public street.

(l) No staff may be contiguous to another staff.

(m) Figures 1 and 2 are examples of "flag lot" requirements and are included herein for illustration purposes.

(n) A fire hydrant shall be installed at the public ROW portion of the staff, unless otherwise approved by the Fire Department.

(o) A turn-around must be provided at the flag portion of the lot where the staff length exceeds 150 feet. Hammerheads are acceptable with a minimum width of 20 feet, without parking within 60 feet of the staff. The turning radius on any hammerhead shall not be less than 28 feet. Figure 3 is included to illustrate the hammerhead requirements.

(p) A maximum slope of 10% shall be allowed within the staff portion of the flag lot and 4% within the turn-around portion of the Fire Access Restricted Area.

(q) All provisions of the currently applicable fire code shall be met, particularly those regarding the distance a primary structure can be located from a fire hydrant, and fire apparatus access ways and turnarounds. (Ord. 2015-07, 03-18-2015) (Ord. 2009-07, 04-01-2009)

FIGURE 1
(Staff Length < 150')

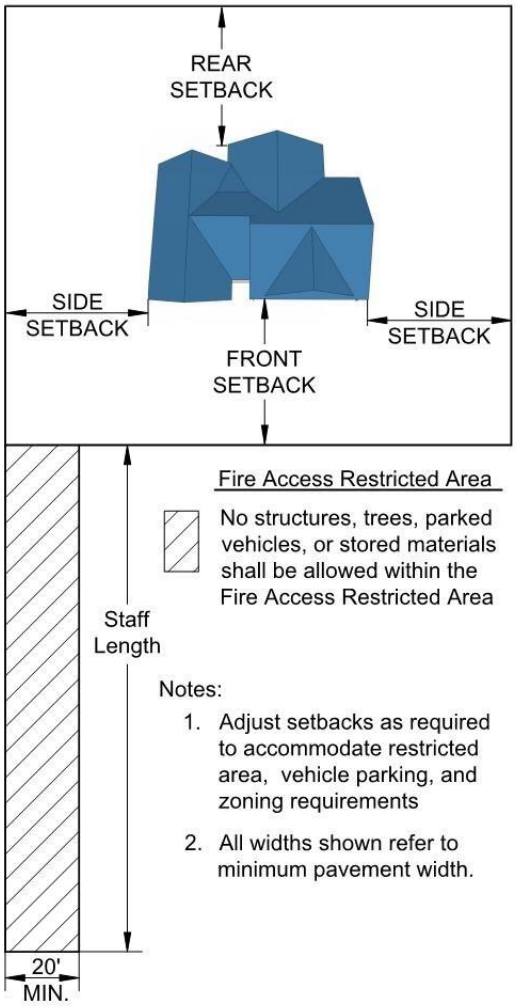


FIGURE 2
(150' < Staff Length < 220' max.)

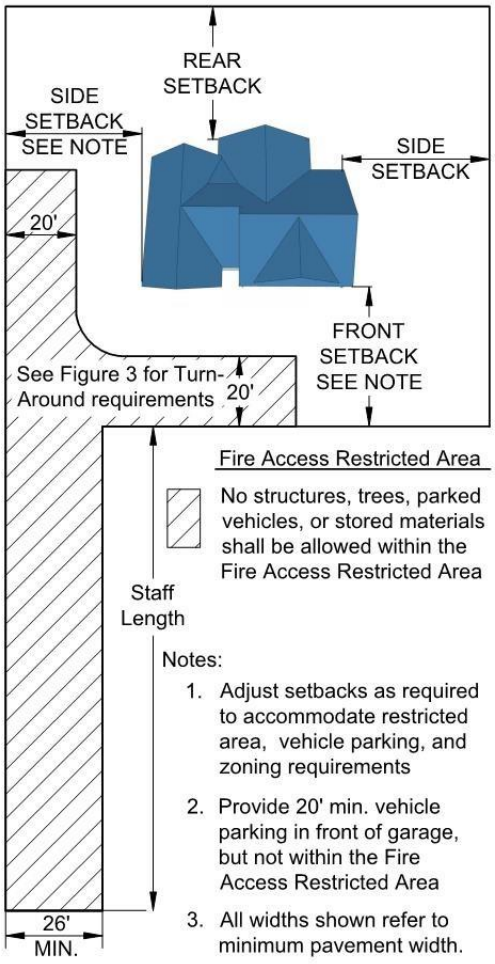
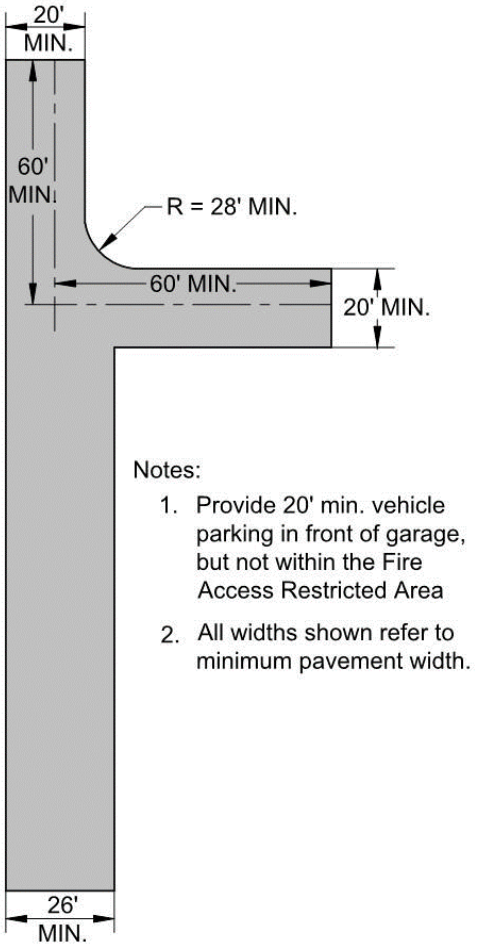


FIGURE 3
Flag Lot Turn-Around Dimensions



7-19-21. Required land improvements. (Repealed.)
(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1998-33-B, 10-07-1998) (Ord. 1977-18, 10-19-1977)

7-19-22. Street signs. (Repealed.)
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-23. Monuments and markers.

Monuments shall be placed at all corners and angle points of the outside boundary but not farther than one-quarter mile apart. The monuments shall be of concrete, not copper dowel, three inches long cast in place. Iron pipe or steel bars not less than one-half inch in diameter and 24 inches long shall be set at the intersection of street center lines and at all corners of lots not marked by monuments. The monuments and markers shall be set level with the finished grade.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-24. Public utilities.

(1) All subdividers shall provide detailed utility plans showing all existing and proposed utilities within and serving the subdivision.

(2) All utility facilities for telephone, electricity, cable television, natural gas service, street lights, and other utilities shall be placed entirely underground throughout areas of existing, proposed, or anticipated subdivision.

(3) All transformer boxes and pumping facilities shall be located so as to minimize harm to the public.

(4) Utility lines shall be parallel to and not less than 12 inches from the property lines.

(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-25. Sidewalks required - Specifications. (Repealed.)
(Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-26. Park Strip Landscaping in Commercial and Industrial 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 Department. 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.
(Ord. 2023-22, 06-07-2023) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-10) (Ord. 2005-03, 02-02-05) (Ord. 2000-10, 06-21-2000) (Ord. 1998-26, 08-05-1998) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-27. Sanitary sewers.

Sanitary sewers and service laterals shall be installed to serve all properties and lots in the subdivision, including properties reserved for public use or purchase. The provisions of Title 8 of the Tooele City Code, shall apply to the installation design and construction of all sanitary sewers and service laterals in subdivisions.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-18, 10-19-1977)

7-19-28. Engineering specifications.

The owner or subdivider shall install sanitary sewers, water supply system, right-of-way improvements, crosswalks, public utilities, and street lighting in accordance with applicable ordinances, standards, and specifications for construction in the City.
(Ord. 2015-07, 03-18-2015) (Ord. 1977-18, 10-19-1977)

7-19-29. Water service.

(1) The provisions of Title 9 Chapter 4 of the Tooele City Code, shall apply regarding all pipes, service laterals and appurtenances provided in a subdivision.

(2) All lots and properties including property reserved for public use or purchase shall be supplied with water service sufficient to meet the future anticipated uses of said property.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-01-1988) (Ord. 1977-18, 10-19-1977)

7-19-30. Trench backfill.

All trench work shall conform to the provisions of Title 4 Chapter 9 of the Tooele City Code.
(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-19, 10-19-1977)

7-19-31. Filing of engineering plans.

One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final subdivision. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-32. Acceptance of public improvements.

(1) Public improvements shall be deemed completed and accepted only upon the occurrence of all of the following:

(a) the completion of the construction of all required public improvements, in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications ;

(b) the submission to the City Engineer or Public Works Director by the design engineer engaged by the subdivider, builder, or land developer of three certified sets of as-built plans, as well as an AutoCAD copy of such as-built plans associated with the land use application;

(c) a start-of-warranty inspection by a City inspector indicating that the public improvements have been satisfactorily completed in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications; and,

(d) a fully signed Certificate of Completion and Acceptance referencing the completed public improvements.

(2) Completed and accepted public improvements shall not be deemed dedicated or conveyed to the City prior to recordation of the approved final subdivision plat mylar in the office of the Tooele County Recorder.

(Ord. 2021-11, 05-05-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-33. Building permits.

(1) Except as required by Utah statute, no building permit shall be approved for the construction of any residential building, structure, or improvement to land or to any lot within a residential subdivision as defined herein, which has been approved for platting, until all requirements of this Chapter have been complied with.

(2) The Building Official may approve building permits for noncombustible residential construction when a justification is entered into the City address file. Permits may be issued after the finished street, curb and gutter, and all public improvements and utilities under the street are constructed and have been approved by a qualified City inspector.

(3) A building permit may be issued for noncombustible commercial construction prior to all requirements of this Chapter being completed after all of the following conditions are met:

(a) all public utilities required to be within the road right-of-way have been completed, compacted, tested, inspected, and certified;

(b) the complete width and depth of required road base has been installed, compacted, tested, inspected, and certified to grade, with all test results turned into the Public Works Department;

(c) the developer shall make available tire cleaning areas where the road is accessed; and,

(d) a road width of not less than 28 feet shall be maintained throughout the project until the finished road surface is in place.

(4) Prior to the finished surface being added to the road, a certified geotechnical report shall be obtained from a qualified engineer and turned in to the Public Works Department. The report shall stipulate that the minimum road base is in place, is compacted, is free of contamination, and will support the load for which it was designed.

(5) Notwithstanding Chapter 7-22, herein, under no circumstances will any Certificate of Occupancy be issued for any building, structure, or improvement until all requirements of this Chapter have been complied with, including expressly the requirement to complete all public improvements.

(6) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed an indication that the public improvements within the subdivision are completed or accepted by the City.

(Ord. 2021-11, 05-05-2021) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-17, 06-15-2005) (Ord. 1977-18, 10-19-1977)

7-19-34. Final plat execution, delivery, and recordation. (Repealed)

(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-35. Minor Residential Subdivision.

(1) A minor residential subdivision may combine the preliminary subdivision and final subdivision requirements for approval of the subdivision into a single application and review process. A subdivision is considered a minor residential subdivision and exempt from a separate preliminary subdivision review process if:

(a) it contains no more than six residential lots;

(b) it does not contain a public right-of-way dedication ; and,

(c) it does not involve off-site water or sewer utilities.

(2) Information normally required as part of the preliminary and final subdivision applications may be required by the Community Development Department as part of a minor subdivision application.

(3) Land use authority. The land use authority for a minor subdivision shall be the same as for a final subdivision.

(4) Appeal authority. The appeal authority for appeals from land use authority decisions on minor

subdivisions shall be the same as for a final subdivision.
(Ord. 2020-05, 04-01-2020) (Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

7-19-36. Effect of revocation and voiding.

Any preliminary or final subdivision approval revoked or rendered void pursuant to the provisions of this Chapter shall cause any new application of approval to be subject to the laws, ordinance, fees, and policies of Tooele City current as of the date of the completed new application.
(Ord. 2015-07, 03-18-2015) (Ord. 2004-02, 01-07-2004)

STAFF REPORT
November 29, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: **Tooele City Multi-Family Residential Design Guidelines – 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 7-11a-18 regarding exterior building materials, Tooele City Code 7-11a-12 regarding tree and shrub requirements and Tooele City Code 7-11a-25 Deviation of Design Standards.

BACKGROUND

This application is a request for approval of City Code text amendments in Tooele City Code 7-11a-18 regarding exterior building materials, Tooele City Code 7-11a-12 regarding tree and shrub requirements and Tooele City Code 7-11a-25 Deviation of Design Standards.

ANALYSIS

Purpose. It is always healthy for a City to evaluate codes and standards to ensure that those standards and requirements reflect the current market, architectural trends and maintain community aesthetics. These proposed amendments look at the types and amounts of building exterior materials, the number and location of trees and shrubs and evaluates the necessity of permitting deviations from established design standards and criteria.

Ordinances Affected. The following ordinance contains specific design standards for all multi-family residential development including townhomes, apartments and condominiums and will be affected by these changes if they are adopted:

1. Title 7; Uniform Zoning Title of Tooele City, Chapter 11a, Design Standards – Multi-Family Residential.

Chapter 7-11a – 18 Design Standards: Building Materials. Recently, Tooele City has been challenged by various developers and realtors suggesting that Tooele City's current requirements for exterior building materials, particularly the requirement for brick and stone, are causing multi-family residential units to be unaffordable and creating unfair competition between various projects. One such developer submitted a design deviation request to eliminate or reduce the requirement for brick or stone claiming that such a reduction would reduce the cost of the units and make them easier to sell. That request was ultimately denied by the City Council, however, at that time the City Council directed staff to look at the exterior design standards and bring back a possible alternative to the current requirement.

During the process of evaluating the City's requirements staff determined that brick or stone are more expensive than vinyl siding, fiber cement siding and aluminum siding but brick and stone last far longer and do not require as much maintenance. Reductions in the amount of exterior brick or stone do reduce the cost in terms of materials and labor but do not reduce the prices of any amount significant enough to render a townhome

affordable to the average Utah household income.

However, Tooele City does desire to help facilitate affordable housing and still maintain architectural integrity and aesthetics for not only those living in a particular development but also those who pass through and see the multi-family residential structures.

The proposed changes are as follows:

1. Reduce the required amounts of brick or stone to 40% of the front and public street facing facades.
2. Increase and expand the list of permissible exterior materials to include materials such as metal panels, tile, terra cotta and composite materials along with a few others.
3. Require at least two of these materials for exterior wall spaces not requiring brick or stone.
4. Limit the use of one material other than brick or stone to 70% of the total wall façade thus requiring at least 30% to be an alternative material. On the front and street facing facades this would require at least 3 materials. Brick or stone and two other elements from the list of materials included in the ordinance.
5. A requirement that townhomes shall divide the 40% brick or stone requirement among the individual town home units. The code does not require a minimum division amount, only that each unit include some brick or stone. This is done intentionally to permit an architect some design flexibility by including more brick and stone on one unit and less on another but still require brick or stone on each unit.

Chapter 7-11a – 12 Design Standards: Landscaping. This proposed amendment affects section 6 and is directly related to the quantity and location of trees and shrubs, how those quantities are determined and where trees and shrubs should be placed in relation to street frontages, common areas and building foundations. The purpose for this change comes down to one thing and one thing only. Simplicity. The current code is cumbersome and difficult for both staff and developers to interpret correctly. The ambiguity of the code has resulted in frequent disagreements between staff and developers as to whether the code is being interpreted correctly. City staff believes that codes and standards should be clear, concise and easily interpreted. Our current requirement for trees and shrubs is not clear, concise and is not easily interpreted.

Currently, tree requirements are based upon the number of building sections and building sections are determined by the amount of units behind a façade with or without an entrance, windows, etc. The number of trees are then calculated based upon the number of building sections and what that building section is adjacent to such as a public street, private street, another building, common open space, landscaping areas or areas not part of the project. The ordinance also does not consider a town home project where in many instances the entire frontage of a town home project is driveway and driveway approaches thus eliminating the location where trees can be placed.

Staff is confident the following changes will result in development plans that are easier to design and easier to review by staff and easier compliance with the City code.

The proposed changes are as follows:

1. Number of trees is calculated based upon acreage alone. 20 trees per acre. If a development involves 1 acre the requirement is 20 trees.
2. 40% of the trees will be planted within 100 feet of a public street. Park strip trees shall be included in this tree requirement.
3. 40% of required trees shall be adjacent to recreational areas within a project such as play areas, sports fields, social gathering areas and so forth.
4. A 60/40 ratio of deciduous verses coniferous trees shall be provided. Coniferous evergreen trees provide visual aesthetics during winter months when deciduous trees lose their leaves.
5. Requires that parking lot trees conform to the Tooele City parking lot landscaping requirements found in TCC 7-4-9, requires that all trees be irrigated with a drip system and requires that trees be of a variety that will thrive in Tooele's climate and soil conditions.

6. Number of shrubs is calculated based upon acreage alone. 50 shrubs per acre. If a development involves 1 acre the requirement is 50 shrubs.
7. A 50/50 mix of deciduous verses coniferous shrubs
8. Buildings shall include a minimum of 5 feet of shrub planting beds around the foundations of the buildings and all shrub beds shall be irrigated by a drip or bubbler system.

Chapter 7-11a-25 Deviation From Design Standards. Staff is not entirely sure why this section is included within the City code. If the City has established design standards it is to be deduced that the desire behind these standards is to ensure all new developments comply with those standards in order to ensure architectural integrity and aesthetics in all developments. So why have a section of the code that would permit a deviation from those standards?

The code itself is also very ambiguous and confusing in that it places the onus on the applicant to verify that all of the deviation requirements are satisfied and that they qualify for the deviation from the design standards. Recently, Tooele City processed one of these requests and the process did not go well. The applicant made no effort to present the criteria, how they meet the criteria or how they qualified. The code itself is problematic and is just not necessary.

The proposed changes are as follows:

1. Strike the entirety of this section from the ordinance.

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 Amendments request and has issued the following comment:

1. Staff's positions on the code amendments are included in the sections listed above. Staff is confident that the ordinance amendments are in the best interest of Tooele City in that it simplifies the code, eliminates considerable ambiguities, ensures better compliance due to simplicity of interpretation and upholds the City's desire to maintain architectural and design integrity with multi-family residential developments.

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 Planning Commission and City Council should carefully weigh the proposed amendment to the City Code, consider the comments and input received from the public hearings to render a decision in the best interest of the community.

Noticing. The applicant has expressed their desire to amend the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined 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 Tooele City Multi-Family Residential Design Guidelines text amendment requests by Tooele City for the purpose of revising the City Codes regarding exterior material requirements, landscaping requirements for multi-family residential developments and eliminating the deviation from design standards from the ordinance, 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 Tooele City Multi-Family Residential Design Guidelines text amendment requests by Tooele City for the purpose of revising the City Codes regarding exterior material requirements, landscaping requirements for multi-family residential developments and eliminating the deviation from design standards from the ordinance, based on the following findings:"

1. List findings …

EXHIBIT A

MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES CODE TEXT AMENDMENT

7-11a-18 Design Standards: Building Materials

1. ~~Exterior Finishes~~ Front and Public Street Facing Facades. Exterior building materials shall be natural or cultured brick or stone over at least ~~50~~40% percent of the ~~entire building~~ front facade (not including windows and doors)~~,~~. ~~the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 60% of the front building facade shall be natural or cultured brick or stone.~~ All building facades that face a public right-of-way or exterior street shall utilize at least ~~4~~ 40% natural or cultured brick or stone.
2. All remaining space on front and street facing facades, as well as facades not facing a public street shall comply with the following:
    a. Shall utilize at least two of the following exterior building materials. Stucco, clapboard, board and batten, wood, masonry block, vinyl, metal panels, tile, aluminum, shake, terra cotta and/or composite materials.
    b. Not more than 70% of the exterior building façade not requiring brick or stone shall be covered by one of the exterior materials listed above.
3. Townhomes: Each townhouse façade shall include a portion of the required 40% brick or stone.

(2) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

Ordinance Without Edits

7-11a-18 Design Standards: Building Materials

1. Front and Public Street Facing Facades. Exterior building materials shall be natural or cultured brick or stone over at least 40% percent of the front facade (not including windows and doors). All building facades that face a public right-of-way or exterior street shall utilize at least 40% natural or cultured brick or stone.
2. All remaining space on front and street facing facades, as well as facades not facing a public street shall comply with the following:
    a. Shall utilize at least two of the following exterior building materials. Stucco, clapboard, board and batten, wood, masonry block, vinyl, metal panels, tile, aluminum, shake, terra cotta and/or composite materials.
    b. Not more than 70% of the exterior building façade not requiring brick or stone shall be covered by one of the exterior materials listed above.
3. Townhomes: Each townhouse façade shall include a portion of the required 40% brick or stone.

(2) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

7-11a-12 Design Standards: Landscaping

(6) Quantity. The plantings throughout multi-family Projects are intended to enhance and beautify community appearance and to protect welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful effects associated with some uses. ~~For the purpose of this Section, a building section shall mean the area between building entrances, the area between a building entrance and the edge of the facade, or the number of horizontal units behind the facade where there are no building entrances.~~ The following shall be required for areas of the Project:

~~(a) In on-site areas between each building and streets outside of the Project, per building section, exclusive of right-of-way and parkstrip requirements:~~

~~(i) along arterial class roads:~~

~~A. at least two shade trees and one ornamental tree utilizing drip-style irrigation systems; and,~~

~~B. at least 150 square feet of planting beds containing flowers and shrubs utilizing drip-style irrigation systems and non-turf ground cover;~~

~~(ii) along major collector class roads:~~

~~A. at least two shade trees and one ornamental tree utilizing drip-style irrigation systems; and,~~

~~B. at least 100 square feet of planting beds containing flowers and shrubs utilizing drip-style irrigation systems and non-turf ground cover;~~

~~(iii) along minor collector class roads:~~

~~A. at least two shade trees utilizing drip-style irrigation systems; and,~~

~~B. at least 100 square feet of planting beds containing flowers and shrubs utilizing drip-style irrigation systems and non-turf ground cover;~~

~~(iv) along local class roads:~~

~~A. at least two shade trees utilizing drip-style irrigation systems; and,~~

~~B. at least 75 square feet of planting beds containing flowers and shrubs utilizing drip-style irrigation systems and non-turf ground cover;~~

~~(b) In areas fronting upon a road which fall between buildings, there shall be at least one tree utilizing drip-style irrigation systems for every 40 feet of frontage for that area;~~

~~(c) In areas around buildings that border on Common Areas:~~

~~(i) along a side facade of each building shall have at least one shade tree utilizing drip-style irrigation systems; and,~~

~~(ii) along a rear facade of each building shall have at least two shade trees utilizing drip-style irrigation systems; and,~~

~~(d) In areas between buildings and parking areas or internal access roads:~~

~~(i) along a side facade of each building shall have at least one shade tree utilizing drip-style irrigation systems; and,~~

~~(ii) along a front or rear facade of each building shall have at least two shade trees and planting beds containing flowers and shrubs utilizing drip-style irrigation systems and non-turf ground cover that outline the entrance to the building; and,~~

~~(e) In areas between buildings and Project boundaries not abutting a street, the requirements shall be the same as those for areas between buildings and a minor collector class street.~~

~~(f) Common Areas not immediately adjacent to a building shall have shade trees and planting beds containing flowers and shrubs utilizing drip-style irrigation systems and non-turf ground cover to complement usable open amenity areas for residents identified in Section 7-11a-22 of this Title. The number of trees to be provided shall not be less than the number of ground floor dwelling units in the Project and shall be generally distributed throughout the Project but may be clustered in Common Areas to provide open activity areas as identified in Section 7-11a-22 of this Title.~~

A. Trees. In areas excluding right-of-way and park strip requirements the developer shall install at least 20 trees per acre of development.
   I. Trees shall include a 60/40 ratio of deciduous and coniferous varieties.
   II. 40% of required trees shall be located within 100 feet of any public right-of-way or exterior street and shall include park strip trees.
   III. 40% of required trees shall be located in or adjacent to common areas with a dedicated recreational purpose.
   IV. Parking lot trees shall be planted in accordance with the parking lot landscaping requirements as found in TCC 7-4-9, Parking Lots, Section 3, Landscaping.
   V. All trees shall be irrigated utilizing a bubbler or drip irrigation system.
   VI. Tree varieties shall be of a type or species that is a known performer and will thrive in Tooele's climate and soil conditions.
B. Shrubs. The developer shall install around the foundations of each building a planter bed at least five (5) feet in depth and shall include the following:
   I. At least a 50/50 ratio of deciduous and coniferous varieties of shrubs.
   II. At least 50 shrubs per acre of development.

