
PUBLIC NOTICE

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, December 20, 2023, at the hour of 7:00 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.gov, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.gov.

*We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel". If you are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email cmpubliccomment@tooelecity.gov anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.*

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Comment Period**
4. **Recognition of Tony Graf's Service**
Presented by Council Chair Justin Brady
5. **Public Hearing and Motion on Ordinance 2023-43** An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Subdivisions
Presented by Roger Baker, City Attorney
6. **Ordinance 2023-44** An Ordinance of Tooele City Amending Tooele City Codes Chapters 7-11A-18 Regarding Multi-Family Residential Building Materials, 7-11A-12 Regarding Multi-Family Residential Landscaping Standards and 7-11A-25 Regarding Deviations from Multi-Family Residential Design Standards
Presented by Andrew Aagard, Community Development Director
7. **Ordinance 2023-45** An Ordinance of Tooele City Amending the Tooele City Annexation Policy Plan, an Element of the Tooele City General Plan
Presented by Andrew Aagard, Community Development Director
8. **Ordinance 2023-46** An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 6.9 Acres of Property Located at 1232 West Utah Avenue from Light Industrial (LI) to Industrial (I)
Presented by Andrew Aagard, Community Development Director
9. **Preliminary Subdivision Plan Request for Millennial Park Phase 2 for Property Located at 300 West 400 North in the MR-16 Zoning District on 1.75 Acres**
Presented by Andrew Aagard, Community Development Director

10. Preliminary Approval of the Proposed Harris Community Village Condominium Plat for Property Located at 251 North 1st Street in the MR-8 Multi-Family Residential Zoning District

Presented by Andrew Aagard, Community Development Director

11. Minor Subdivision Request for the Kelly White Subdivision Proposed to be Located at 738 West McKellar Street in the MR-8 Multi-Family Residential Zoning District

Presented by Andrew Aagard, Community Development Director

12. Resolution 2023-104 A Resolution of the Tooele City Council Authorizing Payment of a Fee In Lieu of Water Rights Conveyance for Holiday Oil

Presented by Jared Stewart, Economic Development Director

13. Invoices & Purchase Orders

Presented by Michelle Pitt, City Recorder

14. Minutes

- December 5, 2023 Canvass Meeting
- December 6, 2023 MBA Meeting
- December 6, 2023 Work Meeting
- December 6, 2023 Business Meeting

15. Adjourn

Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or michellep@tooelecity.gov, prior to the meeting.

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 TOOEELE 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

Exhibit A

Summary of Proposed Subdivision Approval and Appeal Amendments

	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

Proposed Amendments to TCC Chapter 7-19

Exhibit C

Excerpts from Senate Bill 174

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

(Draft #11 12-05-23)

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;

(June 14, 2023)

(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 adjustment; and,

(iii) recites the legal 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')

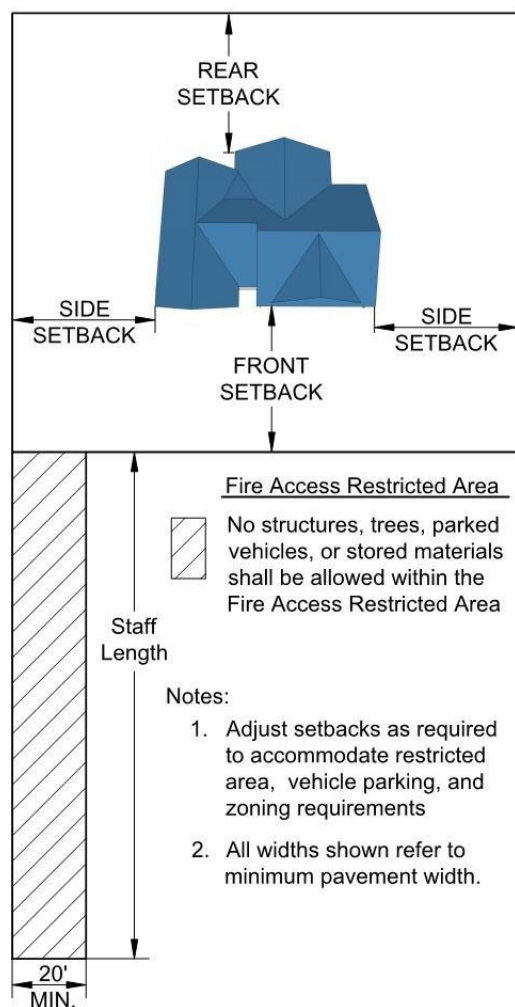


FIGURE 2
(150' < Staff Length < 220' max.)

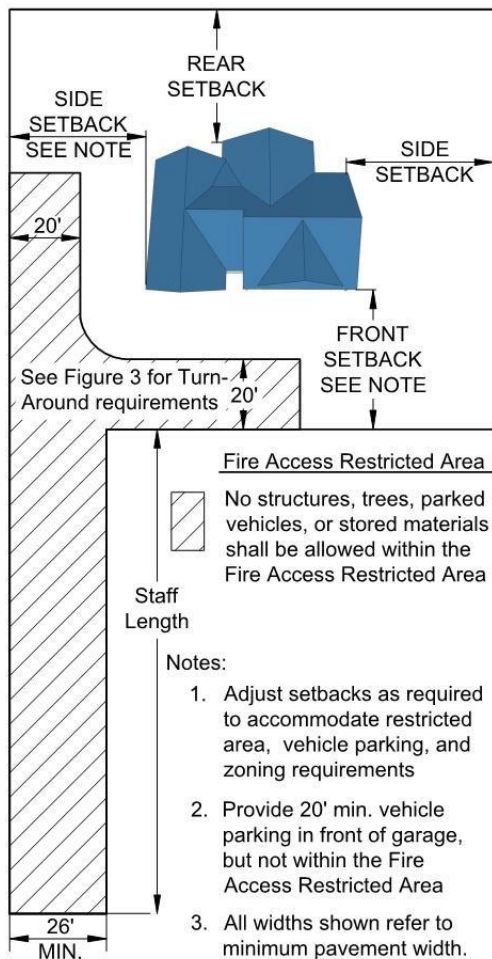
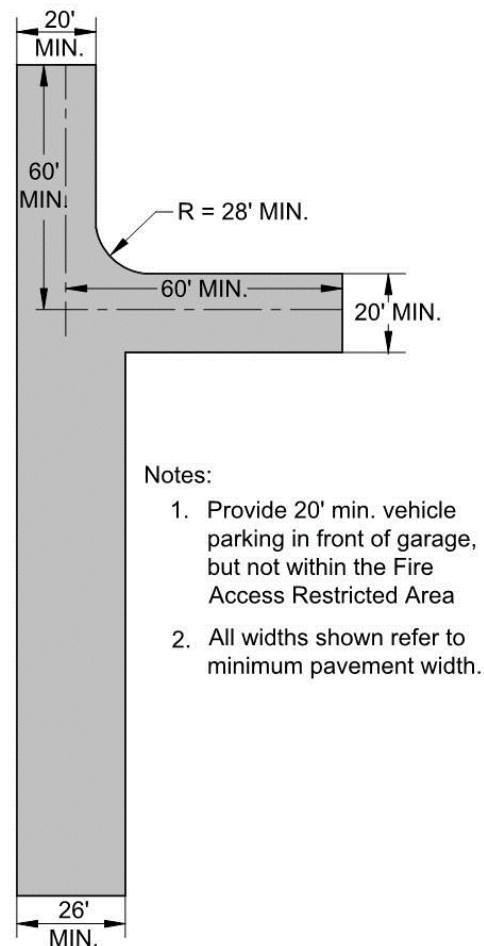


FIGURE 3
Flag Lot Turn-Around Dimensions



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)

CHAPTER 19. SUBDIVISIONS

- 7-19-1. Application of ~~e~~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. Applicability of this Chapter.~~
- 7-19-8. Procedure for approval of preliminary ~~subdivision plan.~~
- 7-19-9. Plats and data for approval of preliminary plan. ~~(Repealed.)~~
- 7-19-10. Procedure for approval of the final ~~subdivision plat.~~
- 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 plan~~ process.
- 7-19-36. Effect of revocation and voiding.

- 7-19-1. Application of ~~e~~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 ordinance. 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 ~~shall hereafter be laid out~~ within the incorporated limits of the City, the owner or subdivider ~~thereof or his agent~~ shall submit both a preliminary subdivision application plan and a final subdivision application plat to the City for its approval. ~~The subdivision plats and all procedures relating thereto shall in all respects be in full compliance with these regulations.~~

(2) Until a preliminary plans for the subdivision is ~~are~~ 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 shall~~ hereafter be made by any person or utility owner or owners or his or their agent or by any public service corporation at the request of such owner or owners or his or their agent.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Federal Floodplain Insurance Program 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, plan to the satisfaction of the City.

(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 ~~Planning Commission~~ may, ~~before approval~~, cause to be prepared, ~~before subdivision approval~~, a plan for the entire unit, ~~such the~~ plan to be used by the land use authority to determine compliance of a subdivision application with City regulations. ~~Planning Commission as an aid in judging the merits of the proposed plat.~~

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, plan but prior to the approval of a final subdivision, plat shall apply to that final subdivision plat to the extent ~~that~~ they do not alter the preliminary subdivision's plat'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 zoning ordinance at the time of complete preliminary subdivision application plan submission;

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

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

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and configuration of an approved preliminary subdivision plan and/or to a final subdivision application plat if the land use authority City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by the subdivision’s plan’s or plat’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 ordinance 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 ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or ~~other~~ private agreements, ~~than~~ this Chapter shall govern.
(Ord. 1977-18, 10-19-1977)

7-19-4. Severability.

If any ~~s~~Section, subsection, sentence, clause, phrase, or portion of this Chapter ordinance 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 thereof.

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

7-19-5. Rules or interpretation.

~~(1)~~ Words used in the present tense shall include the future, ~~;~~ and ~~w~~Words used in the singular shall include the plural ~~number~~, and the plural the singular.

~~—(1) “Lot” shall include the words “plot, piece, and parcel” when referencing a parcel of land within a subdivision.~~

(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, ~~and~~ occupied for, and similar phrases.”

~~—(6) For purposes of this Chapter, “remnant” shall mean a parcel of land that does not comply with the regulations of the applicable zoning district.~~

(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 plat 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 adjustment; and,

(iii) recites the legal 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 ~~shall only~~ 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. ~~Applicability of this chapter.~~

~~The procedures and requirements of this Chapter must be followed:~~

~~—(1) By every person creating a subdivision as defined herein.~~

~~—(2) By e~~Every person who must ~~desires to~~ 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 ,even though said dedication is not a subdivision as defined herein, except that a right-of-way may be conveyed by 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~~plan~~.

(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 Development 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 ~~plan~~ 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, ~~and~~ 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.

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

~~(c)–~~ (b) Where a preliminary subdivision ~~plan~~ contemplates more than one final subdivision ~~plat~~ or phase, the failure of a subdivider shall ~~to~~ submit a completed final subdivision ~~plat~~ application for a second or subsequent phase within the scope of the same subdivision preliminary subdivision ~~plan~~ within two years ~~one year~~ 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 ~~plan~~ to automatically lapse and expire and become of no further force or effect. Thereafter, the

subdivider must submit a new preliminary subdivision recommence the land use application, including the payment of all fees, process then in effect.

(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.)

~~The following data and plats are required for approval of the preliminary plan:~~

~~(1) Topographic data required as a basis for the preliminary plan, in subsection (B) below, shall include existing conditions as follows, except when otherwise specified by the Planning Commission:~~

~~(a) Boundary line: Bearing and distances of all boundary lines of the subdivision as proposed.~~

~~(b) Easements: The location, width and purpose of all easements of the subdivision.~~

~~(c) Streets on and adjacent to the tract: Name and right of way width and location of all streets of the proposed subdivision; type, width and elevation of surfacing in compliance with Chapter 4-8 of the Tooele City Code; any legally established centerline elevations, walks, curbs, gutters, culverts, etc.~~

~~(d) Utilities on and adjacent to the tract: Location, size of sanitary sewers on or adjacent to the tract; location and size of all water mains on or adjacent to the tract; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of nearest facilities.~~

~~(e) The preliminary plan of the subdivision shall be accompanied by:~~

~~(i) a preliminary plan for sewer and water lines setting forth the general plans for such improvements and indicating the method to be used to overcome particular problems that may be encountered with the development of the proposed system.~~

~~(ii) an exact copy of a preliminary report of a title insurance company, a title insurance policy or an attorney's opinion brought to date of the application, setting forth the names of all property~~

~~owners of property included in the subdivision as shown on the preliminary plan, as well as all mortgages, judgments, liens, easements, contracts and other clouds affecting title to said premises. The City may require all persons having an interest in the premises, as disclosed by the report, policy or opinion, to join in and approve of the subdivision application.~~

~~(iii) when a proposed street will intersect a state or county highway or a railroad, written consent of the appropriate authorities having jurisdiction over said highway or railroad shall be submitted.~~

~~(iv) all information required by the FHA when the subdivision will be submitted to that agency for feasibility and approval under a federal program.~~

~~(v) a written statement outlining any existing public improvements which are anticipated to benefit the proposed use or land development activity, and which, pursuant to Section 7-19-13, below, subject the applicant to a reimbursement requirement.~~

~~(vi) an AutoCAD copy of the development plans, including contours, lot layout, roadways, utilities, etc.~~

~~(f) Other conditions on the tract: Water courses, marshes, rock outcropping, wooded areas, isolated preservable trees one foot or more in caliper at one foot above ground level, houses, barns, shacks and other significant features.~~

~~(g) Other conditions on adjacent land: Approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences and ownership of adjacent unplatted land (for adjacent platted land, refer to the subdivision plats by name, recording data, and show approximate percent of build up, typical lot size and dwelling type, if any).~~

~~(h) Photographs, if required by the Planning Commission: Camera locations, directions of views and key numbers.~~

~~(i) Zoning on and adjacent to the tract.~~

~~(j) Proposed public improvements: Highway or other major improvements planned by public authorities for future construction on or near the tract.~~

~~(k) Key plan showing location of the tract.~~

~~(l) Ground elevations on the tract, based upon the U.S.G.S. Datum Plane. For land that slopes less than 0.5%, show not less than one foot contours; for land that slopes one half to 2%, show not less than two foot contours; and for land that slopes more than 2%, show not less than four foot contours.~~

~~(2) The preliminary plan shall be to a scale of 100 feet to the inch or if the area of the subdivision is more than 200 acres, 200 feet to the inch. It shall show all existing conditions required in paragraph (A)~~

above, topographic data, and shall show all proposals including the following:

~~_____ (a) Streets: Names, right of way and road widths, approximate grades and gradients, similar data for alleys, if any.~~

~~_____ (b) Other rights of way or easements: location, width and purpose.~~

~~_____ (c) Location of utilities, if not shown on other exhibits.~~

~~_____ (d) Lot lines, lot dimensions, lot numbers and block numbers.~~

~~_____ (e) Sufficient information to show the intent of surface drainage.~~

~~_____ (f) Sites, if any, to be reserved or dedicated for schools, parks, playgrounds or other public uses.~~

~~_____ (g) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.~~

~~_____ (h) Proposed building set-back lines.~~

~~_____ (i) Site data, including number of residential lots, typical lot size, acres in parks, etc.~~

~~_____ (j) Proposed name of subdivision.~~

~~_____ (k) Location by section, township and range.~~

~~_____ (l) Name and address of the developer.~~

~~_____ (m) Name and address of the planner or engineer.~~

~~_____ (n) Title, scale, north point and date.~~

~~_____ (3) Other preliminary plans: When required by the Planning Commission, the preliminary plan shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical and preliminary plan of proposed sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on the U.S.G.S. Datum Plane.~~

~~_____ (4) Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.~~

(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 plat.

