PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, October 21, 2020, at the hour of 7:00 p.m. The meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

Tooele City has implemented Governor Herbert's guidelines regarding public gatherings. We strongly encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page, at https://www.facebook.com/tooelecity. If you would like to submit a comment for the public comment period or for a public hearing item please email cmpubliccomment@tooelecity.org anytime up until the start of the meeting. Emails will only be read at the designated points in the meeting.

However, if you choose to attend we ask that you maintain social distancing and wear a face covering. In compliance with public health guidelines Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.

1. **Pledge of Allegiance**

2. **Roll Call**

3. **Public Comment Period**

4. **Public Hearing**

   a. **Public Hearing & Motion on Ordinance 2020-40** An Ordinance of the Tooele City Council Amending the Adopted Tooele City Annexation Policy Plan for the Purpose of Identifying & Including One New Potential Expansion Area Into the Plan & its Accompanying Expansion Areas Mapping
      Presented by Jim Bolser, Community Development Director

   b. **Public Hearing & Motion on Ordinance 2020-44** An Ordinance of Tooele City Reassigning the Zoning Classification to the I Industrial Zoning District for Approximately 43.08 Acres of Property Located at Approximately 2000 North 1200 West
      Presented by Jim Bolser, Community Development Director

5. **Second Readings**

   a. **Ordinance 2020-43** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the (IS) Industrial Service Zoning District for Approximately 130 Acres of Property Located Generally at 300 South 1200 West & 400 East 2200 North
      Presented by Jim Bolser, Community Development Director

6. **First Reading Items**

a. **Resolution 2020- 79** A Resolution of the Tooele City Council Accepting the Completed Vinyl Fence Public Improvement Associated with the Copper Canyon Phase 9 Subdivision
   Presented by Paul Hansen, City Engineer

b. **Minor Subdivision Request** by SR-36 Self Storage, LLC to Subdivide 14.92 Acres into Lots at Approximately 2035 North 400 East in the LI Light Industrial and GC General Commercial Zoning Districts
   Presented by Jim Bolser, Community Development Director

c. **Resolution 2020-80** A Resolution of the Tooele City Council Approving an Agreement with Acme Construction Inc. for the 2020 Seventh Street Sidewalk Improvement Project
   Presented by Paul Hansen, City Engineer

d. **Resolution 2020-81** A Resolution of the Tooele City Council Approving an Agreement with SKM, Inc. for Upgrade of Scope of Work of Maintenance Services of the City's Municipal Culinary Water & Water Reclamation Systems' Supervisory Control & Data Acquisition System ("SCADA")
   Presented by Steve Evans, Public Works Director

7. **Minutes**

   - October 7th Work & Business Meeting

8. **Invoices**

9. **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 435-843-2113 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

ORDINANCE 2020-40

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING THE ADOPTED TOOELE CITY ANNEXATION POLICY PLAN FOR THE PURPOSE OF IDENTIFYING AND INCLUDING ONE NEW POTENTIAL EXPANSION AREA INTO THE PLAN AND ITS ACCOMPANYING EXPANSION AREAS MAPPING.

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, Tooele City retained the firm of Lewis, Young, Robertson & Burningham to prepare an updated Plan in accordance with statutory requirements (reference Resolution 2009-36, approved on July 1, 2009); and,

WHEREAS, on September 22, 2010, the Tooele City Planning Commission convened the duly-noticed public meeting and public hearing required by statute, and accepted public comment on a proposed Plan prepared by Lewis, Young, Robertson & Burningham; and,

WHEREAS, on October 6, 2010, the City Council convened a duly noticed public hearing and accepted public comment on the proposed Plan prepared by Lewis, Young, Robertson & Burningham; and,

WHEREAS, on October 6, 2010, the City Council unanimously adopted Ordinance 2010-15 to adopted the Plan prepared by Lewis, Young, Robertson & Burningham as the official Annexation Policy Plan for Tooele City; and,

WHEREAS, on May 27, 2020, the Tooele City Planning Commission convened the duly-noticed public meeting and public hearing required by statute, and accepted public comment on a proposed amendment to the Plan prepared by Lewis, Young, Robertson & Burningham with the intent of identifying and including three new potential expansion areas into the Plan and its accompanying mapping; and,

WHEREAS, on June 17, 2020, the City Council convened the duly-noticed public meeting and public hearing required by statute, and accepted public comment on a proposed amendment to the Plan prepared by Lewis, Young, Robertson & Burningham with the intent of identifying and including three new potential expansion areas into the Plan and its accompanying mapping; and,

WHEREAS, on June 17, 2020, the City Council unanimously adopted Ordinance 2020-25 to adopted the proposed amendment to the Plan prepared by Lewis, Young, Robertson & Burningham with the intent of identifying and including three new potential expansion areas into the Plan and its accompanying mapping; and,

WHEREAS, the Plan prepared by Lewis, Young, Robertson & Burningham in 2010, and as amended and supplemented by Ordinance 2020-25, represents Tooele City's most recently adopted Plan; and,

WHEREAS, this amendment to the Tooele City Annexation Policy Plan attached as **Exhibit A** does not replace that Plan enacted under Ordinance 2010-15; and,

WHEREAS, this amendment to the Tooele City Annexation Policy Plan attached as **Exhibit A** does not replace the amendment to the Plan enacted under Ordinance 2020-25; and,

WHEREAS, this amendment to the Tooele City Annexation Policy Plan attached as **Exhibit A** serves to supplement that Plan enacted under Ordinance 2010-15 and the amendment to the Plan enacted under Ordinance 2020-25, to address specifically the identification and inclusion of the one additional potential expansion area addressed in this amendment into the Plan and accompanying mapping; and,

WHEREAS, on August 26, 2020, the Planning Commission convened a duly noticed public meeting as required by Utah State Code Section 10-2-401.5, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibits B**); and,

WHEREAS, on September 23, 2020, 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 **Exhibits C**); and,

WHEREAS, on October 21, 2020, the City Council convened a duly-noticed public hearing and accepted written and verbal comment:

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

1. this Ordinance and the Annexation Policy Plan amendments proposed therein are in the best interest of the City and are consistent with the General Plan; and,
2. the Annexation Policy Plan and its accompanying Expansion Areas Mapping is hereby amended to identify and include one new potential expansion area as described and depicted in **Exhibit A**, attached.

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)

_____	_____
Justin Brady	Justin Brady
_____	_____
Melodi Gochis	Melodi Gochis
_____	_____
Tony Graf	Tony Graf
_____	_____
Ed Hansen	Ed Hansen
_____	_____
Scott Wardle	Scott Wardle

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____	_____
Debra E. Winn	Debra E. Winn

(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 Pitt, City Recorder

S E A L

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

EXHIBIT A

COMPLETE TEXT AND MAPPING FOR ANNEXATION POLICY PLAN AMENDMENT

Tooele City Annexation Policy Plan Amendment

Introduction

In September 2010, Tooele City concluded the process of working with the firm of Lewis, Young, Robertson, and Burningham, Inc. (LYRB) to develop what has become the current Annexation Policy Plan for the city. Through the unanimous adoption of City Council Ordinance 2010-15 on October 6, 2010, this plan became the official Annexation Policy Plan for Tooele City in accordance with Utah State Law. In June 2020, Tooele City concluded the process of reviewing and adopting an amendment to the adopted Annexation Policy Plan. With the unanimous adoption of City Council Ordinance 2020-25 on June 17, 2020, the City's adopted Annexation Policy Plan was amended to include three additional potential expansion areas. The contents herein do not replace or overwrite the contents of the currently adopted Annexation Policy Plan, including its adopted amendment, but, upon adoption by the City Council, becomes a supplement and addition to that amended Plan. Some information of this amendment may not be addressed in the currently adopted Annexation Policy Plan due to changes in legal requirements for the adoption of such plans in the time since its adoption. This amendment has been prepared such that all current requirements of the law have been addressed regarding the areas under consideration in this amendment.

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 Amendment to address the scope of the this amendment:

- 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 amendment, as with the currently adopted Annexation Policy Plan to which it is an amendment, 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.

DRAFT

Expansion Area 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 currently adopted Tooele City Annexation Policy Plan and corresponding mapping is amended to establish and include new Expansion Areas H, I, and J as depicted herein and in the Appendices to this amendment. 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 Amendment anticipates the possible annexation of the following area in addition to those discussed in the currently adopted Annexation Policy Plan and its prior amendment.

> Expansion Area K. Expansion Area K is located adjacent to the east edge of Tooele City's current municipal boundaries and is comprised of approximately 61 acres of private property. Area K is a relatively triangular area bounded by: the current incorporated boundary of Tooele City on the west; the current incorporated boundary of Tooele City along the existing Carr Fork Subdivision along most of the northern boundary; private properties in unincorporated Tooele County on approximately the eastern third of this Expansion Area; and other unincorporated private properties on the southeast boundary of Expansion area. The property making up Area K is currently a single undeveloped parcel. This area may be best suited for residential uses. See the Expansion Area Map in Exhibit A to this Plan Amendment for a graphic representation of this Expansion Area.

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

DRAFT

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. This Annexation Policy Plan Amendment seeks to embrace and balance the agricultural history of Tooele City, where appropriate, while providing areas for continued residential and commercial growth.

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 growth 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 currently being provided by another jurisdiction, 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 K. There are currently no households in this area. While the area currently contains vacant properties, this area is master planned for Rural Residential land uses by the Tooele County General Plan. The property is currently zoned RR-5 Rural Residential by Tooele County. Thus, if developed under Tooele County jurisdiction, it is anticipated that approximately 40 to 55 new residential properties could result from this Expansion Area. Annexation of property in this area would place the developability and anticipated uses under Tooele City control. With the existing zoning designation requiring significantly higher acreages for development than what could be expected under Tooele City jurisdiction, the development potential for residential uses, if annexed, is anticipated to be a higher yield than under County jurisdiction.

DRAFT

Existing Municipal Services. There is current no known water or sewer service within Area H although the portion of the area east of the railroad corridor lies relatively close to water service existing in the Pine Canyon area. There is no centralized storm drain system in the area. There are no developed roads in this area but there is an existing roadway that runs along the southern edge of Area H on the east side of the railroad corridor. What roads are planned would be under Tooele County jurisdiction, unless it becomes a State road. 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. There is limited developed Tooele City infrastructure extended into the incorporated area immediately adjacent to this area. Water and sewer mainlines have been extended to the current terminus of the 2400 North right-of-way located in the vicinity of the southwest corner of Area H. If this area is annexed into Tooele City, water and sewer infrastructure would need to be extended to the area and service provided by Tooele City. The presence of the railroad corridor and the distance from the current City boundary east of the railroad corridor each present challenges for the extension of utility infrastructure to the portion of Area H east of the railroad. Future developers would be required to design for and install appropriate storm drain facilities. If annexed, Tooele City will 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 H. Due to the geographic location of this area and the accessibility to the area from the developed portion of the city, particularly the portion east of the railroad corridor, public safety service provision at an appropriate level could be challenging.

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 annexation area to ensure adequate services can be provided. As stated earlier in this Plan Amendment, the Expansion Area identified herein 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 Expansion Area K. 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.

DRAFT

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 to the City 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 approved and constructed. Using detached single-family residential uses as an example, the implications are two-fold: 1) 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 2) a development pattern that yields five units per acre, as an example, results in more properties providing property tax revenues than would a development pattern of two or three units per acre. 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 ratios for the City, although public safety service needs typically are higher. 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 Amendment 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 Amendment 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.

The property identified within Expansion Area K are currently undeveloped. Properties in this Expansion Area are currently assigned to Taxing District 10 (O.D. Mosquito). The Tooele Valley Mosquito Abatement District is 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 Taxing District 10. 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 District 10 currently carries the overall taxation rate of 0.013758. Annexing property from this district 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 from District 10 through being annexed. 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. Development of non-residential land uses would also provide an increase in the number of properties providing tax revenues to the City, albeit to a lesser quantity than residential development as these land uses each typically consume larger areas of land than residential uses. This also does not take into account the added benefit from those non-residential developments that would also generate sales tax which provides another revenue stream for the City as well as the property tax. For properties that would ultimately develop for residential uses, the same generally holds true in the 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

DRAFT

annexed land at an average five units-per-acre density with an average $250,000 home on each property would provide, on average, around $2,400 in new 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 (0.012% of the City total General Fund budget) per acre of residential development, not considering the costs from the net draw on resources and services.

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

The Interests of All Affected Entities

In consideration of the 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 this amendment to Tooele City's Annexation Policy Plan include: Tooele County School District, Tooele County (acting not only in their own capacity but also under their jurisdictional responsibility to the Pine Canyon Township area, and the Tooele County Recreation Special District), Tooele Valley Mosquito Abatement District, and North Tooele County Fire Protection Special District. The Tooele County School District currently serves the educational needs of the proposed Expansion Areas and will continue to do so whether or not 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 North Tooele County Fire Protection Special District would be transferred to the Tooele City Fire Department 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 would be 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 governmental organization and leadership of Tooele County in their various capacities, has the underlying responsibility for administering the Pine Canyon Township area as well as their own governmental responsibility and law enforcement through the Tooele County Sheriff's Office 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 but the County would still receive a proportional tax distribution as they do for all private properties within the county. Grantsville City currently has no properties identified within this Annexation Policy Plan Amendment that are currently within their incorporated boundaries.