III. All shrubs shall be irrigated utilizing a bubbler or drip irrigation system.

~~(g) For the purpose of compliance with this Section, townhouse Projects or portions of Projects containing townhomes, may reduce the required landscaping from Subsection (6)(a) herein, along the front and rear facade to not less than one tree and 50% of the required planting bed area but shall include the remainder of this requirement in Common Areas of the Project.~~

Ordinance without Edits

7-11a-12 Design Standards: Landscaping

(6) Quantity. The plantings throughout multi-family Projects are intended to enhance and beautify community appearance and to protect welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful effects associated with some uses. The following shall be required for areas of the Project:

A. Trees. In areas excluding right-of-way and park strip requirements the developer shall install at least 20 trees per acre of development.
   I. Trees shall include a 60/40 ratio of deciduous and coniferous varieties.
   II. 40% of required trees shall be located within 100 feet of any public right-of-way or exterior street and shall include park strip trees.
   III. 40% of required trees shall be located in or adjacent to common areas with a dedicated recreational purpose.
   IV. Parking lot trees shall be planted in accordance with the parking lot landscaping requirements as found in TCC 7-4-9, Parking Lots, Section 3, Landscaping.
   V. All trees shall be irrigated utilizing a bubbler or drip irrigation system.
   VI. Tree varieties shall be of a type or species that is a known performer and will thrive in Tooele's climate and soil conditions.
B. Shrubs. The developer shall install around the foundations of each building a planter bed at least five (5) feet in depth and shall include the following:
   I. At least a 50/50 ratio of deciduous and coniferous varieties of shrubs.
   II. At least 50 shrubs per acre of development.
   III. All shrubs shall be irrigated utilizing a bubbler or drip irrigation system.

~~**7-11a-25 Deviation From Design Standards**~~

~~(1) Purpose. In the event an applicant requests a deviation from the development standards of this Chapter and has submitted a project that contains features or design above and beyond those required, the City Council shall have the discretion, but be under no obligation, to approve a deviation following a recommendation from the Planning Commission to some or all of the~~

~~design standards as long as:~~

~~(a) such deviation is consistent with the purpose and intent of the policies and development standards described in this chapter; and~~

~~(b) all required findings of this Section are satisfied.~~

~~(2) Scope. Deviations from the design standards of this Chapter, as outlined in this Section, shall apply only to standards identified in this Chapter. Deviations may be requested for applications for development projects to be applicable on a project-wide basis. Deviations from design standards shall not be permitted on unit-by-unit, lot-by-lot, building-by-building, or similar basis unless such deviation is approved with the specific finding of creating variety prior to approval of the project to which it would apply. Requests for deviations shall not be permitted to the standards of density or the method of calculation of density.~~

~~(3) Deviation Criteria. Requests for a deviation shall be examined against at least three of the following criteria when considered for approval of a deviation to the design standards of this Chapter:~~

~~(a) the deviation being requested serves to further the purposes and intents of this chapter, as identified in Section 7-11a-2, beyond what could be achieved without the deviation;~~

~~(b) the project contains amenities such as pedestrian and bicycle connectivity in excess of what is required in the General Plan and this Title;~~

~~(c) the overall percentage of dedicated public or private landscape, open space area, and amenities exceeds the required amount by at least 10%;~~

~~(d) the deviation being requested serves the specific purpose of addressing and minimizing or eliminating impacts, potential impacts, or nuisances on surrounding neighborhoods, including but not limited to traffic and viewscapes, are minimized through creative design;~~

~~(e) accumulation or clustering of building materials on the most publicly visible sides of structures where:~~

~~(i) the overall utilization of building materials exceeds that of the base standard being deviated from;~~

~~(ii) the amount of materials used for street facing facades is at least 10% greater than the minimum required by this Chapter; and~~

~~(iii) the design of the structure meets or exceeds the intent and purpose of the standard being deviated from; and~~

~~(f) the deviation request serves to increase the functionality of the features within the project;~~

~~(g) the deviation requested will not result in an increase in the number of dwelling units within the project;~~

~~(h) the building design is a specific architectural style which utilizes facade materials differently than prescribed in this Chapter, is designed by a licensed architect, but still meets the intent of the requirement being deviated; and~~

~~(i) the deviation requested serves to preserve, protect, and enhance an environmentally sensitive feature which is included into the design of the project.~~

~~(4) Request Responsibility. It shall be the responsibility of the applicant to demonstrate to the satisfaction of the City Council the benefit of deviating from the standards of this Chapter by:~~

~~(a) providing a written request for a design review for the project application in which the deviation would be applied;~~

~~(b) providing a written description and analysis of the specific development standards to be deviated from prepared by a licensed professional, such as an architect, engineer, or landscape architect; and,~~

~~(c) providing a written justification that addresses each of the required findings listed in Subsection 5 of this Section.~~

~~(5) Findings Required. The City Council may approve deviations from the development standards listed in this Chapter only if it finds:~~

~~(a) that the requested deviations are based upon a finding of facts in the record, from specific criteria identified in Subsection 3 of this Section;~~

~~(b) that the deviation is in the benefit of the health, safety, and welfare of the residents of and visitors to the project;~~

~~(c) that the deviation is in the benefit of the public health, safety, and welfare and the community as a whole;~~

~~(d) that the deviation from any one design criteria approved will not create the potential for an increased impact or nuisance from any other design criterion, either within the same project or upon neighboring properties; and~~

~~(e) that the deviations approved are anticipated to produce a development that exhibits features and design that match or exceed that intended and anticipated in the standards being deviated from.~~

STAFF REPORT
November 29, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: **Tooele City Annexation Policy Plan – General Plan Amendment Request**
Applicant: Tooele City
Request: Request for approval of an amendment to the Tooele City Annexation Policy Plan, an element of the Tooele City General Plan.

BACKGROUND

From time to time it is healthy for a City to re-evaluate its General Plan, especially as conditions within and surrounding a City evolve and change as the months pass. Conditions surrounding the City and inside of the City have changed since the official adoption of the current Annexation Policy Plan. Tooele City staff and administration are proposing some changes to the Annexation Policy Plan that reflect conditions surrounding the city as well as inside of the City.

ANALYSIS

Purpose. The Annexation Policy Plan is an element of Tooele City's General Plan and is required by State Law. The purpose of an Annexation Policy Plan is to identify areas outside of, but adjacent to the City's incorporated boundaries, that may be considered for annexation. Often, potential developers or land owners of property identified in the Annexation Policy Plan incorrectly assume that if their property is identified in the plan that it is automatically a candidate for annexation. That is not correct. The Annexation Policy Plan does not obligate the City Council to approve any request for annexation nor does it obligate Tooele City to provide service utilities to those properties. The only purpose behind the Annexation Policy Plan is to consider annexation of a particular piece of property. Nothing more.

Conditions Outside and Inside of Tooele City. Since the General Plan was formally adopted in December of 2019 and then re-adopted again in 2020 the following conditions have changed or evolved:

1. Grantsville City has annexed all of the properties to the north west of Tooele City up to Tooele City's boundaries. Those properties are no longer a candidate for annexation. The current Annexation Policy Plan map does not show those properties as the adoption in 2020 corrected the map at that time.
2. Erda Township incorporated into a City and thus taking jurisdictional authority of most of the unincorporated properties to the north and north east of Tooele City. These properties are no longer candidates for annexation.
3. Water has become an extremely difficult issue. Water rights are scarce and difficult to obtain and the available water that is out there is extremely expensive. Tooele City has thousands of undeveloped acres within its incorporated boundaries that the City is obligated to provide water for if the developer produces the water rights. When the City has obligations to property already within its boundaries should it be considering new obligations to properties currently located outside of its incorporated boundaries?

These issues were not existent or not as prevalent during 2018 – 2019 when the original Annexation Policy Plan

was formed, reviewed and adopted. Yes, water was an issue at that time but not as significant as an issue as it is today. For these reasons we are proposing amending the Annexation Policy plan by eliminating all but one of the identified annexation areas from the policy plan to accurately reflect current conditions. The following properties are recommended for removal from the Annexation Policy Plan:

Annexation Area A. This 155 acre parcel is privately owned and is sandwiched between Tooele City and Grantsville City. The City has no utilities in this area that a potential developer could tie into without great cost to extend existing utilities to the property. Grantsville City is a much better position to provide sewer and water utilities given the lay of the land than Tooele City. The property owner has also indicated that they have no intention of annexing the property into Tooele City.

Annexation Area B. This 580 acre parcel is now included within the boundaries of Erda City and is no longer a candidate for annexation as it falls under the jurisdictional authority of Erda City.

Annexation Area C. This 230 acre parcel is now included within the boundaries of Erda City and is no longer a candidate for annexation as it falls under the jurisdictional authority of Erda City.

Annexation Area D. This area containing 1530 acres is divided between two jurisdictional authorities. The northern half is located within the Pine Canyon Township which, although still unincorporated, has its own zoning authority, Planning Commission and so forth. The southern portions of the property are under County authority. The City currently does not have the necessary water resources to accommodate annexation of these properties.

Annexation Area E. This area containing 1250 acres is located south of the City and is divided by SR-36. The western half is the area south of the County Jail and north of the gravel extraction areas. The eastern half is the foot hills of the Oquirrh Mountains and extends into areas that are undevelopable due to slope and other difficult geologic conditions. Currently the City has one water line that extends to the jail, the sole reason the City's boundaries extend that far south. The lack of utilities and non-developable areas warrant removal of this area from the annexation policy plan.

Annexation Area F. The northern half of this annexation area is located within the boundaries of the Tooele Army Depot. Staff is recommending the northern half of this area be removed from the annexation policy plan because the property is under Federal control, being in the army depot, and thus is not a likely candidate for annexation as it is rare the Federal Government relinquishes control of property.

Annexation Area G. The 1540 acres of property located here extend south from the County jail all the way to the Bauer area. The reasons for this being included in the Annexation Policy Plan is not familiar to staff. However, if area E is eliminated and is never annexed then Area G is no longer contiguous to the City and therefore not a candidate to be annexed. The other consideration is utilities. There are no utilities located here and if utilities were to be extended it would be at great cost. Tooele City also does not have the water resources to serve any development in this area.

Annexation Area H. This 146 acres of property is located north east of Tooele City in the unincorporated areas of the County sandwiched between Tooele City, Erda City and Pine Canyon Township. The Union Pacific rail corridor divides the property in half. The most significant reason for requesting removal of this area from the Annexation Policy Plan is the lack of sewer and water utilities available. The City needs its water resources for vacant areas currently within the City boundaries and should not be considering utilizing these resources for areas outside of its boundaries.

Annexation Area I. This 240 acres of property is now included within the boundaries of Erda City and is no longer a candidate for annexation as it falls under the jurisdictional authority of Erda City.

Annexation Area J. This 752 acres of property is now included within the boundaries of Erda City and is no

longer a candidate for annexation as it falls under the jurisdictional authority of Erda City.

Annexation Area K. This 61 acre parcel is located immediately east and south of Tooele City's incorporated boundaries next to Droubay Road. The property is located within the Pine Canyon Township and is subject to their zoning and land use authority. The main consideration for annexing this property is water resources. With thousands of acres still within the City that are undeveloped should be City be expanding its boundaries and annexing properties that will use up scarce resources that otherwise would be used for areas already within the City? Staff's recommendation for Area K is that it be removed from the Annexation Policy Plan.

Revised Annexation Plan. If these areas are removed from the Annexation Policy Plan the only area remaining in the plan would be the approximately 103 acres of land, the wedge shaped piece of industrial property located between Tooele's Industrial Depot and the Tooele City Business Park area where the Union Pacific rail corridor currently extends south. This area is surrounded by Tooele City and it is therefore logical that the City should consider this area for annexation. This area is largely industrial / commercial and would be a net taxation benefit if it were ever annexed. Currently this property is under the jurisdictional control of Tooele County. Therefore the revised Annexation Policy Plan map looks a little empty, lonely, or scarce. Until the City is able to locate additional water resources Staff and City Administration are recommending the Annexation Policy Plan be amended to include just Area A as shown on the attached revised plan.

Interior Areas Yet to Be Developed. One of the major factors in annexing a property that must be considered is does the annexation bring net benefit to the City. Commercial and industrial areas generate jobs for City residents and generate sales tax revenue the City gets a share of after it is collected by the State. These produce a revenue stream that continues on in perpetuity. Residential areas, however, are a net burden on a City in that the property taxes collected are not sufficient enough to cover the cost of maintaining the infrastructure to these residential areas. When a residential property develops there is a one time payment of building permit and impact fees but after that the City generates very little revenue from residential properties. Staff has worked to form a map that demonstrates how much vacant residential property exists within Tooele City that is undeveloped, or that is a potential candidate for development. This means that these properties can be developed residentially and if the developer provides the water rights the City is obligated to provide the water.

Marisa Snyder in the Public Works Department, using her GIS skills, has put together a very helpful map that shows the amount of residential land within Tooele City's boundaries that the City would be obligated to provide water for if the developer provides the necessary water rights. There are currently 3077 confirmed acres of undeveloped residentially zoned ground within the City. There are also 465 confirmed acres of under developed residential ground within Tooele City. Underdeveloped ground is land that may have a home on it but the property is deep and contains multiple acres of undeveloped ground. It may not be developed today, or tomorrow or in 20 years but is always a candidate for development if a developer has the money, water rights and resources to develop. That results in a confirmed total of 3,542 acres of land within the City boundaries that would qualify for residential development. Staff should also emphasize that this number is in fact greater as, due to time constraints, not all of the underdeveloped residential properties have been identified.

This map also only identifies residential properties within the City and does not consider the water use required by commercial and industrial properties. There are still hundreds, if not thousands of acres of industrial and commercial areas yet to be developed.

Tooele City's water situation alone warrants careful consideration regarding annexation. Can the City afford to expand its boundaries to new development when it is apparent it will struggle to satisfy the needs of the areas already located within its boundaries?

Criteria For Approval. The criteria for review and potential approval of a General Plan Amendment request is found in Sections 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

(1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
   (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
   (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
   (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
   (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the proposed amendments to the Annexation Policy Plan and has issued the following comment:

1. Staff's positions on the policy plan amendments are included in the sections listed above. Staff is confident that this General Plan Amendment is in the best interest of Tooele City in that brings the Annexation Policy Plan into conformance with the conditions surrounding the City and the conditions within the City.

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

1. The Planning Commission and City Council should carefully weigh the proposed amendment to the General Plan, consider the comments and input received from the public hearings to render a decision in the best interest of the community.

Noticing. The applicant has expressed their desire to amend the General Plan and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a General Plan 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 Tooele City Annexation Policy Plan Amendment, thus amending the Tooele City General Plan as shown on the revised Annexation Policy Plan map, 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 Tooele City Annexation Policy Plan Amendment, thus amending the Tooele City General Plan as shown on the revised Annexation Policy Plan map, based on the following findings:"

1. List findings …

EXHIBIT A

MAPPING PERTAINING TO THE AMENDMENTS TO THE ANNEXATION POLICY PLAN

Annexation Policy Plan Element

Introduction

The growth of a community can happen in two basic forms; internal and external. Internal growth is the development policies, patterns and strategies for properties already within the incorporated area of a city. External growth is the policies and strategies for expanding the incorporated boundaries of a city. External growth can be a troubling and dangerous approach to growth or can serve as a natural and healthy approach to managing growth. The Annexation Policy Plan Element is Tooele City's approach, policies and strategies for external growth management. The basic function of the Annexation Policy Plan is to identify those areas around the outside of the community that present the greatest potential for a positive and appropriate development focus. Identifying certain "Expansion Areas," or "Growth Areas," that will best accommodate future growth will allow increased focus on creating or enhancing transportation systems and infrastructure coordinated with development activity that builds upon the character, development and infrastructure within the community. In the Expansion Areas the city can concentrate on improvements that will support the existing variety of uses of the community, such as residential, office, commercial, tourism, recreation, and industrial uses. Growth into Expansion Areas is intended to occur in a manner that discourages sprawl by focusing new development into targeted areas that are most appropriate for integrating open spaces, natural resources, land uses, and transportation activities into the community. Expansion Areas are not urban growth boundaries. Expansion growth boundaries are typically specific geographic boundaries within an area that set down outer limits for new development or infrastructure. Expansion Areas are not prohibitive to new development, but target it to identified areas most viable for inclusion and integration into Tooele City.

In September 2010, Tooele City concluded the process of working with the firm of Lewis, Young, Robertson, and Burningham, Inc. (LYRB) to develop the first comprehensive Annexation Policy Plan for the city. Through the unanimous adoption of City Council Ordinance 2010-15 on October 6, 2010, that plan became the official Annexation Policy Plan for Tooele City in accordance with Utah State Law. Annexation policy for Tooele City existed prior to that plan but did not provide the depth and breadth of that plan. The LYRB plan was officially amended through a unanimous City Council vote on Ordinance 2020-25 on June 17, 2020. That amendment served to add three new potential expansion areas to the LYRB plan. The development of this Annexation Policy Plan was built upon the LYRB plan, prior policy, and the adopted June 2020 amendment and serves as an update to them. This Annexation Policy Plan has been prepared such that all current requirements of the law have been addressed regarding the areas under consideration in this amendment.

In the 2001 General Legislative Session, the Utah State Legislature adopted regulation that mandated communities develop and adopt a formal Annexation Policy Plan in order to be able to annex property. That legislation, codified as Section 400 of Title 10, Chapter 2 of the Utah Code Annotated, also establishes subject matter to be included within Annexation Policy Plans and the procedure by which those plans are to be developed and adopted. This Element of the Tooele City General Plan, as adopted according to those regulations, serves as the official Annexation Policy Plan for Tooele City. The argument can be made that the best annexation policy is not to annex in order to control development and contain it to that area already within the community. The argument can conversely be made that a policy of inaction gives away the control and decision making authority entrusted to the community's leadership and gives it to others to dictate how the greater community will develop. For these reasons, the approach for Tooele City is not to take either approach but rather to establish clear and reasonable policies and goals considering petitions for annexation.

Procedure And Involvement

The process and procedure for annexation, as outlined in the Utah State Code, is one that is extensive and lengthy but provides ample opportunity for protest and consideration, including general public scrutiny and input. It is a process that hinges on the Annexation Policy Plan. In similar fashion, the adoption of an Annexation Policy Plan is too and extensive one designed to have a built in element of public review and input. It is a procedure that intricately involves both the Planning Commission and the City Council.

The Duties of the Planning Commission as the Recommending Body

- Prepare a proposed Annexation Policy Plan.
- Provide notice and hold a public meeting to allow Affected Entities, as defined in the Utah State Code, to examine the proposed Annexation Policy Plan and to provide input on it.
- Accept and consider any additional written comments from Affected Entities after the public meeting.
- Make any modifications to the proposed Annexation Policy Plan the Planning Commission considers appropriate, based on input provided at or following the public meeting.
- Provide notice and hold an official public hearing on the proposed Annexation Policy Plan.
- Make any further modifications to the proposed Annexation Policy Plan the Planning Commission considers appropriate, based on input provided at the public hearing.
- Submit its recommended Annexation Policy Plan to the Tooele City Council for their consideration.

The Duties of the City Council as the Legislative and Adopting Body

- Provide notice, including notice to Affected Entities, of a public hearing.
- Hold a public hearing on the Annexation Policy Plan recommended by the Planning Commission.
- After the public hearing, make any modifications to the recommended Annexation Policy Plan that the City Council considers appropriate.
- Adopt the recommended Annexation Policy Plan, with or without modifications.

Responsibilities of Petitioners for Annexation

Although not formally a part of the dictates in the Utah State Code, it is important to recognize the responsibilities of the petitioners for annexation. This is particularly poignant considering that the process for annexation is driven by the petitioner's intent rather than a City initiative in the vast majority of cases and by its very nature originates outside of the City as a request for inclusion into and burden upon the city's resources and infrastructure. As such the emphasis should be placed upon the petitioner to demonstrate the viability and benefit to the community of the annexation request. The petitioner for any annexation should be solely responsible for providing, to the satisfaction of the City, professionally-prepared analyses and studies

that clearly, thoroughly, and specifically identify and outline the viability of the petition and resulting impacts to the community, should the petition be approved, in at least each of the areas:

- Culinary Water: source provision, storage, delivery, and infrastructure
- Sewer & Wastewater: collection, treatment, secondary water, and infrastructure
- Storm Water: collection, disposal, regionalization, and infrastructure
- Transportation: vehicular, non-motorized, active transportation, transit, pedestrian modes, and infrastructure
- Parks, Recreation, & Open Space: services provided, impact on existing facilities and programs, needs for additional and expanded facilities and programs, active recreation, and open space preservation
- Public Safety: services provided, impact on existing facilities, needs for additional and expanded facilities, and impacts on response capabilities to the area(s) proposed for annexation, and infrastructure
- Taxes: implications to the public funds from added areas and land uses proposed in the immediate circumstances as well as over 5- and 10-year horizons

Although the strict consideration of this procedure suggests the Planning Commission and City Council conduct their respective portions of the process in a bubble, it is anticipated and reasonable that both bodies will have review and input throughout the entire process of General Plan development, including the Annexation Policy Plan. It is also anticipated that the meetings outlined in the procedure above will not be the only opportunities for Affected Entities or the general public to review and provide feedback on the Annexation Policy Plan and General Plan as a whole. Although more specific than the adoption procedure for the entire General Plan, the procedure for adoption of the Annexation Policy Plan will be followed and incorporated into the process followed by Tooele City for the adoption of both. Even after adoption of the General Plan, it is appropriate for Affected Entities and members of the general public to review the Plan and provide comment to City staff, Administration, the Planning Commission or the City Council.