~~_____ (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.~~

~~_____ (24) Conformity to preliminary subdivision.~~

The final subdivision plat shall conform substantially to the uses, densities, and configurations of the approved preliminary subdivision plan. 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 as approved, and, if desired by the subdivider, may constitute only that portion of the approved preliminary subdivision plan which the subdivider he proposes to record and construct develop 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 at the time, provided, however, that such portion conforms to all requirements of these regulations and the approval of the preliminary plan.

_____ (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.

_____ (63) 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).

_____ (74) Plat signatures. Upon approval of the final subdivision plat by the land use authority, and delivery submission 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, Planning Commission Chairperson and the City Council Chairperson.

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

~~(a)–(1) The subdivider shall deliver to the City the fully executed final subdivision plat mylar within 90 days of final subdivision plat application 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 plat approval.~~

~~(b)–(2) No changes to the approved final subdivision plat mylar may be made without the written approval of the City.~~

~~(c)–(3) Tooele City shall promptly record an approved, fully-executed final subdivision plat mylar with the Tooele County Recorder upon the occurrence of the following:~~

~~(a) a statement from the subdivider of desired timing for recording the plat from the subdivider; and,~~

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

~~(c) payment of – (4) The subdivider shall pay all fees associated with the recordation of the approval final subdivision plat mylar;~~

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

~~(e) 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.)

~~(1) The final plat shall be drawn in ink on tracing cloth on sheets not to exceed 36 inches by 48 inches and a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections compliant with City requirements. The final plat shall show the following:~~

~~(a) Primary control points, approved by the~~

~~City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.~~

~~(b) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings and deflection angles and radii, arcs and central angles of all curves.~~

~~(c) Name and right of way width of each street or other right of way.~~

~~(d) Location, dimensions and purpose of any easements.~~

~~(e) Number to identify each lot or site and block.~~

~~(f) Purpose for which sites, other than residential lots, are dedicated or reserved.~~

~~(g) Proposed building set back lines on all lots and other sites.~~

~~(h) Location and description of monuments.~~

~~(i) Certification by a registered land surveyor licensed by the State of Utah certifying to the accuracy of the survey and plat.~~

~~(j) Certification of the County Treasurer showing that all taxes and special assessments due on the property to be subdivided have been paid in full.~~

~~(k) Dedication by the owners of the tract of all streets, easements and rights of way to the public, and other proposed public way or space shown on the plat.~~

~~(l) Certification of title showing that the applicant is the owner of the agent of the owner.~~

~~(m) Proper form for the approval of the Council, with space for the signature of the Council Chairperson.~~

~~(n) Approval by signatures of those persons or departments with signature lines on the final plat.~~

~~(o) Name of the subdivision.~~

~~(p) Location by section, township and range.~~

~~(q) Title, scale, north arrow and date.~~

~~(r) Other items or information reasonably required by the City.~~

~~(2) Cross sections and profiles of streets showing grades. The scales and elevations shall be based on the U.S.G.S. Datum Plane.~~

~~(3) Protective covenants in form for recording. (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) (Formerly Repealed by 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, After approval of the preliminary plan, the

subdivider shall submit plans and specifications for all public improvements to the Public Works-Community Development Department for review and approval.

~~—(a) If submitted plans require substantial changes from the approved preliminary plan, the subdivider shall revise and re-submit the public improvements plans and specifications.~~

~~—(b) Re-submissions shall not require the payment of additional fees to the City. The City, however, shall not be responsible for the cost of any revisions or for any costs incurred due to delays caused by requiring the revisions.~~

~~—(c) No public improvements may be constructed prior to final subdivision plat or other final land-use approval.~~

~~—(2) Upon approval of the final plat, plans, and specifications, the Community Development Department shall provide written notice to the applicant of final plat approval.~~

(3) All public improvements shall be completed within one year from the date of ~~written~~ final subdivision plat approval. The final subdivision land use authority City Council 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 City Recorder prior to expiration of the applicable 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. no further approvals of any land-use application shall be issued to the subdivider responsible for completing the public improvements

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

(b) A ~~subdivision~~-final subdivision plat may be recorded prior to the completion, inspection, and acceptance of the final subdivision's plat'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 completion of all public improvements required ~~to be installed~~ in the subdivision, and to warrant the quality of their construction.

(c) Where public improvements are constructed prior to plat recordation, without a bond and

bond agreement, under no circumstances ~~shall~~ may they such public improvements 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. road right-of-way systems prior to recordation of the associated final subdivision plat or without bonding for the public improvements located within City rights of way pursuant to this Section.

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

(a) Incorporation by reference of the final subdivision documents plat, including the final subdivision plat, documents, public improvements plans and specifications, and all data required by this Chapter which ~~are~~ is used by the City Engineer to review the cost estimate the cost of 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 Sectionsubsection (3), above.

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

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

(i) the subdivider's design engineer's estimated cost of the public improvements to be constructedinstalled, 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 ~~the 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 City Engineer's 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 Sections 7-19-12(7) and Section 7-19-32, herein. Any bond amount reduction shall not be deemed ~~as~~ an indication of public improvement ~~completion or~~ 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, ~~then~~ the subdivider shall be responsible for the deficiency. Until the public improvements are completed or, with City ~~Attorney Council~~ approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:

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

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

(j) If, ~~after expiration of the bond agreement time period,~~ the bond proceeds are not transferred to the City within 30 days of the City's written demand, ~~then~~ 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, this Chapter.

(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 relevant~~ 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 plat 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 plats are bonded for and constructed as if they were one phase. An application for final subdivision plat approval of multiple phases shown on the approved preliminary subdivision plan may also be approved under a single application when the final subdivision plat reflects all requested phases as a single phase in the overall configuration of the approved preliminary subdivision plan.

(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

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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 Planning Commission or the City Council~~ fail to act upon any ~~submitted preliminary or final subdivision plan~~ application within the time periods ~~established by State law, the application shall be deemed denied, allotted by this Chapter, said failure shall be considered a denial of the said submission.~~

(2) Application. Should the applicant for any ~~submitted preliminary or final subdivision plan or final plat~~ 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 considered 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, ~~and a~~ 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 at the time 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.

~~—(1) When the public improvements have been 100% completed and accepted within the subdivision final plat, a final plat for a subsequent phase within the same preliminary plan or project area may be requested.~~

~~—(2) Each final subdivision final plat within a preliminary subdivision plan or project area shall be considered a phase of the preliminary subdivision plan 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.)

~~—The subdivision of land, including the arrangements, character, extent, width, grade and location of all highways, streets, alleys, crosswalks, easements, sites for parks, playgrounds and schools, or other land to be dedicated to the public or for public use shall conform to the terms of the Tooele City Code, land use policies, and master plans of the City.~~

(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, and City Council~~ 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, City Council for major collector or arterial streets class roads adjacent to the proposed subdivision. Roads 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 plan. The Directors shall provide a written recommendation on the exception request to the Planning Commission for its their review with the preliminary subdivision application. The recommendation may be based on a professional traffic study. plan. In reviewing an exception request, the City Council shall consider and approve or deny the request following recommendation from the Planning Commission. Any exception shall be based on the following factors:

____(1a) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic, including crossings of the road or right-of-way;

____(2b) existing transit, vehicular, bicycle, and pedestrian traffic in the area;

____(3c) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;

____(4d) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;

____(5e) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;

____(6f) existing right-of-way improvements in the area;

____(7g) the degree to which the right-of-way leading to and from the area requested for exception has yes been developed and completed;

____(8h) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;

____(9i) the degree to which the entirety of the right-of-way has yes been dedicated and improved outside of the area requested for an exception;

____(10j) 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;

____(11k) phasing and a phasing schedule for the proposed subdivision;

____(12l) 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,

____(13m) 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. ~~Such determinations are not subject to appeal.~~

(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, Section 7-19-29, 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 conforming substantially with the line of such watercourse 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 size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.~~

~~(2) The lot dimensions and layouts areas shall conform to the requirements of this Title the zoning ordinance.~~

(23) 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.

(34) 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.

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

(56) 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. ~~A planting screen easement of at least ten feet, and across which there shall be no right of vehicular access, which easement shall be specifically set forth in the deed to each lot, shall be provided along the real lot lines of lots abutting such highways and major thoroughfares.~~

(67) 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 or L-shaped lots will only be considered as a last resort for infill development. Except for in fill subdivisions, and except as provided in the Sensitive Area Overlay Zone (Tooele City Code Chapter 7-12) creation of flag lots shall not be considered for new subdivisions.~~

(23) 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 204 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 and the maximum length shall be 220 feet,~~ unless otherwise approved by the Planning Commission and fire department upon a finding 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 structure, except for driveways and no parking, shall be allowed to obstruct or narrow the staff. No structures, trees, parked vehicles, or stored materials shall be allowed within the Fire Access Restricted Area,~~ and the staff shall be marked with a “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.

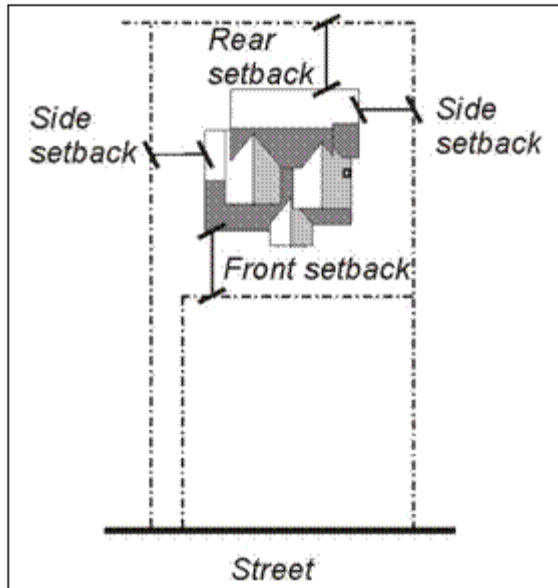
(k) Except in In-Fill Geographic Areas A and B, no more than two flag lots may be contiguous to each other where the common or separate staffs connect to the same public street.

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

(June 14, 2023)

(m) Figures 1 and 2 are examples ~~is an example~~ of a “flag lot” requirements and are is included herein for illustration purposes.

Figure 1 ~~[Delete]~~

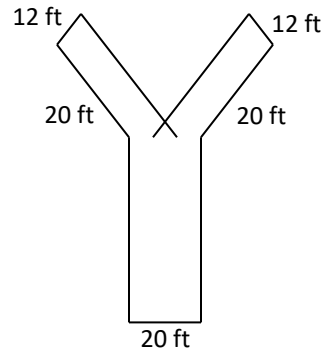
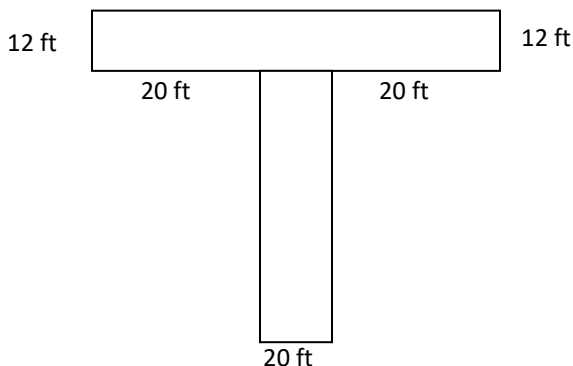


(ok) A fire hydrant shall be installed at the public ROW portion of the staff, unless otherwise approved by the Fire Department.

(pl) A turn-around must be provided at the flag portion of the lot where the staff length exceeds 150 feet. Hammerheads ~~or Y's~~ are acceptable with a minimum width of 20-12-feet, without parking within 60-30-feet of the staff. The turning radius on any hammerhead ~~or Y~~ shall not be less than 28 feet. Figure 32 is included to illustrate the hammerhead ~~or Y~~ requirements.

(q) 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.

Figure 2 ~~[Delete]~~



(~~iii~~) 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')

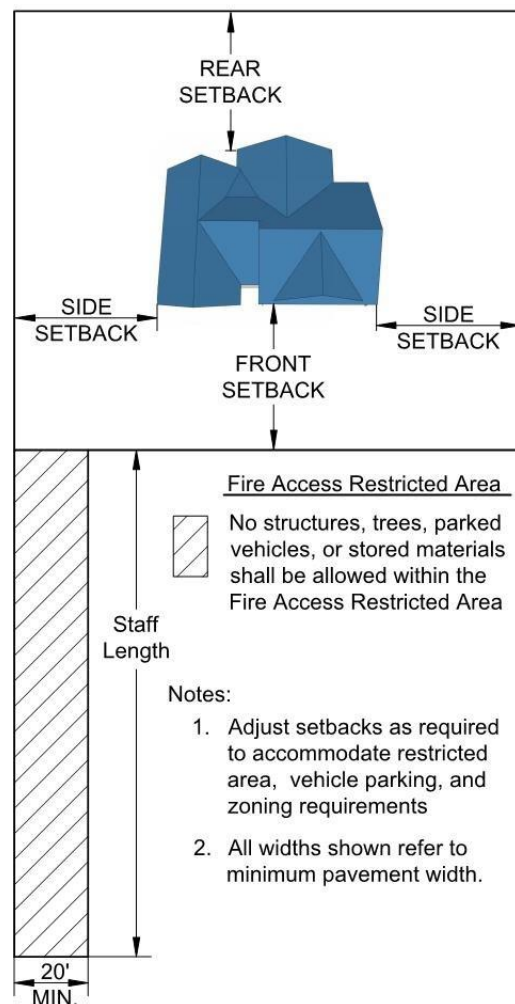


FIGURE 2
(150' < Staff Length < 220' max.)

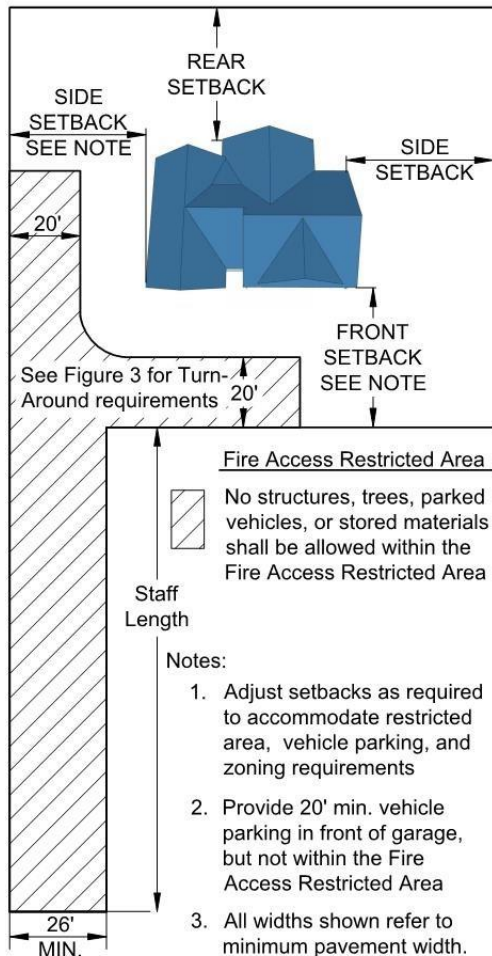
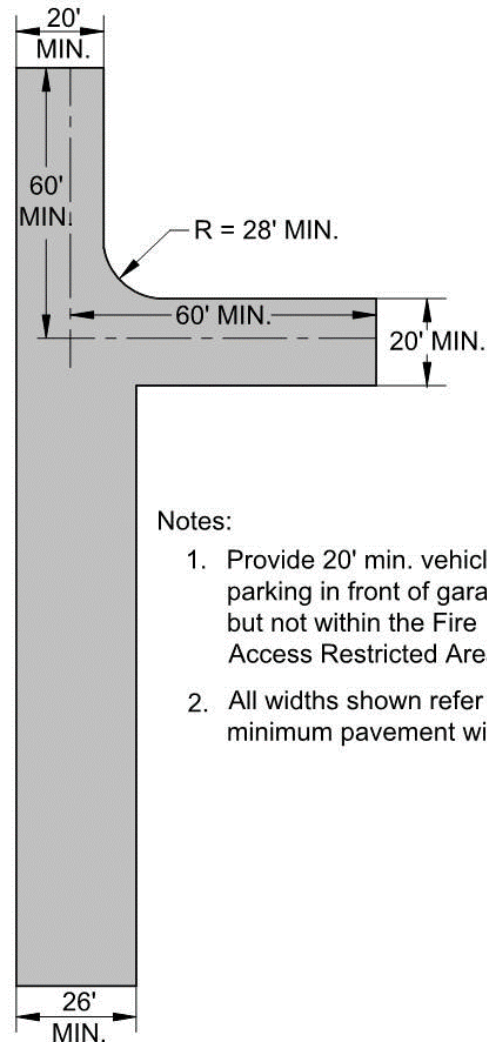


FIGURE 3
Flag Lot Turn-Around Dimensions



7-19-21. Required land improvements. (Repealed.)