The following is a comparison of the services provided by affected entities to the Expansion Areas shown in this Plan Amendment 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 K: None	Area K: Tooele City
Sewer	Area K: No Services	Area K: Tooele City
Storm Drain	No Services	Tooele City

DRAFT

Roads	None	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 Amendment, see Appendix D for mapping of this buffer area. 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 Township or Pine Canyon Township areas. None of these three neighborhoods can be defined as an urban development under the State Code definition. Similarly, according to Tooele County's General Plan, Erda is an agricultural community and includes some of the County's most ideal farmland. The township of Erda faces the greatest development pressure in areas that are already being subdivided into five-acre lots. The County has stated that residents of Erda desire to preserve the agrarian community and maintain the association with the County although the possibility of incorporation of large expanses of the Erda area has also been presented. However, no areas have been excluded from this Annexation Policy Plan Amendment's Expansion Areas 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 Amendment's Expansion Areas.
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 making a recommendation whether or not the petition for annexation is justified as an asset to the community and whether or not it's best served being annexed or remaining outside of the incorporated boundaries of the city, but also what types of land uses should be allowed. 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, to 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

DRAFT

thoroughly, differing opinions expressed, and decided without unanimous consent, any or all of which would be appropriate. 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

There are no incorporated municipalities in the vicinity of the proposed Expansion Area K, as shown in Appendix B. As such, there are no Annexation Policy Plans from other jurisdictions that should be directly considered in the adoption of this Plan Amendment.

Willingness & Probability of Other Municipality to Annex the Area

> Expansion Area K. Currently there are no incorporated communities to the east of Tooele City, thereby making annexation into an incorporated municipality only possible through Tooele City or an incorporation effort to form a new municipality within the county.

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 Amendment, 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 to and into the area being considered for inclusion in the Expansion Area.

> Expansion Area K Future Capital Costs. Development within this area after annexation will need to connect to the City's water, sewer, and storm drain utility system, which may first constitute extension of infrastructure to 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 K. 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 and capitalized on the efficiencies of existing infrastructure before extensions are made to the City's periphery and beyond. 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

DRAFT

supplemented 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 will 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 & Wildlife Areas

Tooele City has established and pursued a policy of open space acquisition for the protection of values important to Tooele City residents, including viewsheds, scenic vistas, watershed, drinking water source protection, non-motorized recreation, and wildlife habitat. Some of the areas contemplated for possible annexation by this Plan Amendment present unique opportunities to provide open space, recreation activities, and even agricultural preservation integrated with development.

Agricultural Areas. Although there are no agricultural areas in Area K, there are active agricultural areas are included in various 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. Expansion Area K does not include forested or hillside areas.

Recreational Areas. Recreational areas should be considered for annexation into the City with the intent that municipal services are generally not needed or are minimally 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

This Annexation Policy Plan Amendment 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 Area K contains no properties within established agricultural protection areas. Nevertheless, 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 Amendment.

Compliant with the requirements of the Utah State Code, the City has also provided an opportunity for identified affected entities to provide comment on this Annexation Policy Plan Amendment. 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 complete 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, the Planning Commission granted a window of time lasting 21 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 this Annexation Policy Plan Amendment. Included herein are the following maps:

Appendix A: Expansion Area Map
Appendix B: Illustration of Surrounding Municipalities
Appendix C: Agricultural Protection Areas
Appendix D: ½-Mile Buffer of Tooele City Municipal Boundaries
Appendix E: Log of Written Comment Received From Affected Entities

DRAFT

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

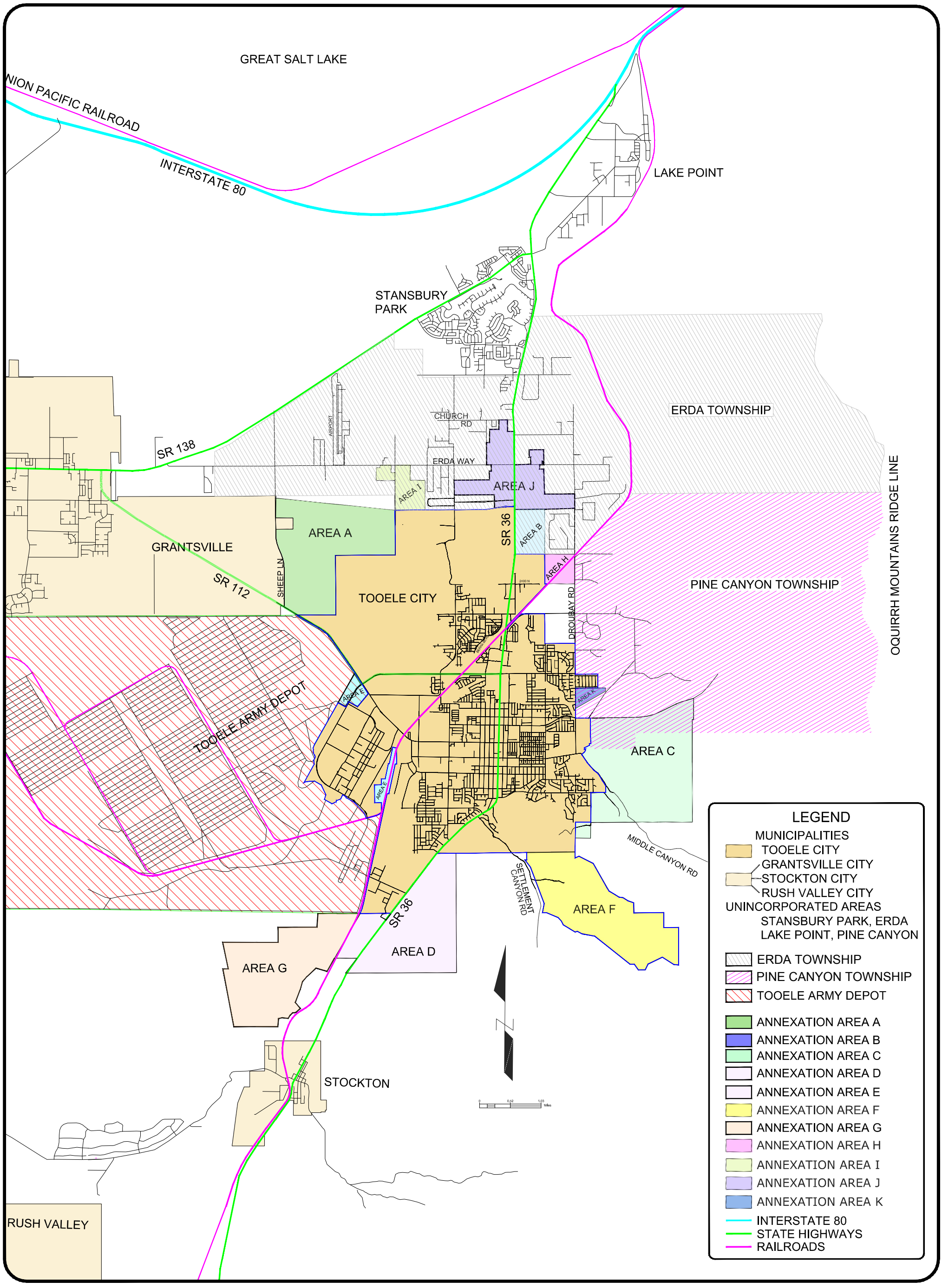
LEGEND

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

Revised July 2020

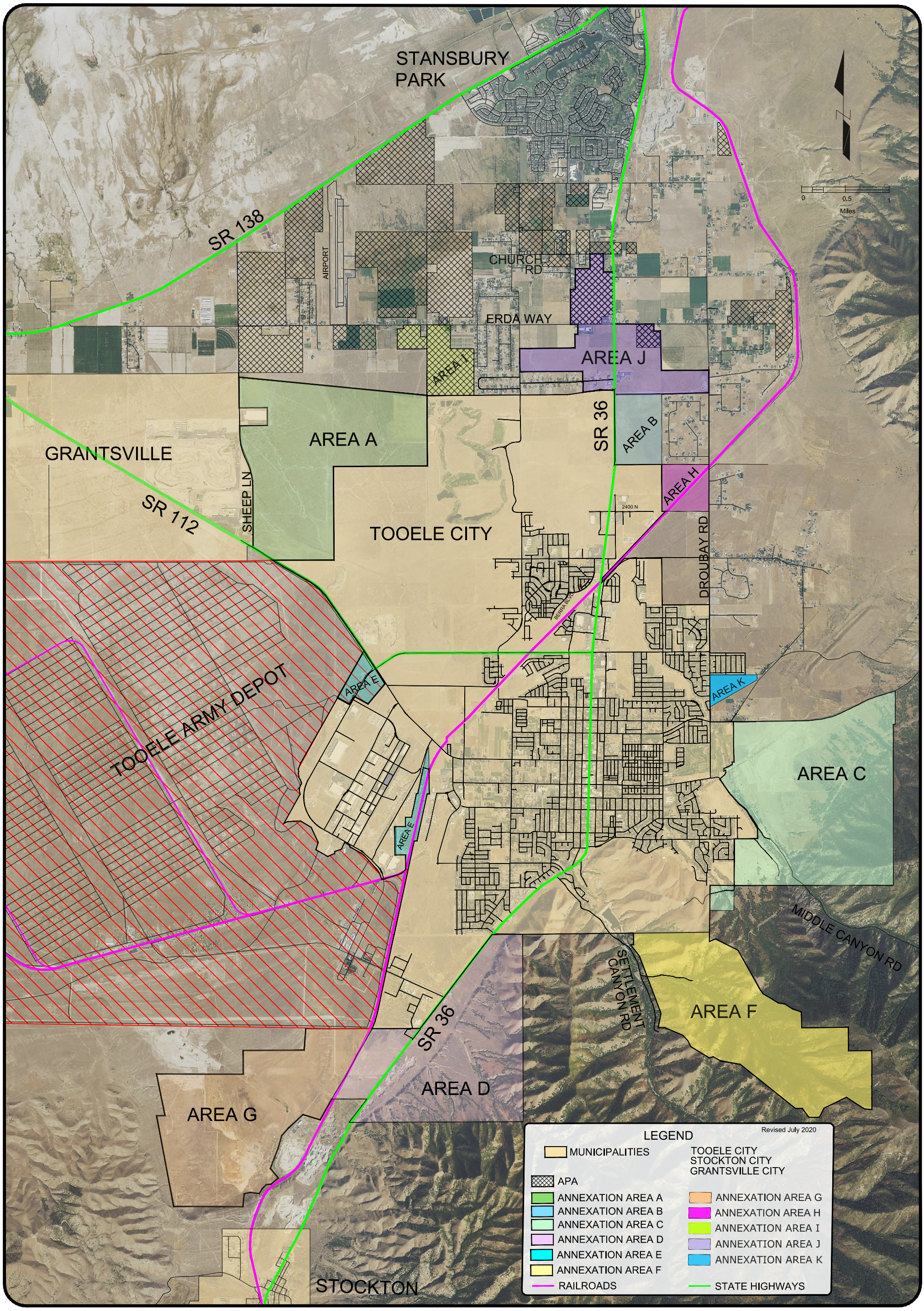
APPENDIX A
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
EXPANSION AREAS