Annexation Goals And Considerations

The management of growth and expansion should be in consideration with all types development applications and activities. These considerations should separate areas of the unincorporated county into areas that the City has identified as possible areas of expansion that can reasonably be accommodated with municipal services by Tooele City. These areas should be coordinated with Tooele County and other entities to ensure that growth is consistent with appropriate goals and plans. By discouraging growth in outlying areas and encouraging growth in areas where services are available, or can easily be extended, the City can discourage sprawl development and allow for the efficient cost effective provision of municipal services.

The growth areas of the City should be of sufficient size to accommodate planned residential and non-residential growth consistent with the General Plan, taking into account the following:

1. Land with natural constraints, i.e. sensitive lands, water sheds, water drainage, cliffs, steep slopes, views, vegetation preservation, rock slides, liquefaction, and fault lines, etc.;
2. Agricultural land to be preserved;
3. Greenbelt and open space lands;
4. Transportation corridors and preservation;
5. Existing projects with development potential;
6. Land use patterns already created by existing development;
7. Development buildout potential and timing;

8. Preservation of public infrastructure and water sources;
9. Preservation of viewsheds and scenic vistas where possible; and
10. Needs for preservation of open-space, parks, and wildlife habitats.

The following factors should be considered in determining the precise location of annexation growth area boundaries:

1. Geographic, topographic, and manmade features;
2. The location of public facilities;
3. Availability of needed services, limits of capacities and extension limits;
4. Jurisdictional boundaries of other public entities and improvement districts; and
5. Location of natural resource lands and critical areas.

Planning growth in this way could provide the following advantages to the City:

1. An efficient development pattern;
2. Identification and maintenance of protected agricultural areas;
3. Avoidance of unnecessary and premature consumption of land that cannot be developed or serviced efficiently;
4. A focused plan for preserving existing public facilities, capital investments and extension of public facilities in the future;
5. Development and maintenance of fiscal integrity in City operations by encouraging the full utilization of existing infrastructure;
6. Diversification and strengthening of the tax base of the community;
7. Development of local job opportunities;
8. Protection and preservation of natural and environmental features that are desired by the community; and
9. Facilitation of development by providing sufficient areas to support anticipated populations.

Annexation Policy Plan Information

Tooele City is not required to adopt an Annexation Policy Plan. Without an adopted Annexation Policy Plan the City would be prohibited from considering petitions for annexation. Aside from being good practice, an Annexation Policy Plan is required to review and address specific topics and aspects of property annexation. Based on current Utah State Code requirements, the following aspects and topics are required and included within this Annexation Policy Plan:

- A map of the Expansion Areas which identify those areas considered reasonable for potential annexation and those that are not.
- A statement of the specific criteria that will guide the city's decision whether or not to approve future annexation petitions, addressing matters relevant to those criteria including:
  - The character of the community
  - The need for municipal services in developed and undeveloped unincorporated areas
  - The city's plans for extension of municipal services;
  - How the services will be financed
  - An estimate of the tax consequences to residents both currently within the municipal boundaries and in the Expansion Area
  - The interests of all affected entities

- The justification for excluding from the Expansion Areas any area containing urban development within ½-mile of the city's boundary
- A statement addressing any comments made by Affected Entities at or after the public meeting and public hearings

This plan shall be construed neither as an expression of the City's intention or ability to annex property or extend municipal services and infrastructure to any particular property, nor to do so in any particular time frame or at all. Rather it should only be considered as a statement of policy by which consideration of petitions for annexation will be reviewed and areas where that consideration may be possible. Simply put, should the City choose to annex any land identified in this plan, the City's stated policy is for the land owners and developers to construct and dedicate all land and facilities necessary to extend and provide municipal services, e.g., roads, water, sewer, storm drain, etc., as a condition to annexation.

Expansion Areas Map

Each Annexation Policy Plan is required by state law to include a map of the Expansion Areas which may be considered by the City for possible inclusion into the City at some point. Identification of properties within an Expansion Area does not suggest or entitle any of those properties to annexation into the city just as it doesn't mean that any properties will be annexed at all. Adoption of an Expansion Area Map represents solely the scope of properties that could be considered for potential annexation. The Tooele City Expansion Area Map is included herein as Appendix A to this General Plan Element. Utah State law also states that, if practicable and feasible, annexation boundaries should be aligned with surrounding entities under the following considerations:

- The boundaries of existing local districts and special service districts for sewer, water and other services
- The boundaries of school districts whose boundaries follow city boundaries
- The boundaries of other taxing entities
- To eliminate islands and peninsulas of territory that are not receiving municipal-type services
- To facilitate the consolidation of overlapping functions of local government
- To promote the efficient delivery of services
- To encourage the equitable distribution of community resources and obligations

The City has weighed each of these considerations in determining the proposed Expansion Areas illustrated in the Expansion Area Map. This Tooele City Annexation Policy Plan anticipates the possible annexation of the following area.

Expansion Area A. Expansion Area F is located along to the west side of Tooele City's current municipal boundaries and is comprised of approximately 103 acres of private property. Area F is is a narrow peninsula of incorporated property straddling the railroad corridor that lies between Industrial Depot area and the main geographical body of the city. This portion is outlined entirely by the current incorporated boundary of Tooele City with the exception of a narrow southern boundary formed by the ownership boundary of the Tooele Army Depot. This area has some industrial type uses and overflow from other industrial type uses on it in addition to the Union Pacific railroad corridor cutting down the center. Annexation of this property would round off the privately owned properties in the area all being within incorporated Tooele City and fill in the gap between the Industrial Depot and the main geographic body of the city creating a more cohesive incorporated City boundary.

Annexation Petition Criteria

Utah State Code Section 10-2-401.5(3)(b) specifies that each community's Annexation Policy Plan shall include a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including: 1) the character of the community; 2) the need for municipal services in developed and undeveloped unincorporated areas; 3) the municipality's plans for extension of municipal services; 4) how the services will be financed; 5) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the Expansion Area; and 6) the interests of all affected entities.

Community Character

Tooele City represents the urban hub of Tooele County and serves as the County seat. Historically, the Tooele Valley served as an agricultural community; however, housing affordability and the relative proximity to the Salt Lake Valley have attracted more and more residential growth over the years. This has subsequently led to an increase in commercial opportunity and the need for public services. The Annexation Policy Plan seeks to embrace and balance the agricultural history of Tooele City, where appropriate, while providing areas for continued residential and commercial growth. In addition, Expansion Areas C and D offer unique open space preservation opportunities.

Tooele City must plan carefully for a mix of residential and commercial development that will generate a sustainable and diversified economic base for the community. Because residential development often costs more to service relative to the revenues generated by this development type, it is important to provide for appropriate non-residential development that will generate jobs, increase the property tax base of the area, and generate additional sales tax revenues as well as be consistent with the City's open space preservation priorities. Therefore, the City should consider an appropriate mix of development when considering annexation petitions, taking into consideration the existing and planned land uses already within Tooele City and those that will remain outside of the city that will border an area proposed for annexation.

Need for Municipal Services

The need for services must be outlined on the petition for annexation by the petitioners with a suggestion for how these services are to be provided. For each annexation proposal received, the Planning Commission and City Council must review and consider what services are actually needed, how and when those services are to be provided and financed, and consider the most logical and efficient service provider. The projected uses for each of the Expansion Areas is described below in order to better understand the following discussion of the need for municipal services.

In general, the City should consider, as a minimum, the following factors for all areas of service provision:

1. If the proposed area is in an existing special service district (SSD);
2. Whether or not it would be more logical and efficient for the municipal services to continue to be provided by the SSD;
3. Whether or not municipal services are currently being provided by another jurisdiction;
4. If municipal services are already being provided, whether or not it would be more logical and efficient for the City to contract with that jurisdiction to continue the provision of municipal services;
5. The cost of the capital facilities to be incurred that are associated with the proposed Expansion Area; and
6. Whether or not the capital facilities costs can be entirely offset through developer contributions and impact fees.

Expansion Area A. The Expansion Area is currently master planned by Tooele County for additional industrial activities to match that in the immediate vicinity. Area A is sandwiched between two industrial areas.

Existing Municipal Services. Within this defined Expansion Area there is currently no water or sewer service to these properties. Water and sewer service to surrounding properties within the industrial depot is provided by the City. This area has no roads that go through it or provide direct access but is traversed by the Union Pacific Railroad corridor. Public safety is provided by the Tooele County Sheriff's Office and the North Tooele County Fire Protection Service District. Mosquito abatement services are provided by the Tooele Valley Mosquito Abatement District.

Future Municipal Service Needs. Future infrastructure would need to be constructed by new development. New development would need to connect to the closest existing facilities, which would likely be within the industrial depot. It is anticipated that sewer and water services will be provided by Tooele City following annexation. Future developers would be required to install storm drain facilities. Tooele City would be responsible to maintain and regulate the roads, other than State and County roads. Tooele City's Police and Fire Departments would be responsible to provide emergency services to Expansion Area F if this area is annexed.

Plans for Extension of Municipal Services

Tooele City plans to provide services within its boundaries first and foremost. Tooele City's policy is to consider annexation only in those areas where the City has the potential to efficiently and effectively provide municipal services which may include culinary water, sanitary sewer, road maintenance and regulation, recreation, and public safety services. Petitions for annexation should be required to perform appropriate infrastructure planning and financing to determine the feasibility of and provide for the infrastructure needs within the petitioned area for annexation to ensure adequate services can be provided. As stated earlier in this Element, the Expansion Areas identified in this Element do not represent areas that *will* be annexed by Tooele City, but rather represents areas that the City may be willing to accept and consider petitions for annexations whether or not those petitions are approved and the property annexed. As future capital facilities are built, they must conform to the appropriate master plans and standards of the City.

At this point, Tooele City has no plans to build any capital facilities in any of Expansion Areas A through J. Any capital facilities that may be needed would be required of the developers as a condition of annexation and development approval.

How the Services Will be Financed

The construction and development of infrastructure for the provision of services should be financed by the developer installing the improvements as a condition of annexation and development. As a condition of annexation, developers of annexed areas should be responsible to pay for master planning and capital facilities planning, with oversight, review and approval by the City, in at least six areas: transportation, water, sewer, storm drain, public safety, and parks and recreation.

An Estimate of the Tax Consequences

Petitioners for annexation should be required to prepare and submit a report showing the tax consequences to properties covered by the annexation petition and present these with the petition for annexation. The tax

impact, among other considerations, within the municipal boundaries should also be reviewed by the City Council before a final decision is made on annexation.

The impact to the City's General Fund are determined largely on the ultimate development pattern and land use types constructed. Using detached single-family residential uses as an example, the implications are two-fold: developed land, typically through a subdivision, would yield more properties that each provide property tax income than does a single piece of undeveloped property; and a development pattern that, for example, yields five units per acre results in more properties providing property tax revenues than would a development pattern of two or three units per acre, for example. Additionally, the same works in the inverse for expenditures. The more dense the development, as a general statement, the more efficiently utilized the serving infrastructure becomes providing a more favorable cost to expenditure ratio for the City, although it typically increases the public safety services needed. Similar is the case for non-residential development patterns, although the density component plays less of a role.

It is not the intent of this Plan to provide specific tax impacts as the variability of the ultimate development types and patterns and changing tax rates year to year can make significant differences in resulting revenues and expenditures. This Plan is intended solely to give a general overview of the fiscal impacts of annexation into Tooele City using the tax rates for Fiscal Year 2019-2020.

Many of the unincorporated areas surrounding Tooele City are currently largely undeveloped. Properties in these areas are currently assigned to taxing districts 10 (O.D. Mosquito), 19 (North Tooele County Fire District), and 36 (Deseret Peak Com). These are not the only taxing entity or district assigned to properties in these Expansion Areas. As an example, the properties in these Expansion Areas are also a part of the North Tooele County Fire Protection Special District, Tooele County, and Tooele County School District but the tax funding for these other districts make up a portion of the overall rate of each Taxing District. The Tooele Valley Mosquito Abatement District and North Tooele County Fire Protection Special District represent those districts that could potentially be affected by annexation of properties into Tooele City. Taxing districts 10 and 36 currently carry the same overall taxation rate of 0.013758. Taxing district 19 currently carries the overall taxing rate of 0.013441. Annexing property from these districts into Tooele City, thereby reassigning them to taxing district 1 (Tooele City), would adjust their taxation rate to 0.014936. This results in an anticipated tax increase of 8.56% overall to those properties annexed from districts 10 and 36 and 11.12% from district 19 simply through being annexation. From that overall tax rate, Tooele City receives approximately 20% of those tax revenues (a certified tax rate of 0.003024) with the remainder going to various other taxing entities such as Tooele County and the Tooele County School District. Development of properties for anticipated non-residential land uses generally provides a significant increase in taxable value through the transition to improved land and constructed value but the overall difference in this increase tax burden to the property owner is anticipated to remain with a consistent difference between that development activity happening with or without annexation. As an example, development of non-residential land uses would also provide an increase in the number of properties, albeit to a lesser quantity than residential development as these land uses each typically consume larger areas of land compared to individual residential properties. This also does not take into account the added benefit from those non-residential developments that would also generate sales tax which provides an added revenue stream for the City as well as the property owner. For properties that would ultimately develop for residential uses, the same holds true difference in revenues relative to annexation although the overall revenue would not be as significant considering the 45% taxation credit provided to primary residential units. This credit also impacts the cost-benefit ratio for the City as residential uses are typically a net draw on resources on a per unit basis whereas non-residential uses are typically a net gain on the cost of providing services. As an example, development of residential uses on newly annexed land at an average five units-per-acre density with an average $250,000 home would provide, on average, around

$2,400 in property tax revenue per unit, of which around $485 goes to the City coffers. That adds up to around an additional $2,425 of property tax revenue per acre (0.012% of the City total General Fund budget) of residential development, not considering the costs from the net draw on resources and services.

Expansion Area A. This Expansion Area contains properties assigned to taxing district 10.

The Interests of All Affected Entities

In consideration of this Annexation Policy Plan, the determined Affected Entities would be those taxing entities that provide services to currently unincorporated properties within the various Expansion Areas identified within the plan. Tooele City, desiring to be good neighbors and partners, also includes neighboring jurisdictions in the identified roster of affected entities. The affected entities identified for Tooele City's Annexation Policy plan include: Tooele County School District, Tooele County (acting not only in their own capacity, including the Tooele County Sheriff's Office, but also under their jurisdictional responsibility to the Erda Township area, Pine Canyon Township area, and the Tooele County Recreation Special District), Deseret Peak Special Service District, Tooele Valley Mosquito Abatement District, Tooele County Sheriff's Department, North Tooele County Fire Protection Service District, Mountain West Ambulance Service, Grantsville City and Stockton Town. The Tooele County School District currently serves the educational needs of the proposed Expansion Areas and will continue to do so if any or all of the annexations should occur. Therefore, there are no projected impacts to the Tooele County School District other than the effect of revenues from additional development of land, which could occur with or without annexation. Service obligations currently provided by the Tooele County Sheriff's Department and North Tooele County Fire Protection District would be transferred to the Tooele City Police Department and Fire Department, respectively, should annexation occur. Annexation would result in properties being removed from the District's responsibility resulting not only in a reduction of tax revenues for the District but also a corresponding reduction in service requirements. The City has opted out of the Tooele Valley Mosquito Abatement District. Should annexation occur, properties being removed from the District's responsibility resulting not only in a reduction of tax revenues for the District but also a corresponding reduction in service requirements. Mountain West Ambulance service provides universal emergency medical services to the entire Tooele Valley regardless of governmental jurisdiction so the occurrence of annexation would not affect their provision of services. The governmental organization and leadership of Tooele County in their various capacities, has the underlying responsibility for administering the Deseret Peak Special Service District and the Pine Canyon Township area as well as their own governmental responsibility for unincorporated properties within the County. Annexation of properties into Tooele City would transfer the governmental oversight and responsibility for those properties from Tooele County to the City. Grantsville City currently has no properties identified within this plan that are currently within their incorporated boundaries. Similarly, Grantsville City adopted a new General Plan in January 2020. Grantsville's Annexation Policy Plan shows potential expansion areas that overlap with potential expansion areas shown in this Element. Since that time, Grantsville City has completed an annexation which brought their incorporated boundaries all the way to Tooele City's boundaries. Stockton Town currently has no properties identified within this plan that are currently within their incorporated boundaries.

The following table is a comparison of the services provided by affected entities to the Expansion Areas shown in this plan as they currently exist and as they would be provided if annexed into Tooele City.

TABLE 1
COMPARISON OF SERVICES IN EXPANSION AREAS

SERVICE	CURRENT PROVIDER		PROVIDER, IF ANNEXED	
Education	Tooele County School District		Tooele County School District	
Mosquito Abatement	Tooele Valley Mosquito Abatement District		None (Tooele City has opted out of the Tooele Valley Mosquito Abatement District)	
Water	Area A:	Tooele City (limited)	Area A:	Tooele City
Sewer	Area F:	No Services	Area F:	Tooele City
Storm Drain	No Services		Tooele City	
Roads	Tooele County (except for State Roads)		Tooele City (except for County and State Roads)	
Fire Protection	North Tooele County Fire Protection Service District		Tooele City Fire Department	
Law Enforcement	Tooele County Sheriff's Department		Tooele City Police Department	
Emergency Medical Services	Mountain West Ambulance		Mountain West Ambulance	

Exclusions from Expansion Area

One of the requirements from the Utah State Code for Annexation Policy Plans is a justification for the exclusion from identified Expansion Areas of any area containing urban development within one-half mile of the municipality's boundary. That regulation defines urban development to be either a housing development with more than 15 residential equivalent units and an average density greater than one residential unit per acre or a commercial or industrial development for which cost projections exceed $750,000 for all phases.

A ½-mile buffer was drawn around the existing municipal boundaries to identify any development that could be defined as an urban development that may not be a part of an Expansion Area identified in this Plan, see the ½-mile buffer area map in Appendix D. The following areas were identified within the ½-mile buffer and have been excluded along with an explanation for their exclusion:

1. There are three residential neighborhoods located within a ½-mile of Tooele City's northern boundary. These residential developments are part of either the Erda City or Pine Canyon Township areas. None of these three neighborhoods can be defined as an urban development under the Utah State Code definition. Erda incorporated into a municipal City and now has zoning and land use authority over those subdivisions within ½-mile from Tooele City's boundaries. However, no areas have been excluded from the Annexation Policy Plan that have densities higher than one unit per acre.
2. The Tooele Army Depot administration and maintenance areas are located within the ½-mile buffer of the City. This facility is a United States Government institution and as such is not considered within the Annexation Policy Plan.
3. All other developed areas in the vicinity of the City's current incorporated boundaries, or within ½-mile of those boundaries are already incorporated into other jurisdictions' boundaries whether or not they meet the definition of urban development.

Considerations Of The Planning Commission And City Council

The decision whether or not to annex a piece of property for any purpose is one that should not be taken lightly by the City. In the process of their review, the Planning Commission is charged with the weighty task of not only a making recommendation whether or not the petition for annexation is justified as an asset to the community and whether it's best served being annexed or remain outside of the incorporated boundaries of the city, but also what types of land uses should be incorporated into the areas they believe to be justified. Similarly, in making decisions the City Council, in their role as the municipal governing body, not only has to weigh the recommendations of the Planning Commission but also determine the terms and conditions upon which property is to be annexed, should that be the ultimate decision, that reduce or eliminate the burden on the City's existing infrastructure and services. These are not simple decisions to be made by either body and should not be rushed. It is anticipated, and highly appropriate, that these decisions could be debated, discussed possibly at length, vetted thoroughly, differing opinions expressed, and decided without unanimous consent. Aside from and in addition to the concerns for infrastructure and services involved with annexation, there are other political, social, and financial considerations that should be considered.

Relationship with Expansion Areas of Other Municipalities

Grantsville City and Stockton Town are the closest municipalities to Tooele City, as shown in Appendix B. As such, the annexation policies of these Cities should be considered in the adoption of this plan. Tooele City and Grantsville City have had a mutual understanding, albeit informal, that each city has the greatest interest in the unincorporated properties between the two communities as they fall on either side of the Sheep Lane right-of-way. Grantsville City has pursued this more vigorously than Tooele City has thus far, in fact annexing properties all the way to Sheep Lane in recent years. Through negotiation with developers and owners of property that lies between the two communities, Grantsville City took the step in May 2020 to annex property from that area, crossing Sheep Lane. As discussed earlier, incorporating that area into Grantsville City removed the area from Tooele's expansion previous Expansion Area A, resulting in two newly configured Areas A and B. Should Tooele City reach a point where the extents of Expansion Areas A and B are annexed into the City, or should Grantsville City opt to annex into these same areas, the municipal boundaries between the two communities would coincide.

Stockton Town is much greater distance from Tooele City than is Grantsville but that should not and does not make Stockton a lesser consideration. This distance however, does make the likelihood of the boundaries of these two communities coming together a much longer timeline consideration and one that will likely need to be considered with greater attention and detail in future revision efforts to this General Plan. There is also an important geographic separation between these two communities. Immediately north of Stockton Town is a geologic feature commonly referred to as "the sand bar." Rightfully so, Stockton Town has, and has demonstrated, a vested in the activities on and around the sand bar as those activities most directly affect their community. The sand bar also would place a significant hurdle on the expansion abilities of Tooele City should the city ever develop a desire to expand that far. For these reasons it is most appropriate that this area be most closely involved with Stockton Town long term.

Willingness and Probability of Other Municipality to Annex the Area

Expansion Area A. There is no other surrounding municipality that would be able to annex into this area, thus there is no probability of another municipality annexing for the foreseeable future.

Current and Projected Costs of Infrastructure

It is the position of Tooele city that future capital costs for the establishment and construction of infrastructure should be financed by the developer installing the improvements. It is not the City's position that the City should incur costs related to capital improvements into the Expansion Areas.

In developing, considering, and adopting an Annexation Policy Plan, the Planning Commission and City Council are to consider current and projected costs of infrastructure, urban services, and public facilities necessary to expand the infrastructure, services, and facilities into the area being considered for inclusion in the Expansion Area.

> Expansion Area A Future Capital Costs. Development within this area after annexation will need to connect to the City's water, sewer, and storm drain utility systems, which may first constitute extension of infrastructure into the Expansion Area. If annexed, Tooele City would be responsible to maintain and regulate the roads, once constructed by development activities, other than State and County roads. Tooele City's Police and Fire Departments would be responsible to provide emergency services to Expansion Area A. All other anticipated costs would be of an operations and maintenance nature as typical with the various areas of the existing community.