~~—No subdivision of land shall be approved by the Planning Commission unless:~~

~~—(1) the public improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of all engineering ordinances and specifications of the City, and~~

~~—(2) the subdivider's project engineer so certifies in a signed statement.~~

7-19-22. Street signs. (Repealed.)

~~—The placement and installation of all street signs shall be governed by Title 4 Chapter 8 of the Tooele City Code.~~

~~The cost of all such signs and their installation shall be borne by the subdivider.~~

(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 lines—for telephone, electricity, cable television, natural gas service, and street lights, and other utilities shall be placed entirely underground entirely throughout areas of existing, proposed, or anticipated subdivisionsubdivided area. Said lines shall be placed within the other underground services. Further,

(3) aAll transformer boxes and pumping facilities shall be located so as not to minimize harm be hazardous to the public.

(4) The 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.)

The provisions of Chapters 4-8 and 4-11 of the Tooele City Code shall apply to sidewalks in all subdivisions.

(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 Planning Commission and the City Council 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 ~~Chapter 9~~ 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 plat~~. 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 ~~associated with the land use application;~~

(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 accepted by~~ 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 ~~issued~~ for the construction of any residential building, structure, or improvement to ~~the~~ land or to any lot within a residential subdivision as defined herein, which has been approved for platting ~~or replatting~~, until all requirements of this Chapter have been complied with.

~~(2) The Building Official may approve issue building permits for noncombustible residential construction when a his/her justification is entered into the City address file. Permits may be issued after the developer increases any required bonds for one additional year, and after the finished street, curb and gutter, and all public improvements and utilities under the street are constructed installed and have been approved by a qualified City inspector. Notwithstanding Chapter 7-22 herein, under no circumstances shall a Certificate of Occupancy be issued until all requirements of this Chapter have been complied with, including expressly the requirement to complete public improvements.~~

~~(32) 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) all required bonding shall be extended for one additional year;~~

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

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

~~(43) 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.~~

~~(54) 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.

(65) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed ~~as~~ 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.~~ **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—~~Exemptions from preliminary plan process.~~

(1) ~~(1)~~—A minor residential subdivision ~~may shall~~ combine the preliminary subdivision plan and final subdivision plat 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 plan review process if:

- (a) it contains no more than six residential less than ten lots;
- (b) it does not contain a public right-of-way dedication ~~for public street~~; and,
- (c) it does not involve off-site water or sewer utilities.

(2) Information normally required as part of the preliminary ~~plan and final subdivision~~ applications may be required by the ~~Public Works or~~ Community Development Departments as part of a minor subdivision ~~final plat~~ 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 ~~plan~~ or final subdivision ~~plat~~ approval revoked or rendered void pursuant to the provisions of this Chapter ~~7-19~~ 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)

LOCAL LAND USE AND DEVELOPMENT REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Stephen L. Whyte

LONG TITLE

General Description:

This bill amends provisions related to local land use and development.

Highlighted Provisions:

This bill:

- amends the penalties for noncompliance with the requirements applicable to a political subdivision's moderate income housing report;
- defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit;
- amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units;
- enacts a new process for subdivision review and approval; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-408, as last amended by Laws of Utah 2022, Chapter 406

10-9a-530, as enacted by Laws of Utah 2021, Chapter 102

10-9a-608, as last amended by Laws of Utah 2022, Chapter 355

17-27a-408, as last amended by Laws of Utah 2022, Chapter 406

an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.

(b) The notice described in Subsection (6)(a) shall include:

(i) a description of the primary dwelling;

(ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

and

(iii) a statement that the internal accessory dwelling unit may only be used in

accordance with the municipality's land use regulations.

(c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Section 3. Section **10-9a-604.1** is enacted to read:

10-9a-604.1. Process for subdivision review and approval.

(1) (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.

(b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.

(2) (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.

(b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.

(3) A municipal ordinance governing the subdivision of land shall:

(a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and

(b) (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or

(ii) if the municipality has adopted an ordinance that establishes a separate procedure

for the review and approval of subdivisions under Section [10-9a-605](#), the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section [10-9a-605](#).

(4) (a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

(b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:

(i) copies of applicable land use regulations;

(ii) a complete list of standards required for the project;

(iii) preliminary and final application checklists; and

(iv) feedback on the concept plan.

(5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.

(6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.

(7) With respect to a preliminary application to subdivide land, an administrative land use authority may:

(a) receive public comment; and

(b) hold no more than one public hearing.

(8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.

(9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:

(a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and

(b) may not require planning commission or city council approval.

(10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a municipality shall approve the final subdivision application.

Section 4. Section **10-9a-604.2** is enacted to read:

10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision land use application;

(ii) the municipality's review of that subdivision land use application;

(iii) the municipality's response to that subdivision land use application, in accordance with this section; and

(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

(b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

(c) "Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

(d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3) (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application, including subdivision improvement plans.

(b) A municipality shall maintain and publish a list of the items comprising the

complete preliminary subdivision land use application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(4) (a) A municipality shall publish a list of the items that comprise a complete final subdivision land use application.

(b) No later than 20 business days after the day on which an applicant submits a plat, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.

(5) (a) In reviewing a subdivision land use application, a municipality may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

(b) A municipality's request for additional information or modifications to plans under Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles.

(d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to

enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

(6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(7) (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(8) (a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a

designated appeal authority.

Section 5. Section **10-9a-604.9** is enacted to read:

10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.

(1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-604.2 do not apply until December 31, 2024.

(2) For a specified municipality, as defined in Section 10-9a-408, Sections 10-9a-604.1 and 10-9a-604.2 do not apply until February 1, 2024.

Section 6. Section **10-9a-608** is amended to read:

10-9a-608. Subdivision amendments.

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.

(b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-9a-603 that:

- (i) depicts only the portion of the subdivision that is proposed to be amended;
- (ii) includes a plat name distinguishing the amended plat from the original plat;
- (iii) describes the differences between the amended plat and the original plat; and
- (iv) includes references to the original plat.

(c) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.

(d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

(i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or

TOOELE CITY CORPORATION

ORDINANCE 2023-44

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODES CHAPTERS 7-11A-18 REGARDING MULTI-FAMILY RESIDENTIAL BUILDING MATERIALS, 7-11A-12 REGARDING MULTI-FAMILY RESIDENTIAL LANDSCAPING STANDARDS AND 7-11A-25 REGARDING DEVIATIONS FROM MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

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, Tooele City Code Chapter 7-11a is Tooele City's Multi-Family Residential land use regulation (also known as ordinances) governing the development and design of multi-family residential structures in Tooele City; and,

WHEREAS, Tooele City's Multi-Family Residential Design Guidelines historically have provided design guidelines for exterior building materials reviewed and confirmed during the multi-family residential site plan design review process; and,

WHEREAS, Tooele City's Community Development staff have received feedback from the development community that the current Multi-Family Residential Design Guidelines for exterior building materials on multi-family residential are resulting in rendering structures unaffordable and resulting in unfair competition with other home builders within the City; and,

WHEREAS, the Tooele City Community Development Director, at the request of the Tooele City Council, has evaluated the cost and types of exterior building materials that can be used and the impacts these materials and the amounts used thereof on the building exteriors have on the overall cost of a building or unit; and,

WHEREAS, Tooele City Staff presented Exhibit A and a of the proposed ordinance amendments to the City Council during its November 15, 2023 public work 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 TOOEELE CITY COUNCIL that:

1. TCC Chapter 7-11a is hereby amended as shown in Exhibit B, attached and incorporated; and,
2. this ordinance is necessary for the immediate preservation of peace, health, safety, and welfare of Tooele City and its residents and businesses; and,
3. this ordinance may benefit the general public of Tooele City in that it may serve to slightly reduce the cost of materials and labor and, possibly the cost of the unit itself; and,
4. this ordinance will render sections of the Multi-Family Residential Design Guidelines in greater ease of compliance for developers and facilitate a concise review for the City Planner and other City Staff involved in the development review process and enforcement of these guidelines.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately 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 _____, 20__.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

Proposed Ordinance Amendments

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 viewsapes, 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.~~

Exhibit B

Staff Report

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 versus 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 versus 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

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2023-45

AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY ANNEXATION POLICY PLAN, AN ELEMENT OF THE TOOELE CITY GENERAL PLAN

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, Utah Code Section 10-2-401.5 (the “statute”) requires that Utah municipalities adopt an Annexation Policy Plan (“Plan”) as a prerequisite to annexing any unincorporated areas; and,

WHEREAS, on June 17, 2020, the City Council convened a duly noticed public hearing, accepted public comment on a proposed amendment to the adopted Annexation Policy Plan, and unanimously adopted Ordinance 2020-25 to include three additional new potential expansion areas; and,

WHEREAS, on October 21, 2020, the City Council convened a duly noticed public hearing, accepted public comment on a proposed amendment to the adopted Annexation Policy Plan, and unanimously adopted Ordinance 2020-40 to include one additional new potential expansion area; and,

WHEREAS, in the time since the latest Annexation Policy Plan was adopted, conditions surrounding Tooele City and inside of Tooele City’s boundaries have changed and evolved such as the incorporation of Erda City, the annexation of additional properties by Grantsville City and the increased difficulty of both Tooele City and developers to located water resources; and,

WHEREAS, Tooele City Administration and Staff commenced a study to revise the Annexation Policy Plan according to the conditions that currently exist outside and inside of Tooele City’s boundaries; and,

WHEREAS, Tooele City staff commenced a study to determine the amount of undeveloped and under-developed residential land currently located within Tooele City’s boundaries and finding that more than 3500 acres are available for residential development; and,

WHEREAS, Tooele City Staff presented the map as shown in Exhibit A and a

summary of the proposed changes to the City Council during its November 15, 2023 public work 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 TOOEELE CITY COUNCIL that:

1. the Tooele City Annexation Policy Plan, an element of the Tooele City General Plan is hereby amended as shown in Exhibit B, attached and incorporated; and,
2. this ordinance is necessary for the immediate preservation of peace, health, safety, and welfare of Tooele City and its residents and businesses; and,
3. this ordinance may benefit the general public of Tooele City in that it amends the Annexation Policy Plan to accurately reflect current conditions outside of and inside of Tooele City; and,
4. this ordinance will focus and encourage the use of scarce water resources to undeveloped and under-developed residential land currently located within Tooele City's boundaries, where, if a developer presents sufficient water rights, Tooele City is obligated to find and provide the resource; and,
5. eliminate the possibility of Tooele City directing water resources to properties currently outside of its incorporated boundaries.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately 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 _____, 20__.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

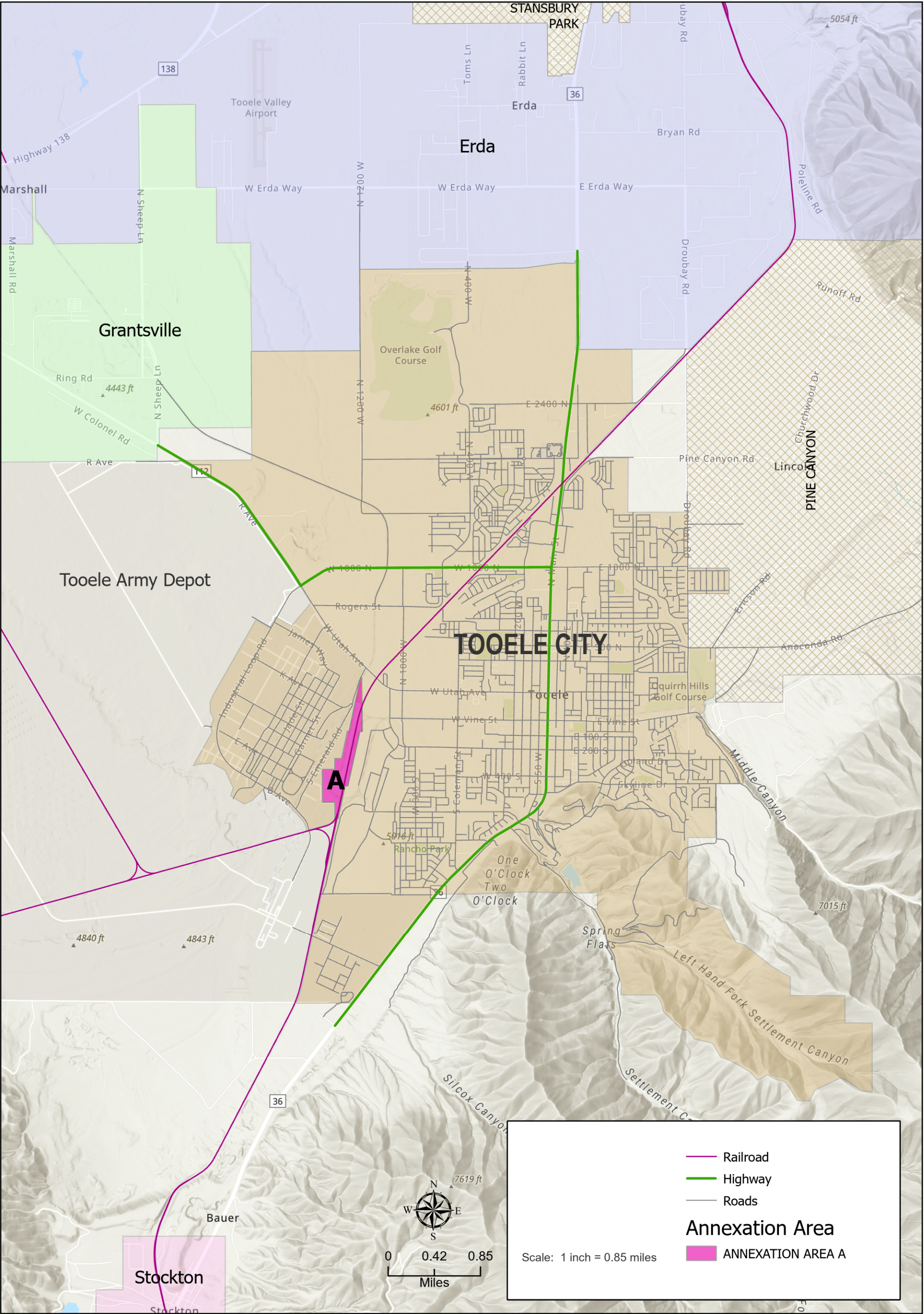
S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

Proposed Annexation Policy Plan Map & Text



APPENDIX A
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
EXPANSION AREA

DRAFTED OCTOBER 26, 2023



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 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

Exhibit B

Staff Report

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

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2023-46

AN ORDINANCE OF TOOELE CITY REASSIGNING THE LAND USE DESIGNATION FOR APPROXIMATELY 6.9 ACRES OF PROPERTY LOCATED AT 1232 WEST UTAH AVENUE FROM LIGHT INDUSTRIAL (LI) TO INDUSTRIAL (I).