Tooele City
Est. 1853



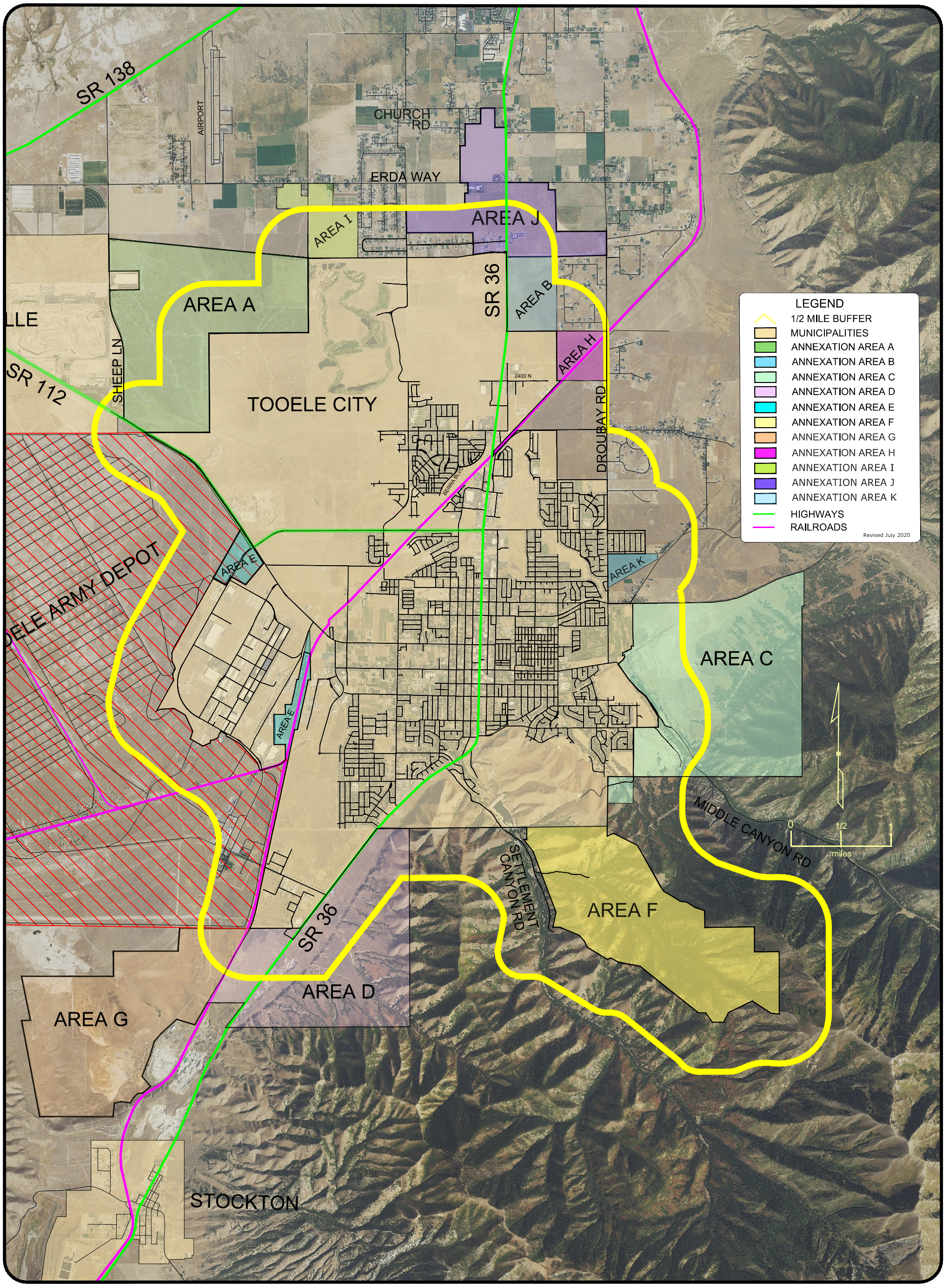
APPENDIX B
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
SURROUNDING MUNICIPALITIES

Tooele City
Est. 1853



APPENDIX C
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
AGRICULTURAL PROTECTION AREAS

Tooele City
Est. 1853



APPENDIX D
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
1/2 MILE BUFFER

Tooele City
Est. 1853

Appendix E

Log of Written Comment Received From Affected Entities

DRAFT

Tooele City received no written comment from defined affected entities during the 21-day comment window for this Annexation Policy Plan Amendment.

DRAFT

EXHIBIT B

AUGUST 26, 2020 PLANNING COMMISSION MINUTES

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, August 26, 2020
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:
Tyson Hamilton
Shauna Bevan
Dave McCall
Melanie Hammer
Matt Robinson

Commission Members Excused:
Chris Sloan
Nathan Thomas
Bucky Whitehouse

City Employees Present:
Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Members Present:
Council Member Ed Hansen
Council Member Justin Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. **Pledge of Allegiance**
   The Pledge of Allegiance was led by Commissioner Robinson.

2. **Roll Call**
   Dave McCall, Present
   Tyson Hamilton, Present
   Melanie Hammer, Present
   Shauna Bevan, Present
   Matt Robinson, Present

3. **Public Hearing and Recommendation on a Zoning Map Amendment from the R1-7 Residential zoning district to the LI Light Industrial zoning district by Tooele Associates, LP, for 170.87 acres located at approximately 2000 North, 1200 West**

Presented by Andrew Aagard

Mr. Aagard stated the application proposes to reassign the zoning for 170 acres. The majority of the property currently surrounding the parcels is undeveloped land. The property does not have any frontage onto improved roads. The property is surrounded by various zoning districts, to the north RR-5 Residential zoning, east is R1-7 Residential, to the south is R1-7 Residential and a recently rezoned parcel for I Industrial and GC General Commercial to the west of the subject property. The applicant is requesting the property be reassigned to the LI Light Industrial zoning district which is intended for light industrial assembly and manufacturing along with various commercial activities that produce no negative impacts to adjacent properties. The R1-7 Residential zone is entirely a single family residential zone which permits two family dwellings, such as duplexes. The only commercial business permitted in the zone is a home occupation business. There are not any industrial activities permitted within the R1-7 Residential zone. The southern western portions of the subject property are adjacent to commercial and industrial districts. The northern and eastern portions of the property are adjacent to single family residential zones, which could potentially by developed as homes. Typically, in Tooele City there are highways or railroad corridors to buffer residential zones from LI Light Industrial and I Industrial zones. The buffer zones could be addressed later in development as more property is developed. Mr. Aagard stated that the 170 acres is within the boundary of the 1000 North West Industrial Community Investment Area adopted by the Tooele city Council in 2017. This item is a public hearing and notices were sent to property owners within 200 feet of the property; no comments or concerns were registered by staff.

Chairman Hamilton asked if there were any questions or comments from the Commission, there were no comments.

Chairman Hamilton opened the public hearing.

Mr. Bruce Baird stated he is council for the applicant. He stated there is a reference in the Staff Report about a cap and he was not sure cap was the right word. There was more discussion about capping the residential density during the settlement agreement. There was no concern for rezoning the use for more tax generating and provides services. They think this is a good use for the property. It could provide substantial tax revenue to the city once developed and they think this will benefit the community. He stated two of the surrounding property owners are Tooele Associates and Perry Homes and have no objections.

Commissioner Bevan asked about the one piece of R1-7 Residential property to the west that is surrounded by LI Light Industrial and I Industrial. Mr. Baird stated he believed the property is owned by Tooele Associates. That property owner has received notice.

Commissioner Robinson asked why leave it as residential if it is a Tooele Associates property? Mr. Baird stated the property owner Mr. Hall would have the answer, but he assumed that it has been taken into account.

Chairman Hamilton closed the public hearing.

Commissioner Robinson asked about a statement stated during the presentation about buffering could be done later. Mr. Aagard stated that was brought up if the Commission had a concern about LI Light Industrial being next to residential. If that was the case, as the properties to the east are rezoned or developed as a subdivision, buffering could be reviewed. Commissioner Bevan asked if that is something that needs to be stated. Mr. Aagard stated that could be dealt with later on. Commissioner Robinson stated he is okay with that, but there is an island. Chairman Hamilton stated it was discussed when the Bolinder's brought the rezone application. Commissioner Hammer stated that her only concern was the island.

Mr. Baker stated that to keep in mind that in the zoning implemented after the settlement agreement, the R1-7 zoning district designation is a holding district zone pending further discussion and applications. It is still within the City Council's discretion legislatively to decide what is best for the City, a property, but this is understood for Overlake that the R1-7 designation was a holding designation. Mr. Baird confirmed Mr. Baker's statement.

Mr. Baird stated he received a text from the property owner and the residential island of property, is owned by Tooele Associates and it is not intended to be developed in the future as residential.

Commissioner McCall motioned to forward a positive recommendation to the City Council for the Overlake Industrial Park Zoning Map Amendment Request by Drew Hall, representing Tooele Associates, LP to reassign the zoning of approximately 171 acres of property to the LI Light Industrial zoning district, application number P20-389, based on the findings listed in the Staff Report dated August 19, 2020. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Recommendation on a Subdivision Preliminary Plan request for Settlement Acres by Park Capital Homes, LLC, for property located at approximately 560 West 900 South in the R1-7 Residential zoning district on 1.16 acres**
   Presented by Andrew Aagard

   Mr. Aagard stated the application proposes to subdivide the 1.1 acre parcel located at 900 West and east of Coleman Street. The property is currently vacant land. The property is zoned R1-7 Residential, as are the properties to the north, east, and west. Properties to the north and east are currently utilized as existing legally non-conforming mobile home subdivisions. Properties to the south are zoned GC General Commercial and are utilized as the Tooele County Public Works Shops. The application proposes to subdivide the property into six single-family residential lots, each lot being 7,700 square feet in size. Each lot is 60 feet wide and is the minimum requirement for lot width as required by the R1-7 Residential zoning district. Approximately 10 feet of frontage will be dedicated to Tooele City and will complete the public right-of-way, along the entire frontage of the subdivision. Curb and gutter are already installed and the development will be installing the necessary five foot sidewalk along the entire frontage. Staff is recommending approval with the basic staff conditions listed int eh Staff Report.

   Chairman Hamilton asked the Commission if there were any comments or concerns.

Council Member Bevan stated it will be a nice addition to 900 South.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Settlement Acres Preliminary Plan Subdivision Request by Brett Mascaro, representing Park Capital, LLC for the purpose of creating six single-family residential lots at approximately 560 West 900 South, application number P20-15 based on the findings and subject to the conditions listed in the Staff Report dated August 20, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Hammer, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

5. **Recommendation on a Subdivision Plat Amendment request for Lexington at Overlake Minor Subdivision Plat by Zenith Tooele, LLC for 32.24 acres of property located at approximately 400 West 1200 North in the MR-16 Multi-Family Residential zoning District.**
Presented by Andrew Aagard

Mr. Aagard stated this application was heard at the previous meeting. Due to miscommunication and an error by the City Planner, the incorrect plat was presented to the Commission at the previous meeting. The previous plat demonstrated five lots in the plat amendment along with road dedication of Frank's Drive and Berra Boulevard. The correct plat is for eight lots. Five of the lots will be for future residential development, while the three additional lots are the roads that will be dedication to Tooele City as public streets. The correct plat dedicates Frank's Drive, Berra Boulevard, and Carol's Way and 680 West. The overall configuration of the lots remains the same. Mr. Aagard stated that the correct Mylar was signed at the previous meeting. The staff felt it should come back for the correct plat approval.

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

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Hammer, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Review and Discussion on a proposed amendment to the adopted Tooele City Annexation Policy Plan to identify one new potential expansion areas and include that area into the adopted Annexation Policy Plan and accompanying Expansion Area maps.**
Presented by Andrew Aagard

Mr. Bolser thanked Mr. Aagard for his professionalism and integrity but the previous item was not an error by the City Planner. Mr. Bolser stated that in April and May the Planning Commission had the opportunity to review and approve three new areas into the existing and

adopted Annexation Policy Plan. This is another amendment to the Annexation Policy Plan and is not an annexation.

Mr. Bolser gave his doctor's office analogy. There are two portions to the doctor's office, the waiting room and the exam room. The waiting room parallels into the Annexation Policy Plan process; plan preparation, less-specific areas considered, no petitions for annexation and no conditions for annexation or decisions made while in the waiting room. An application cannot get to the exam room without going through the waiting room. After going to the exam room, it parallels the annexation process. This is a specific property there is a petition for annexation, the application is discussed with conditions and a decision is made. By state law cities are preempted from considering an annexation application and making a decision on it if it does no lie within one of the expansion areas in the adopted Annexation Policy Plan.

Mr. Bolser stated this is a proposal to amend the Annexation Policy Plan. This is an amendment to the currently adopted Annexation Policy Plan, which was adopted in 2010. The city is undergoing a significant general Plan review and revision. The Annexation Policy Plan was revised by Ordinance 2020-25 in June 2020 and added areas I, H, and J. This could include an Area K. The process does not mean any properties will or won't be annexed. If the properties are annexed, the process does not identify when the property will be annexed. The City is not required to annex, but this process allows the conversation to happen.

Mr. Bolser stated that the Annexation Policy Plan is governed by State Code 10-2-401.5. The state requires that there is an initial public presentation that happens before the Planning Commission. That is what is happening in the meeting. No decisions can be made on the application during the meeting. Following the meeting, state law requires a minimum 10 day window for what is defined as affected entities to provide written comment to the city. After the 10 day minimum window, the Planning Commission would hold a public hearing. Following the public hearing the Planning Commission can forward a recommendation to the City Council. The City Council then holds their own public hearing.

Mr. Bolser stated the potential area is K. It is east of Droubay Road and immediately above area C. It is south of the existing Carr Fork subdivision. The Carr Fork subdivision is within City limits. It is vacant land. There is a public utility substation on the property and would not be affected if the property was developed.

Mr. Bolser stated following this meeting, the staff will open the 10 day minimum window for Affected entities. He asked the Commission to determine when they would like to close the widow and set the public hearing date. He proposed that noticing requirement would not allow for adequate noticing for the next Planning Commission public meeting. The earliest public hearing meeting would be September 23. The 10 day window could remain open to the September 16 and allow for a 21 day window for affected entities.

Chairman Hamilton stated that he appreciated the presentation. Mr. Bolser stated that the City Council initiated the process for this revision, based on a request of a property owner. Commissioner Robinson asked if that is what has changed since the prior policy revision. Mr. Bolser stated that this came to the Council right as the previous revision was being considered.

A determination was made to hold this one and approve the other. Commissioner Robinson asked why didn't the City just take a big plot over on that side of the City. He doesn't appreciate the piece meal thing with adopting little pieces and it may do nothing, but what does it hurt to put it out there. Mr. Bolser stated that the comment is well taken, but the difficulty to a certain degree, they are bound to what a property owner requests. Where this came as a specific request, the Council opted for staff to prepare it as requested. Commissioner Robinson stated the land just south of the triangle, it is between two expansion areas. He stated he is hearing that the City doesn't want to mess with the property until there is a request by a property owner. Mr. Bolser stated he did not know if that was the specific decision that was made, but what is presented, is what was presented to the Council.