Consistency with the General Plan for Additional Land Suitable for Development

The City should encourage development within the municipal boundaries as a primary focus in an effort to utilize undeveloped lands first, before extensions are made to existing City boundaries. Policies should be adopted to encourage the appropriate use of undeveloped lands within the City consistent with its General Plan. If lands within the City are not available to be built on, annexations may be considered when services can be provided consistent with the General Plan.

All annexations should be considered from the point of view of the General Plan. The goals and objectives of the General Plan should serve as a guide to the consideration and land use assignments of the annexed area.

Tooele City is experiencing a pattern of rapid growth that is anticipated to continue. Projections have shown that Tooele City's population can be expected to grow by 10,000 to 15,000 people in the next decade. The City's indicators outside of formal projections suggest that this rate may serve as a baseline for the anticipated growth with actual growth outpacing those projections. The new households that will make up this growth should be accommodated on infill and existing sites within Tooele City's current boundaries primarily and supplement by future annexed areas as deemed appropriate. The amount of residential acreage needed for these new households is dependent on the overall density associated with new residential development. In addition, non-residential land uses would also be needed to support a community in which the residents can enjoy the ability to live, work, shop, and recreate.

Inclusion of Agricultural, Forest, Recreational and Wildlife Areas

Tooele City has established and pursued a policy of open space acquisition for the protection of values important to Tooele City's residents, including viewsheds, scenic vistas, watersheds, drinking water source protection, non-motorized recreation, and wildlife habitat. Some of the unincorporated areas to the south of the City present unique opportunities for open space preservation through fee acquisition, conservation easement, or other regulatory means.

> Agricultural Areas. Active agricultural areas are included in the Expansion Areas and should be considered for annexation when it is consistent with the Agriculture Protection Act of Utah, the General Plan, and the desires of the owners of said properties. In general, agricultural areas should be

protected from development as feasible, unless it is the desire of the property owners of said lands to develop their properties.

Forested Areas. Forested areas should be considered for annexation with consideration to the preservation and beauty of surrounding environmental land consistent with the General Plan. Hillside protection and cluster housing should be used where practicable to preserve these areas when being considered for annexation. Unincorporated areas to the south of the City include some forested and hillside areas. These areas are primarily BLM and SITLA lands.

Recreational Areas. Recreational areas should be considered for annexation to the City with the intent that municipal services are generally not needed and the recreational and open space benefits are effectively consistent with the General Plan.

Wildlife Areas. There are an abundance of areas in and around Tooele City that currently enjoy the benefit of wildlife. As annexations occur further into these areas, a balance between the needs of people and the needs of wildlife should be considered and appropriate steps taken to plan for these needs.

Agriculture Protected Areas

The Annexation Policy Plan intends to recognize Agriculture Protection Areas adopted by the County. Expansion Areas are intended to be sensitive to the future development of these lands with planning in coordination with the property owners in these areas with the intent of protecting agricultural lands consistent with right-to-farm laws. To be included in an agriculture protection area established within Tooele County, land must comply in nature and configuration with the requirements of the state code and applicable Tooele County ordinances. Appendix C to this Plan Amendment shows the relationship between established agricultural protection areas and Expansion Areas of the Tooele City Annexation Policy Plan. Expansion Areas I and J contain properties within established agricultural protection areas. These areas should be protected and conserved through the agricultural activities currently operating on those properties until it is the desire of the property owner to have their agricultural designations removed for other types of land use.

Comments From Affected Entities

Tooele City's Planning Commission and City Council, in their capacity as the municipal legislative body, have held multiple public meetings and public hearings to consider this Annexation Policy Plan, and the General Plan as a whole. Compliant with the requirements of the Utah State Code, the City has also provided an opportunity to identified affected entities to provide comment on the Annexation Policy Plan. From this effort, the City has included the following statements regarding comments and information received from those affected entities during the public comment period as well as a logging of the comments and information received from the affected entities:

Log of Affected Entities' Comments and Information Received

Section 10-2-401.5 of the Utah State Code specifies, in part, that the City is to provide a window of time at least 10 days in length for affected entities, as defined in the Utah State Code, to provide written comment regarding the adoption of an Annexation Policy Plan or an amendment to an adopted Annexation Policy Plan. This window of time is called for in the Utah State Code is to occur following an initial discussion of the proposal during a public meeting of the Planning Commission and before a public hearing is held by the Planning Commission. For the review of this proposed amendment to the Tooele City Annexation Policy Plan, as a part of the comprehensive General Plan

Amendment, the Planning Commission granted a window of time lasting 30 days for affected entities to provide written comment. All written comment received during this window of time can be found in Appendix E to this Plan Amendment.

Tooele City Statement from Affected Entities' Comments and Information Received

Tooele City is grateful to its affected entity partners that have taken the time and interest to review this proposed amendment for the identification and inclusion of three new expansion areas into the adopted Annexation Policy Plan. Their input and information is valuable to the City. We have great respect and appreciation for the services they provide to our valley-wide community whether or not they offered comment on this proposed amendment. It is the desire of Tooele City to continue the working relationship with these entities to provide the best services possible to all residents of the Tooele Valley regardless of the provider. Tooele City also respects the rights and decisions of property owners. One of those rights is the right to make application and be heard. As such, Tooele City's intent is to allow property owners to make application for annexation, should they choose to do so, and be heard upon which time Tooele City intends to make decisions based on what is best for the community.

Appendices: Annexation Policy Plan Maps And Information

This section includes maps and information related to the Annexation Policy Plan. Included herein are the following maps and information:

Appendix A: Expansion Area Map
Appendix B: ½-Mile Buffer of Tooele City Municipal Boundaries

STANSBURY PARK
BATES CANYON RD
SR 138
AIRPORT
CHURCH RD
ERDA WAY
AREA I
AREA J
GRANTSVILLE
AREA B
SR 36
AREA C
AREA H
SHEEP LN
SR 112
AREA A
TOOELE CITY
2400 N
DROUBAY RD
BERRA BLVD
AREA F
AREA K
SMELTER RD
TOOELE ARMY DEPOT
AREA D
AREA F
MIDDLE CANYON RD
SETTLEMENT CANYON RD
SR 36
AREA E
AREA G
STOCKTON

LEGEND

- MUNICIPALITIES
- ANNEXATION AREA A
- ANNEXATION AREA B
- ANNEXATION AREA C
- ANNEXATION AREA D
- ANNEXATION AREA E
- ANNEXATION AREA F
- ANNEXATION AREA G
- ANNEXATION AREA H
- ANNEXATION AREA I
- ANNEXATION AREA J
- ANNEXATION AREA K
- HIGHWAYS
- RAILROADS

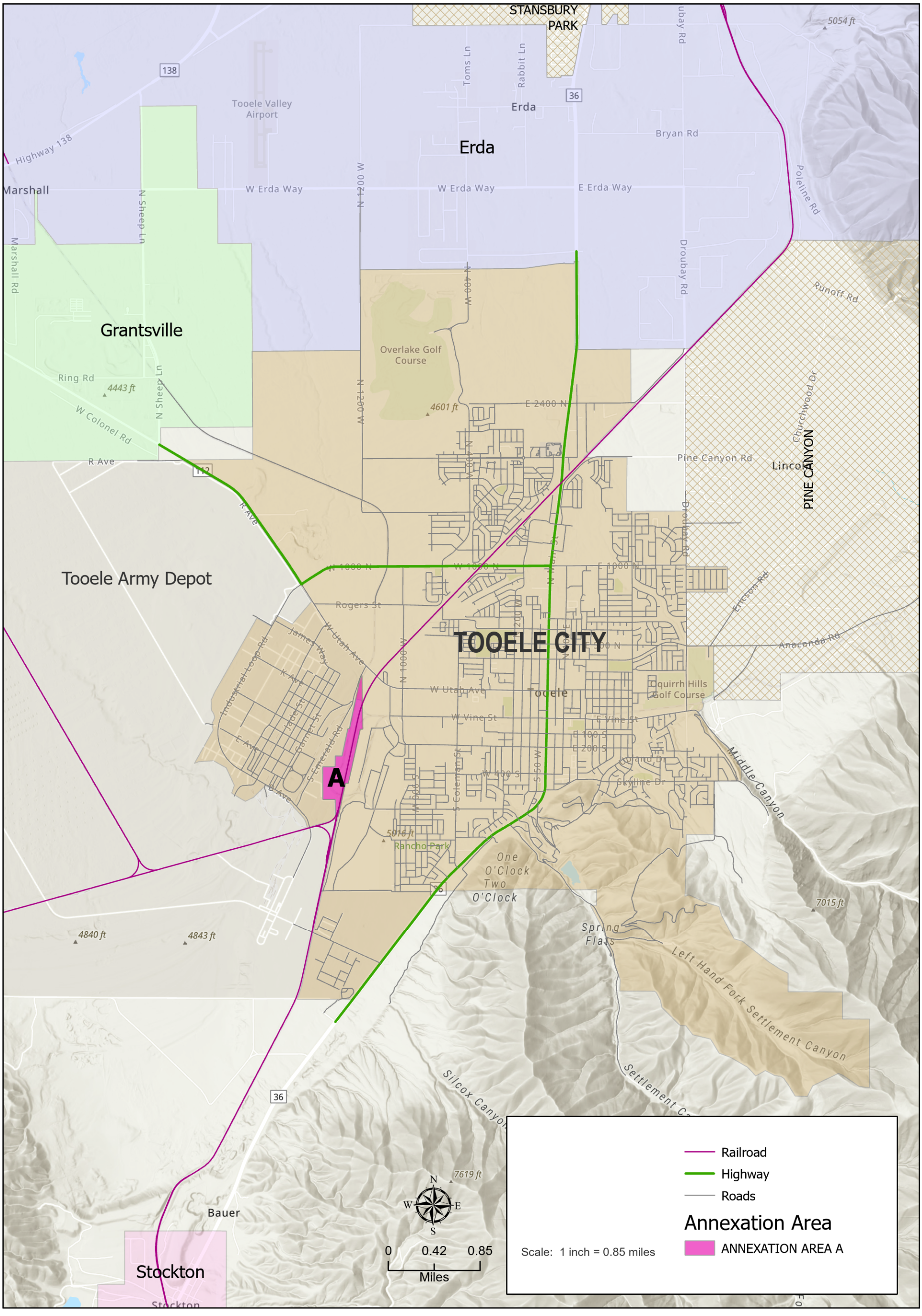
N

0 0.31 0.63 Miles

APPENDIX A
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
EXPANSION AREAS

ADOPTED DECEMBER 16, 2020

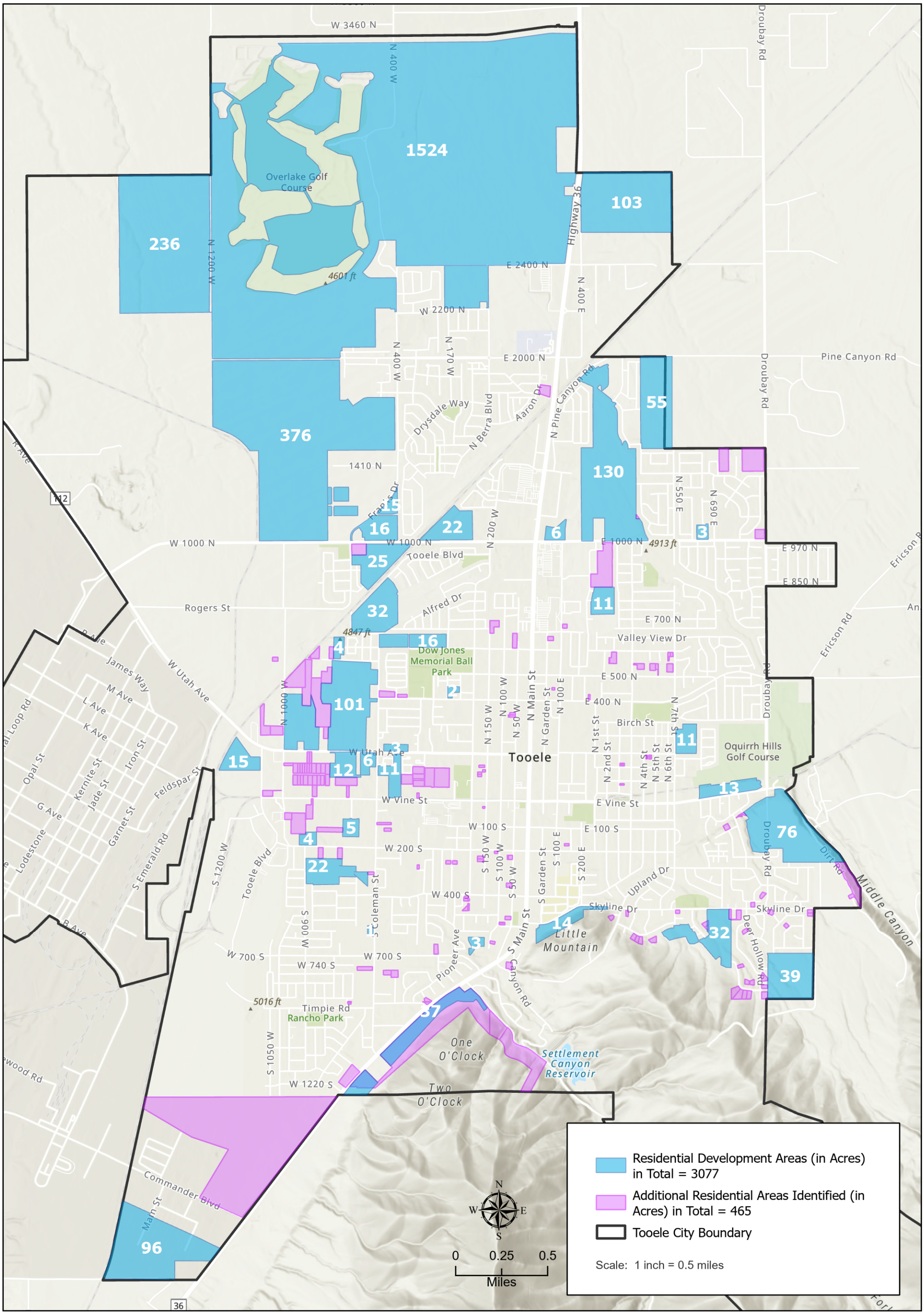
Tooele City
Est. 1853



APPENDIX A
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
EXPANSION AREA

DRAFTED OCTOBER 26, 2023

Tooele City
Est. 1853



APPENDIX C
TOOELE CITY GENERAL PLAN
RESIDENTIAL DEVELOPMENT AREAS

DRAFTED NOVEMBER 8, 2023

Tooele City
Est. 1853

STAFF REPORT
December 8, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Jared Hall, City Planner / Zoning Administrator

Re: **Harris Community Village Condominium Subdivision**

Application No.:	P23-679
Applicant:	Melissa Jensen, representing Harris Community Village, LLC.
Project Location:	251 North 1st Street
Zoning:	MR-8, Multi-Family Residential
Acreage:	10.1 Acres (Approximately 439,956 ft^2)
Request:	Request for Approval of a Condominium Plat in the MR-8 zone.

BACKGROUND

This application is a request for approval of a Condominium Plat for approximately 10.1 acres located at approximately 251 North 1st Street. The property is currently zoned MR-8, Multi-Family Residential. Harris Community Village wishes to place the existing buildings on the site into separate ownership. The condominium plat will not subdivide the land itself, but will instead separate the interior space of the buildings, making individual ownership of the buildings possible while the remainder of the land is held in common. The proposed plat will create three (3) separate condominium units for the buildings – which are labeled A, B, and C – and create surrounding common and limited common areas for community access and site utilities.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the medium density residential development of the subject property and of a large surrounding area. The property has been assigned the MR-8 zoning classification, supporting approximately eight dwelling units per acre. The purpose of the MR-8 zone is to "provide an environment and opportunities for high density residential uses, primarily, apartments, condominiums and townhouses." Surrounding properties are located in the R1-7, Single-Family Residential zone. Because a further stated purpose of the MR-8 zone is to serve as a "transitional zone" between areas of higher and lower residential density, the adjacency of these zoning districts is appropriate. Mapping pertinent to the subject property and the zoning can be found in Exhibit "A" attached to this report.

Process. As a multi-family residential development, Harris Community Village was required to submit multi-family site plan design review applications in compliance with Chapter 7-11a, Design Review of the Tooele City Code. Those processes have been completed and this application for condominium subdivision does not impact those approvals.

Subdivision Layout. The purpose of this condominium plat is to create three distinct condominium units, one for each of the three existing buildings. Using the condominium subdivision will allow separate ownership but keep the buildings connected with regard to functions such as open space, parking, utilities,

and access. The plat identifies different area types of private, common, and limited common by hatching.

- *Buildings A & B:* Building A (8,877 ft^2) and Building B (8,995 ft^2) are connected to each other by a shared, limited common area corridor (3,362 ft^2).

- *Building C:* Building C is the largest of the three (27,378 ft^2).

- *Common Areas:* The common areas of the site include accesses, parking areas, landscaping, and other usable open spaces, and utilities such as the storm water retention basin. The common areas make up a significant portion of the property, at 8.96 of the 10.1 acres.

Landscaping. Landscaped areas account for 141,251 ft^2 on the site, and include open space, pedestrian paths, and seating areas. Landscaping areas are all located with common areas of the plat, and so are not impacted by the condominium plat.

Access. The common ownership portions of the property provide access onto and through the property for all owners in the condominium association. A public access easement for utilities and emergency services has also been provided across the property's common space between an access on 1st Street and a planned access onto 200 East.

Parking. There are 99 parking spaces on the site. Parking is not impacted by the condominium plat. All parking is shared as part of the common area of the plat.

Criteria For Approval. The criteria for review and potential approval of a Condominium Final Plat request is found in Section 7-20-11 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Condominium Plat submission and has issued a recommendation for approval of the request.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Condominium Plat submission and have issued a recommendation for approval of the request.

Fire Department Review. The Tooele City Fire Department has completed their review of the Condominium Plat submission and have issued a recommendation for approval of the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Condominium Plat by Melissa Jensen, representing Harris Community Village, LLC application number P23-679, subject to the following conditions:

1. That the plat will meet all requirements of the Tooele City Code and engineering standards prior to recordation.

2. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.

3. That the applicant shall provide and maintain a thirty-foot (30') public access easement for utilities and emergency services.

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. 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 proposed condominium plat meets or exceeds all standards for condominium development as required by Tooele City Code.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Harris Community Village Condominium Plat Request by Melissa Jensen, representing Harris Community Village, LLC based on the findings and subject to the conditions listed in the Staff Report dated December 8, 2023:"

1. List any additional findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Harris Community Village Condominium Plat Request by Melissa Jensen, representing Harris Community Village, LLC based on the findings and subject to the conditions listed in the Staff Report dated December 8, 2023:"

1. List any additional findings…

EXHIBIT A

MAPPING PERTINENT TO THE HARRIS COMMUNITY VILLAGE CONDOMINIUM

1: Subject Property, Aerial

2: Subject Property, Zoning 1

Subdivision - Preliminary Plan Application

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

Notice: The applicant must submit copies of the preliminary plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of preliminary plans are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted preliminary plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of preliminary plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all plans be submitted well in advance of any anticipated deadlines.

Project Information

Date of Submission: June 5, 2023	Submittal #: ☒ 1 ☐ 2 ☐ 3 ☐ 4	Zone: MR-8	Acres: 9.38	Parcel #(s): 02-042-0-0010, -0033, -0039, & -0040
Project Name: Harris Community Village				
Project Address: 251 N 1st St.				
Project Description: Multifamily Permanent Supportive Housing and Supportive Services			Phases: 1	Lots: 4

Property Owner(s): Harris Community Village LLC			**Applicant(s):** Harris Community Village LLC		
Address: 66 W Vine St.			Address: 66 W Vine St		
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone: 435-882-7875	Email:		Phone: 435-882-7875	Email: deannc@xmission.com	
Contact Person: Melissa Jensen			Address: 50 N 600 W Unit D		
Phone:			City: SLC	State: UT	Zip: 84116
Cellular: 801-889-5420	Fax:		Email: melissa@givgroup.org		
Engineer & Company:			**Surveyor & Company:** Justin Lundberg - Focus Engineering		
Address:			Address: 6949 S High Tech Drive Ste 200		
City:	State:	Zip:	City: Midvale	State: UT	Zip: 84047
Phone:	Email:		Phone: 801-352-0075	Email: jlundberg@focus-es.com	

*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.

For Office Use Only

Land Use Review:	Date:	Water Superintendent Review:	Date:	City Engineer Review:	Date:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:	Director Review:	Date:

Fire Flow Test

Location:	Residual Pressure:	Flow (gpm):	Min. Required Flow (gpm):
Performed By:	Date Performed:	Corrections Needed. ☐ Yes ☐ No	Comments Returned: Date: ☐ Yes ☐ No

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
}ss
COUNTY OF TOOELE }

I/we, DeAnn Christiansen, 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.

DeAnn Christiansen
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 8 day of June, 2023

Sydney McKinney
(Notary)

SYDNEY MCKINNEY
Notary Public - State of Utah
Comm. No. 728201
My Commission Expires on
Dec 2, 2026

Residing in Tooele County, Utah
My commission expires: 12/2/2026

AGENT AUTHORIZATION

I/we, DeAnn Christiansen, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), Giv Communities, 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.

DeAnn Christiansen
(Property Owner)

(Property Owner)

Dated this 8 day of June, 2023, personally appeared before me DeAnn Christiansen the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

Sydney McKinney
(Notary)

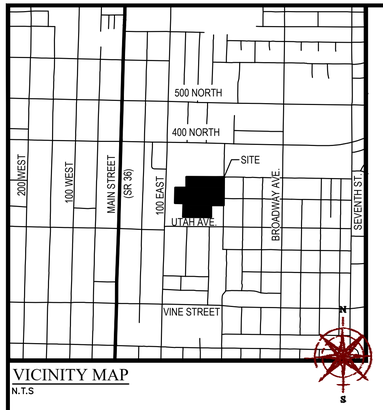
SYDNEY MCKINNEY
Notary Public - State of Utah
Comm. No. 728201
My Commission Expires on
Dec 2, 2026

Residing in Tooele County, Utah
My commission expires: 12/2/2026

HARRIS COMMUNITY VILLAGE

CONDOMINIUM
FINAL PLAT

LOCATED IN THE NW 1/4 OF SECTION 27, NE 1/4 OF SECTION 28,
SE 1/4 OF SECTION 21, AND THE SW 1/4 OF SECTION 22 T3S, R4W,
SALT LAKE BASE & MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH



VICINITY MAP
N.T.S

NOTES:

1. A BLANKET CROSS ACCESS EASEMENT COVERS THE ENTIRETY OF THE PROPOSED PLAT.
2. ALL AREAS ARE COMMON AREAS AND FACILITES EXCEPT AS OTHERWISE SPECIFICALLY DESIGNATED.
3. ALL COMMON AREAS TO SERVE AS PUBLIC UTILITY EASEMENTS.
4. ALL COMMON & LIMITED COMMON AREAS TO BE OWNED AND MAINTAINED BY THE HARRIS VILLAGE MANAGEMENT ASSOCIATION.
5. PROJECT ADDRESS IS 251 NORTH 1ST STREET.
6. PUBLIC ACCESS EASEMENT CONVEYED TO TOOELE CITY.