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 2020-47, on December 16, 2020, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 2020-47 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of “land use [i.e., zoning] ordinances and a zoning map” that constitute a portion of the City’s regulations (hereinafter “Zoning”) for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, the City received an Amendment Petition for Land Use Map amendment for 6.9 acres of property located at 1232 West Utah Avenue, requesting that the Subject Property be reassigned from the LI Light Industrial land use designation to the I Industrial Land Use designation (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Nick Markosian and are currently designated as Light Industrial in the Land Use Element of the General Plan; and,

WHEREAS, the Light Industrial land use designation includes the LI Light Industrial and IS Industrial Service Zoning districts; and,

WHEREAS, the Industrial land use designation includes the Industrial zoning district; and,

WHEREAS, on December 13, 2023, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

WHEREAS, on December 20, 2023, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the Land Use Map amendment proposed therein is in the best interest of the City in that it will create additional opportunities for employment of City residents and provide an expansion to the City's commercial tax base; and,
2. the Land Use map is hereby amended reassigning the Land Use designation to Industrial for approximately 6.9 acres of property located at 1232 West Utah Avenue, according to the map attached as Exhibit A and staff report attached as Exhibit B.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately 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 _____, 20__.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

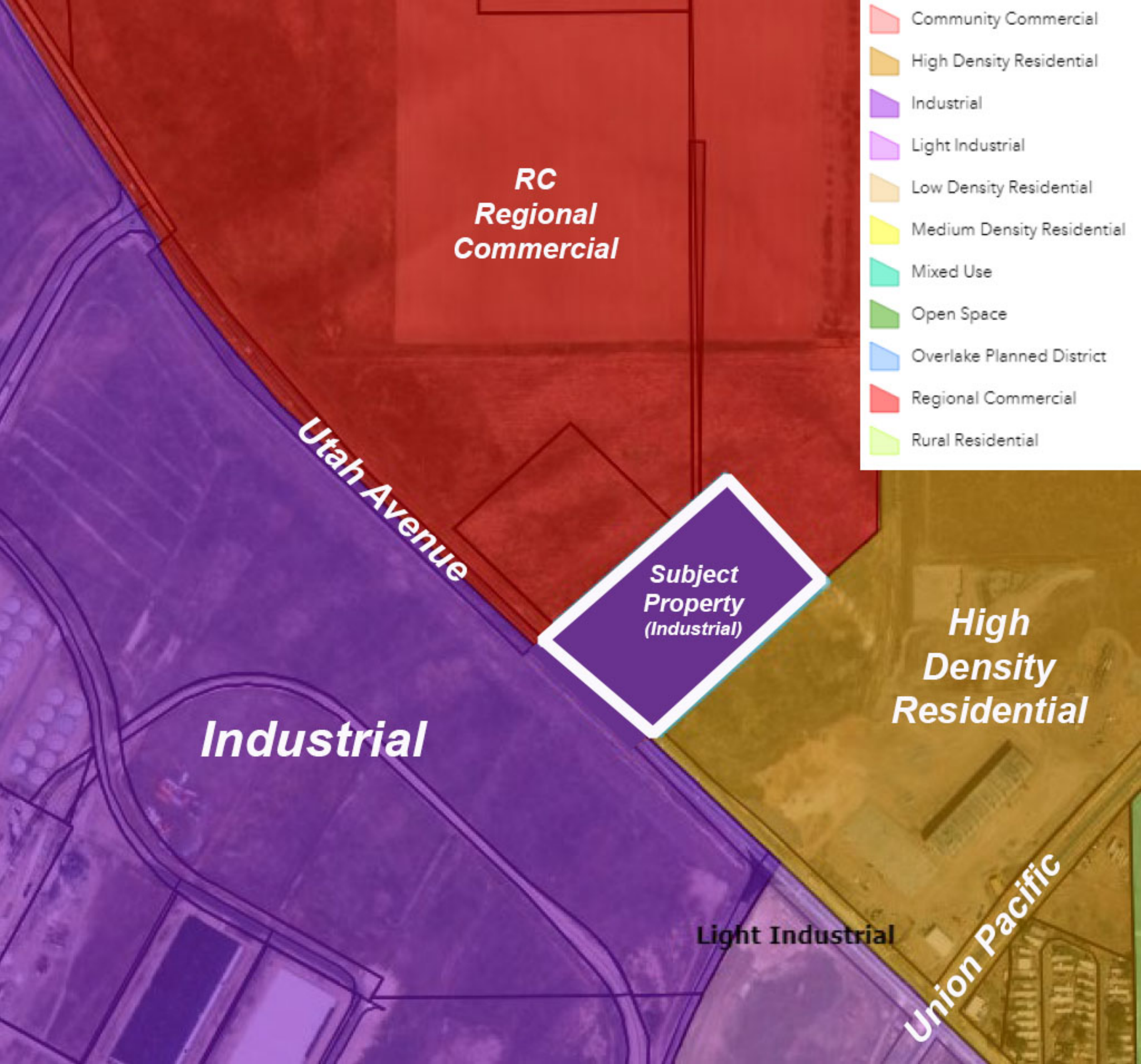
S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

Petition and Mapping Pertinent to Zoning Map Amendment



RC
Regional
Commercial

Utah Avenue

Subject
Property
(Industrial)

Industrial

High
Density
Residential

Light Industrial

Union Pacific

- Community Commercial
- High Density Residential
- Industrial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Open Space
- Overlake Planned District
- Regional Commercial
- Rural Residential

Exhibit B

Staff Report

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 ft²)
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

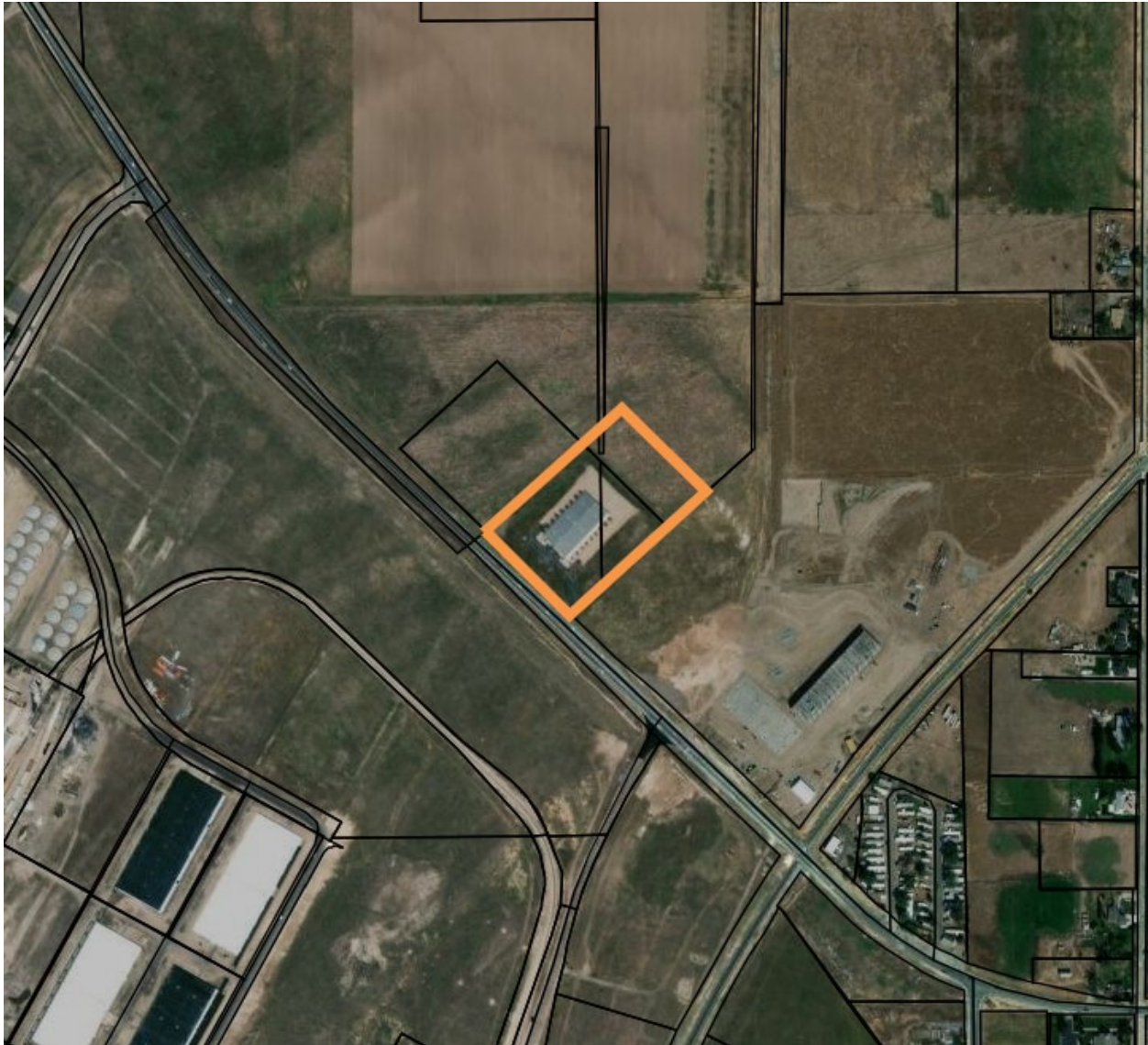
Sample Motion for a Positive Recommendation – “I move we forward a negative recommendation to the City Council for application number P23-1369: the request by Markosian Auto to amend the Land Use Map designation of the 6.9-acre parcel located at approximately 1232 West Utah Avenue, from Regional Commercial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

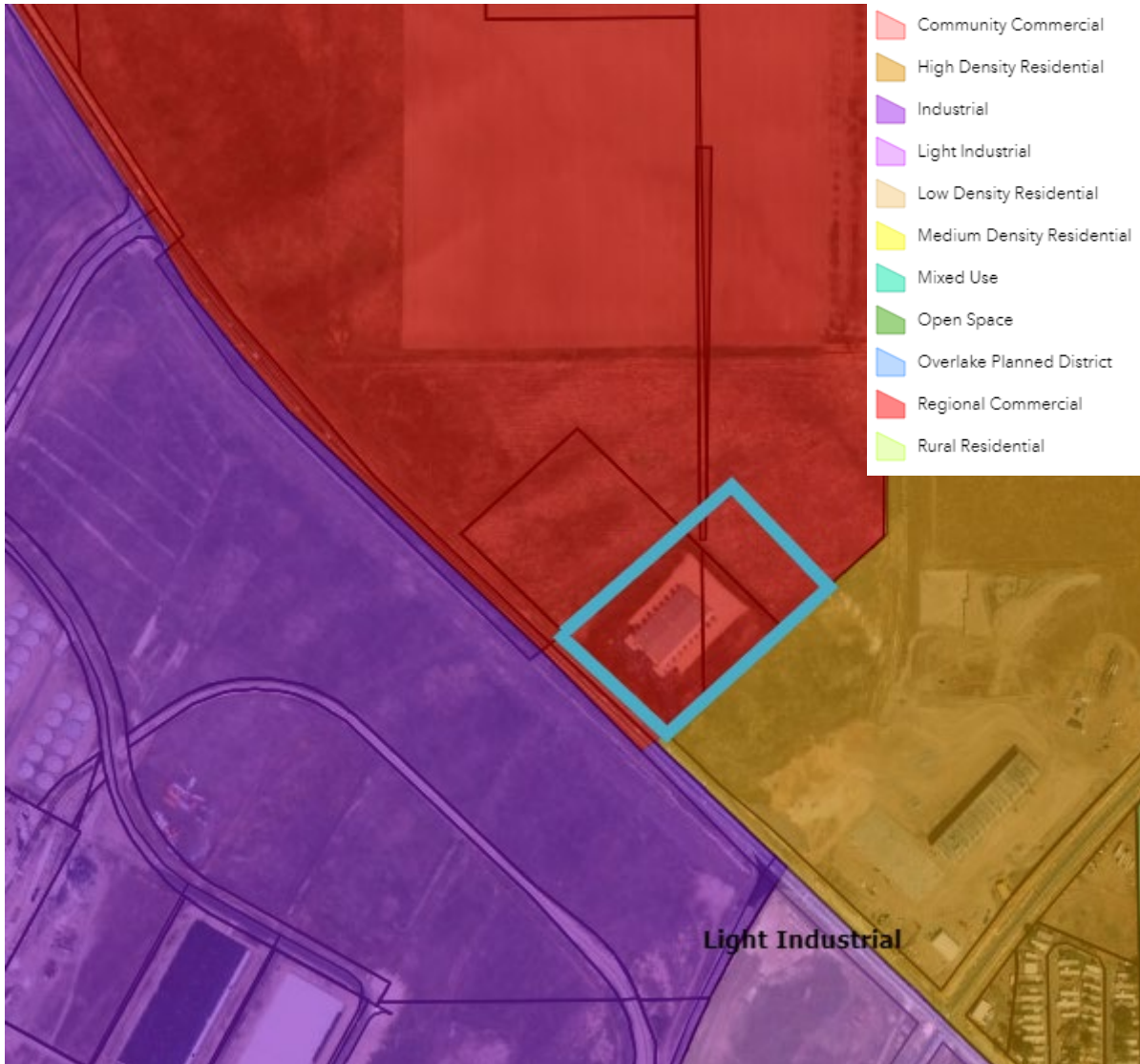


1: Subject Property, aerial view

EXHIBIT B

MAPPING PERTINENT THE REQUESTED LAND USE MAP AMENDMENT:

GENERAL PLAN, LAND USE MAP

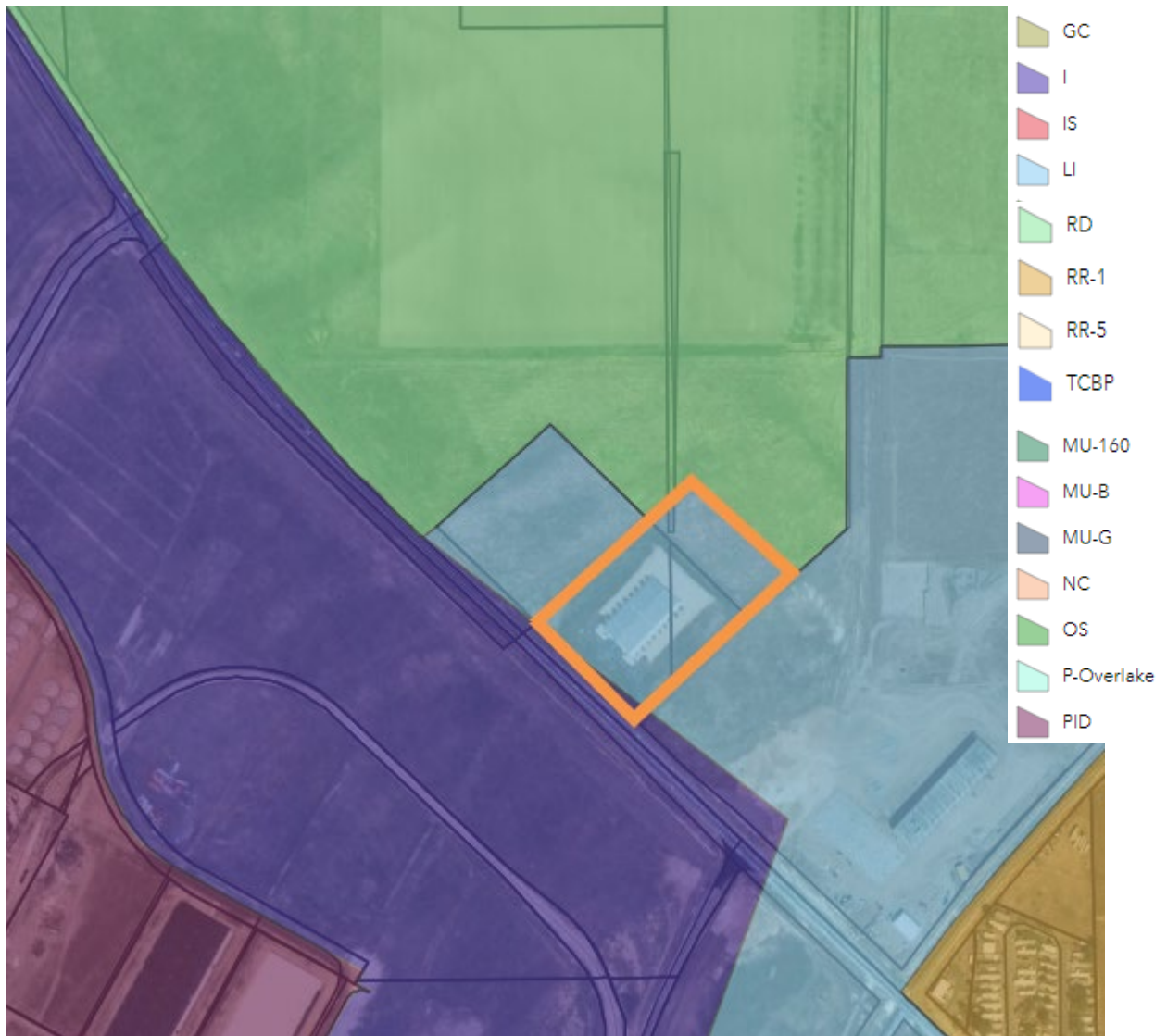


2: Subject Property, Land Use Map

EXHIBIT C

MAPPING PERTINENT THE REQUESTED LAND USE MAP AMENDMENT:

ZONING MAP



3: Subject Property, Zoning Map

EXHIBIT D

APPLICANT PROVIDED MATERIALS:

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

Exhibit C

Planning Commission Minutes

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: Millennial 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 ft²)
Request: Request for approval of a Preliminary Plan Subdivision in the MR-16 Multi-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 Multi-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 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.