Mr. Bolser stated there has been a lot of dialogue around the Valley regarding what property owners want and don't want. There is a delicate balance to be struck by Cities and governments and how best to proceed forward for any one property owner. The most straight forward way to go about it, is to listen to their desires and in this case, this property was identified to go forward.

Mr. Baker stated putting property in the Annexation Expansion Map does not give the City any legal obligation to annex those properties. In building off the medical analogy, in going to the doctor you may be waiting awhile, but you do expect to be seen. There may be no legal obligation, but there can be pressure from the property owner in the Expansion Area Map to be included in the City.

Commissioner Robinson asked about how the Carr Fork subdivision was added to City limits. Mr. Bolser stated it was before his time with the City and he has not researched that specific question. Commissioner Robinson stated that there is funky land up there. Mr. Bolser stated that there is a lot of property to the north of Area C that has some fairly stringent protections on it resulting from the mining activities at Anaconda. There isn't a lot of pressure or desire to annex that property. There is a boundary of reasonability on how far the city can go. Commissioner Robinson asked if K and the land south of Area K have those restrictions. Mr. Bolser stated Area K does not. He didn't think the area south of Area K did either, but he thought that it started when crossing Erikson road which lined Area K. Commissioner Robinson asked about the property north of Carr Fork. Mr. Bolser stated there are homes along Erikson Road there is a water well and homes. He is not sure along the west side of Erikson Road north of Smelter Road.

Commissioner Robinson stated that it has been spoken in previous meetings about the legislature making annexation petitions. Has that changed?

Mr. Baker stated that Senate Bill 5004, is still the current state of affairs. It creates a direct conflict between the annexation statute and the incorporation statutes. It has not been resolved. It does not apply to this property.

Chairman Hamilton suggested to close the window for written comment from affected entities to close September 16 and to have the public hearing on September 23. The Commission agreed.

Commissioner Robinson asked who gets notices? Mr. Bolser stated that by state law the definition of affected entities is similar to taxing entities, Tooele County, Tooele Valley Mosquito Abatement District, North Tooele Fire District, and Tooele County School District.

Chairman Hamilton asked with the window dates would leave 21 days for responses. Mr. Bolser stated with it opening this after the meeting, written comments would be accepted through midnight on September 16, which would be 21 days.

7. **Review and Approval of Planning Commission minutes for meeting held on August 12, 2020, including the joint meetings for the combined Council/Commission meeting.**

Commissioner Hammer motioned to approve the minutes. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Hammer, "Aye," Commissioner Robinson, Aye," Chairman Hamilton, "Aye." The motion passes.

Mr. Bolser reminded the Commission and public that there is a comprehensive update happing on the General Plan. It is out for public review on the Tooele City website, www.tooelecity.org where it can be downloaded or viewed. There is a link through the website for public comment to be directed to staff. There is an email address, generalplancomment@tooelecity.org, for feedback. There are also hard copies at City, one at the reception desk, one in the Community Development Department Office, and one in the City Recorders Office. Each of those copies has a stack of comment cards for public comment. Mr. Bolser stated there has been a notice in the newspaper and in the Mayor's Ninety North main Newsletter. There will be two public open houses scheduled for Thursday September 17, 2020, 6:00pm – 9:00pm and Tuesday October 6, 2020, 6:00pm – 9:00pm. There will be larger versions of the map as well as comment cards. Staff and Planning Commissioners will be in attendance to answer questions. There will be two formal public hearings and two public hearings with the City Council.

Chairman Hamilton stated the main goal is to be transparent and asked the public to input on the General Plan.

8. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 7:53p.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 9th day of September, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

EXHIBIT C

SEPTEMBER 23, 2020 PLANNING COMMISSION MINUTES

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, September 23, 2020
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:
Tyson Hamilton
Shauna Bevan
Melanie Hammer
Matt Robinson
Nathan Thomas
Chris Sloan
Bucky Whitehouse
Dave McCall

City Employees Present:
Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Members Present:
Council Member Justin Brady
Council Member Ed Hansen

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. **Pledge of Allegiance**
   The Pledge of Allegiance was led by Commissioner Sloan.

2. **Roll Call**
   Tyson Hamilton, Present
   Melanie Hammer, Present
   Shauna Bevan, Present
   Matt Robinson, Present
   Nathan Thomas, Present
   Chris Sloan, Present
   Bucky Whitehouse, Present

3. **Public Hearing and Recommendation on a Proposed Amendment to the Adopted Tooele City Annexation Policy Plan to Identify One New Potential Expansion Area and Include that Area into the Adopted Annexation Policy Plan and Accompanying Expansion Area Maps.**

Presented by Jim Bolser

Mr. Bolser gave a brief presentation on the differences between an amendment to the adopted Tooele City Annexation Policy Plan and an actual annexation. He used a doctor's office analogy for the differences. The Annexation Policy Plan is like the waiting room, waiting to be seen by the doctor, with other applications and an application cannot get beyond the waiting room without going through the Annexation Policy Plan process. The annexation is like meeting with the doctor; including considerations, specific properties, and application or petition for annexation is considered, with a diagnosis or decision determined by the City Council. The City is currently at the beginning with this application for the amendment to the adopted Annexation Policy Plan.

Mr. Bolser stated that the current annexation Policy plan was adopted in 2010. It was recently revised in June of 2020 which created three new expansion areas. There is also a city wide ongoing General Plan update, which is not part of the application. The annexation policy plan is a part of the General Plan and this is an amendment to the current adopted plan. The expansion area map includes areas A-J, and this application identifies a single area of K. The process does not mean the properties will or won't be annexed. The annexation is property owner initiated.

Mr. Bolser stated the process for annexation and the Annexation Policy Plan is outlined by state code in Section 10.204.5. There is an initial public presentation, which was held by the Planning Commission on August 26, 2020. A minimum of a 10 window must be made for "affected entities" to provide written comment. The Planning Commission allowed for a 22-day window, with which there was no comment. Following the closing of the window, there needs to be a public hearing, which will be held in the meeting tonight. Following the public hearing the Planning Commission can forward a recommendation to the City Council for another public hearing on a date still to be determined, ultimately leading to a City Council decision.

Mr. Bolser stated Area K is on the south side of the existing Carr Fork subdivision, which is in the incorporated City boundaries and on the east side of Droubay Road. Area K property is undeveloped and on the north side of Erikson Road.

Chairman Hamilton opened to the Council for any questions or comments.

Commissioner Sloan confirmed with Mr. Bolser that the application is property owner driven and not City recruited? Mr. Bolser stated that a representative for the property owners that make up Area K, approached the City Council for consideration of inclusion in the Annexation Policy Plan. The City Council asked the staff to pursue.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Droubay Road Annexation Policy Plan Amendment request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, based on the following findings. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer,

"Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Public Hearing and Decision on a Conditional Use Permit to allow "Business Office" use by Insurance Network in an existing building located at 272 North Broadway in the MU-B Mixed Use Broadway Zoning District.**
Presented by Andrew Aagard

Mr. Aagard stated the Conditional Use Permit application is for property located at the southeast intersection of Broadway and Birch Street in an existing office building/warehouse building. The property is zoned MU-B, Mixed Use Broadway as are properties to the east, and south, with property to the west zoned R1-7 Residential and to the north is Elton park. The application requests to authorize a business office use in an existing building for an insurance office. One of the main reasons for the Conditional Use Permit process is to ensure that impact of proposed land uses is properly mitigated. One of the main issues is parking, the office space portion of this building is approximately 4,700 square feet. With parking standards for office space being one space per 200 square feet of office area, that would lead to the need for 37 parking spaces. There are 37 available in the parking area and that does not consider on street parking on Broadway. The applicant has stated that the office will be used to meet with clients and that employees currently work remotely. They do not anticipate more than three employees at the site at any given time. Staff does not anticipate any parking issues with the application. The item is a public hearing and notices were sent to property owners within 200 feet. No comments were registered by staff. Staff is recommending with the basic conditions listed in the Staff Report.

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

Commissioner Sloan stated this building is being used and has been used for lots of individual business and where the total square footage of the building is being used for parking, why is it necessary for an individual tenant to apply for a Conditional Use Permit. Mr. Aagard stated the use in the MU-B Mixed Use Broadway zone requires the Conditional Use Permit.

Commissioner Sloan asked if the Conditional Use Permit goes with the property? Mr. Bolser stated that parking is always a sum total of all the uses. The nature of the Conditional Use Permit, is individually placed, if a new use comes in, it has to establish it's self as a permitted use. If a similar use has a conditional use and leaves and another business comes in, they could use the Conditional Use Permit already approved, although in this case there is no record of a prior Conditional Use Permit.

Chairman Hamilton asked if there were any commits or questions from the Commission, there were none.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Whitehouse motioned to approve a Conditional Use Permit Request by Mike Tingey, representing Insurance Network LC to allow the use of "Business Office" at 272 North

Broadway, application number P20-814, based on the findings and subject to the conditions listed in the Staff Report dated September 17, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

5. **Recommendation on a Subdivision Plat Amendment application to amend lots 101 – 106 of the Buffalo Ridge Subdivision by Buffalo Ridge, LLC located at approximately 600 North 200 West in the R1-7 Residential Zoning District on 1.03 acres.**
Presented by Andrew Aagard

Mr. Aagard stated the Buffalo Ridge subdivision is located at the north west side of Intersection of 200 West and 600 North. The property is zoned R1-7 Residential, as are the properties to the east and west. To the north is MR-8 Multi-Family Residential and utilized as single-family and two family residential and to the south is open space zoning. The plat amendment proposes to resolve a property line/fence line discrepancy that was initially brought up with the original developer of the subdivision, however the developer chose to plat the development along the correct survey plat line. The subdivision has been sold and the current developer is solving he discrepancy by making the fence line the new property line. The new lot line will shift the property approximately four feet to the east. This will result in the deeding of approximately 1600 square feet of property to the property owner to the west. The reduction in property will reduce the property lot sizes, however each lot will remain above the minimum 7,000 square feet lot size required by the R1-7 Residential zone. Lot widths and frontages will not be affected by the amendment and no nonconformities will be created with the lot line changes. Staff is recommending approval of the amendment.

Chairman Hamilton asked the Commission if there were questions or comments, there were none.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Buffalo Ridge Subdivision Plat Amendment Request by DeAnn Christensen, Buffalo Ridge, LLC, thus amending lots 101 through 106, application number P20-848, based on the findings and subject to the conditions listed in the Staff Report dated September 17, 2020. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Chapter 7-25 of the Tooele City Code Regarding Signs.**
Presented by Jim Bolser

Mr. Bolser stated there have been several working groups going on within the City trying to find ways to make City more efficient, flexible, and still maintain proper guidance under the law and procedures. Council Member Graf has been working with local businesses and members of the community, trying to make the sign code more user friendly for business. This is a text amendment that adds in a defined term for a civic organization, addresses size allowances for banner signs, allowances for inflatable signs, various provisions dealing with electronic signs, signage allowances

for non-profit organizations, schools, and civic organizations, allowances for temporary holiday periods and what the holiday periods are, sign allowances for temporary signs, enforcement and removal of signs, allowances for signage of home occupations and technical changes with those items.

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

Chairman Hamilton stated he has been part of the working group and Council Member Graf gave the business owners a chance to make changes.

Commissioner Thomas asked for clarification on the electronic signs and the changes to colors and brightness. Mr. Bolser stated the current ordinance states the amount of electronic signage in terms of brightness. The proposal, rather than looking at brightness but now looks at the colors that produce the brightness. The areas of the sign are limited in those colors that produce brightness. Commissioner Thomas asked if the change will still help address nuisance signs. Mr. Bolser stated we believe that it will help.

Chairman Hamilton gave an example of using an electronic sign with brightness and the proposed changes in the code.

Commissioner Sloan asked if there are signs that will have difficulty changing to the new ordinance. Mr. Bolser stated in terms of changing, no. The images are usually developed by the user. In terms of signs that may need to change, yes there are some. Commissioner Sloan asked if the changes are expensive? Mr. Bolser stated he didn't think it would be expensive, but he is not an expert in it.

Commissioner Thomas stated he was looking for language about the billboard signs. Mr. Bolser stated the current code does not allow for offsite signage. Commissioner Sloan asked if those are regulated? Mr. Bolser stated billboards mentioned are in Tooele County and on private property with lease agreements. The state law has specific provisions regarding offsite signage. Chairman Hamilton stated the offsite signage was reviewed by the working group, but it will be looked into further.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Thomas motioned to forward a positive recommendation to the City Council for the for the Signs City Code Text Amendment Request by Tooele City, application number P20-826, based on the following findings; listed in the Staff Report. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. **Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Chapters 7-1 and 7-16 of the Tooele City Code Regarding the Establishment of a New IS Industrial Service Zoning District.**

Presented by Jim Bolser

Mr. Bolser stated this is the first of two steps. A few months ago, there as a zoning map amendment that went through the City process looking to rezone the property for a specific use on the property that was only allowed in the I Industrial zone, while the property was zoned as a LI Light Industrial zone. As part of the review of that item, it became apparent that the use itself was not in opposition, but it could move locations and the I Industrial zone in that area, was a point of difficulty for the Planning Commission and City Council. At the time of the application review for the rezone, the Council requested that the staff pursue a text amendment to the City Code to create a third industrial zone to allow for more flexibility and usability between the two zones. The staff created a new zone referred to as the IS Industrial Service Zone which is kind of a hybrid of the LI Light Industrial and I Industrial zones. This is an amendment to create the zone and amend the table of 7-16 and later tables.