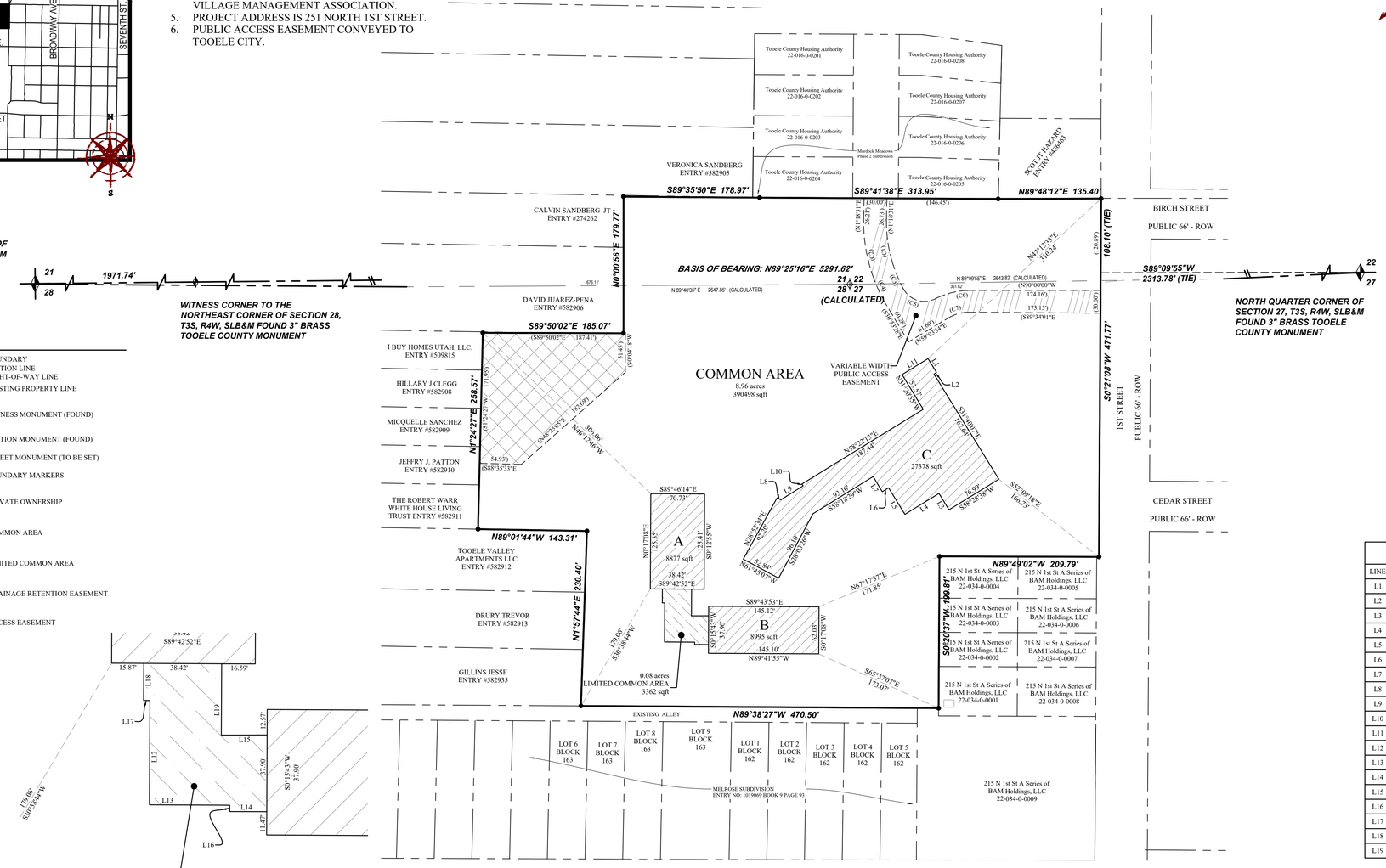
GRAPHIC SCALE

80 0 40 80 160 320

(IN FEET)
1 inch = 80 ft.

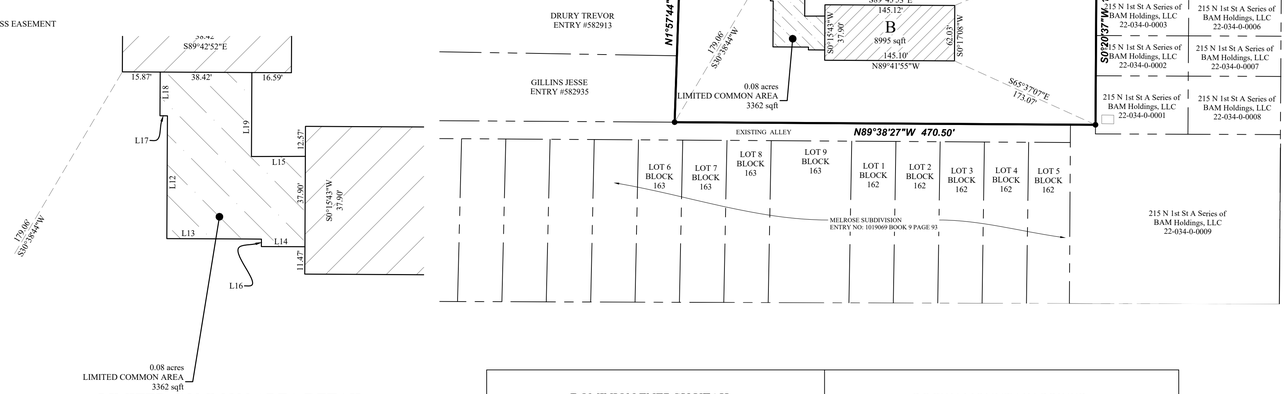
N

S



LEGEND

- BOUNDARY
- SECTION LINE
- RIGHT-OF-WAY LINE
- EXISTING PROPERTY LINE
- WITNESS MONUMENT (FOUND)
- SECTION MONUMENT (FOUND)
- STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS
- PRIVATE OWNERSHIP
- COMMON AREA
- LIMITED COMMON AREA
- DRAINAGE RETENTION EASEMENT
- ACCESS EASEMENT



LIMITED COMMON AREA DETAIL
1" = 30'

Easement Curve Table

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
(C1)	185.00	18°24'04"	59.41	S07°53'31"E	59.16
(C2)	215.00	20°28'05"	76.81	S08°55'31"E	76.40
(C3)	184.91	11°22'32"	36.71	S22°46'39"E	36.65
(C4)	215.00	10°27'47"	39.26	S24°23'27"E	39.21
(C5)	31.46	92°35'14"	50.84	S74°41'01"E	45.49
(C6)	106.71	23°00'08"	42.84	S76°29'01"W	42.55
(C7)	52.00	30°56'26"	28.08	S74°31'47"W	27.74

Line Table

LINE	DIRECTION	LENGTH
L1	S31°29'18"E	21.35
L2	S57°20'50"W	4.00
L3	N31°35'25"W	25.26
L4	S58°24'35"W	52.55
L5	N31°35'25"W	41.01
L6	S58°24'35"W	9.75
L7	N30°56'57"W	23.22
L8	S61°26'55"E	5.46
L9	N58°05'39"E	34.64
L10	N31°35'25"W	2.90
L11	N58°24'04"E	40.18
L12	N00°17'08"E	51.49
L13	N89°42'52"W	33.48
L14	N89°42'52"W	18.26
L15	N89°47'02"E	22.59
L16	N00°17'08"E	3.13
L17	N89°42'52"W	3.13
L18	N00°17'08"E	18.33
L19	S00°17'08"W	35.24

SURVEYOR'S CERTIFICATE

I, Justin Lundberg, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 12554439 in accordance with Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Act; I further certify that I have verified the location of the existing property boundaries in a record of survey map prepared by Ensign Engineering in Record of Survey No. 2022-0108, have verified all measurements and have subdivided said tract of land into a parcel, and streets, together with easements, hereafter to be known as HARRIS COMMUNITY VILLAGE CONDOMINIUMS and the description below correctly describes the land surface upon which it will be constructed, and complies with the provisions of section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify that the reference markers shown on this plat are located as shown and are sufficient to readily retrace or re-establish this survey.

FOR REVIEW ONLY

JUSTIN LUNDBERG
PROFESSIONAL LAND SURVEYOR
LICENSE NO. 12554439

Date

BOUNDARY DESCRIPTION

A Parcel of land, situate in the Northwest Quarter of Section 27, the Northeast Quarter of Section 28, the Southeast Quarter of Section 21, and the Southwest Quarter of Section 22, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and in Block 26, Tooele City Survey, Plat A, more particularly described as follows:

Beginning at the intersection of an existing chain link fence line with the west line of First Street (220 East Street), which is located South 89°09'55" West 2313.78 feet along the Section line (from which point the calculated position of the Northwest Corner of Section 27 lies another 330.04 feet along the Section line) and North 0°21'08" East 108.10 feet along said west line of First Street from the North Quarter Corner of Section 27, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running; thence South 0°21'08" West 472.22 feet along said west line of First Street; thence North 89°49'09" West 203.10 feet following an existing chain link fence, to a corner thereof; thence South 0°22'36" West 199.38 feet along an existing chain link fence, to the north line of a 20-foot wide private alley, as shown on the Melrose Addition Plat; thence North 89°38'27" West 477.08 feet along said north line; thence North 1°57'44" East 230.40 feet along and past the corner of an existing chain link fence; thence North 89°01'44" West 143.31 feet to an existing chain link fence; thence North 1°24'27" East 258.57 feet along said existing fence to a corner thereof; thence South 89°50'02" East 185.07 feet along said existing chain link fence, to a corner thereof; thence North 0°00'56" East 179.77 feet along said existing chain link fence, to a corner thereof; thence South 89°35'50" East 178.97 feet along said existing fence; thence South 89°41'38" East 313.95 feet along said existing fence and the surveyed boundary line of the Tooele Christian Fellowship property; thence North 89°48'12" East 135.40 feet along said existing fence, to the Point of Beginning..

Consisting of 10.11 acres

OWNER'S CERTIFICATE, CONSENT TO RECORD, CONVEYANCE OF UTILITY EASEMENTS AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, DO HEREBY:

1. CERTIFY (A) THAT WE ARE THE SOLE OWNERS OF FEE SIMPLE TITLE TO THE LAND SHOWN HEREON, (B) THAT WE HAVE CAUSED A SURVEY OF THIS LAND DESCRIBED HEREON TO BE MADE AND THIS RECORD OF SURVEY MAP, TO BE PREPARED;
2. CONSENT TO THE RECORDATION HEREOF WITH THE INTENTION THAT UPON SUCH RECORDATION, AND THE CONCURRENT RECORDATION OF THAT CERTAIN CONDOMINIUM DECLARATION FOR

HARRIS COMMUNITY VILLAGE CONDOMINIUMS

3. CONVEY UNTO THE RESPECTIVE PRIVATE UTILITY COMPANIES AND PUBLIC UTILITY AGENCIES PROVIDING THE UTILITY SERVICES IN QUESTION, THEIR SUCCESSORS AND ASSIGNS A PERPETUAL NON-EXCLUSIVE EASEMENT IN, THROUGH, ALONG AND UNDER ALL COMMON AREAS SHOWN HEREON WHICH ARE NOT COVERED BY BUILDINGS, FOR THE CONSTRUCTION AND MAINTENANCE OF SUBTERRANEAN ELECTRICAL, TELEPHONE, NATURAL GAS, CABLE TELEVISION, SEWER AND WATER LINES AND APPURTENANCES THERETO SERVING THE PROJECT, TOGETHER WITH THE RIGHT TO ACCESS THERETO ALL IN ACCORDANCE WITH, AND AS MORE SPECIFICALLY SET FORTH IN THE DECLARATION OF CONDOMINIUM.

IN WITNESS WHEREOF _____, _____ HAS HEREUNTO SET HIS HAND THIS ____ DAY OF _____ A.D. 20____.

PRINTED NAME OF OWNER

AUTHORIZED SIGNATURE(S)

DOMINION ENERGY UTAH

QUESTAR GAS COMPANY dba DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION OR THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY UTAHS RIGHT-OF-WAY DEPARTMENT AT 800-366-8532.

QUESTAR GAS COMPANY
dba DOMINION ENERGY UTAH

APPROVED THIS ____ DAY OF _____ A.D. 20__

BY _____

TITLE _____

ROCKY MOUNTAIN POWER

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 10-9a-603 ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
   (1) A RECORDED EASEMENT OR RIGHT-OF-WAY
   (2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
   (3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____ A.D. 20____

ROCKY MOUNTAIN POWER

BY:_____

TITLE:_____

COUNTY HEALTH DEPARTMENT

APPROVED THIS _____ DAY OF_____ A.D. 20__ BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT

COUNTY TREASURER

APPROVED THIS _____ DAY OF_____ A.D. 20__ BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

CITY ENGINEER

APPROVED AS TO FORM THIS _____ DAY OF_____ A.D. 20__

CITY ENGINEER

COMMUNITY DEVELOPMENT

APPROVED AS TO FORM ON THIS _____ DAY OF_____ A.D. 20__

TOOELE CITY COMMUNITY DEVELOPMENT

TOOELE COUNTY SURVEY DEPARTMENT

APPROVED THIS _____ DAY OF_____ A.D. 20__

ROS# 2021-0138

TOOELE COUNTY SURVEYING DIRECTOR

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF_____ A.D. 20__

TOOELE CITY ATTORNEY

PLANNING COMMISSION

APPROVED THIS _____ DAY OF_____ A.D. 20____ BY THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN, TOOELE CITY PLANNING COMMISSION

CITY COUNCIL

APPROVED THIS _____ DAY OF_____ A.D. 20__ BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER

TOOELE COUNTY RECORDER

RECORDED NO._____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

FEE $

TOOELE COUNTY RECORDER

PREPARED BY
FOCUS©
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

Scale:	1"=80'	Drawn:	MPM
Date:	11/11/2023	Job #:	23-0077

PREPARED FOR

GIV COMMUNITIES
MELISSA JENSEN
50 NORTH 600 WEST STE D
SALT LAKE CITY, UTAH

HARRIS COMMUNITY VILLAGE
CONDOMINIUM
FINAL PLAT
LOCATED IN THE NW 1/4 OF SECTION 27, NE 1/4 OF SECTION 28,
SE 1/4 OF SECTION 21, AND THE SW 1/4 OF SECTION 22 T3S, R4W,
SALT LAKE BASE & MERIDIAN
TOOELE CITY, TOOELE COUNTY, UTAH

Z:_2023\23-0077 Harris Community Village Condo Conversion\design 23-0077\dwg\sheets\c2.0 — Final PLAT.dwg

STAFF REPORT
December 4, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: **Millenial Park Phase 2 – Preliminary Subdivision Plan Request**

Application No.:	P22-1199
Applicant:	Jared Payne, representing Mountain Partner Investments
Project Location:	300 West 400 North
Zoning:	MR-16 Multi-Family Residential Zone
Acreage:	1.75 Acres (Approximately 76,230 ft^2)
Request:	Request for approval of a Preliminary Plan Subdivision in the MR-16 Mulit-Family Residential zone regarding the creation of 24 town house style lots.

BACKGROUND

This application is a request for approval of a Preliminary Plan Subdivision for approximately 1.75 acres located at 300 West 400 North. The property is currently zoned MR-16 Mulit-Family Residential. The applicant is requesting that a Preliminary Plan Subdivision be approved to allow the creation of 24 lots that will eventually be developed as town houses.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. Properties to the north and west are also zoned MR-16 and are utilized as a mobile home park and Phase 1 of Millenial Park (to the west). South of the subject property land is zoned R1-7 Residential and are utilized as single-family residential. Properties to the east are zoned R1-7 Residential and are utilized as a mobile home park and some single-family residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Subdivision Layout. The subdivision proposes to split a 1.75 acre parcel into 24 town house style lots, an open space parcel and a private street. The lots within the proposed subdivision range in size from 1,500 square feet at the smallest up to 3,118 square feet at the largest. The narrowest of the lots are 20.8 feet wide and the widest are nearly 36 feet wide. The lots are the width of a town house that are proposed to be constructed thereon. Larger lots will be corner lots. Each lot is large enough to house the footprint of the town house along with some private yard space in front of and behind the town house. Corner lots have additional private space at the side of the future town house.

The MR-16 zone has no minimum lot size requirement for a multi-family dwelling in order to accommodate small lot town house style multi-family developments. Therefore, the lots as configured do meet the minimum requirements for lot size and lot width as there aren't any minimum requirements.

Parcel "B" is a dedicated open space and will be owned and maintained by the development HOA.

All roads within the proposed development will be private roads, owned, maintained and plowed by the development HOA.

This application is a subdivision preliminary plan only and is not a site plan design review application. The purpose of this application is to begin the process to create individual lots for ownership delineation purposes and future development of the property as town houses. This subdivision preliminary plan is being heard in conjunction with the site plan design review as the layout of the subdivision is dependent upon the site plan and the site plan is dependent upon the lot lines established as part of the subdivision plan.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Preliminary Plan Subdivision submission and has issued a recommendation for approval for the request with the following comments:

1. This application is for preliminary plan subdivision only for the purposes of creating individual lots and common areas for ownership purposes.
2. The application will still need submit a final subdivision plat application.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Preliminary Plan Subdivision submission and have issued a recommendation for approval for the request.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Preliminary Plan Subdivision submission and has issued a recommendation for approval for the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary Subdivision Plan by Jared Payne, representing Mountain Partner Investments, application number P22-1199, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

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. 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.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Millennial Park Phase 2 Preliminary Subdivision Plan Request by Jared Payne, representing Mountain Partners Investments, LLC for the purpose of creating 24 town house style residential lots, application number P22-1199, based on the findings and subject to the conditions listed in the Staff Report dated December 4, 2023:"

1. List findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Millennial Park Phase 2 Preliminary Subdivision Plan Request by Jared Payne, representing Mountain Partners Investments, LLC for the purpose of creating 24 town house style residential lots, application number P22-1199, based on the following findings:"