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

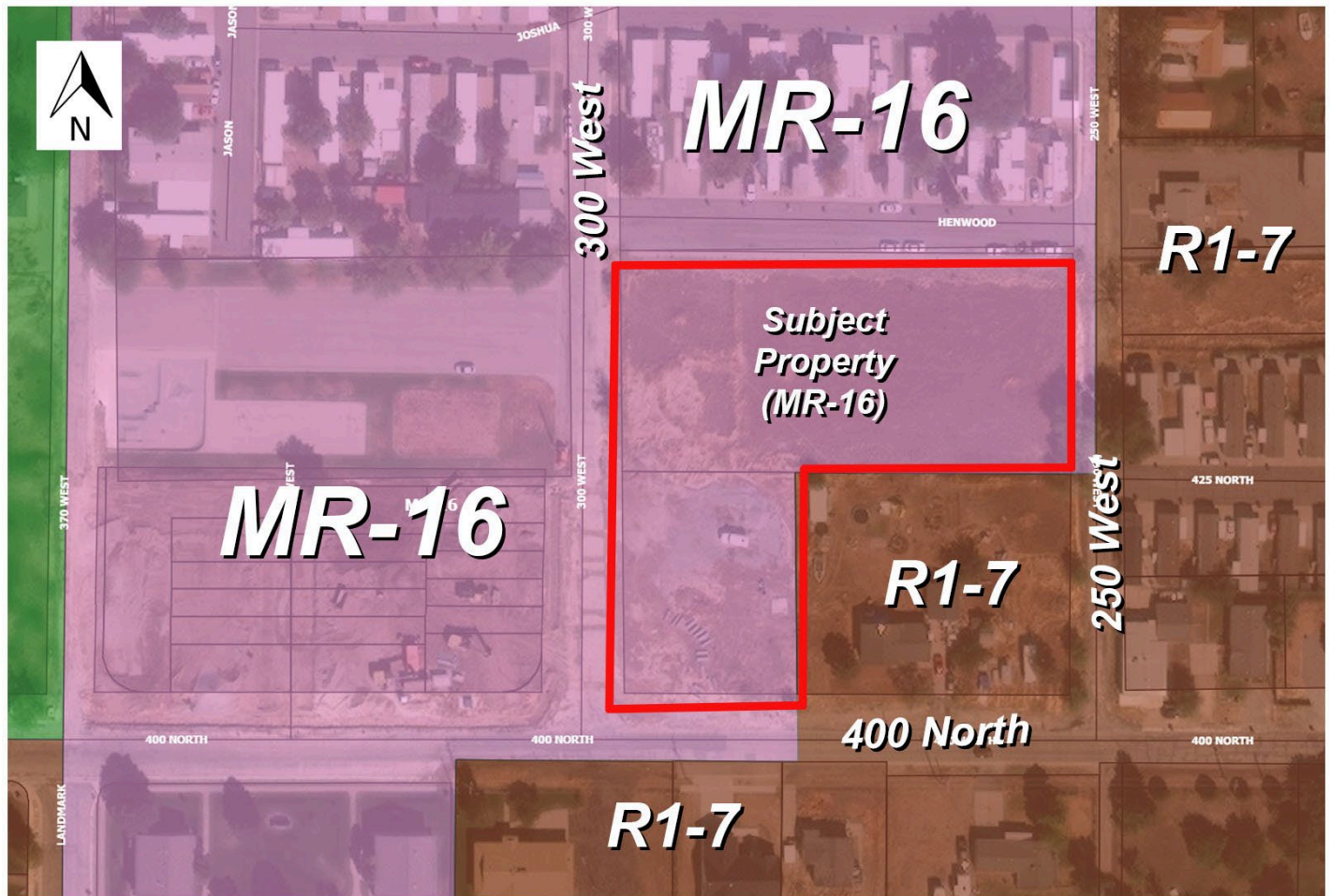
**MAPPING PERTINENT TO THE MILLENIAL PARK PHASE 2 PRELIMINARY
SUBDIVISION PLAN**

Millennial Park Phase 2 Preliminary Subdivision Plan



Aerial View

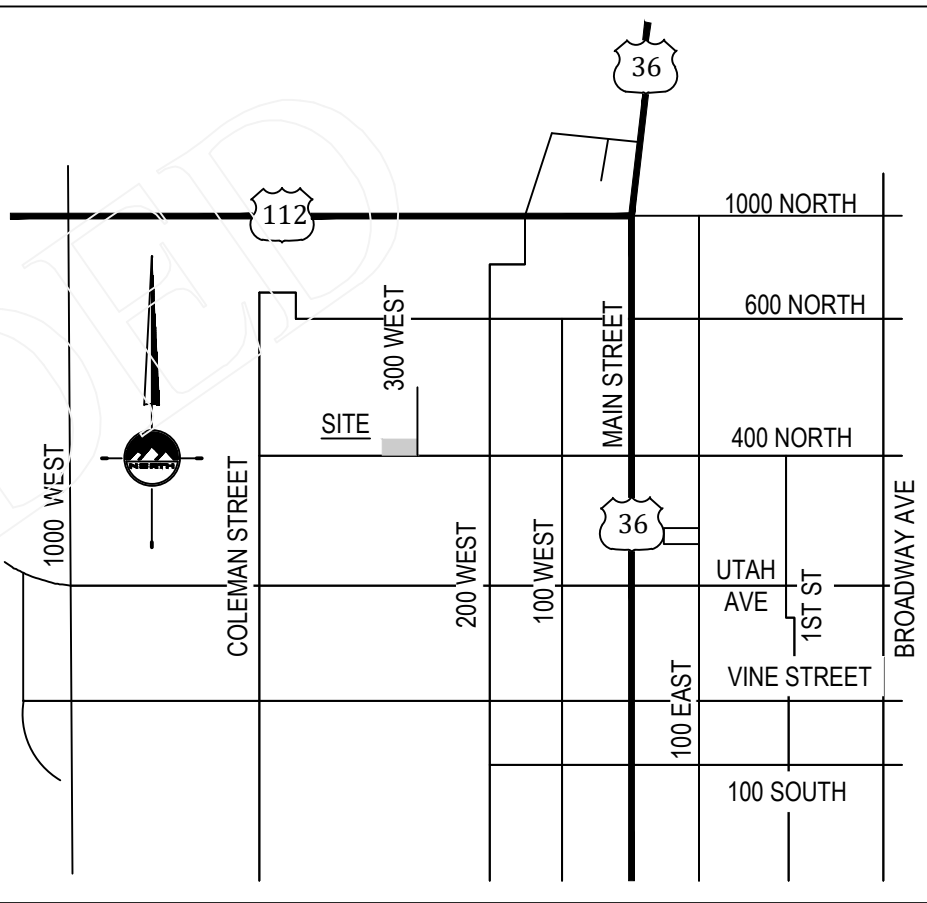
Millennial Park Phase 2 Preliminary Subdivision Plan



Current Zoning

EXHIBIT B

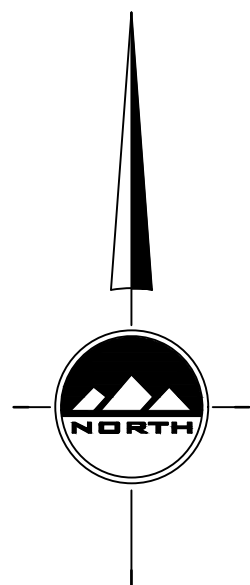
**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**



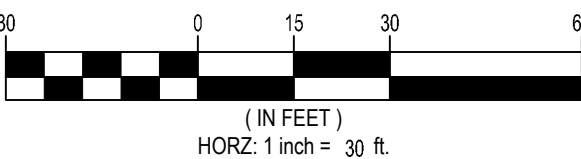
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	15.00'	23.86'	91°07'28"	S43°52'42"E	21.42'

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.



HORIZONTAL GRAPHIC SCALE



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, Chapter 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:

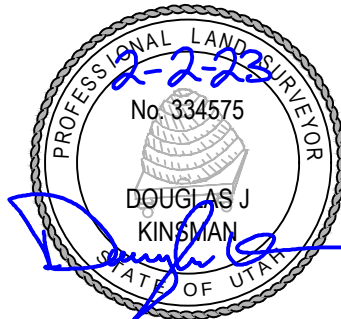
Beginning at the Southwest Corner of said Lot 2, which is located North 0°08'31" West 975.64 feet along the measured Section line and East 1433.38 feet from the Southwest Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

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 133.15 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 18°26'44" West 166.33 feet, to the North line of 400 North Street;
thence North 89°26'26" West 131.84 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 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

Douglas J. Kinsman
License no. 334575



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

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

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

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

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 ft²)
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 ft²) and Building B (8,995 ft²) are connected to each other by a shared, limited common area corridor (3,362 ft²).
- Building C: Building C is the largest of the three (27,378 ft²).
- 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 ft² 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	
Phone: 435-882-7875		Email:			Phone: 435-882-7875		Email: deanne@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	
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:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:
City Engineer 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: ☐ Yes ☐ No Date:

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)

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



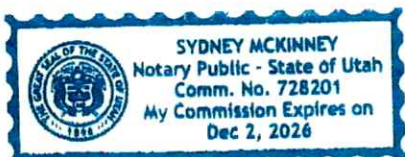
(Property Owner)
Sydney McKinney
(Notary)
Residing in Tooele County, Utah
My commission expires: 12/2/2026

AGENT AUTHORIZATION

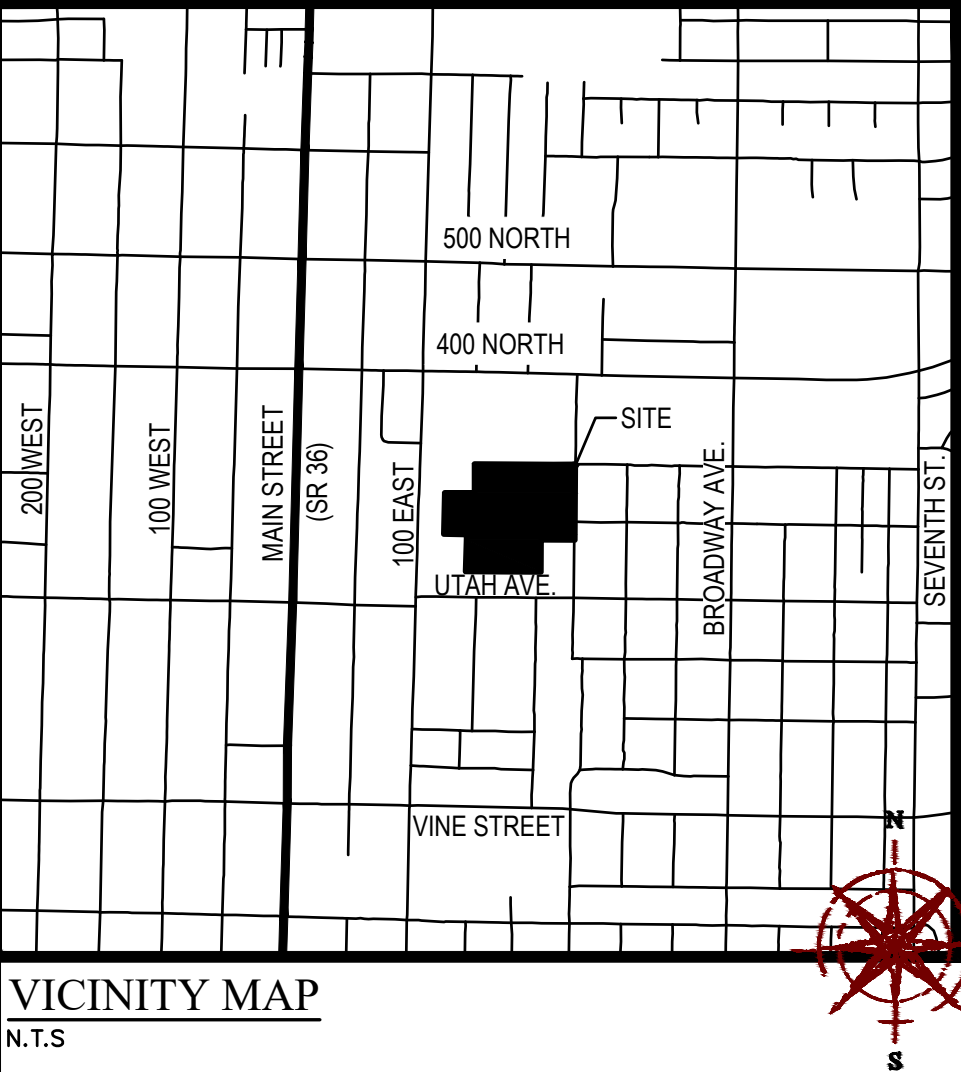
I/we, DeAnn Christiansen, the owner(s) of the real property described in the attached application, do authorize as my/our agent(s), Giv Communities, to represent me/us regarding the attached application and to appear on my/our behalf before any administrative or legislative body in the City considering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

DeAnn Christiansen
(Property Owner)

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.