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

Commissioner Sloan thanked the staff and Council Member Hansen for the work on this.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the for the Industrial Zones City Code Text Amendment Request by Tooele City for the purpose of establishing a new IS Industrial Service zoning district, as a part of application number P20-706, based on the following findings; listed in the Staff report. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

8. **Public Hearing and Recommendation on a Request by Tooele City for a Zoning Map Amendment to Reassign Properties Generally Located in the Area of 300 South 1200 West and 2200 North 400 East to the IS Industrial Service Zoning District**
Presented by Jim Bolser

Mr. Bolser stated this is the second step to the same application just presented. Now that the new zone is approved, there needs to be a recommendation of where to place it on the zoning map. At the prior Planning Commission meeting, there was discussion as to where to put the new IS Industrial Service zone on the map. Once properties were identified, the owners were noticed with written notification after the prior meeting.

Mr. Bolser stated that there are two areas referred to as the north and the south area. The north area is on the east side of Main street, straddling 400 east between roughly speaking, SR36 to 600 East and between 2000 North and 2400 North. The south area is around approximately 1200 West 200 South, primarily on the west side of 1200, but includes a couple areas on the east side of 1200 West. The current zoning of the north area is LI Light Industrial zone. Similarity for the south area

properties are in the LI Light Industrial, excluding the property that prompted this change which is in the I Industrial zone and all those properties will be changed to the IS Industrial Service zone.. In the north area along 400 East, there has been a historic zoning line that runs through properties between SR36 and 400 East, thus splitting the properties in two with two zones, GC General Commercial and LI Light Industrial. Proposed with the IS Industrial Service zoning, the city staff also proposes to adjust the properties that are currently between SR36 and 400 East to GC General Commercial to put those properties under one zoning classification.

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

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Industrial Zones Zoning Map Amendment Request by Tooele City for the purpose of reassigning certain properties to the IS Industrial and GC General Commercial zoning district, as part of application number P20-706, based on the following findings; on the Staff Report conditions and additionally corrects the area of GC General Commercial and LI Light Industrial split properties. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

9. **Public Hearing and Recommendation on a Request by Tooele City for a text Amendment to Table 1 of Chapter 7-14 of the Tooele City Code Regarding Apiaries.**
Presented by Roger Baker

Mr. Baker stated that back in 2011 some citizens of the community asked the Council to consider allowing beehives in residential areas with the term being used is apiaries. The minutes for the Planning Commission indicate that the item was presented in the context of single-family zones. For reasons no on remembers, when it went through the City Council, that context was omitted. The intention was to allow apiaries in single-family districts, not multi-family zoning districts where there are not individually owned properties. The purpose of this ordinance is to clarify the record that allows for the context of single-family usage for apiaries.

Chairman Hamilton stated it is a correction and get the code up to date. Mr. Baker stated it is a correction, but he didn't feel comfortable just putting it in the code without going through the process.

Commissioner Thomas asked if there are any beekeepers that are in the MR Multi-Family Residential zones that caused this to come to the attention of staff or was it something that was caught? Mr. Baker stated that a single-family property owner was approached by code enforcement. Code enforcement was doing their job and the homeowner was doing what he thought he was allowed to do. Mr. Baker stated that he is not aware of existing or requested apiaries in multi-family zones.

Chairman Hamilton opened the public hearing, there were no comments Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the request of the table 1 regarding apiaries Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Whitehouse, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

10. **Public Hearing and recommendation on a Request by Tooele City for a Text Amendment to Table 5 of Chapter 7-14 of the Tooele City Code Regarding Water Rights in the In-Fill Areas**
Presented by Jim Bolser

Mr. Baker stated this is a correction to an existing ordinance based on the intent and context at the time. In 2015 staff brought to the Planning Commission and City Council, proposals for development of infill areas. There are two infill areas, A and B. Table 5 contains the incentives that were codified to encouraged development. One of the incentives codified regarded water rights. In geographic area A, the table allows for a fee in lieu of conveying water rights and the fee was reduced by half. Every development is required to convey water rights for its demand. In the infill areas the demand is not reduced. The City Council adopted the policy in City Code, that certain developments could pay the city fee and access the city's water rights. The city's water rights are limited. For residential developments, the policy was to only sell a water right credit for a single lot development; one lot split into two. That context is in the minutes and the staff recommendation, but for unknown reasons, it was not clearly codified in the City Code. In the code currently, the language would allow any infill development of any size to allow the developer to pay the fee and the City would have to provide the rights. That is not the policy and intent.

Chairman Hamilton asked the commission for questions or comments.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for text amendment to table of 5, regarding water rights in infill areas. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

11. **Review and Approval of the Planning Commission Minutes for Meeting Held on September 9, 2020.**

Commissioner Hammer motioned to approve the minutes. Commissioner Thomas seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Hammer, "Aye," Commissioner Robinson, Aye," Commissioner Thomas, "Aye,"

Commissioner Sloan, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

Chairman Hamilton thanked the staff and property owners for the agenda tonight. Mr. Bolser reminded the Commission that on October 2, it will be the second open house of the General Plan. From 6-9 pm. Access to the General plan can be done at city hall on the website, and comments can be made through email, get the priors notes. Following the open house, the Planning Commission is the first of two public meetings. The second public hearing is not necessary and provided additional opportunities. The November 12, due to Veterans Day. The planning Commission recommendation, with the City Council.

Chairman Hamilton asked the public to come out. This is the future of the City.

12. Adjourn

Chairman Hamilton declared the meeting adjourned at 8:01 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 14th day of October, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

STAFF REPORT
August 20, 2020

To: Tooele City Planning Commission
Business Date: August 26, 2020

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: **Droubay Road – Annexation Policy Plan Amendment Request**

Application No.:	P20-450
Applicant:	Tooele City
Project Location:	Approximately 700 North Droubay Road
Acreage:	Approximately 61 Acres (Approximately 2,657,160 ft^2)
Request:	Request for approval of an Annexation Policy Plan Amendment regarding the establishment of one new Expansion Area.

BACKGROUND

This application is a request for approval of an Annexation Policy Plan Amendment for the purpose of establishing one new Expansion Area covering a combined approximately 61 acres. The simplified purpose of the Annexation Policy Plan is to identify areas outside of the currently incorporated boundaries of a city that may be considered for potential annexation. Annexation Policy Plans map out these areas, referred to as Expansion Areas, and discuss policies for consideration, requirements for services and implications of annexing or not annexing properties in each identified Expansion Area. Inclusion of property in a community's Annexation Policy Plan is not a guarantee that annexation will happen on any timeline or at all. Inclusion in an Expansion Area also provides no assurance to property owners that they have a right to be annexed, only that they are eligible to have their petition considered. With the ongoing review and preparation of a new General Plan by the City, it is important to note that this application is a proposal to amend the City's current Annexation Policy Plan that was adopted in October 2010, amended by the City Council in June 2020 to include three new Expansion Areas, and not the draft elements of the General Plan under consideration. Should any or all of this application be ultimately approved by the City Council, that information will be automatically included into the draft General Plan.

ANALYSIS

Proposed Expansion Areas. The current Annexation Policy Plan was adopted by the City Council through the approval of Ordinance 2010-15 on October 6, 2010. That Plan was prepared by the firm of Lewis, Young, Robertson, and Burningham, Inc. (LYRB) and identified seven Expansion Areas, lettered A though G. Area F has since been annexed into the City as open space preservation. That current plan was amended and supplemented on June 17, 2020 by approval of Ordinance 2020-25. That amendment created new Expansion Areas H, I, and J. This application would create a single new potential Expansion Area K. Area K is approximately 61-acre triangular-shaped property on the east side of Droubay Road immediately adjacent to the south boundary of the existing Carr Fork Subdivision. The complete analysis and mapping of this proposed amendment to the City's adopted Annexation Policy Plan can be found in Exhibit A to this report.

Review Process. The preparation, review, and approval process for an Annexation Policy Plan, or an amendment thereto, is dictated strictly out of the Utah State Code Section 10-2-401.5. The first step is, following proper notice to defined affected entities, a public meeting in which the application is initially presented before the Planning Commission. Following that meeting, the defined affected entities are provided a 10-day window in which they can provide comment on the proposed Plan or amendment. After the 10-day window, the Planning Commission holds a public hearing, again following proper notice to defined affected entities, on the proposed Plan or amendment. Following the public hearing the Planning Commission makes a recommendation on the proposed Plan or amendment to the City Council and any comment provided by the defined affected entities is included into the proposed Plan or amendment. With the recommendation, the City Council then schedules and holds a public hearing of their own, again following proper notice to defined affected entities. Following the public hearing the City Council would prepare a statement regarding the comment received from the defined affected entities to be included into the Plan or amendment and then makes a final decision on the proposal.

Criteria For Approval. The criteria for review and potential approval of an Annexation Policy Plan Amendment request, as an amendment to the City's General Plan, 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 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 Annexation Policy Plan Amendment request and has issued the following comment:

1. The Planning Commission and City Council should carefully weigh the proposed amendment to the City's currently adopted Annexation Policy Plan, consider the comments and input received from the defined affected entities and public hearings to render a decision in the best interest of the community.

Noticing. The City has expressed their desire to consider an amendment the Annexation Policy 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 Annexation Policy Plan Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-3 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 amendment may have on the character of the surrounding area.
2. The consistency the proposed amendment has with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements.
3. The consistency and compatibility with the existing uses of adjacent and nearby properties.
4. The consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan.
5. 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.
6. The overall community benefit of the proposed amendment.
7. 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 Droubay Road Annexation Policy Plan Amendment Request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, 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 Droubay Road Annexation Policy Plan Amendment Request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, based on the following findings:"

1. List findings …

EXHIBIT A

DROUBAY ROAD ANNEXATION POLICY PLAN AMENDMENT

Tooele City Annexation Policy Plan Amendment

Introduction

In September 2010, Tooele City concluded the process of working with the firm of Lewis, Young, Robertson, and Burningham, Inc. (LYRB) to develop what has become the current Annexation Policy Plan for the city. Through the unanimous adoption of City Council Ordinance 2010-15 on October 6, 2010, this plan became the official Annexation Policy Plan for Tooele City in accordance with Utah State Law. In June 2020, Tooele City concluded the process of reviewing and adopting an amendment to the adopted Annexation Policy Plan. With the unanimous adoption of City Council Ordinance 2020-25 on June 17, 2020, the City's adopted Annexation Policy Plan was amended to include three additional potential expansion areas. The contents herein do not replace or overwrite the contents of the currently adopted Annexation Policy Plan, including its adopted amendment, but, upon adoption by the City Council, becomes a supplement and addition to that amended Plan. Some information of this amendment may not be addressed in the currently adopted Annexation Policy Plan due to changes in legal requirements for the adoption of such plans in the time since its adoption. This amendment has been prepared such that all current requirements of the law have been addressed regarding the areas under consideration in this amendment.

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 Amendment to address the scope of the this amendment:

- 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 amendment, as with the currently adopted Annexation Policy Plan to which it is an amendment, 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.

DRAFT

Expansion Area 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 currently adopted Tooele City Annexation Policy Plan and corresponding mapping is amended to establish and include new Expansion Areas H, I, and J as depicted herein and in the Appendices to this amendment. 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 Amendment anticipates the possible annexation of the following area in addition to those discussed in the currently adopted Annexation Policy Plan and its prior amendment.

> Expansion Area K. Expansion Area K is located adjacent to the east edge of Tooele City's current municipal boundaries and is comprised of approximately 61 acres of private property. Area K is a relatively triangular area bounded by: the current incorporated boundary of Tooele City on the west; the current incorporated boundary of Tooele City along the existing Carr Fork Subdivision along most of the northern boundary; private properties in unincorporated Tooele County on approximately the eastern third of this Expansion Area; and other unincorporated private properties on the southeast boundary of Expansion area. The property making up Area K is currently a single undeveloped parcel. This area may be best suited for residential uses. See the Expansion Area Map in Exhibit A to this Plan Amendment for a graphic representation of this Expansion Area.

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

DRAFT

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. This Annexation Policy Plan Amendment seeks to embrace and balance the agricultural history of Tooele City, where appropriate, while providing areas for continued residential and commercial growth.

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 growth 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 currently being provided by another jurisdiction, 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 K. There are currently no households in this area. While the area currently contains vacant properties, this area is master planned for Rural Residential land uses by the Tooele County General Plan. The property is currently zoned RR-5 Rural Residential by Tooele County. Thus, if developed under Tooele County jurisdiction, it is anticipated that approximately 40 to 55 new residential properties could result from this Expansion Area. Annexation of property in this area would place the developability and anticipated uses under Tooele City control. With the existing zoning designation requiring significantly higher acreages for development than what could be expected under Tooele City jurisdiction, the development potential for residential uses, if annexed, is anticipated to be a higher yield than under County jurisdiction.