1. List any additional findings…

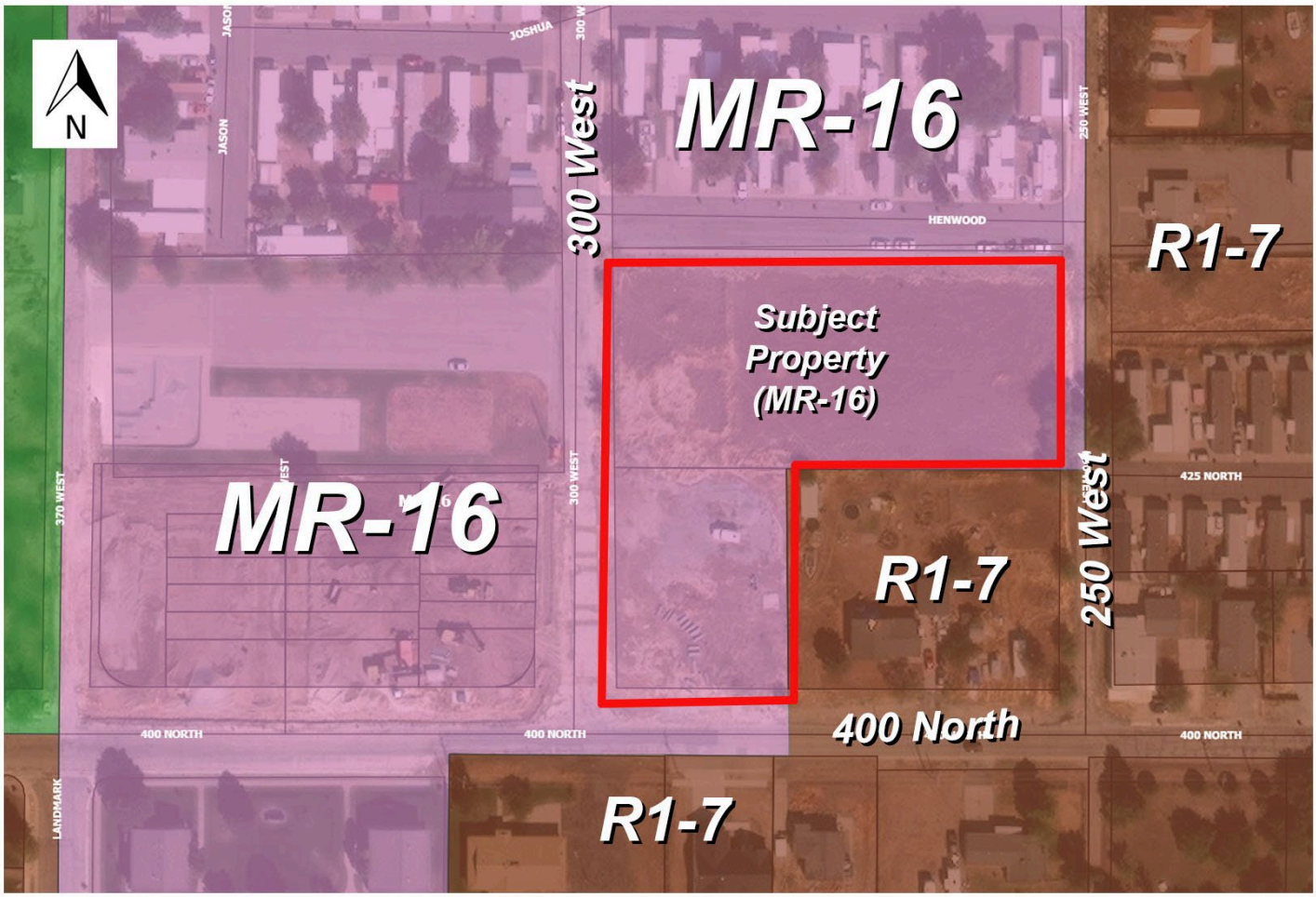
EXHIBIT A

MAPPING PERTINENT TO THE MILLENIAL PARK PHASE 2 PRELIMINARY SUBDIVISION PLAN

Millennial Park Phase 2 Preliminary Subdivision Plan

Aerial View

Millennial Park Phase 2 Preliminary Subdivision Plan



Current Zoning

EXHIBIT B

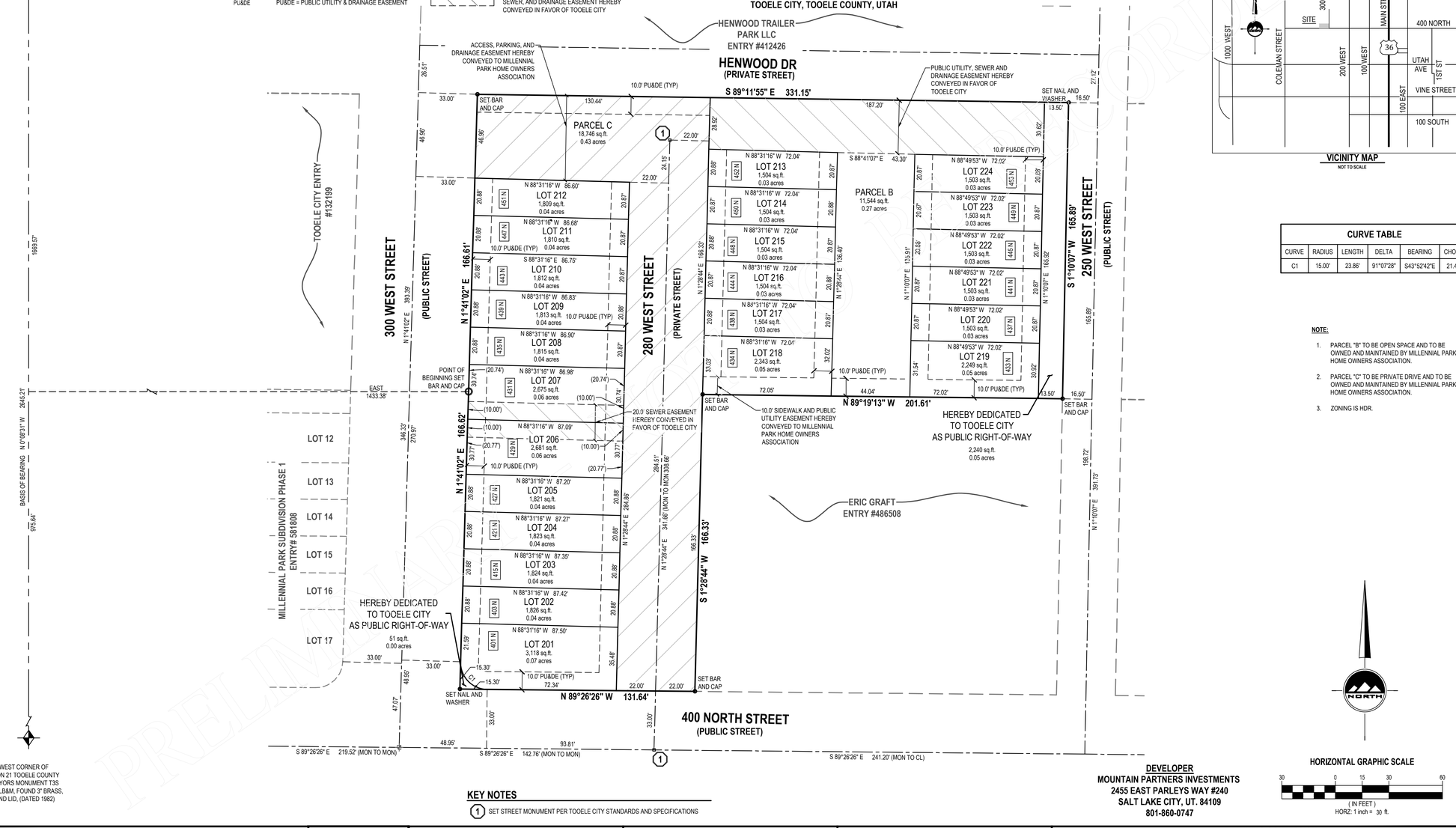
PROPOSED DEVELOPMENT PLANS & APPLICANT SUBMITTED INFORMATION

MILLENNIAL PARK SUBDIVISION PHASE 2
PRELIMINARY PLAT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

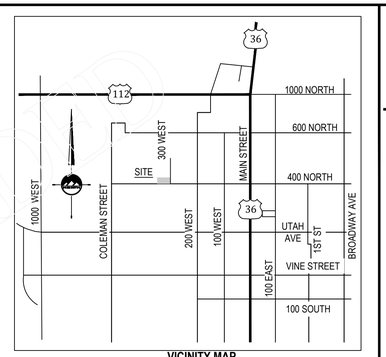
LEGEND

- WEST QUARTER CORNER OF SECTION 21 TOOELE COUNTY SURVEYORS MONUMENT T3S R4W, SLB&M, FOUND 3" BRASS, RING AND LID, (NO DATE)
- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- PU&DE = PUBLIC UTILITY & DRAINAGE EASEMENT
- BOUNDARY LINE
- CENTER LINE
- EASEMENTS
- PUBLIC UTILITY, ACCESS, AND DRAINAGE EASEMENT, HEREBY CONVEYED TO MILLENNIAL PARK HOME OWNERS ASSOCIATION
- 20.0' PUBLIC UTILITY, ACCESS, PARKING, SEWER, AND DRAINAGE EASEMENT HEREBY CONVEYED IN FAVOR OF TOOELE CITY



KEY NOTES

1. SET STREET MONUMENT PER TOOELE CITY STANDARDS AND SPECIFICATIONS



VICINITY MAP
NOT TO SCALE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	15.00'	23.86'	91°07'28"	S43°52'42"E	21.42'

NOTE:

1. PARCEL "B" TO BE OPEN SPACE AND TO BE OWNED AND MAINTAINED BY MILLENNIAL PARK HOME OWNERS ASSOCIATION.
2. PARCEL "C" TO BE PRIVATE DRIVE AND TO BE OWNED AND MAINTAINED BY MILLENNIAL PARK HOME OWNERS ASSOCIATION.
3. ZONING IS HDR.

DEVELOPER
MOUNTAIN PARTNERS INVESTMENTS
2455 EAST PARLEYS WAY #240
SALT LAKE CITY, UT. 84109
801-860-0747

HORIZONTAL GRAPHIC SCALE
30 0 15 30 60
(IN FEET)
HORZ: 1 inch = 30 ft.

SURVEYOR'S CERTIFICATE

I, **Douglas J. Kinsman** do hereby certify that I am a Professional Land Surveyor, and that I hold license No. **334575** in accordance with Title 58, Chpater 22, of the Professional Engineers and Land Surveyors Act. I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots, a parcel, private streets and public streets, together with easements, hereafter to be known as **MILLENNIAL PARK SUBDIVISION PHASE 2** and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

All of Lot 2, and the Westerly 130 feet of Lot 1, Block 5, Tooele City Survey, Plat A, more particularly described as follows:

A parcel of land, situate in the Southwest Quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southwest Corner of said Lot 2, which is located North 0°08'31" West 975.64 feet along the measured Section line, and East 1433.38 feet from the Southwest Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North 1°41'02" East 166.62 feet along the West line of said Lot 2, and the East line of 300 West Street;
thence South 89°11'55" East 331.15 feet along the line between Lots 2 and 3 of said Block 55, to the West line of 250 West Street;
thence South 1°10'07" West 165.89 feet along said West line, and the East line of said Lot 2, to the southeast corner thereof;
thence North 89°19'13" West 201.61 feet along the line between Lots 1 and 2 of said Block 55;
thence South 1°28'44" West 166.33 feet, to the North line of 400 North Street;
thence North 89°26'26" West 131.64 feet along said North line and the South line of said Lot 1, to the East line of 300 West Street;
thence North 1°41'02" East 166.62 feet along the said East line, and the West line of said Lot 1, to the Point of Beginning.

Parcel contains: 77,036 square feet, or 1.77 acres, 24 Lots and two Parcels.

FEB 2, 2023
Date
Douglas J. Kinsman
License no. 334575

PROFESSIONAL LAND SURVEYOR
No. 334575
DOUGLAS J KINSMAN
STATE OF UTAH

APPROVED
A Aagard
City Planner
02/23/2023

APPROVED
J Grandpre
Public Works
02/23/2023

APPROVED
P Hansen
City Engineer
02/23/2023

APPROVED
N Wall
Fire Marshall
02/23/2023

PROVIDE EVIDENCE OF WATER RIGHTS FOR DEVELOPMENT

PRELIMINARY APPROVAL CONDITIONAL UPON INCREASING WIDTH OF OFFSITE ACCESS TO 26' AS NOTED BY FIRE.

TOOELE CITY DEVELOPMENT REVIEW
Submittal # 3 02/07/2023

ENSIGN
TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
WWW.ENSIGNENG.COM
SALT LAKE CITY Phone: 801.255.0529
LAYTON Phone: 801.547.1100
CEDAR CITY Phone: 435.865.1453
RICHFIELD Phone: 435.896.2983

SHEET 1 OF 1
PROJECT NUMBER : 8276B
MANAGER : D. KINSMAN
DRAWN BY : C. CHILD
CHECKED BY : D. KINSMAN
DATE : 2/2/23

COMCAST
APPROVED THIS _____ DAY OF _____, 20_____, BY THE COMCAST CABLE
COMCAST

CENTURY LINK
APPROVED THIS _____ DAY OF _____, 20_____, BY THE CENTURY LINK.
CENTURY LINK

CHIEF OF POLICE
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY CHIEF OF POLICE.
TOOELE CITY CHIEF OF POLICE

PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY PLANNING COMMISSION.
CHAIR, TOOELE CITY PLANNING COMMISSION

POST MASTER
APPROVED THIS _____ DAY OF _____, 20_____, BY THE POST MASTER
POST MASTER

ROCKY MOUNTAIN POWER COMPANY
1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
(1) A RECORDED EASEMENT OR RIGHT-OF WAY
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
(4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20
ROCKY MOUNTAIN POWER
BY - _____
TITLE - _____

DOMINION ENERGY
DOMINION APPROVED THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532
APPROVED THIS _____ DAY OF _____, 20_____, BY THE DOMINION ENERGY
SIGNATURE TITLE

CITY COUNCIL
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY COUNCIL.
CHAIRMAN TOOELE CITY COUNCIL

FIRE CHIEF
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY FIRE DEPARTMENT.
TOOELE CITY FIRE CHIEF

COMMUNITY DEVELOPMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY COMMUNITY DEVELOPMENT
TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY HEALTH DEPARTMENT APPROVAL
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE COUNTY HEALTH DEPARTMENT
TOOELE COUNTY HEALTH DEPT.

PARKS DEPARTMENT
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY PARKS DEPARTMENT.
TOOELE CITY PARKS DEPARTMENT

CITY ENGINEER'S APPROVAL
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY ENGINEER
TOOELE CITY ENGINEER

SCHOOL DISTRICT
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE COUNTY SCHOOL DISTRICT
TOOELE COUNTY SCHOOL DISTRICT

CITY ATTORNEY'S APPROVAL
APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY ATTORNEY.
TOOELE CITY ATTORNEY

TOOELE COUNTY RECORDER
RECORDED # _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF : _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE$ TOOELE COUNTY RECORDER

MILLENNIAL PARK SUBDIVISION PHASE 2
PRELIMINARY PLAT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

STAFF REPORT
December 8, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Jared Hall, City Planner / Zoning Administrator

Re: **Kelly White – Minor Subdivision Approval Request**

Application No.:	P23-673
Applicants:	Kelly White and Landon Sandberg
Project Location:	738 West McKellar Street
Zoning:	MR-8, Multi-Famiy Residnetial
Acreage:	4.31 Acres (187,882 ft^2)
Request:	Minor Subdivision Approval

BACKGROUND

This application is a request for approval of a two-lot, Minor Subdivision on approximately 4.31 acres at 738 W. McKellar Street. The proposed subdivision is located in the MR-8 Zone, and will be comprised of land contained in the properties at both 738 W. and 740 W. McKellar Street. There are existing residential structures on both properties. The building on the property at 738 West has been converted to contain six dwelling units. The applicant has requested this subdivision in order to comply with the density requirements of the MR-8 Zone. The subdivision will enlarge the existing lot at 738 West (proposed Lot 101) to 36,708 ft^2. The subdivision will also create proposed Lot 102 for the existing home at 740 W. McKellar.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan designates all property involved in the subdivision as High Density Residential. The properties have been assigned the MR-8, Multi-Family Residential zoning classification. The existing and proposed uses are currently allowed by the zoning, although as mentioned, the subdivision is proposed in order to bring the property into compliance with some of the requirements of the zoning.

The zoning designations of abutting properties include MR-8, RR-1, and LI, Light Industrial. Aerial and zoning maps pertinent to the subject property and this request can be found in Exhibit "A" attached to this report.

Subdivision Layout. The proposed minor subdivision will include two lots, and maintain the existing structures on both. It also provides a 24' wide, shared access that both lots will use as a shared driveway to the residential structures. Both lots front McKellar Street, a public right-of-way.

- Proposed Lot 101: This lot will house the existing structure converted to a six-plex. The MR-8 Zone allows up to 8 units per acre, equating to a maximum density equal to 5,445 ft^2 per unit.

Proposed Lot 101 is 36,708 ft^2, which is more than the area required for the six existing units (32,670 ft^2).

- Proposed Lot 102: This lot will house the existing residence, and is 3.47 acres.

Development Considerations & Plans. The subdivision has been proposed as a step toward compliance with the density/lot are requirements for the MR-8 Zone. The six-plex on proposed Lot 101 will need to be reviewed and comply with building and fire codes, and will require site plan and design review approval as well. Staff does find the subdivision itself to be the first and most important step in complying with code requirements.

Criteria for Approval. The criteria for review and potential approval of a Minor Subdivision Approval request is found in Section 7-19-35 of the Tooele City Code. To qualify as a minor subdivision and be exempted from the preliminary plan process, a proposed subdivision must:

1. Contain less than ten lots.
2. Not include a right-of-way dedication for public streets.
3. Not involve off-site water or sewer utilities.

The proposed subdivision meets these criteria, and has therefore been brought for preliminary and final plat approval as a minor subdivision.

REVIEWS

Planning Division. The Planning Division has completed their review of the proposed Minor Subdivision and have found it to comply, noting the following as recommended conditions of approval:

1. The applicant will need to submit for site plan and design review approvals for the six-plex in order to comply with the processing requirements for multi-family structures in Tooele City Code.

2. The applicant will need to obtain building permit approvals for the six-plex and assure compliance with applicable building and fire codes.

Engineering Division. The City Engineer has completed their review of the proposed Minor Subdivision and have found it to comply, noting the following as recommended conditions of approval:

1. The applicant will need to provide mapping for the locations of existing sewer and water laterals on the property.

Other reviewing divisions have recommended approval of the minor subdivision without additional comment or recommended conditions.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the request for a Minor Subdivision by Kelly White and Landond Sandberg, application number P23-673, subject to the following conditions:

1. The plat shall meet all requirements of the Tooele City Subdivision regulations prior to recordation.

2. The plat shall provide appropriate public utility easements and meet all other requirements of the Tooele City Engineering Division.

3. The applicant shall continue to pursue compliance with the process requirements of the Tooele City Code for multi-family structures.

4. The applicant shall provide mapping for the location of existing sewer and water laterals.

This recommendation is based on the following findings:

1. The proposed subdivision meets the intent, goals, and objectives of the Tooele City General Plan.

2. The proposed subdivision meets the requirements and provisions of the Tooele City Code and the MR-8 Zone.

3. The proposed subdivision will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.

4. The proposed subdivision 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.

MODEL MOTIONS

To City Council:

Sample Motion for a Positive Recommendation – "I move we forward a recommendation of APPROVAL to the City Council for application number 23-673, request by Kelly White and Landon Sandberg for the Kelly White Minor Subdivision, based on the findings and subject to the conditions listed in the Staff Report dated December 8, 2023:"

1. List any additional findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a recommendation of DENIAL to the City Council for application number 23-673, request by Kelly White and Landon Sandberg for the Kelly White Minor Subdivision, based on the findings and subject to the conditions listed in the Staff Report dated December 8, 2023:"

1. List any additional findings…

EXHIBIT A

MAPPING PERTINENT TO THE PROPOSED KELLY WHITE MINOR SUBDIVISION

1: Subject Property, Aerial

2: Subject Property, Zoning

EXHIBIT B

PROPOSED PLAT, APPLICANT SUBMITTED MATERIALS

Subdivision – Plat Amendment Application

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

Tooele City
Est. 1853

Notice: The applicant must submit copies of the plat and plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of plat and plans are submitted, the plat and plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plat and plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted plat and plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of final plat and plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all plans be submitted well in advance of any anticipated deadlines.

Project Information

Date of Submission:	Submittal #:	Zone:	Acres:	Parcel #(s):
07/18/2023	☑ 1 ☐ 2 ☐ 3 ☐ 4			14-018-0-0001

Project Name: KELLY WHITE SUBDIVISION

Project Address: 738 W MCKELLAR STREET, TOOELE, UT 84074

Project Description:	Phases:	Lots:

Property Owner(s): KELLY WHITE & LANDON SANDBERG			**Applicant(s):** KELLY WHITE & LANDON SANDBERG		
Address: 1330 FLINT MEADOW DRIVE			Address: 1330 FLINT MEADOW DRIVE		
City: KAYSVILLE	State: UT	Zip: 84037	City: KAYSVILLE	State: UT	Zip: 84037
Phone: 801-512-7379	Email: kelly@ssb.law		Phone: 801-512-7379	Email: kelly@ssb.law	

Contact Person: KELLY WHITE			Address: 1330 FLINT MEADOW DRIVE		
Phone:			City: KAYSVILLE	State: UT	Zip: 84037
Cellular: 801-512-7379	Fax:		Email: KELLY@SSB.LAW		

Engineer & Company: ENSIGN ENGINEERING AND LAND SURVEYING			**Surveyor & Company:** ENSIGN ENGINEERING AND LAND SURVEYING		
Address: 169 N MAIN ST			Address: 169 N MAIN ST		
City: TOOELE	State: UT	Zip: 84074	City: TOOELE	State: UT	Zip: 84074
Phone: 435-843-3590	Email: dkinsman@ensigneng.com		Phone: 435-843-3590	Email: dkinsman@ensigneng.com	

*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.

For Office Use Only

Land Use Review: Date:	Water Superintendent Review: Date:	City Engineer Review: Date:
Planning Review: Date:	Reclamation Superintendent Review: Date:	Director Review: Date:

Fire Flow Test

Location:	Residual Pressure:	Flow (gpm):	Min. Required Flow (gpm):
Performed By:	Date Performed:	Corrections Needed: ☐ Yes ☐ No	Comments Returned: Date: ☐ Yes ☐ No

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH }
}ss
COUNTY OF TOOELE }

I/we, Kelly White Landon Sandberg, 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.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 18 day of JULY, 2023.

ANTHONY CESAR TOVAR
Notary Public - State of Utah
Comm. No. 723933
My Commission Expires on
Apr 6, 2026

(Notary)
Residing in _____ County, Utah
My commission expires: April 6 2026

AGENT AUTHORIZATION

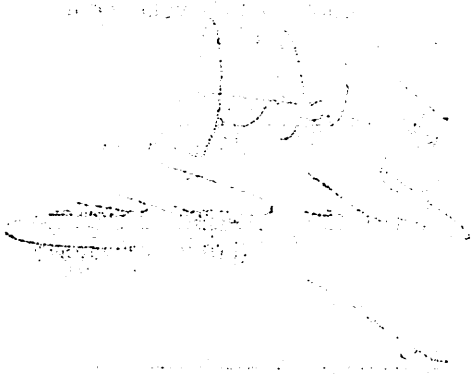
I/we, _____, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), _____, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering this application and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

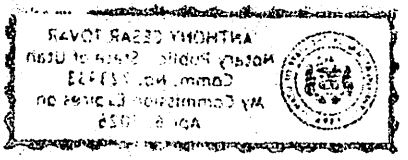
(Property Owner)

(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: _____




ANTHONY CESAR TOVAR
Notary Public - State of Utah
Comm. No. 717933
My Commission Expires on
Apr 8, 2019

FINAL PLAT
KELLY WHITE SUBDIVISION - MINOR SUBDIVISION

(AMENDING AND VACATING LOTS 1 & 2 OF GLASER SUBDIVISION)
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20,TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

TOOELE CITY DEVELOPMENT REVIEW
Submittal # 2 10/03/2023

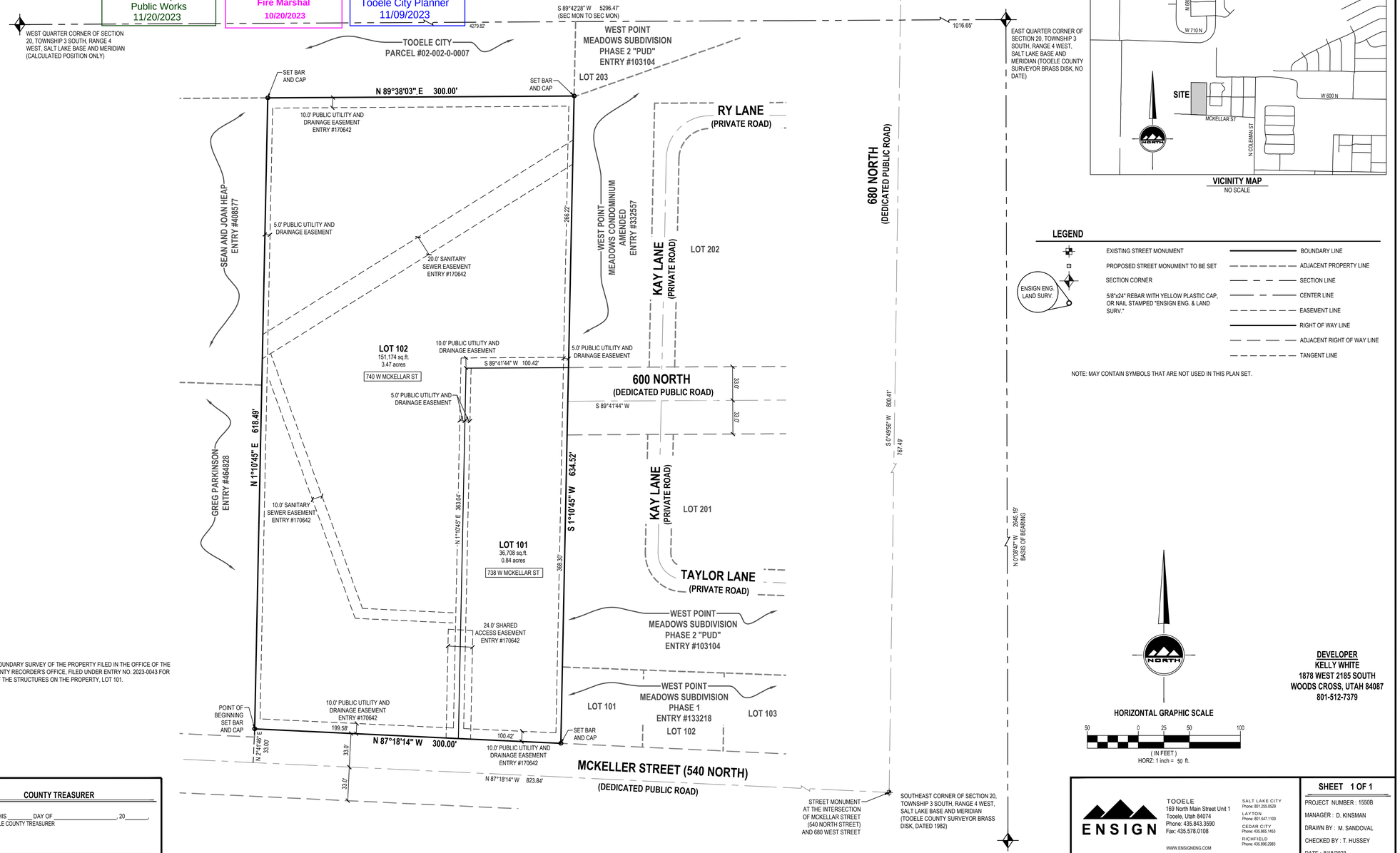
APPROVED
P Hansen
City Engineer
10/03/2023

APPROVED CONDITIONAL ON :
- REMOVAL OF MAYOR SIGNATURE BLOCK
- PROVIDE MAPPING WHICH SHOWS WHERE EXISTING WATER / SEWER LATERALS ARE LOCATED

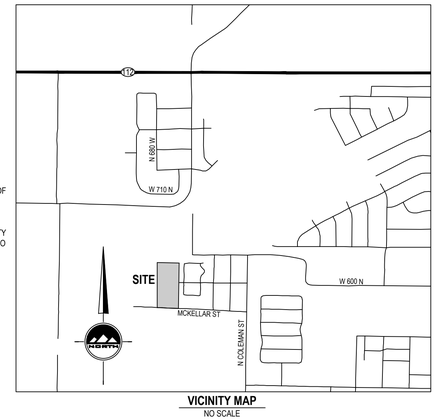
APPROVED
J Grandpre
Public Works
11/20/2023

APPROVED
N Wall
Fire Marshal
10/20/2023

APPROVED
J HALL
Tooele City Planner
11/09/2023



NOTE: SEE BOUNDARY SURVEY OF THE PROPERTY FILED IN THE OFFICE OF THE TOOELE COUNTY RECORDER'S OFFICE, FILED UNDER ENTRY NO. 2023-0043 FOR LOCATION OF THE STRUCTURES ON THE PROPERTY, LOT 101.