(Property Owner)
DeAnn Christiansen
(Notary)
Residing in Tooele County, Utah
My commission expires: 12/2/2026



NORTH QUARTER CORNER OF SECTION 28, T3S, R4W, SLB&M FOUND 3" BRASS TOOEELE COUNTY MONUMENT

LEGEND

BOUNDARY
SECTION LINE
RIGHT-OF-WAY LINE
EXISTING PROPERTY LINE



WITNESS MONUMENT (FOUND)



SECTION MONUMENT (FOUND)



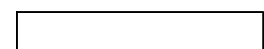
STREET MONUMENT (TO BE SET)



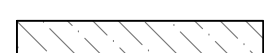
BOUNDARY MARKERS



PRIVATE OWNERSHIP



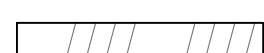
COMMON AREA



LIMITED COMMON AREA



DRAINAGE RETENTION EASEMENT

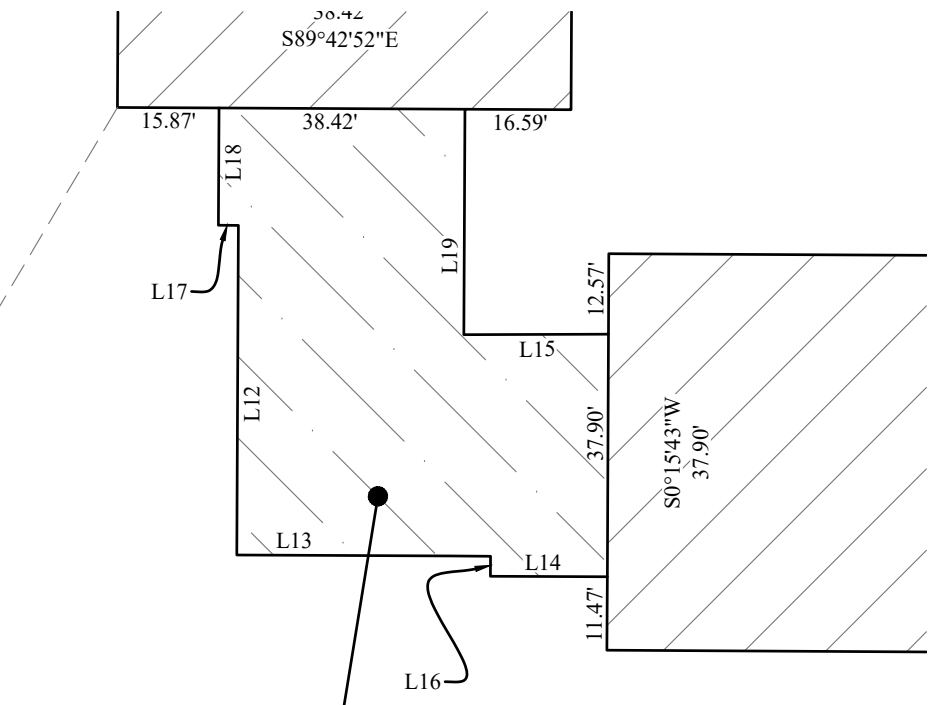


ACCESS EASEMENT

NOTES:

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

WITNESS CORNER TO THE NORTHEAST CORNER OF SECTION 28, T3S, R4W, SLB&M FOUND 3" BRASS TOOEELE COUNTY MONUMENT

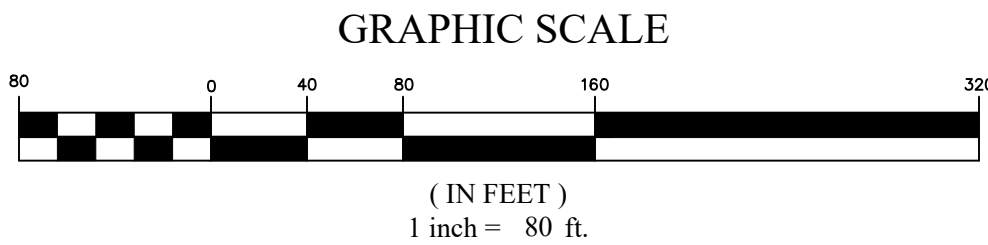


LIMITED COMMON AREA DETAIL
1" = 30'

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

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, TOOEELE COUNTY, UTAH



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 199.36 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:

- 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;
- 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

THE PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT SHALL APPLY TO THE PROPERTY DESCRIBED HEREON;

- 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)

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

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 UTAH'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8552.

QUESTAR GAS COMPANY
dba DOMINION ENERGY UTAH

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

BY: _____

TITLE: _____

ROCKY MOUNTAIN POWER

- 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.
- 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 TOOEELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT

COUNTY TREASURER

APPROVED THIS ____ DAY OF ____ A.D. 20 ____ BY THE TOOEELE 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 TOOEELE CITY PLANNING COMMISSION.

CHAIRMAN, TOOEELE CITY PLANNING COMMISSION

CITY COUNCIL

APPROVED THIS ____ DAY OF ____ A.D. 20 ____ BY THE TOOEELE CITY COUNCIL.

ATTEST: CITY RECORDER

TOOELE COUNTY RECORDER

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

FEE \$

TOOELE COUNTY RECORDER

PREPARED BY

FOCUS
ENGINEERING AND SURVEYING, LLC
6049 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 353-0075
www.focusnh.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

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-Family Residential
Acreage: 4.31 Acres (187,882 ft²)
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 ft². 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 ft² per unit.

Proposed Lot 101 is 36,708 ft², which is more than the area required for the six existing units (32,670 ft²).

- 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:”

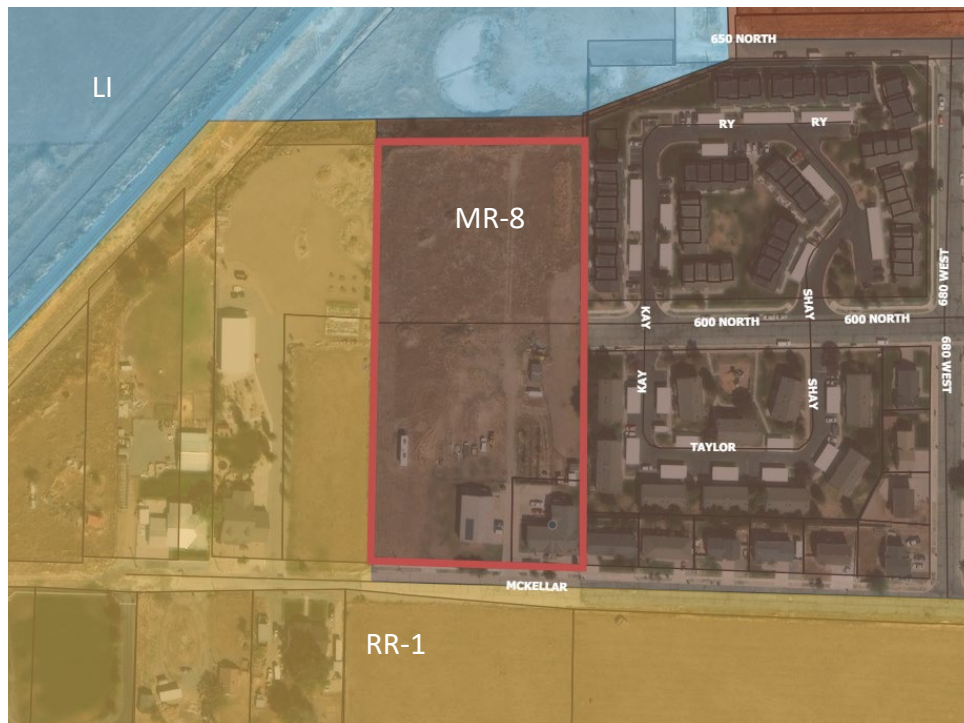
1. List any additional findings...

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



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: 07/18/2023		Submittal #: ☒ 1 ☐ 2 ☐ 3 ☐ 4		Zone:	Acres:
Parcel #(s): 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: ENSGN ENGINEERING AND LAND SURVEYING			Surveyor & Company: ENSGN 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@ensgneng.com		Phone: 435-843-3590	Email: dkinsman@ensgneng.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:

AFFIDAVIT

PROPERTY OWNER

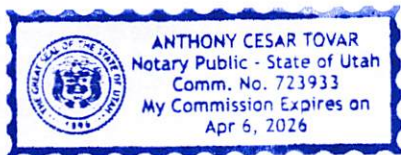
STATE OF UTAH }
 }ss
COUNTY OF TOOELE }

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.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

Subscribed and sworn to me this 18 day of JULY, 2023.



[Signature]
(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)

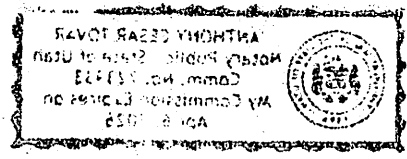
(Property Owner)

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: _____

[Handwritten signature]



TOOELE CITY DEVELOPMENT
REVIEWSubmittal # 2 10/03/2023APPROVED
J Grandpre
Public Works
11/20/2023APPROVED
P Hansen
City Engineer
10/03/2023APPROVED
N Wall
Fire Marshal
10/20/2023APPROVED
J HALL
Tooele City Planner
11/09/2023

APPROVED CONDITIONAL ON :

- REMOVAL OF MAYOR SIGNATURE BLOCK

- PROVIDE MAPPING WHICH SHOWS WHERE EXISTING WATER / SEWER LATERALS ARE LOCATED

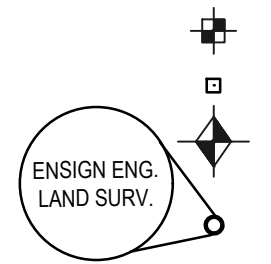
FINAL PLAT

KELLY WHITE SUBDIVISION - MINOR SUBDIVISION

(AMENDING AND VACATING LOTS 1 & 2 OF GLASER SUBDIVISION)

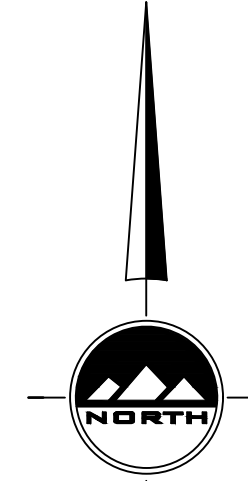
LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 20, TOWNSHIP 3 SOUTH, RANGE 4
WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAHSTREET MONUMENT
AT THE INTERSECTION
OF 680 NORTH STREET
AND 680 WEST STREETEAST QUARTER CORNER OF
SECTION 20, TOWNSHIP 3
SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND
MERIDIAN (TOOELE COUNTY
SURVEYOR BRASS DISK, NO
DATE)680 NORTH
(DEDICATED PUBLIC ROAD)VICINITY MAP
NO SCALE

LEGEND

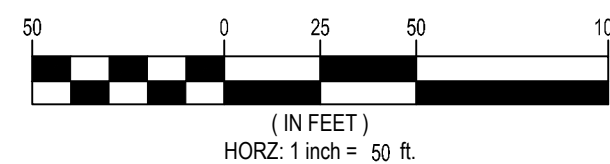


- | | |
|---|----------------------------|
| EXISTING STREET MONUMENT | BOUNDARY LINE |
| PROPOSED STREET MONUMENT TO BE SET | ADJACENT PROPERTY LINE |
| SECTION CORNER | SECTION LINE |
| 5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV." | CENTER LINE |
| | EASEMENT LINE |
| | RIGHT OF WAY LINE |
| | ADJACENT RIGHT OF WAY LINE |
| | TANGENT LINE |

NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS PLAN SET.



HORIZONTAL GRAPHIC SCALE

TOOELE
189 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
WWW.ENSGNENG.COMSALT LAKE CITY
Phone: 801.255.5023
LAYTON
Phone: 801.547.1100
CEDAR CITY
Phone: 435.860.1433
RICHFIELD
Phone: 435.860.2883DEVELOPER
KELLY WHITE
1878 WEST 2185 SOUTH
WOODS CROSS, UTAH 84087
801-512-7379

SHEET 1 OF 1

PROJECT NUMBER : 1550B
MANAGER : D. KINSMAN
DRAWN BY : M. SANDOVAL
CHECKED BY : T. HUSSEY
DATE : 8/18/2023

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.

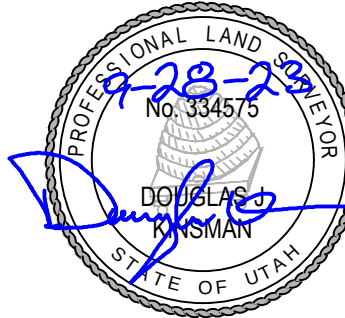
BOUNDARY DESCRIPTION

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 McKellar 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 McKellar 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

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, J.S.S.
County of Tooele

On the _____ day of _____, A.D., 20____,

appeared before me, the undersigned Notary public, in and for said County of _____, in said State of Utah, _____ personally 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

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

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

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 ACCEPTANCE, 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 _____

SURVEY RECORDING DATA

DATE: _____
DRAWING No. _____

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 APPROVALAPPROVED 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 CITY CORPORATION

RESOLUTION 2023-104

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE IN LIEU OF WATER RIGHTS CONVEYANCE FOR HOLIDAY OIL.

WHEREAS, Tooele City Code Chapter 7-26 governs the exaction by Tooele City of water rights as a condition of land use approval (see also UCA 10-9a-508); and,

WHEREAS, TCC Section 7-26-2(2) empowers the City Council to adopt a legislative policy allowing for the payment of a fee in lieu of water rights conveyance: “Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system”; and,

WHEREAS, on May 18, 2022, the City Council approved Resolution 2022-29, adopting an updated fee-in-lieu of water rights conveyance policy referred to in TCC 7-26-2(2), with an effective date of June 1, 2022 (with the original policy being adopted in 2007) (see the June 1 policy attached as Exhibit B); and,

WHEREAS, the June 1 policy encourages the consideration of at least the following factors in considering requests to pay the fee-in-lieu:

- The number of acre-feet of water rights requested.
- The availability of City-owned water rights and corresponding water sources.
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental, social, and community impacts of the development.

WHEREAS, the City Council retains sole and exclusive legislative discretion in deciding to allow the payment of the fee-in-lieu; and,

WHEREAS, Tooele City received from Brent Neel (representing Holiday Oil) (“the Project”) a letter dated December 14, 2023, requesting the allocation of 8.00 acre-feet of City-owned municipal water rights to the Project, or, in other words, requesting to pay the

fee-in-lieu rather than convey water rights for the Project (see the letter attached as Exhibit A); and,

WHEREAS, the Project will consist of approximately 5,020 square feet of new commercial construction plus a 20 ft by 66 ft car wash; and,

WHEREAS, the Project proposal addresses the policy considerations identified above and in the June 1 policy in the following ways:

- The Project requests 8.00 acre-feet of water.
- An estimated capital investment of \$1,618,000; estimated new annual property tax to **city** of \$3,900.
- The creation of an estimated 13 to 15 jobs (1 full time store director and other hourly positions).
- The generation of new sales tax and commercial activity; Holiday Oil anticipates \$15 Million in sales annually (\$11M in fuel sales, \$3M in C-Store sales, \$200,000 in car wash sales).

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby authorizes the payment of the fee-in-lieu of water rights for the Project, for up to 8.00 acre-feet of municipal water rights, for the fee amount established in the June 1 policy of \$35,000 per acre-foot.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 202__.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Letter Requesting Fee in Lieu

Jared Stewart

From: Brent Neel <brent@holidayoil.com>
Sent: Thursday, December 14, 2023 12:54 PM
To: Jared Stewart
Subject: Re: Tooele City Water Fee-in-Lieu request

Hi Jared,

Let's apply for the 8 acre feet to cover ourselves and keep the submittal bundled with our c-store needs.

Let me know if you need anything else.

Thanks,
Brent Neel

From: Jared Stewart <jareds@tooelecitey.gov>
Sent: Thursday, December 14, 2023 10:04 AM
To: Brent Neel <brent@holidayoil.com>
Subject: RE: Tooele City Water Fee-in-Lieu request

Brent,

I took your numbers and calculated the annual Acre Feet of water usage for the carwash. Average 3 year use (2021-2023) for carwash + landscaping is 6.12 Acre Feet. The existing Holiday Oil at 600 N Main Street in two years used an average of 1.54 Acre Feet—without a car wash and essentially no landscaping. I would estimate your future water use at around 7.5 to 8 Acre Feet per year. At \$35,000 per acre foot this would mean a fee-in-lieu of \$262,500-\$280,000.