DRAFT

Existing Municipal Services. There is current no known water or sewer service within Area H although the portion of the area east of the railroad corridor lies relatively close to water service existing in the Pine Canyon area. There is no centralized storm drain system in the area. There are no developed roads in this area but there is an existing roadway that runs along the southern edge of Area H on the east side of the railroad corridor. What roads are planned would be under Tooele County jurisdiction, unless it becomes a State road. 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. There is limited developed Tooele City infrastructure extended into the incorporated area immediately adjacent to this area. Water and sewer mainlines have been extended to the current terminus of the 2400 North right-of-way located in the vicinity of the southwest corner of Area H. If this area is annexed into Tooele City, water and sewer infrastructure would need to be extended to the area and service provided by Tooele City. The presence of the railroad corridor and the distance from the current City boundary east of the railroad corridor each present challenges for the extension of utility infrastructure to the portion of Area H east of the railroad. Future developers would be required to design for and install appropriate storm drain facilities. If annexed, Tooele City will 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 H. Due to the geographic location of this area and the accessibility to the area from the developed portion of the city, particularly the portion east of the railroad corridor, public safety service provision at an appropriate level could be challenging.

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 annexation area to ensure adequate services can be provided. As stated earlier in this Plan Amendment, the Expansion Area identified herein 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 Expansion Area K. 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.

DRAFT

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 to the City 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 approved and constructed. Using detached single-family residential uses as an example, the implications are two-fold: 1) 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 2) a development pattern that yields five units per acre, as an example, results in more properties providing property tax revenues than would a development pattern of two or three units per acre. 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 ratios for the City, although public safety service needs typically are higher. 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 Amendment 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 Amendment 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.

The property identified within Expansion Area K are currently undeveloped. Properties in this Expansion Area are currently assigned to Taxing District 10 (O.D. Mosquito). The Tooele Valley Mosquito Abatement District is 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 Taxing District 10. 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 District 10 currently carries the overall taxation rate of 0.013758. Annexing property from this district 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 from District 10 through being annexed. 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. Development of non-residential land uses would also provide an increase in the number of properties providing tax revenues to the City, albeit to a lesser quantity than residential development as these land uses each typically consume larger areas of land than residential uses. This also does not take into account the added benefit from those non-residential developments that would also generate sales tax which provides another revenue stream for the City as well as the property tax. For properties that would ultimately develop for residential uses, the same generally holds true in the 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

DRAFT

annexed land at an average five units-per-acre density with an average $250,000 home on each property would provide, on average, around $2,400 in new 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 (0.012% of the City total General Fund budget) per acre of residential development, not considering the costs from the net draw on resources and services.

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

The Interests of All Affected Entities

In consideration of the 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 this amendment to Tooele City's Annexation Policy Plan include: Tooele County School District, Tooele County (acting not only in their own capacity but also under their jurisdictional responsibility to the Pine Canyon Township area, and the Tooele County Recreation Special District), Tooele Valley Mosquito Abatement District, and North Tooele County Fire Protection Special District. The Tooele County School District currently serves the educational needs of the proposed Expansion Areas and will continue to do so whether or not 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 North Tooele County Fire Protection Special District would be transferred to the Tooele City Fire Department 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 would be 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 governmental organization and leadership of Tooele County in their various capacities, has the underlying responsibility for administering the Pine Canyon Township area as well as their own governmental responsibility and law enforcement through the Tooele County Sheriff's Office 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 but the County would still receive a proportional tax distribution as they do for all private properties within the county. Grantsville City currently has no properties identified within this Annexation Policy Plan Amendment that are currently within their incorporated boundaries.

The following is a comparison of the services provided by affected entities to the Expansion Areas shown in this Plan Amendment 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 K: None	Area K: Tooele City
Sewer	Area K: No Services	Area K: Tooele City
Storm Drain	No Services	Tooele City

DRAFT

Roads	None	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 Amendment, see Appendix D for mapping of this buffer area. 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 Township or Pine Canyon Township areas. None of these three neighborhoods can be defined as an urban development under the State Code definition. Similarly, according to Tooele County's General Plan, Erda is an agricultural community and includes some of the County's most ideal farmland. The township of Erda faces the greatest development pressure in areas that are already being subdivided into five-acre lots. The County has stated that residents of Erda desire to preserve the agrarian community and maintain the association with the County although the possibility of incorporation of large expanses of the Erda area has also been presented. However, no areas have been excluded from this Annexation Policy Plan Amendment's Expansion Areas 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 Amendment's Expansion Areas.
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 making a recommendation whether or not the petition for annexation is justified as an asset to the community and whether or not it's best served being annexed or remaining outside of the incorporated boundaries of the city, but also what types of land uses should be allowed. 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, to 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

DRAFT

thoroughly, differing opinions expressed, and decided without unanimous consent, any or all of which would be appropriate. 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

There are no incorporated municipalities in the vicinity of the proposed Expansion Area K, as shown in Appendix B. As such, there are no Annexation Policy Plans from other jurisdictions that should be directly considered in the adoption of this Plan Amendment.

Willingness & Probability of Other Municipality to Annex the Area

> Expansion Area K. Currently there are no incorporated communities to the east of Tooele City, thereby making annexation into an incorporated municipality only possible through Tooele City or an incorporation effort to form a new municipality within the county.

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 Amendment, 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 to and into the area being considered for inclusion in the Expansion Area.

> Expansion Area K Future Capital Costs. Development within this area after annexation will need to connect to the City's water, sewer, and storm drain utility system, which may first constitute extension of infrastructure to 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 K. 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 and capitalized on the efficiencies of existing infrastructure before extensions are made to the City's periphery and beyond. 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

DRAFT

supplemented 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 will 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 & Wildlife Areas

Tooele City has established and pursued a policy of open space acquisition for the protection of values important to Tooele City residents, including viewsheds, scenic vistas, watershed, drinking water source protection, non-motorized recreation, and wildlife habitat. Some of the areas contemplated for possible annexation by this Plan Amendment present unique opportunities to provide open space, recreation activities, and even agricultural preservation integrated with development.

Agricultural Areas. Although there are no agricultural areas in Area K, there are active agricultural areas are included in various 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. Expansion Area K does not include forested or hillside areas.

Recreational Areas. Recreational areas should be considered for annexation into the City with the intent that municipal services are generally not needed or are minimally 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

This Annexation Policy Plan Amendment 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 Area K contains no properties within established agricultural protection areas. Nevertheless, 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 Amendment.

Compliant with the requirements of the Utah State Code, the City has also provided an opportunity for identified affected entities to provide comment on this Annexation Policy Plan Amendment. 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 complete logging of the comments and information received from the affected entities:

Log of Affected Entities' Comments and Information Received.

*** To Be Filled in After the Public Input Period has Concluded ***

Tooele City Statement from Affected Entities' Comments and Information Received.

*** To Be Filled in After the Public Input Period has Concluded ***

Appendices: Annexation Policy Plan Maps And Information

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

Appendix A: Expansion Area Map
Appendix B: Illustration of Surrounding Municipalities
Appendix C: Agricultural Protection Areas
Appendix D: ½-Mile Buffer of Tooele City Municipal Boundaries
Appendix E: Log of Written Comment Received From Affected Entities

DRAFT

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

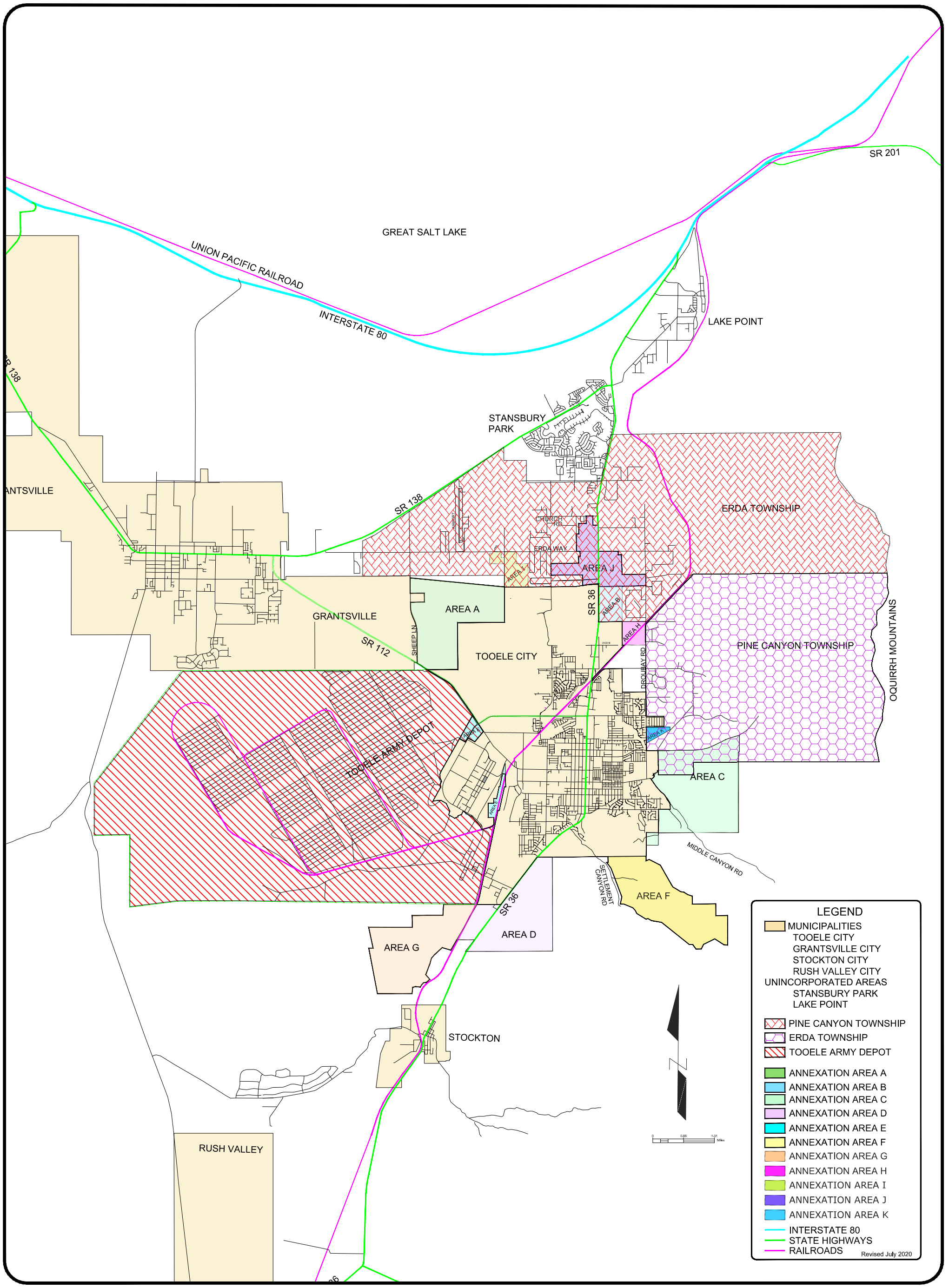
LEGEND

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

Revised July 2020

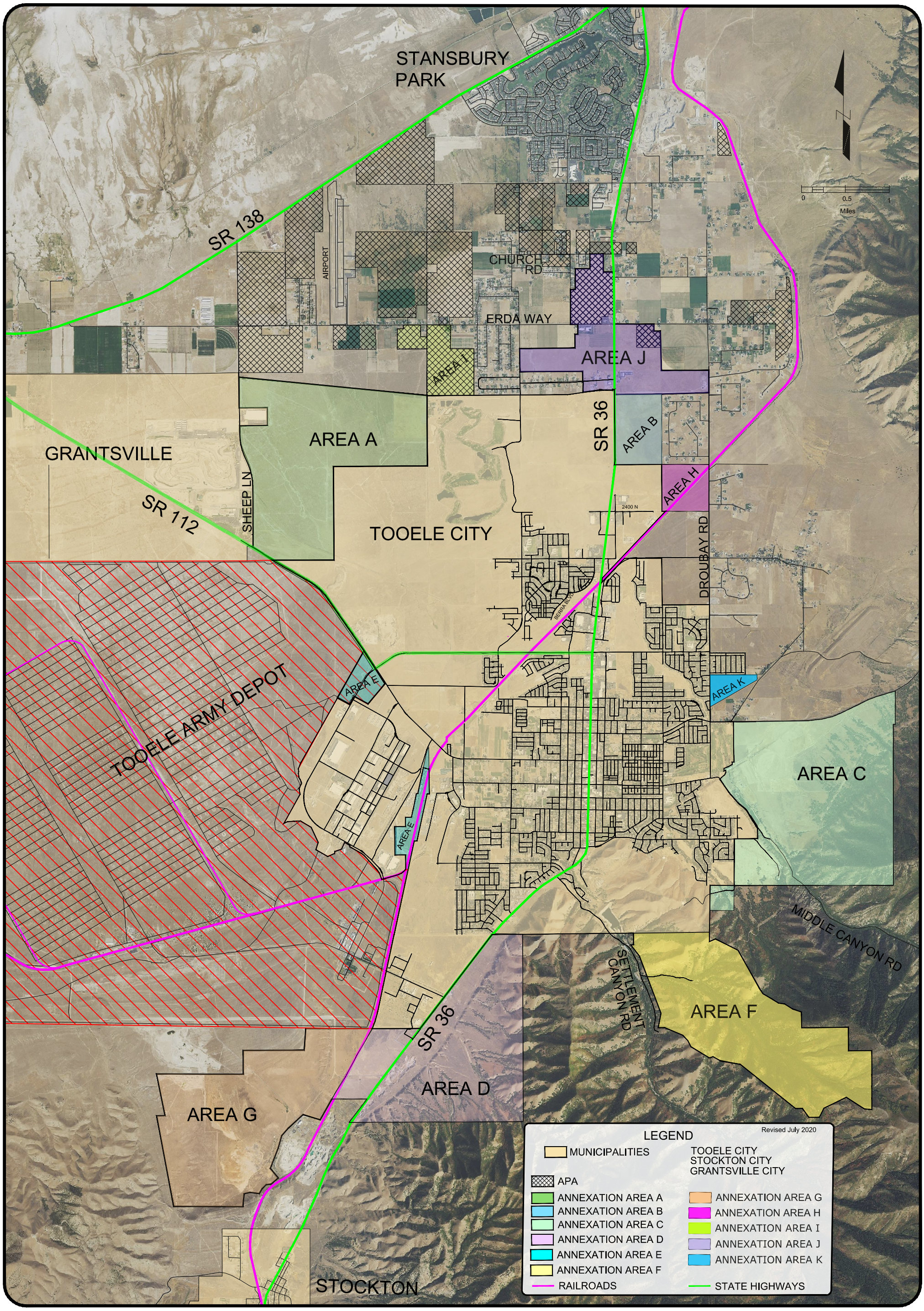
APPENDIX A
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
EXPANSION AREAS