VICINITY MAP
NO SCALE

LEGEND

EXISTING STREET MONUMENT	BOUNDARY LINE
PROPOSED STREET MONUMENT TO BE SET	ADJACENT PROPERTY LINE
SECTION CORNER	SECTION LINE
5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."	CENTER LINE
	EASEMENT LINE
	RIGHT OF WAY LINE
	ADJACENT RIGHT OF WAY LINE
	TANGENT LINE

ENSIGN ENG. LAND SURV.

NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS PLAN SET.

HORIZONTAL GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
HORZ: 1 inch = 50 ft.

DEVELOPER
KELLY WHITE
1878 WEST 2185 SOUTH
WOODS CROSS, UTAH 84087
801-512-7379

SURVEYOR'S CERTIFICATE

I, Douglas J. Kinsman do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as Kelly White Subdivision - Minor Subdivision, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

Beginning at a point located South 89°42'28" West 1016.65 feet along the Quarter section line to the center line of 680 West Street and South 0°49'56" West 767.49 feet along said center line to the center line of Mckeller Street (540 North Street) and North 87°18'14" West 823.84 feet along said center line and North 2°41'46" East 33.00 feet to a point on the North line of said Mckeller Street from the East Quarter Corner of said Section 20, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North 1°10'45" East 618.49 feet;
thence North 89°38'03" East 300.00 feet;
thence South 1°10'45" West 634.52 feet to the North Right of Way line for McKellar Street (540 North);
thence North 87°18'14" West 300.00 feet along said Right of Way to the Point of Beginning.

Contains 187,882 square feet or 4.31 acres.

SEPTEMBER 28, 2023
Date
Douglas J. Kinsman
License no. 334575

PROFESSIONAL LAND SURVEYOR
NO. 334575
DOUGLAS KINSMAN
STATE OF UTAH

OWNER'S DEDICATION

Known all men by these presents that I / we, the under- signed owner (s) of the above described tract of land, having caused same to be subdivided, hereafter known as the

WHITE SUBDIVISION - MINOR SUBDIVISION
(AMENDING AND VACATING LOTS 1 & 2 OF GLASER SUBDIVISION)

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.
In witness whereof I / we have hereunto set our hand (s) this _____ day of _____ A.D., 20_____.

By: KELLY WHITE JT

By: KIM DEAN GLASER TRUSTEE

By: LANDON SANDBERG JT

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH)
County of Tooele) S.S.

On the _____ day of _____ A.D., 20_____, _____ personally appeared before me, the undersigned Notary public, in and for said County of _____ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, _____ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____.

_____ RESIDING IN _____ COUNTY.
NOTARY PUBLIC

COUNTY TREASURER

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE COUNTY TREASURER

TOOELE COUNTY TREASURER

CITY COUNCIL APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE CITY COUNCIL

CHAIRMAN TOOELE CITY COUNCIL

ROCKY MOUNTAIN POWER COMPANY

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH STRUCTURES, TREES, AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURE BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE

APPROVED THIS _____ DAY OF _____, 20_____, BY THE ROCKY MOUNTAIN POWER COMPANY

SIGNATURE TITLE

QUESTAR GAS COMPANY

QUESTAR GAS COMPANY, DBA DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF APPROXIMATING THE LOCATION, BOUNDARIES, COURSE AND DIMENSIONS OF THE RIGHTS-OF-WAY AND EASEMENTS GRANTS AND EXISTING UNDERGROUND FACILITIES. NOTHING HEREIN SHALL BE CONSTRUED TO WARRANT OR VERIFY THE PRECISE LOCATION OF SUCH ITEMS. THE RIGHTS-OF-WAY AND EASEMENTS ARE SUBJECT TO NUMEROUS RESTRICTIONS APPEARING ON THE RECORDED RIGHT-OF-WAY AND EASEMENT GRANT(S). DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER DEDICATION OR IN THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8532

APPROVED THIS _____ DAY OF _____, 20_____, BY THE QUESTAR GAS COMPANY

SIGNATURE TITLE

ENSIGN
TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
WWW.ENSIGNENG.COM

SALT LAKE CITY Phone: 801.255.0529
LAYTON Phone: 801.547.1100
CEDAR CITY Phone: 435.865.1453
RICHFIELD Phone: 435.896.2983

SHEET 1 OF 1

PROJECT NUMBER : 1550B
MANAGER : D. KINSMAN
DRAWN BY : M. SANDOVAL
CHECKED BY : T. HUSSEY
DATE : 8/18/2023

SURVEY RECORDING DATA

DATE: _____.
DRAWING No. _____.

FINAL PLAT
KELLY WHITE SUBDIVISION - MINOR SUBDIVISION
(AMENDING AND VACATING LOTS 1 & 2 OF GLASER SUBDIVISION)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20,TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE, TOOELE COUNTY, UTAH

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE CITY PLANNING COMMISSION CHAIR

CHAIRMAN TOOELE CITY PLANNING COMMISSION

COMMUNITY DEVELOPMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE CITY COMMUNITY DEVELOPMENT

TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY HEALTH DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

SURVEYOR DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE COUNTY SURVEYOR

RECORD OF SURVEY FILE #2023-0043

TOOELE COUNTY SURVEYOR

CITY ENGINEER'S APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY ENGINEER

TOOELE CITY ENGINEER

CITY MAYOR APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE CITY MAYOR

TOOELE CITY MAYOR

CITY ATTORNEY'S APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20_____, BY THE TOOELE CITY ATTORNEY.

TOOELE CITY ATTORNEY

TOOELE COUNTY RECORDER

RECORDED #_____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF : _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
_____ FEES
TOOELE COUNTY RECORDER

STAFF REPORT
December 7, 2023

To: Tooele City Planning Commission
Business Date: December 13, 2023

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Millenial Park Phase 2 – Site Plan Design Review Request**

Application No.:	P22-1198
Applicant:	Jared Payne, representing Mountain Partner Investments
Project Location:	Approximately 300 West 400 North
Zoning:	MR-16 Multi-Family Residential Zone
Acreage:	1.75 Acres (Approximately 76,230 ft^2)
Request:	Request for approval of a Site Plan Design Review in the MR-16 Multi-Family Residential zone regarding a 24 town house development.

BACKGROUND

This application is a request for approval of a Site Plan Design Review for approximately 1.75 acres located at approximately 360 West 400 North. The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Site Plan Design Review be approved to allow for the development of the currently vacant site as a 24 residential town house development.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. Properties to the north and west are also zoned MR-16 and are utilized as a mobile home park and Phase 1 of Millennial Park (to the west). South of the subject property land is zoned R1-7 Residential and are utilized as single-family residential. Properties to the east are zoned R1-7 Residential and are utilized as a mobile home park and some single-family residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Site Plan Layout. The development is proposed to accommodate 24 town home units in four 6-unit buildings. Each town house will occupy it's own privately owned and maintained lot with a front and rear yard of between 20 and 25 feet depending upon the townhouse's location. These townhouses are considered rear loaded town houses with garages accessing either a public street or internal private road. The official fronts of the homes will open onto interior areas, or, in the case of units 201 through 212, will front onto a public street but access the private road to the west. Lots 219 through 224 will directly access 250 West Street.

Subdivision Layout. The development is in the process of receiving preliminary plan subdivision approval and will need to receive final plat subdivision approval. Each town house will occupy its own lot, each lot being about the width of the town house itself. End units will have slightly larger lots. There

are no lot size or lot width restrictions for town house units. The subdivision plat is being reviewed concurrently with the site plan and is on the same meeting agenda as the site plan design review.

Landscaping. Landscaping and open space on the site is unique given the lots are for sale lots and will be privately owned and maintained, including the landscaping of those individual lots. However, when considering yard space and common open space areas the total is about 31% of the total site. Common areas consist of Parcel "B" which will be an open landscaped area between two rows of townhomes as well as some landscaping along the northern boundary of the development not included in the private lots.

Landscaping materials in Parcel "B" will be irrigated Buffalo Sod with remaining ground covers being cobble mulches with shrub and tree plantings. The development is proposing the planting of 106 new trees and 136 new shrubs. The landscaping plan and the location of trees and shrubs have been reviewed according to the landscape and irrigation design guide lines and staff has confirmed the landscaping does meet or exceed the requirements of the City Code.

As mentioned above the private yard spaces of each town house unit will be landscaped according the desires of the individual lot owners and any CCRs the development itself may impose.

Amenities. A multi-family development of this size is required to provide one amenity. A child tot lot play structure will be provided in the landscaped area of Parcel "B".

Parking. Each unit within the development will have a two car garage as well as a 20 foot driveway able to accommodate two parked cars. In this situation, the development meets the parking requirement for both parking stalls per unit as well as guest parking and does not need to provide any additional parking.

Architecture. The applicant's architect has worked closely with City Staff to design the building's exterior appearance to satisfy the developer's desires and comply with Tooele City's multi-family residential design guidelines. As mentioned these are rear loaded units so the fronts of the buildings do not front on to roads in every case. The town house buildings will be three story homes with the end units being two story. Exterior materials include primarily grey-red washed brick over 54% of the building exterior with the remaining exterior materials being stucco, faux stucco wood and stucco trim around the windows and doors. Front elevations will include balconies and wall elements that provide the required horizontal and vertical articulation. The roofline is appropriately stepped to avoid sections of roof lines longer than 50 feet.

Side and rear facades of the building maintain the same exterior elements as the front of the buildings along with horizontal relief and material changes clearly delineating each unit from the next. The building architecture as proposed meets or exceeds minimum architectural requirements as defined in the Tooele City multi-family residential design standards.

Signage. There are two development entry monument signs at the each entrance into the project. One is located at the 400 North entrance and a second at the 300 West entrance.

Fencing. Solid fencing with masonry piers will be provided where the proposed development is adjacent to R1-7 zoning, specifically, the parcel located to the south east which is currently utilized as a single-family residential home.

Criteria For Approval. The criteria for review and potential approval of a Site Plan Design Review request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

Site Plan or Site Plan Amendment 7-11-6, 8, and 9

Section 7-11-6. Approval. The Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with [Chapter 7-11 TCC] and with the general policies and objectives of [Title 7 TCC], and shall give or withhold approval accordingly. Before making this determination, the Planning Commission shall receive the written recommendations of the City Engineer, the Accessibility Committee, and the Fire Chief. Such recommendation may be by letter, memorandum, or signature on the plans.

Section 7-11-8. Considerations in review of applications. The Planning Commission and the Engineering Department shall consider the following matters, among others, in their review of applications:

(1) Considerations relating to traffic safety and traffic congestion:
  (a) The effect of the site development plan on traffic conditions on abutting streets.
  (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
  (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
  (d) The location, arrangement, and dimensions of truck loading and unloading facilities.
  (e) The circulation patterns within the boundaries of the development.
  (f) The surfacing and lighting of off-street parking facilities.

(2) Considerations relating to outdoor advertising:
  (a) The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.

(3) Considerations relating to landscaping:
  (a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.
  (b) The planting of ground cover or other surfacing to prevent dust and erosion.
  (c) The unnecessary destruction of existing healthy trees.

(4) Considerations relating to buildings and site layout:
  (a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.
  (b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.

(5) Considerations relating to drainage:
  (a) The effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.

Section 7-11-9. Considerations. The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of [Chapter 7-11 TCC] as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of [Chapter 7-11 TCC].

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Site Plan Design Review submission and has issued a recommendation for approval for the request with the following comments:

1. The proposed Millennial Park Phase 2 Site Plan meets or exceeds the minimum requirements of Tooele City Code 7-11a, Multi-family Residential Design Guidelines.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Site Plan Design Review submission and have issued a recommendation for approval for the request.

Tooele City Fire Department Review. The Tooele City Fire Department did not issue any comments or concerns concerning this proposed multi-family residential site plan but have approved the plans presented during the site plan review.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Site Plan Design Review by Jared Payne, representing Mountain Partner Investments, application number P22-1198, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

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. 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 proposed Millennial Park Site Plan meets or exceeds the minimum requirements of Tooele City Cod 7-11a, Multi-family Residential Design Guidelines.

MODEL MOTIONS

Sample Motion for Approval – "I move we approve the Site Plan Design Review request by Jared Payne, representing Mountain Partner Investments for Millennial Park Phase 2, application number P22-1198, based on the findings and subject to the conditions listed in the Staff Report dated December 7, 2023:"

1. List findings and conditions…

Sample Motion for Denial – "I move we deny the Site Plan Design Review request by Jared Payne, representing Mountain Partner Investments for Millennial Park Phase 2, application number P22-1198, based on the following findings:"

1. List findings…

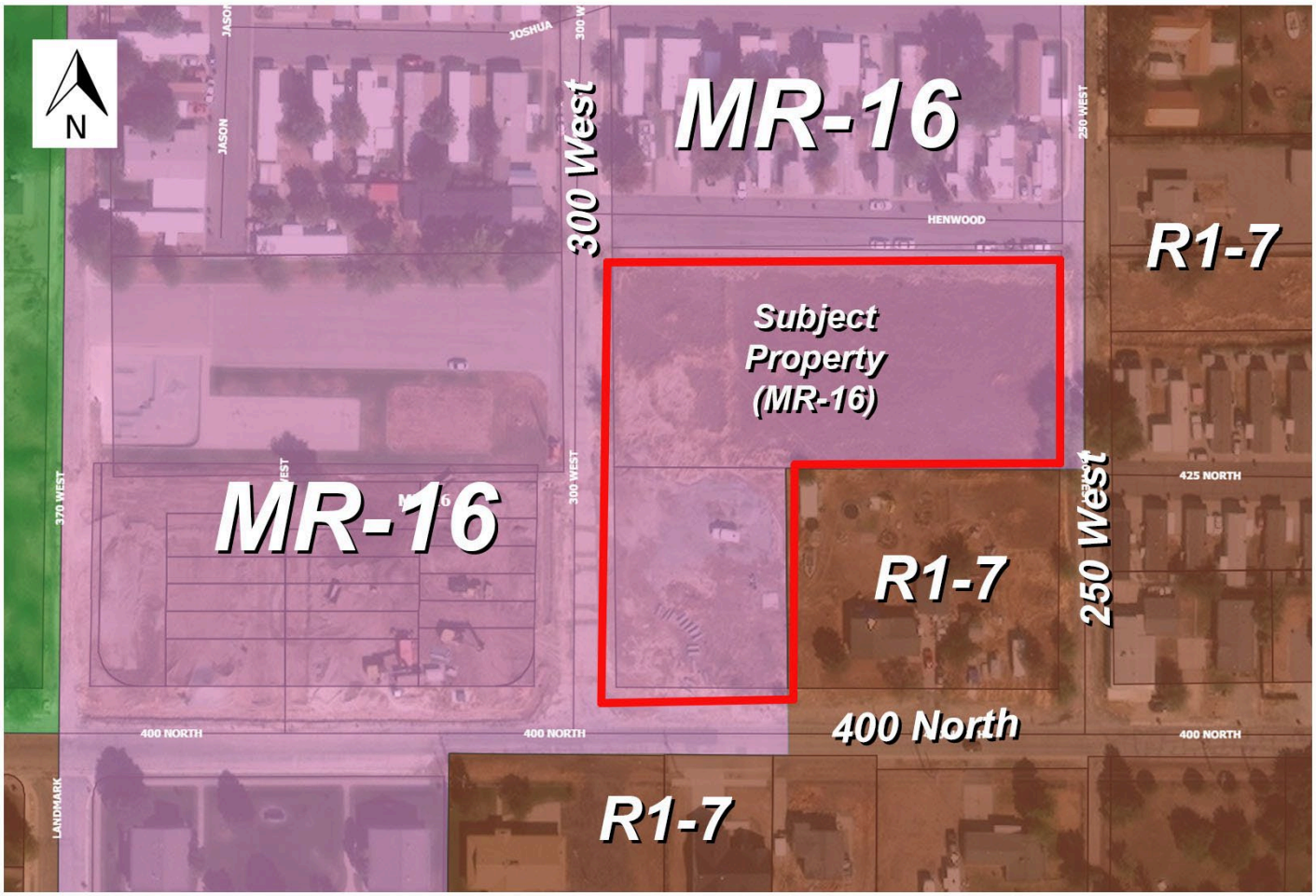
EXHIBIT A

MAPPING PERTINENT TO THE MILLENIAL PARK PHASE 2 SITE PLAN DESIGN REVIEW

Millennial Park Phase 2 Site Plan Design Review

Aerial View

Millennial Park Phase 2 Preliminary Site Plan Design Review



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS & APPLICANT SUBMITTED INFORMATION

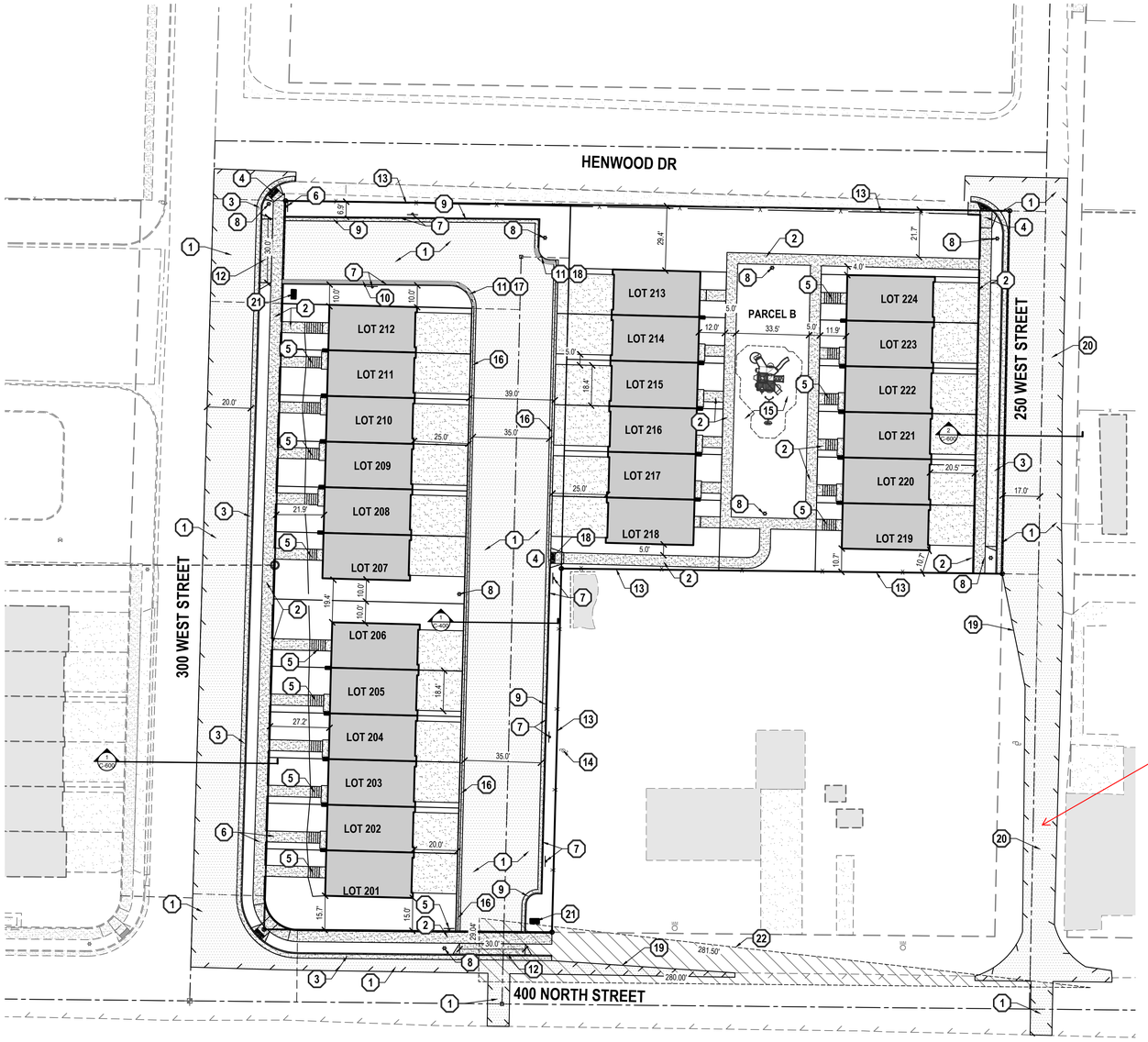
811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

WEST QUARTER CORNER OF SECTION 21, T3S, R4W, SLB&M

ELEVATION = 4876.56'



GENERAL NOTES

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. ASPHALT PAVEMENT: 3" THICK ASPHALTIC CONCRETE WITH 8" UNTREATED BASE COURSE.
2. 6" THICK 5' WIDE CONCRETE SIDEWALK PER TOOELE CITY STANDARD PLAN NO. 231 R AND SPECIFICATIONS.
3. 30" TYPE "A" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
4. HANDICAP ACCESS RAMP PER APWA STANDARD PLAN NO. 235 WITH DETECTABLE WARNING SURFACE PER APWA STANDARD PLAN NO. 238 R AND SPECIFICATIONS.
5. STAIRS IN SIDEWALK. SEE GRADING PLAN FOR ELEVATION INFORMATION. SEE ARCHITECTURAL PLANS FOR HANDRAIL INFORMATION.
6. "STOP" SIGN PER M.U.T.C.D. STANDARD PLANS.
7. INSTALL "NO PARKING" SIGN AND "RED" PAINTED CURB PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 292 R.
8. INSTALL STREET LIGHTS PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 743 R.
9. 24" TYPE "E" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
10. 24" TYPE "E" REVERSE PAN CURB AND GUTTER PER DETAIL 7/C-600.
11. TRANSITION BETWEEN COLLECTION CURB AND GUTTER AND REVERSE PAN CURB AND GUTTER.
12. FLARE DRIVEWAY APPROACH PER APWA STANDARD PLAN NO. 221.
13. 12" WIDE CONCRETE MOW STRIP WITH 6' PRIVACY FENCE WITH MASONRY PIERS REGULARLY SPACED PER TOOELE CITY STANDARDS AND SPECIFICATIONS.
14. RELOCATE OVERHEAD UTILITIES UNDERGROUND, WORK WITH ROCKY MOUNTAIN POWER.
15. INSTALL A PLAYGROUND PER TOOELE CITY STANDARDS.
16. 24" TYPE "H" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
17. 24" TRANSITION BETWEEN TYPE "H" COLLECTION CURB AND GUTTER AND TYPE "E" REVERSE PAN CURB AND GUTTER.
18. 24" TRANSITION BETWEEN "E" AND "H" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
19. TAPER ASPHALT INTO EXISTING ASPHALT.
20. PENDING A REVIEW OF EXISTING PAVEMENT QUALITY AND REMAINING WIDTH, IT MAY BE NECESSARY TO REMOVE / REPLACE FOR STRUCTURAL INTEGRITY, TO EXISTING ASPHALT WIDTH ONLY.
21. 3' MAX HEIGHT LIGHTED ENTRY MONUMENT PER ARCHITECTURAL DESIGN.
22. AASHTO INTERSECTION SIGHT TRIANGLE CASE B.