Please let me know what amount of Acre-Feet you would like to request.

Erda Holiday Oil--Car Wash

Car Wash	2023*	2022	2021	2020
January	130,709	165,280	118,235	89,371
February	155,433	211,342	139,439	99,934
March	160,120	191,650	143,627	74,911
April	125,681	149,181	157,528	50,686
May	203,571	141,485	223,241	114,610
June	188,705	173,455	183,022	104,758
July	245,040	235,641	142,803	104,758
August	201,074	157,115	183,022	127,661
September	141,657	167,655	135,119	122,198
October	138,378	132,951	164,493	117,689
November	93,551	106,539	80,562	76,993
December	100,274	108,233	92,314	70,112

Annual AcFt	5.78237293	5.95525869	5.41169123	3.540517

*2023 Sept through December are averages

Erda Holiday Oil--Landscaping

Car Wash	2023*	2022	2021	2020
January		-	-	-
February	-	-	-	-
March	-	-	-	-
April	-	-	-	-
May	54	-	-	-
June	19,311	19,477	4,440	16,170
July	27,008	23,475	22,464	36,993
August	26,161	45,808	17,500	27,092
September		44,617	17,705	29,822
October		2,072	19,838	32,699
November		10,194	20,130	7,184
December		-	-	-
Annual AcFt	0.22259867	0.44696196	0.31326281	0.4602103

Best,
Jared

From: Brent Neel <brent@holidayoil.com>
Sent: Thursday, December 14, 2023 8:39 AM
To: Jared Stewart <jareds@tooelecitey.gov>
Subject: Re: Tooele City Water Fee-in-Lieu request

Hi Jared,

Thanks for sending this and helping us out. Below are the numbers I received from our finance team for our store in Erda that has a car wash and felt it would be more accurate than our store at 600 N. Main Steet that doesn't have a car wash. Below is also a screenshot of the water usage we based our numbers from. I have a meeting with Draper City at 9:30am and then I'll head into the office to send you the utility bills showing the water usage.

Thanks,
Brent Neel

Brent, per 2022 completed income statement and 2023 Jan-Oct (#60)					
	2022	2023 YTD (Oct)			
C-Store Sales	3,390,167	3,348,435			
Car Wash Sales	222,248	217,367			
Fuel Sales	11,904,771	9,899,359			
Total	15,517,186	13,465,161			

Erda Store #60 Car Wash and Landscaping Water Usage				
*All numbers are in gallons used for the month				
Car Wash	2023	2022	2021	2020
January	130,709	165,280	118,235	89,371
February	155,433	211,342	139,439	99,934
March	160,120	191,650	143,627	74,911
April	125,681	149,181	157,528	50,686
May	203,571	141,485	223,241	114,610
June	188,705	173,455	183,022	104,758
July	245,040	235,641	142,803	104,758
August	201,074	157,115	183,022	127,661
September		167,655	135,119	122,198
October		132,951	164,493	117,689
November		106,539	80,562	76,993
December		108,233	92,314	70,112
Landscaping	2023	2022	2021	2020
January	-	-	-	-
February	-	-	-	-
March	-	-	-	-
April	-	-	-	-
May	54	-	-	-
June	19,311	19,477	4,440	16,170
July	27,008	23,475	22,464	36,993
August	26,161	45,808	17,500	27,092
September		44,617	17,705	29,822
October		2,072	19,838	32,699
November		10,194	20,130	7,184
December		-	-	-

From: Jared Stewart <jareds@tooelecitey.gov>
Sent: Wednesday, December 13, 2023 5:55 PM
To: Brent Neel <brent@holidayoil.com>
Subject: RE: Tooele City Water Fee-in-Lieu request

Brent,

Attached is the draft resolution that I will present to the Council. I was able to get water data from two other gas stations in town (without car washes). Best to have the actual numbers from a similar location, but both could help.

I'll watch for the actual water request from you tomorrow as well as data on average sales to include.

Thank you!
Jared

From: Jared Stewart
Sent: Wednesday, December 13, 2023 3:47 PM
To: 'brent@holidayoil.com' <brent@holidayoil.com>
Subject: Tooele City Water Fee-in-Lieu request

Hi Brent,

Thank you for your call earlier today. I've begun drafting a resolution that we can fill in the details for tomorrow morning. I will send you a copy a little later today. Please let me know what your average sales at a location would be and what the refined water number you are requesting will be.

Thank you!
Jared



Jared Stewart | Tooele City Corporation
Economic Development Director | Grant Administrator
90 North Main Street | Tooele, UT | 84074
Ph: [\(435\) 843-2169](tel:4358432169) | Cell: [\(801\) 834-3858](tel:8018343858)
jareds@tooelecity.gov | <https://tooelecity.gov> | [LinkedIn](#)

Attention: Tooele City is in the process of adopting tooelecity.gov as its top level domain. Please update any contacts in your address book to use [@tooelecity.gov](https://tooelecity.gov)

Attention: Tooele City is in the process of adopting tooelecity.gov as its top level domain. Please update any contacts in your address book to use [@tooelecity.gov](https://tooelecity.gov)

Exhibit B

June 1, 2022, Fee-in-lieu Policy

City Council Policy

RE: Payment In Lieu Of Water Rights Conveyance under Tooele City Code §7-26-3(2).

Effective Date: June 1, 2022

Tooele City Code Chapter 7-26 requires the conveyance of water rights as a condition of approval of all land use applications. Section 7-26-3(2) states the following:

Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

This City Council Policy is established pursuant to the authority embodied in §7-26-3(2).

Residential Development. Beginning on the Effective Date, Tooele City will allow owners of existing parcels of record that are not part of a recorded subdivision, and owners of single lots subdivided from those existing parcels through two-lot subdivisions (e.g., a lot split), to pay a fee (the "Fee") per parcel or lot in lieu of the residential water right requirement established in TCC §7-26-2(1). The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

Non-residential Development. Beginning on the Effective Date, Tooele City will allow owners of non-residential developments to pay the Fee if the development is determined by the City to need less than 20 acre-feet of municipal water rights. Additional Credits may be made available, upon recommendation of the Public Works Director and with written approval of the Mayor, after full consideration of the following criteria in relation to the amount of water used:

- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental and social impacts of the development.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building

permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

General.

1. The Fee shall be established at \$35,000 per Credit, each Credit being the equivalent of 1.0 acre-foot of municipal water rights.
2. Credits sold pursuant to this Policy shall not exceed a total of 50 acre-feet of municipal water rights in any calendar year without the approval of the City Council.
3. Upon payment of the Fee, the City will indicate such payment on the approved building permit.
4. This Policy shall supersede any prior oral or written policies or practices on the subject of this Policy.
5. Revenues derived from the sale of Credits shall be utilized for the protection of existing water rights and/or the purchase of additional water rights, except that the City Council may authorize the use of such revenues for other Tooele City water-related projects and/or needs upon a finding of good cause.
6. The sale of Water Rights Credits under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.

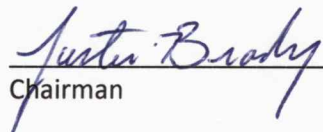

Chairman

Exhibit C

Staff Analysis and Calculations

Water Usage & Property Tax at Tooele Gas Stations

Holiday Oil: 608 Main Street Tooele UT

Bill Date	Begin Read	End Read	Billed Consumption
11/26/2023	7131	7193	62
10/26/2023	7065	7131	66
09/26/2023	6984	7065	81
08/26/2023	6910	6984	74
07/26/2023	6873	6910	37
06/26/2023	6830	6873	43
05/26/2023	6798	6830	32
04/26/2023	6765	6798	33
03/26/2023	6754	6765	11
02/26/2023	6693	6754	61
01/26/2023	6632	6693	61
12/26/2022	6571	6632	61
11/26/2022	6511	6571	60
10/26/2022	6446	6511	65
09/26/2022	6370	6446	76
08/26/2022	6300	6370	70
07/26/2022	6244	6300	56
06/26/2022	6187	6244	57
05/26/2022	6137	6187	50
04/26/2022	6099	6137	38
03/26/2022	6052	6099	47
02/26/2022	5987	6052	65
01/26/2022	5922	5987	65
12/26/2021	5857	5922	65
11/26/2021	5799	5857	58

Location Details		
	2465	Square Feet
\$	748,055.00	Taxable Value
\$	303.47	Value per SF
\$	7,991.47	2023 Property Taxes Paid
\$	1,803.56	2023 Tax to Tooele City
\$	3.24	Taxes per SF
Average Annual Water Usage		

Year 1 Units Consumed:	622
Year 1 Gallons Consumed	466,500
Year 1 Acre-Feet Consume	1.43

Year 2 Units Consumed:	714
Year 2 Gallons Consumed	535,500
Year 2 Acre-Feet Consume	1.64

Average 2 year AcFt	1.54
---------------------	------

Maverick: 246 E 2000 N

Bill Date	Begin Read	End Read	Billed Consumption
11/26/2023	23845	23958	113
10/26/2023	23516	23845	329
09/26/2023	23056	23516	460
08/26/2023	22623	23056	433
07/26/2023	22250	22623	373
06/26/2023	21890	22250	360
05/26/2023	21676	21890	214
04/26/2023	21579	21676	97
03/26/2023	21537	21579	42
02/26/2023	21461	21537	76
01/26/2023	21385	21461	76
12/26/2022	21309	21385	76
11/26/2022	21194	21309	115
10/26/2022	20982	21194	212
09/26/2022	20638	20982	344
08/26/2022	20638	20638	332
07/26/2022	9980	306	326
06/26/2022	9668	9980	312
05/26/2022	9589	9668	79
04/26/2022	9505	9589	84
03/26/2022	9355	9505	150
02/26/2022	9304	9355	51
01/26/2022	9253	9304	51
12/26/2021	9202	9253	51
11/26/2021	9163	9202	39

Location Details		
	4542	Square Feet
\$	1,549,640.00	Taxable Value
\$	341.18	Value per SF
\$	17,190.16	2023 Property Taxes Paid
\$	3,736.18	2023 Tax to Tooele City
\$	3.78	Taxes per SF
Average Annual Water Usage		

Year 1 Units Consumed:	2649
Year 1 Gallons Consumed	1,986,750
Year 1 Acre-Feet Consume	6.10

Year 2 Units Consumed:	2107
Year 2 Gallons Consumed	1,580,250
Year 2 Acre-Feet Consume	4.85

Average 2 year AcFt	5.47
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New Holiday Oil Location: Approx 602 Three O'Clock Drive

ESTIMATED Taxes		
	5020	Square Feet
\$	322.33	Avg Value per SF Gas Station
\$	1,618,073.22	Est. Taxable Value
\$	17,285.88	Est. Taxes Tax Area 1; 0.010683
\$	3,901.17	Est Taxes to Tooele City; 0.002411

Taxes & Annual Sales from Holiday Oil Erda Location

	5439	Square Feet
\$	1,864,733.00	Taxable Value
\$	342.84	Value per SF
\$	18,072.99	2023 Property Taxes Paid
\$	3.32	Taxes per SF

Brent, per 2022 completed income statement and 2023 Jan-Oct (#60)					
	2022	2023 YTD (Oct)			
C-Store Sales	3,390,167	3,348,435			
Car Wash Sales	222,248	217,367			
Fuel Sales	11,904,771	9,899,359			
Total	15,517,186	13,465,161			

Top Stop Chevron: 322 E 2400 N (includes a Burger King)			
Bill Date	Begin Read	End Read	led Consumption
11/26/2023	40601	40798	197
10/26/2023	39838	40601	763
09/26/2023	39078	39838	760
08/26/2023	38321	39078	757
07/26/2023	37619	38321	702
06/26/2023	36870	37619	749
05/26/2023	36693	36870	177
04/26/2023	36536	36693	157
03/26/2023	36367	36536	169
02/26/2023	36212	36367	155
01/26/2023	36057	36212	155
12/26/2022	35902	36057	155
11/26/2022	35076	35902	826
10/26/2022	34297	35076	779
09/26/2022	33101	34297	1196
08/26/2022	32243	33101	858
07/26/2022	32122	32243	121
06/26/2022	32015	32122	107
05/26/2022	31902	32015	113
04/26/2022	31792	31902	110
03/26/2022	34039	31792	-2247
02/26/2022	33083	34039	956
01/26/2022	32127	33083	956
12/26/2021	31171	32127	956
11/26/2021	30968	31171	203

Location Details	
4328	Square Feet
\$ 2,470,032.00	Taxable Value
\$ 570.71	Value per SF
\$ 26,387.35	2023 Property Taxes Paid
\$ 5,955.25	2023 Tax to Tooele City
\$ 6.10	Taxes per SF
Average Annual Water Usage	
Year 1 Units Consumed	4896
Year 1 Gallons Consum	3,672,000
Year 1 Acre-Feet Consu	11.27
Year 2 Units Consumed	4731
Year 2 Gallons Consum	3,548,250
Year 2 Acre-Feet Consu	10.89
Average 2 year AcFt	11.08

Erda Holiday Oil--Car Wash				
Car Wash	2023*	2022	2021	2020
January	130,709	165,280	118,235	89,371
February	155,433	211,342	139,439	99,934
March	160,120	191,650	143,627	74,911
April	125,681	149,181	157,528	50,686
May	203,571	141,485	223,241	114,610
June	188,705	173,455	183,022	104,758
July	245,040	235,641	142,803	104,758
August	201,074	157,115	183,022	127,661
September	141,657	167,655	135,119	122,198
October	138,378	132,951	164,493	117,689
November	93,551	106,539	80,562	76,993
December	100,274	108,233	92,314	70,112
Annual AcFt	5.78237293	5.95525869	5.41169123	3.540517

*2023 Sept through December are averages

Erda Holiday Oil--Landscaping				
Car Wash	2023*	2022	2021	2020
January		-	-	-
February	-	-	-	-
March	-	-	-	-
April	-	-	-	-
May	54	-	-	-
June	19,311	19,477	4,440	16,170
July	27,008	23,475	22,464	36,993
August	26,161	45,808	17,500	27,092
September	30,715	44,617	17,705	29,822
October	18,203	2,072	19,838	32,699
November	12,503	10,194	20,130	7,184
December	-	-	-	-
Annual AcFt	0.41109075	0.44696196	0.31326281	0.4602103

*2023 Sept through November are averages

TOTAL Car Wash + Landscaping	6.11
------------------------------	------

Acre Feet

TOOELE CITY CORPORATION
FISCAL NOTE TO PROPOSED EXPENDITURE

12/13/23

DESCRIPTION OF EXPENDITURE:

VENDOR: KEN GARFF FORD

V# 00093

2 @ 2023 FORD EXPLORER - POLICE

REVENUE LINE ITEM:	ACCOUNT NUMBER	CURRENT BUDGET	RECEIPTS TO DATE	ADDITIONAL FUNDING	TOTAL FUNDING
					0.00

EXPENDITURE LINE ITEM	ACCOUNT NUMBER	ADJUSTED BUDGET	Y. T. D. EXPENSES	PROPOSED EXPENSE	BUDGET BALANCE
AUTOS & TRUCKS	110 4211 748000	312,872.00	180,036.00	93,376.00	39,460.00
TOTAL:				93,376.00	

REQUESTED

DEPARTMENT HEAD

REVIEWED

FINANCE DIRECTOR

APPROVED

MAYOR

APPROVED

COUNCIL CHAIRMAN



Preview Order T001 - K8A - Police Inter Utility AWD: Order Summary Time of Preview: 12/08/2023 14:27:28 Receipt: 9/8/2022