Tooele City
Est. 1853



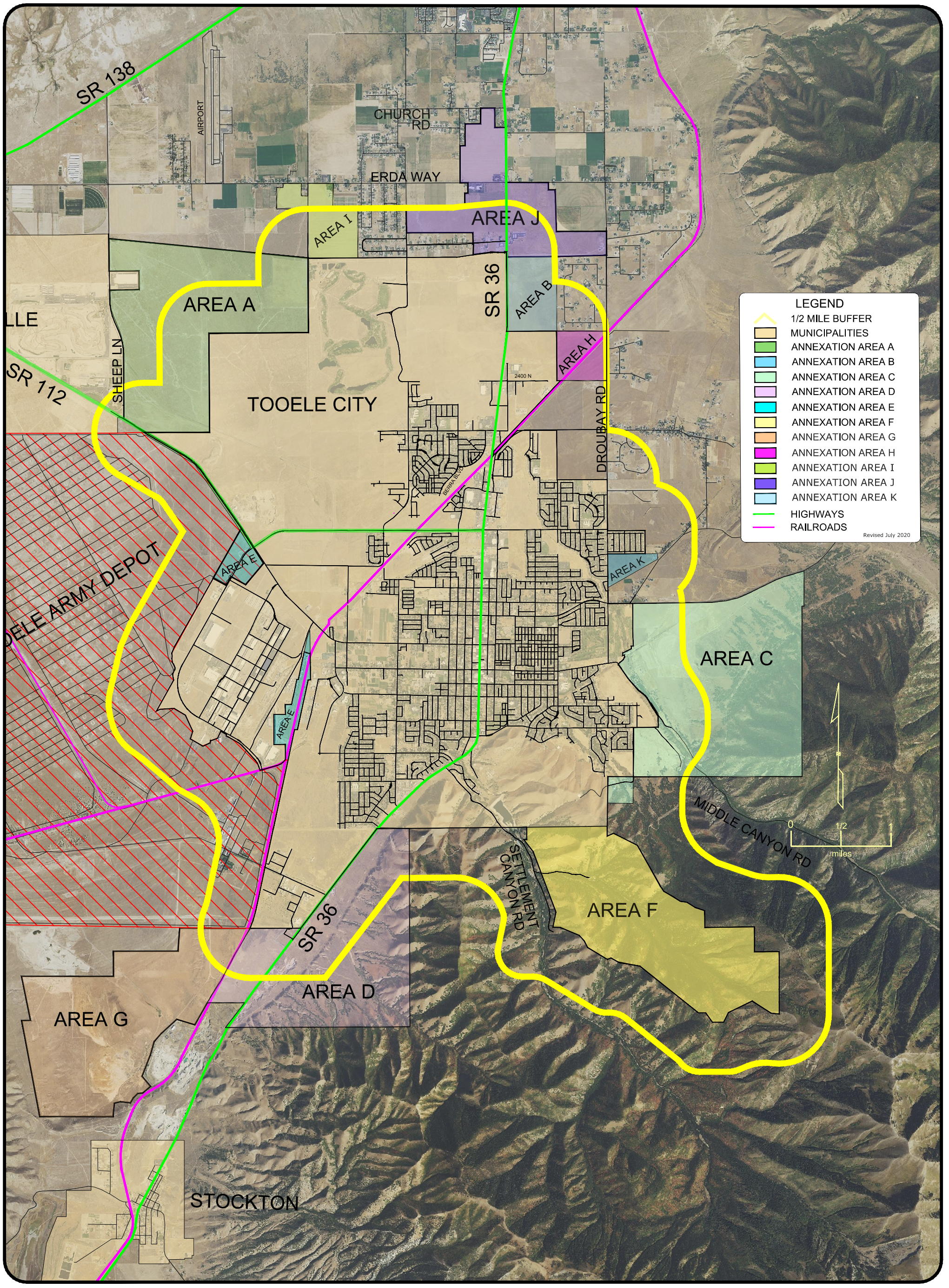
APPENDIX B
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
SURROUNDING MUNICIPALITIES

Tooele City
Est. 1853



APPENDIX C
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
AGRICULTURAL PROTECTION AREAS

Tooele City
Est. 1853



APPENDIX D
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
1/2 MILE BUFFER

Tooele City
Est. 1853

Appendix E

Log of Written Comment Received From Affected Entities

DRAFT

TOOELE CITY CORPORATION

ORDINANCE 2020-44

AN ORDINANCE OF TOOELE CITY REASSIGNING THE ZONING CLASSIFICATION TO THE I INDUSTRIAL ZONING DISTRICT FOR APPROXIMATELY 43.08 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2000 NORTH 1200 WEST.

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, 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 1998-39 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 application for Zoning amendments for property located at approximately 2000 North 1200 West on September 25 2020, requesting that the Subject Property be reassigned to the I Industrial zoning district. (see Rezone Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by Tooele Associates, LP, and are currently assigned the R1-7 Residential zoning district; and,

WHEREAS, on October 14, 2020, 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 _____, the City Council convened a duly-advertised public hearing:

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

1. this Ordinance and the zoning amendment proposed therein is in the best interest of the City in that it will initiate light industrial development in the area and create jobs for local residents; and,
2. will provide local businesses with locations from which to stage and operate their industrial businesses; and,
3. the Zoning Map is hereby amended for the property located at approximately 2000 North 1200 West as requested in **Exhibit A**, attached.

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

Zoning, General Plan, & Master Plan Map Amendment Application

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

Tooele City
Est. 1853

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

Project Information

P20-916

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
9-25-20	R1-7	Industrial	02-145-0-0014

Project Name: Overlake Industrial Park

Acres: 43.08

Project Address: 1000 N. 1200 W, Tooele, UT 84074

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

Brief Project Summary: The rezone of this tax parcel will eliminate R1-7 zoning that is surrounded by Light Industrial North and East of the tax parcel and Industrial zoning West and South of the tax parcel.

Property Owner(s): Tooele Associates, LP			**Applicant(s):** Tooele Associates, LP		
Address: 1983 N. Berra Blvd.			Address: 1983 N. Berra Blvd.		
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone: (435) 830-6979			Phone: (435) 830-6979		
Contact Person: Drew Hall			Address: 1983 N. Berra Blvd.		
Phone: (435) 830-6979			City: Tooele	State: UT	Zip: 84074
Cellular: (435) 830-6979	Fax: N/A		Email: drewdhall@comcast.net		

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

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

2200907

For Office Use Only

Received By:	Date Received:	Fees:	~~App #~~:
JB	9-24-20	5,308.00	00384508

Overlake Development Group

September 25, 2020

Mayor Debbie Winn,
Tooele City
50 North Main
Tooele, UT 84074

RE: TOOELE ASSOCIATES, LP APPLICATION FOR REZONE OF RESIDENTIAL PROPERTY TO INDUSTRIAL WITHIN THE OVERLAKE PROJECT AREA:

Dear Mayor Winn,

The undersigned are the "Developer Parties" to the August 6, 2014 "Settlement Agreement" between the Developer Parties and Tooele City.

We are aware of and approve of the Tooele Associates, LP ("TA") application to rezone the following Tooele County land parcel within the Overlake Project Area from R1-7 to Industrial:

Tooele County Tax Parcel #	Approximate Acreage
02-145-0-0014	43.08

We believe the TA rezone will result in significant employment and tax revenues to Tooele City and will also benefit the other Developer Parties. The 43.08 acres is within the 1000 North West Industrial Community Reinvestment Project Area created by the Redevelopment Agency of Tooele City in Resolution 2017-09 adopted on December 6, 2017.

With the City consent of this rezone, the total zoned acreage of Commercial, Industrial and Light Industrial allowed within the Overlake Project Area will increase from 594.87 acres to 637.95 acres.

Best Regards,

Tooele Associates, LP
Drew D. Hall
Managing Partner

L.H. Perry Investments
William O. Perry III

Perry/Tooele Associates, LLC
Drew D. Hall
Managing Member

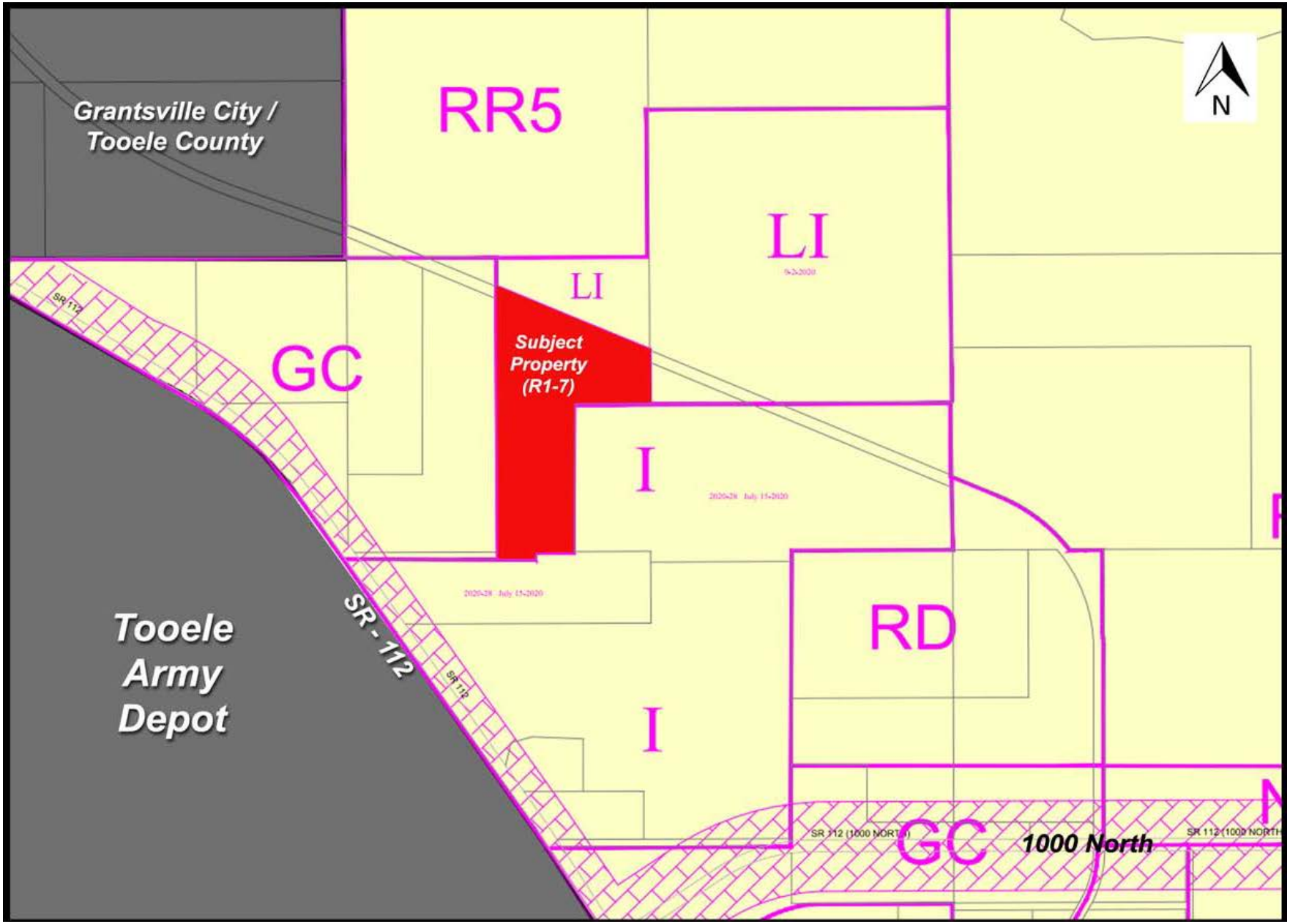
PTA Settlement, LLC
William O. Perry III
Managing Member