NOTE: MAY CONTAIN KEYNOTES THAT ARE NOT USED ON THIS SHEET.

HORIZONTAL GRAPHIC SCALE

30 0 15 30 60

(IN FEET)
HORZ: 1 inch = 30 ft.

ENSIGN
THE STANDARD IN ENGINEERING

TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
MOUNTAIN PARTNERS INVESTMENTS, LLC
2455 EAST PARLEYS WAY #240
SALT LAKE CITY, UT 84109
CONTACT:
JAREY PAYNE
PHONE: 801-860-0747

MILLENNIAL PARK SUBDIVISION
PHASE 2 SITE PLAN
300 WEST STREET 400 NORTH STREET
TOOELE, UTAH

REGISTERED PROFESSIONAL ENGINEER
10924116-2202
3-02-23
COREY J. CHILD
STATE OF UTAH

SITE PLAN

PROJECT NUMBER	PRINT DATE
8276B	2/2/23
DRAWN BY	CHECKED BY
C. CHILD	C. CHILD
PROJECT MANAGER	
C. CHILD	

C-200

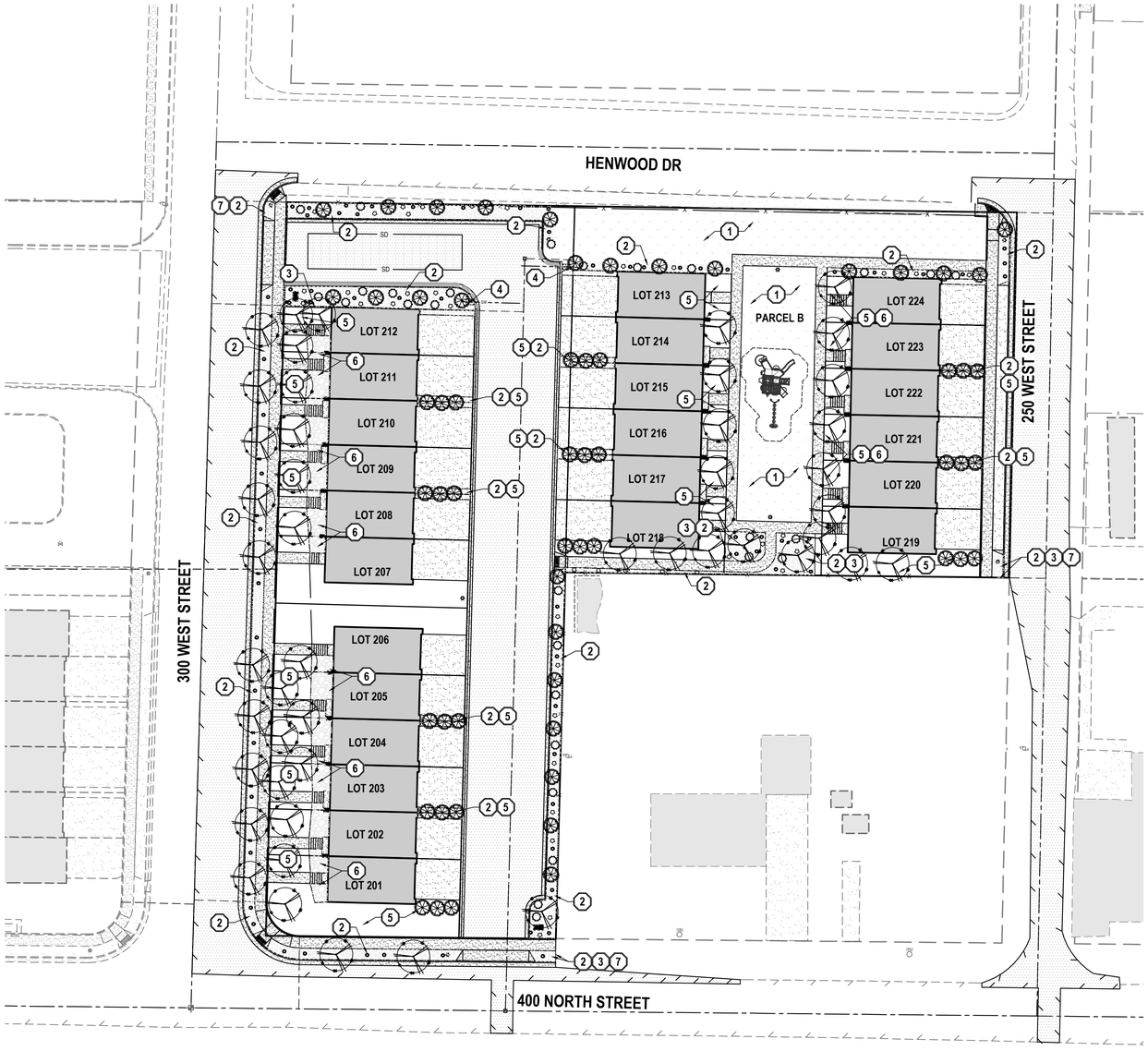
811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

WEST QUARTER CORNER OF SECTION 21, T3S, R4W, SLB&M

ELEVATION = 4876.56'



Landscape

Trees

Qty	Symbol	Common Name	Plant Size
58		Burr Oaks	2" Cal.
48		Plum, Cherry 'Thundercloud'	2" Cal.
Total: 106			

Shrubs Under 4 Feet

Qty	Symbol	Common Name	Plant Size
40		Cinquefoil	5 Gallon
28		Currant, Alpine	1 Gallon
68		Blue Oat Grass	1 Gallon
Total: 136			

Symbol	Common Name
	Buffalo Grass

SCOPE OF WORK:
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

1. LEGACY BUFFALO SOD, RAINBIRD SPRAYED HEAD & MAXI AREA.
2. INSTALL 4" DEEP 2"-3" DIA. NEPHI ROCK AND GRAVEL COLOR 'SOUTHTOWN' OR EQUIV. DECORATIVE ROCK OVER WEED BARRIER, TYP.
3. INSTALL METAL EDGING
4. SEE UTILITY PLANS FOR WATER LATERAL SIZES
5. LANDSCAPING AND IRRIGATION PER INDIVIDUAL OWNERS W/ BACKFLOW PREVENTERS PER TOOELE CITY STANDARDS.
6. LANDSCAPE SLOPE STABILIZATION PER INDIVIDUAL OWNERS.
7. NONE WATER AREA.

SITE SUMMARY TABLE

DESCRIPTION	AREA (SF)	PERCENTAGE
HARDSCAPE	31,069	42%
ROOF	20,360	27%
LANDSCAPING (UNIT LANDSCAPING) (OPEN SPACE)	22,819 (UNIT -12,161) (OPEN LAWN - 7,496) (OPEN ROCK - 3,162)	31% (UNIT 17%) (OPEN LAWN - 10%) (OPEN ROCK - 4%)
TOTAL SITE	74,248 1.70 ACRES	100%

NORTH

HORIZONTAL GRAPHIC SCALE

30 0 15 30 60

(IN FEET)
HORZ: 1 inch = 30 ft.

ENSIGN
THE STANDARD IN ENGINEERING

TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
MOUNTAIN PARTNERS INVESTMENTS, LLC
2455 EAST PARLEYS WAY #240
SALT LAKE CITY, UT 84109
CONTACT:
JARED PAYNE
PHONE: 801-860-0747

MILLENNIAL PARK SUBDIVISION
PHASE 2 SITE PLAN
300 WEST STREET 400 NORTH STREET
TOOELE, UTAH

LANDSCAPING PLAN

PROJECT NUMBER 8276B
PRINT DATE 2/2/23
DRAWN BY C. CHILD
CHECKED BY C. CHILD
PROJECT MANAGER C. CHILD

L-100

FRONT

6 PLEX:

FRONT FACADE = 2,473.2
BRICK = 1,582 / 2,473.2 = 64%

REAR FACADE = 2,200
BRICK = 1,045.3 / 2,200 =48%

RIGHT SIDE FACADE = 1,175.2
BRICK = 368.2 / 1,175.2 =31%

LEFT SIDE FACADE = 1,175.2
BRICK = 481.4 / 1,175.2 =41%

TOTAL FACADE = 7,023.6
BRICK = 3,958.6 / 7,023.6 =56%

(1) Grey red washed brick with grey grout
Provide sample to match

(2) Stucco Wood Look
Master Wall Inc.
Color- Bark
Texture- CIFS
Woodgrain

(3) Stucco
SW 7073 Network Gray

(4) Stucco
SW 7647 Crushed Ice

(5) Stucco Trim 4"
SW 7076 Cyberspace

(6) Roofing
Highland Slate
Certainteed
Color: Fieldstone

Note: Verify all colors with owner onsite. Provide draw down samples with color options.

scholz ARCHITECTS

MILLENNIAL PARK 6 PLEX EXTERIOR COLOR KEY

For Review
07/28/2022 10:59:12 AM

REAR

6 PLEX:

FRONT FACADE = 2,473.2
BRICK = 1,582 / 2,473.2 = 64%

REAR FACADE = 2,200
BRICK = 1,045.3 / 2,200 =48%

RIGHT SIDE FACADE = 1,175.2
BRICK = 368.2 / 1,175.2 =31%

LEFT SIDE FACADE = 1,175.2
BRICK = 481.4 / 1,175.2 =41%

TOTAL FACADE = 7,023.6
BRICK = 3,958.6 / 7,023.6 =56%

1 Grey red washed brick with grey grout
Provide sample to match

2 Stucco Wood Look
Master Wall Inc.
Color- Bark
Texture- CIFS
Woodgrain

3 Stucco
SW 7073 Network Gray

4 Stucco
SW 7647 Crushed Ice

5 Stucco Trim 4"
SW 7076 Cyberspace

6 Roofing
Highland Slate
Certainteed
Color: Fieldstone

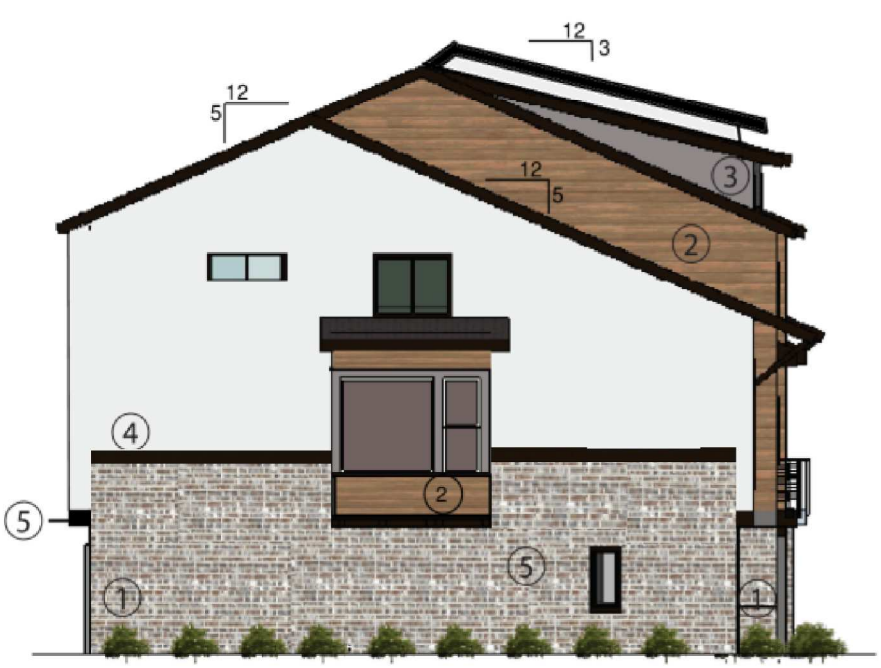
scholz ARCHITECTS

Note: Verify all colors with owner onsite. Provide draw down samples with color options.

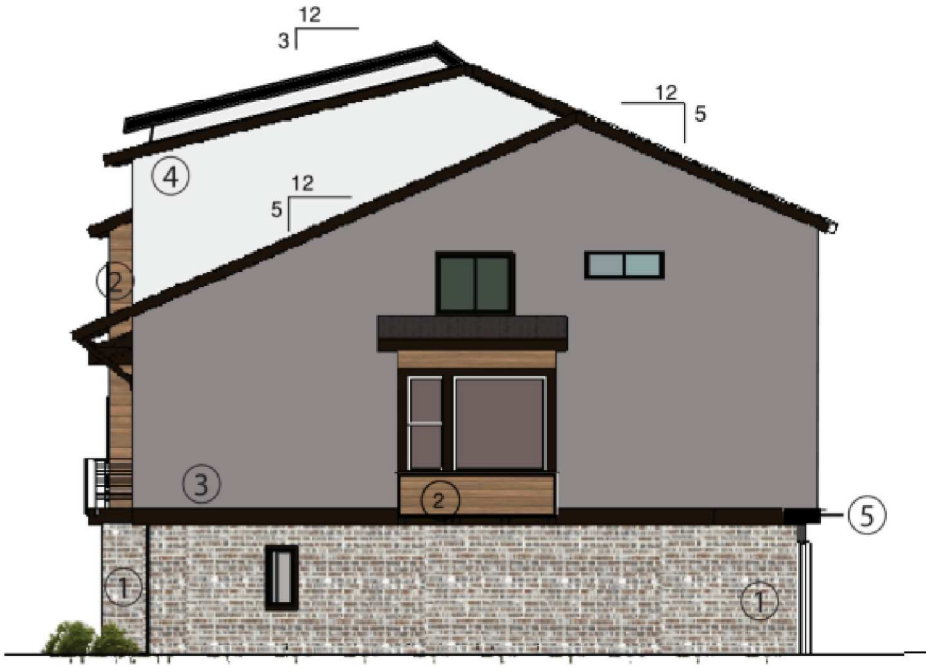
MILLENNIAL PARK 6 PLEX EXTERIOR COLOR KEY

For Review
07/28/2022 10:59:24 AM

LEFT



RIGHT



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scholz ARCHITECTS

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MILLENNIAL PARK 6 PLEX EXTERIOR COLOR KEY

For Review
07/28/2022 10:59:24 AM

Tooele City Planning Commission
Business Meeting Minutes

Date: Wednesday, November 8, 2023
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:
Tyson Hamilton
Melanie Hammer
Chris Sloan
Weston Jensen
Melodi Gochis
Alison Dunn
Matt Robinson
Jon Proctor

City Council Members Present:
Maresa Manzione

City Council Members Excused:
Ed Hansen

City Employees Present:
Andrew Aagard, City Development Director
Jared Hall, City Planner
Chris Nielson, IT Director

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance
The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call
Melanie Hammer, Present
Tyson Hamilton, Present
Weston Jensen, Present
Chris Sloan, Present
Jon Proctor, Present
Melodi Gochis, Present
Matt Robinson, Present
Alison Dunn, Present

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3. Public Hearing and Decision – Parminder Singh, PR Best Truck Driving School requests a Conditional Use Permit for the operation of a private educational facility on an 11.6-acre parcel located at Garnet Street and Atlas Way in the Industrial zoning district..

Mr. Hall presented a request for Conditional Use Permit by Parminder Singh, PR Best Truck Driving School. The company is planning to operate a private education facility. The property is zoned Industrial. They will have 10-14 students at any given time. Staff has added the following conditions: parking needs to be improved including parking on site, provide restroom facilities, site to be improved to the engineer's standard, and applicant will have to obtain a business license.

The Planning Commission asked the following:
Does the City limit the number of trucks allowed on property?

Mr. Hall addressed the Commission's question. The applicant plans to keep two trucks. Staff has not recommend a limit on the number, but the applicant will have to improve an area to accommodate whatever number of trucks would be parked there.

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

Commissioner Proctor motioned to approve Parminder Singh, PR Best Truck Driving School request for a Conditional Use Permit for the operation of a private educational facility on an 11.6-acre parcel located at Garnet Street and Atlas Way in the Industrial zoning district based on the findings and subject to the conditions listed in the staff report. Commissioner Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Sloan, "Aye" Chairman Hamilton, "Aye", Commissioner Proctor, "Aye", Commissioner Gochis, "Aye", Commissioner Robinson, "Aye" and Commissioner Jensen, "Aye". The motion passed.

4. Public Hearing and Decision – Matt McCoy, Tooele City Fire Department requests a Conditional Use Permit required for a public use for the proposed Tooele City Fire Station #3, located 145 E. 1000 North Street in the Regional Commercial zoning district.

Mr. Hall presented a request for Conditional Use Permit made by Matt McCoy and the Tooele City Fire Department. The conditional use is to allow a public use of the property. The zoning is Light Industrial. The general plan identifies it as Regional Commercial. Staff included a condition that the construction site is managed properly with minimal disruptions to the area.

The public hearing was opened.

Kalani Mascherino shared her concerns for traffic in the area. She asked if there would be a traffic light at the intersection of 100 West and 1000 North.

The public hearing was closed.

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Mr. Hall addressed the public's concerns. A traffic signal is planned for that intersection, and the design is being worked on now.

Commissioner Hammer motioned to approve the request by Matt McCoy and the Tooele City Fire Department for a Conditional Use Permit required to allow a public use for the proposed Tooele City Fire Station #3, located 145 E. 1000 North Street in the Regional Commercial zoning district based on the findings and subject to the conditions listed in the staff. Commissioner Gochis seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Sloan, "Aye" Chairman Hamilton, "Aye", Commissioner Proctor, "Aye", Commissioner Gochis, "Aye", Commissioner Robinson, "Aye" and Commissioner Jensen, "Aye". The motion passed.

5. Decision – Consider a request by Brian Carlisle for HMS Development to extend the Site Plan Design Review approval for the Slatewood Apartments, a 72-unit multi-family project on 4.79 acres located at 1201 N. Franks Drive in the MR-16 zoning district.

Mr. Hall presented a site plan design for development project located at 1201 N. Franks Drive. The property is zoned MR-16. This project was approved last year, but the applicant needs an extension to get started on construction. The extension is for 6 months. The conditions of approval still stand.

Commissioner Gochis motioned to approve the request by Brian Carlisle for HMS Development to extend the Site Plan Design Review approval for the Slatewood Apartments, a 72-unit multi-family project on 4.79 acres located at 1201 N. Franks Drive in the MR-16 zoning district based on the findings and subject to the conditions listed in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Sloan, "Aye" Chairman Hamilton, "Aye", Commissioner Proctor, "Aye", Commissioner Gochis, "Aye", Commissioner Robinson, "Aye" and Commissioner Jensen, "Aye". The motion passed.

6. Discussion Item – Introduction to Subdivision Process Amendments, Senate Bill 174.

Mr. Aagard presented senate Bill 174. This bill requires drastic changes to the subdivision process. Staff has been working on amendments from the state code. It has to be submitted by February 2024. Currently, when an application comes in, the preliminary plan goes through staff review and Planning Commission. The City Council then sees the application for final approval. One of the changes includes subdivision approval being administrative. Preliminary approval process is just preliminary, basic information. The design elements will be approved during the final plat with staff. The state has required the City to designate a land authority. Staff records the Planning Commission maintain that role. The appeal authority is made of up three members the City and applicant chooses. The final plat will remain administrative and consist of three staff members. Minor subdivisions will be same process as final plat.

The Planning Commission asked the following:
Who is the deciding factor of committee of three?

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Who oversees the appeal authority?

Mr. Aagard addressed the Commission. The committee could be made up of staff members or private engineers. It has to be a qualified body. There is flexibility to be able to find the most qualified for the type of subdivision. The board is meant to be above and beyond City staff to make an unbiased appeal.

7. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: They began discussion on senate bill and its changes. They set up the bond for Fire Station 3. They received a presentation on the missing-middle housing opportunities.

8. Discussion Item – Planning Commission public comment emails and Planning Commission training results.

Mr. Aagard addressed public comment emails and Planning Commission training results.

The planning commission would like the public comment emails directly.

All member of the Planning Commission, but one, has attended the required number of meetings and training. The City does have a training budget that can send the Planning Commission to conferences to further their education and training.

9. Review and Approval of Planning Commission Minutes for the meeting held on October 25, 2023.

There are no changes to the minutes.

Commissioner Proctor motioned to approve the minutes. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Sloan, "Aye" Chairman Hamilton, "Aye", Commissioner Proctor, "Aye", Commissioner Gochis, "Aye", Commissioner Robinson, "Aye" and Commissioner Jensen, "Aye". The motion passed.

10. Adjourn

Chairman Hamilton adjourned the meeting at 7:38 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 November, 2023

_____

Tyson Hamilton, Tooele City Planning Commission Chair

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