Dealership Name: Ken Garff West Valley Ford

Sales Code : F56024

Dealer Rep. Stephanie Smith Type Fleet Vehicle Line Explorer Order Code T001
Customer Name TOOELE PD Priority Code A1 Model Year 2023 Price Level 350

DESCRIPTION	MSRP	DESCRIPTION	MSRP
K8A0 POLICE INTER UTILITY AWD	\$47165	50 STATE EMISSIONS	\$0
.119 INCH WHEELBASE	\$0	KEYLESS ENTRY - 4 FOBs	\$340
TOTAL BASE VEHICLE	\$47165	4G LTE WI-FI HOTSPOT CREDIT	\$-20
AGATE BLACK METALLIC	\$0	PRICE CONCESSION INDICATOR	\$0
CLOTH BUCKETS/VINYL REAR SEATS	\$0	REMARKS TRAILER	\$0
EBONY INTERIOR	\$0	FRONT LICENSE PLATE BRACKET	\$0
EQUIPMENT GROUP 500A	\$0	SPECIAL DEALER ACCOUNT ADJUSTM	\$0
.AM/FM STEREO	\$0	SPECIAL FLEET ACCOUNT CREDIT	\$0
3.0L ECOBOOST V6 ENGINE	\$950	FUEL CHARGE	\$0
10-SPEED AUTO TRANSMISSION	\$0	NET INVOICE FLEET OPTION (B4A)	\$0
W-HOLD OVERRIDE	\$0	ADVERTISING ASSESSMENT	\$0
FORD FLEET SPECIAL ADJUSTMENT	\$0	DESTINATION & DELIVERY	\$1595

TOTAL BASE AND OPTIONS
DISCOUNTS
TOTAL

VENDOR # 09566
P.O. # _____ MSRP
DEPT. # 10-4211-748000 \$50030
DATE 12/11/23 NA
AMOUNT \$ 46,688.00 \$50030
SIGNATURE _____

ORDERING FIN: QC378 END USER FIN: QC378

INCENTIVES

Acc. Code ID :10 Contract/Ref # :21-414P Bid Date :08/02/22State : UT

DISCOUNTS:
\$-2000.00

Ken Garff Fleet Price:
\$46,688.00

Customer Name:
Customer Address:

Customer Email:
Customer Phone:

Customer Signature

Date

This is not an invoice.



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AGATE BLACK METALLIC	\$0	PRICE CONCESSION INDICATOR	\$0
CLOTH BUCKETS/VINYL REAR SEATS	\$0	REMARKS TRAILER	\$0
EBONY INTERIOR	\$0	FRONT LICENSE PLATE BRACKET	\$0
EQUIPMENT GROUP 500A	\$0	SPECIAL DEALER ACCOUNT ADJUSTM	\$0
AM/FM STEREO	\$0	SPECIAL FLEET ACCOUNT CREDIT	\$0
3.0L ECOBOOST V6 ENGINE	\$950	FUEL CHARGE	\$0
10-SPEED AUTO TRANSMISSION	\$0	NET INVOICE FLEET OPTION (B4A)	\$0
W-HOLD OVERRIDE	\$0	ADVERTISING ASSESSMENT	\$0
FORD FLEET SPECIAL ADJUSTMENT	\$0	DESTINATION & DELIVERY	\$1595

TOTAL BASE AND OPTIONS
DISCOUNTS
TOTAL

ORDERING FIN: QC378 END USER FIN: QC378

INCENTIVES

Acc. Code ID :10 Contract/Ref # :21-414P Bid Date :08/02/22State : UT

VENDOR # 09506
P.O. # _____
DEPT. # 10-421-748000
DATE 12/11/23
AMOUNT \$ 46,688.00
SIGNATURE _____

MSRP
\$50030
NA
\$50030

DISCOUNTS:
\$-2000.00

Ken Garff Fleet Price:
\$46,688.00

Customer Name:
Customer Address:

Customer Email:
Customer Phone:

Customer Signature

Date

This is not an invoice.

**Tooele City Council
Business Meeting
General Election Canvass Minutes**

Date: Tuesday, December 5, 2023
Time: 5:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main St., Tooele, Utah

City Council Members Present:

Justin Brady, Chair
Ed Hansen
Dave McCall
Maresa Manzione
Tony Graf, Excused

City Employees Present:

Mayor Debbie Winn
Michelle Pitt, Recorder
Loretta Herron, Deputy Report

Minutes prepared by Michelle Pitt

1. Open Meeting and Roll Call

Chairman Brady called the meeting to order at 5:00 p.m.

Justin Brady, Present
Ed Hansen, Present
Dave McCall, Present
Maresa Manzione, Present
Ton Graf, Excused

2. General Vote Canvass

Presented by Michelle Pitt

Michelle Pitt presented the General Election results report including the ballot statistics, challenged and uncounted ballot statistics, rejected ballot statistics, provisional ballot statistics, and the county clerk certification.

The results of the 2023 General Election are as follows:

	Total	Vote %
Melodi M. Gochis	2,806	21.96%
Justin G. Brady	2,770	21.68%
Ed Hansen	2,588	20.25%
Tony F. Graf	2,128	16.65%
Ryan J. Parker	1,367	10.70%
Doug Yei	1,120	8.76%
Total Votes Cast	12,779	100.00%

Proposition #8 – Tooele City Question 1

	Total	Vote %
Yes	2,640	57.19%
No	1,976	42.81%
Total Votes Cast	4,616	100.00%

Justin Brady and Ed Hansen will serve another term on the City Council, and Melodi Gochis will serve a four-year term beginning January 2024. Proposition #8 – Tooele City Question 1 to amend the City Charter passed.

Council Member Manzione made a motion to declare the 2023 General Election certified.

Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Chairman Brady, “Aye,” Council Member Manzione, “Aye,” and Council Member McCall, “Aye.”

3. Adjourn

The meeting adjourned at 5:10 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 20th day of December, 2023

Justin Brady, Tooele City Council Chair

**Municipal Building Authority of
Tooele City Council**

Date: Wednesday, December 6, 2023

Time: 7:00 p.m.

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

Board Members Present:

Justin Brady
Maresa Manzione
David McCall
Ed Hansen

Board Members Excused:

Tony Graf

City Employees Present:

Mayor Debbie Winn
Adrian Day, Police Department Chief
Michelle Pitt, City Recorder
Loretta Herron, Deputy City Recorder
Roger Baker, City Attorney
Jamie Grandpre, Public Works Director
Darwin Cook, Parks and Recreation Director
Kami Perkins, HR Director
Shannon Wimmer, Finance Director

Minutes prepared by Katherin Yei

1. Open MBA Meeting

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

2. Roll Call

David McCall, Present
Justin Brady, Present
Maresa Manzione, Present
Ed Hansen, Present
Tony Graf, Excused

3. Public Hearing to Allow Public Input Regarding (I) Issuance and Sale by the Municipal Building Authority of Tooele City, Utah of not more than \$8,500,000 Aggregate Principal Amount of its Lease Revenue Bonds, Series 2023 and (II) any Potential Economic Impact that the Improvements, Facility or Property Financed in Whole or in Part with the Proceeds of the Bonds may have on the Private Sector; and Related Matters

Presented by Shannon Wimmer, Finance Director

Ms. Wimmer presented the funding for Fire Station number 3. This is the third and final public hearing. The funding is being received through the Community Impact Board. This is the cheapest option available to Tooele City. The fire station is funded in the current budget with no additional funding needed.

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

7. Adjourn

Chairman Brady adjourned the meeting at 7:02 pm.

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 December, 2023

Justin Brady, City Council Chair

**Tooele City Council and the Tooele City Redevelopment Agency
Work Meeting Minutes**

Date: Wednesday, December 6, 2023

Time: 5:30 p.m.

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

City Council Members Present:

Maresa Manzione

David McCall

Justin Brady

Ed Hansen

City Council Members Excused:

Tony Graf

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Jamie Grandpre, Public Works Director

Darwin Cook, Parks and Recreation Director

Kami Perkins, HR Director

Shannon Wimmer, Finance Director

Minutes prepared by Katherin Yei

1. Open City Council Meeting

Chairman Brady called the meeting to order at 5:30 p.m.

2. Roll Call

Maresa Manzione, Present

David McCall, Present

Justin Brady, Present

Ed Hansen, Present

Tony Graf, Excused

3. Mayor's Report

Mayor Winn shared an update on the animal shelter including not accepting surrendered animals. There is a new local rescue that will be working with the City and the shelter. The Droubay project was approved by the Tooele County.

4. Council Member's Report

The Council Members reported on the events they attended during the week.

5. Discussion Items

A. Sewer Lift Station

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented sewer lift station options available. Some options include traditional wet pit lift, dry pit lift station, and a vacuum lift station. Some additional amenities include hard surface, lighting, generators, grinders, flow meters, and wastewater sampler. The cost of the wet pit is \$500,000 with a life span of about 10-years. A dry pit could be \$2 million with a life span of approximately 15 years. The vacuum feed could cost \$500,000-\$600,000 with a 5-year span on pumps. Staff is recommending to implement a City standard and specification for developer-constructed sanitary sewer lift stations for residential and commercial developments with a 1-year warranty.

The Council asked the following:

How does the dry vault work?

What does the City do now for the wastewater sampler?

Where would these be needed in the City?

Does the developer bear the cost?

Is the lift station located near Liddiards managed by Liddiards?

Would each development have to have its own lift station?

Mr. Grandpre addressed the Council's questions. On the dry pit, there is a pipe that goes into the wet well. A pump will kick on at a certain point and kick it to the dry side. The City does have two wastewater samplers at the wastewater facility. The North side of town would need the lift stations. The developer will prepare the lift station and bear the cost of it. Then the City would take it over to maintain and fix them if needed. Liddiards is for commercial use and a private station.

Mayor Winn addressed the Council. The City will have to change the code to match the standards.

The Council would like to see the standards move forward and come back for formal process.

B. Resolution 2023-101 A Resolution of the Tooele City Council Consenting to the One-Time Payment of a Retention Bonus to School Resource Officers (SROs) Assigned on a Regular Full-Time Basis to a School for the 2023-2024 School Year

Presented by Police Chief Adrian Day

Chief Day presented a one-time payment of a retention bonus for School Resource Officers (SRO) assigned as a regular full-time basis to a school. The line between a behavior issue and a crime can get confusing. The school district often wants the officers to step in when they

shouldn't. This has become high stress on the officers. If an SRO remains for the entire school year, they will receive \$3,000. If they remain half the year, they will receive \$1,500. The request is only for this year. After the end of the school year, they will reevaluate.

The City Council asked the following:

Is \$3,000 enough?

Do other school districts have this?

Should the City ask for the school district to fund some of the retention?

If this is not enough, can they change it?

Chief Day addressed the Council's questions. Some agencies pay more to be SRO, rather than a retention fee. They are trying to find a balance of SRO and FTO.

Ms. Perkins addressed the Council. There is one officer pursuing work elsewhere because they don't want to be in the school. It is a high turnover position that is viewed in a negative light. There has been lots of discussion for costs of law enforcement officers. The district has already signed a contract. This will be discussed with next year's contract. If they choose to provide the service to the community and school district, they need to make sure there is enough staff.

Mr. Baker addressed the Council. This is an important and challenging policy issue. They should be involved in the process if something needs to be changed or discussed.

6. Closed Meeting - Litigation, Property Acquisition, and/or Personnel

There is a closed meeting to discuss a litigation and property acquisition.

Council Member Manzione motioned for a closed meeting to discuss litigation and property acquisition. Council member McCall Seconded. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," and Council Member McCall, "Aye." The motion passed.

The meeting was recessed at 6:34pm

Those in attendance during the closed meeting: Mayor Debbie Winn, Council Member Hansen, Council Member Manzione, Council Member McCall, Chairman Brady, Michelle Pitt, Roger Baker, Darwin Cook, and Realtor Laney Riegel.

No minutes were taken during the closed meeting.

7. Adjourn

Chairman Brady adjourned the meeting at 6:55 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 December, 2023

Justin Brady, City Council Chair

DRAFT

Tooele City Council Business Meeting Minutes

Date: Wednesday, December 6, 2023

Time: 7:00 p.m.

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

City Council Members Present:

Ed Hansen

Maresa Manzione

Dave McCall

Justin Brady

City Council Members Excused:

Tony Graf

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Jamie Grandpre, Public Works Director

Darwin Cook, Parks and Recreation Director

Kami Perkins, HR Director

Shannon Wimmer, Finance Director

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:04 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Ed Hansen, Present

Maresa Manzione, Present

Dave McCall, Present

Justin Brady, Present

Tony Graf, Excused

3. Mayor's Youth Recognition Awards

Mayor Debbie Winn and Chief Day presented youth recognition awards to the following:

Liam Lowry

Logan Western

Mason Goldy
Braxton Williams

4. Public Comment Period

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

5. FY23 Audit Presentation

Presented by Jon Haderlie with Larson and Company

Ms. Wimmer introduced Jon Haderlie with Larson and Company. This is the second year the City has used this company with amazing results.

Mr. Haderlie presented the FY23 audit. They issued the audit report, it is an unmodified and unqualified opinion. The reports included an unmodified or unqualified opinion. It was a clean audit overall.

6. Resolution 2023-99 A Resolution of the Tooele City Council Acknowledging the Mayor's Re-Appointments of Melanie Hammer and Jon Proctor, and New Appointment of Kelley Anderson to the Planning Commission

Presented by Mayor Debbie Winn

Mayor Winn presented the Mayor's re-appointment of Melanie Hammer and Jon Proctor, and the new appointment of Kelley Anderson to the Planning Commission.

Council Member Manzione motioned to approve Resolution 2023-99; A Resolution of the Tooele City Council Acknowledging the Mayor's Re-Appointments of Melanie Hammer and Jon Proctor, and New Appointment of Kelley Anderson to the Planning Commission. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

7. Resolution 2023-100 A Resolution of the Tooele City Council Re-Appointing Matt Robinson to the Tooele City Planning Commission

Presented by Council Chair Justin Brady

Chairman Brady presented the Tooele City Council's re-appointment of Matt Robinson to the Planning Commission.

Council Member McCall motioned to approve Resolution 2023-100; A Resolution of the Tooele City Council Re-Appointing Matt Robinson to the Tooele City Planning Commission. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

8. Resolution 2023-101 A Resolution of the Tooele City Council Consenting to the One-Time Payment of a Retention Bonus to School Resource Officers (SROs) Assigned on a Regular Full-Time Basis to a School for the 2023-2024 School Year

Presented by Police Chief Adrian Day

Chief Day presented a one-time payment of retention bonus for School Resource Officers assigned as a regular full-time basis to a school.

This item was discussed during the work meeting.

Council Member Hansen motioned to approve Resolution 2023-101; A Resolution of the Tooele City Council Consenting to the One-Time Payment of a Retention Bonus to School Resource Officers (SROs) Assigned on a Regular Full-Time Basis to a School for the 2023-2024 School Year. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

9. Resolution 2023-102 A Resolution of the Tooele City Council Increasing Garbage Can Fees

Presented by Shannon Wimmer

Ms. Wimmer presented the increase of garbage can fees. The change will be an \$2 raise for the first garbage can and a \$1 raise for the second.

Council Member Hansen motioned to approve Resolution 2023-102; A Resolution of the Tooele City Council Increasing Garbage Can Fees. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

10. Invoices & Purchase Orders

There are no invoices to approve.

11. Minutes

There are no changes to the minutes

Council Member McCall motioned to approve Minutes. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

12. Adjourn

Chairman Brady adjourned the meeting at 7:45pm.

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 December, 2023

Justin Brady, City Council Chair

DRAFT