Overlake Golf, LLC
Drew D. Hall
Managing Member

Perry Homes, Inc.
Jeff Taylor
President

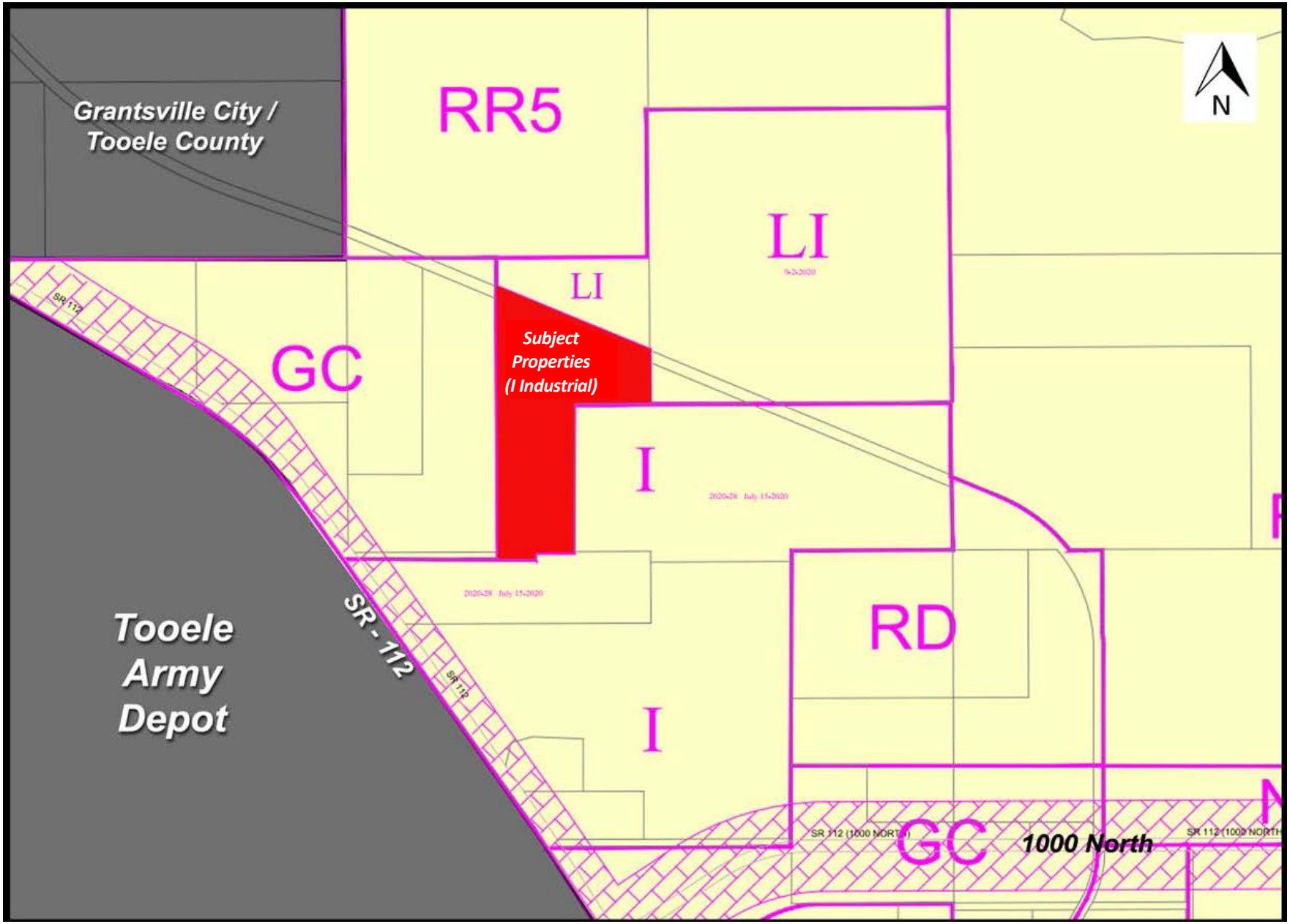
1983 N. Berra Blvd.
Tooele UT 84074
435-843-1087
FAX 435-843-1088

Overlake Industrial Park Zoning Map Amendment #2



Current Zoning Map

Overlake Industrial Park Zoning Map Amendment #2



Proposed Zoning Map

Exhibit B

Staff Report

STAFF REPORT

October 6, 2020

To: Tooele City Planning Commission
Business Date: October 14, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Overlake Industrial Park – Zoning Map Amendment Request**

Application No.:	P20-916
Applicant:	Drew Hall, representing Tooele Associates, LP
Project Location:	Approximately 2000 North 1200 West
Zoning:	R1-7 Residential Zone
Acreage:	43.08 Acres (Approximately 1,876,564 ft^2)
Request:	Request for approval of a Zoning Map Amendment in the R1-7 Residential zone regarding reassignment of the subject properties to the I Industrial Zoning District.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 43.08 acres located at approximately 2000 North 1200 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Zoning Map Amendment to the I Industrial zoning district to facilitate Industrial manufacturing and heavy commercial development and land uses.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 zone is to "provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City's residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City."

The purpose of the Industrial Zone is to recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity within the city.

The subject property is surrounded by various zoning districts. To the north of the subject property the zoning was recently changed from R1-7 Residential to LI Light Industrial. To the west property is currently zoned GC General Commercial. South of the Subject property is more GC zoning. To the east property was recently rezoned to I Industrial. Most of the property surrounding the subject property is vacant, undeveloped land. Mapping pertinent to the subject request can be found in Exhibit "A" to this

report.

The differences between the two zoning districts being considered here are like the differences between night and day. The Industrial Zone is reserved for commercial, manufacturing, and heavy industrial activities with some minimal residential uses such as caretaker apartments for businesses such as storage units. Otherwise residential uses such as single-family homes, duplexes, apartments and so forth are not permitted in the zoning district. This zone exists to permit a place for LULUs (Locally Unwanted Land Uses) to occur. Some of those uses can be gravel pits (as operating to the south), recycling centers, junk yards, chemical storage and manufacture and so forth.

The R1-7 Residential zone is Tooele City's most prevalent single-family residential zone and permits primarily just single-family residential and two family residential uses such as duplexes. Commercial uses in the zone are limited to home occupations and must adhere to the standards of Tooele City's Home Occupation ordinance. There are no industrial or commercial uses permitted within the R1-7 Residential zoning district.

Unlike the previous Overlake Industrial Park zoning map amendment request a few weeks ago, this property is entirely surrounded by Industrial zones, Light Industrial zones and General Commercial zones. The closest single-family R1-7 Residential zone, using Google Earth's crude measuring tool, is nearly 3,000 linear feet away. There is some RR-5 zoning located to the north that is considerably closer, however, the RR-5 zone tends to be a holding zone pending future planning. The RR-5 Residential zoning district is approximately 100 feet away from the subject property.

The property is largely currently landlocked except for one narrow, approximately 60 foot wide strip of land extending from the south east corner of the property to SR-112. This area is unimproved but could be utilized as an access and is under the ownership of Tooele Associates.

Settlement Agreement. The subject properties are a part of the group of properties that are subject to the terms of the settlement agreement that ended the litigation between the City and the developer parties of what was the overall Overlake master planned development. That agreement was approved and took effect in August 2014. One of the terms of that settlement agreement dealt with the amount of land that could be zoned for residential and non-residential purposes. Specifically, Section 9 of the settlement agreement specified a vested cap of 424 acres and 20% of the of the overall development area, which are essentially equal, for non-residential uses. The land use plan for the overall Overlake properties, as a requirement of the settlement agreement, was approved by Ordinance 2015-04 and identified 424 acres for non-residential uses. In the time since, there has been one amendment to the zoning of the overall Overlake properties that changed this count. Ordinance 2019-33 removed 18.18 acres of that 424 acre non-residential total and reassigned it for residential uses. The size of the subject application, if approved, would result in a non-residential acreage above the 424 acre and 20% vested cap identified in the settlement agreement. The settlement agreement establishes a vested cap but that does not prohibit the City from exercising its legislative prerogative to make findings, when appropriate, and approve additional non-residential areas outside of the framework of the settlement agreement.

The 43.08 acres of property is located within the *1000 North West Industrial Community Reinvestment Project Area* and was intended by the City Council in resolution 2017-09 that this property be developed as Industrial and Light Industrial.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 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 Zoning Map Amendment submission and has issued the following findings:

1. The subject property is completely surrounded by Industrial, Light Industrial and General Commercial zoning districts.
2. The nearest R1-7 Residential zoning district is approximately 3000 linear feet to the east of the subject property and RR-5 Residential zoning district is approximately 100 feet to the north.
3. There is little to no development on the surrounding parcels.
4. The property currently does not have any direct frontage onto any major road ways.

Noticing. The applicant has expressed their desire to rezone the subject property 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 Zoning 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 positive recommendation to the City Council for the Overlake Industrial Park Zoning Map Amendment Request #2 by Tooele Associates, LP to reassign the zoning of approximately 43 acres of property to the I Industrial zoning district, application number P20-916, based on the findings and subject to the conditions listed in the Staff Report dated October 6, 2020:"

1. List any additional findings and conditions…

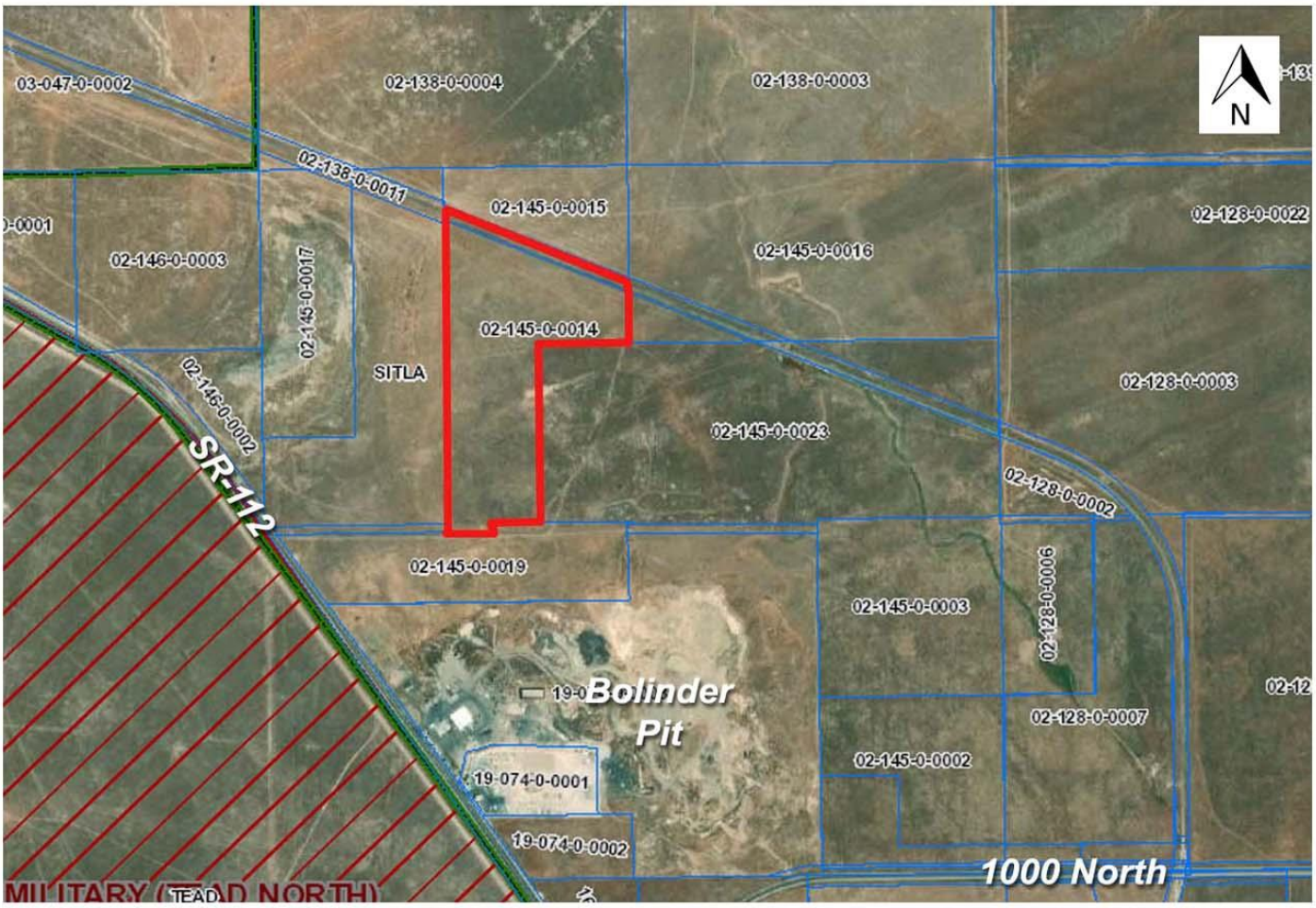
Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Overlake Industrial Park Zoning Map Amendment Request #2 by Tooele Associates, LP to reassign the zoning of approximately 43 acres of property to the I Industrial zoning district,, application number P20-916, based on the following findings:"

1. List findings…

EXHIBIT A

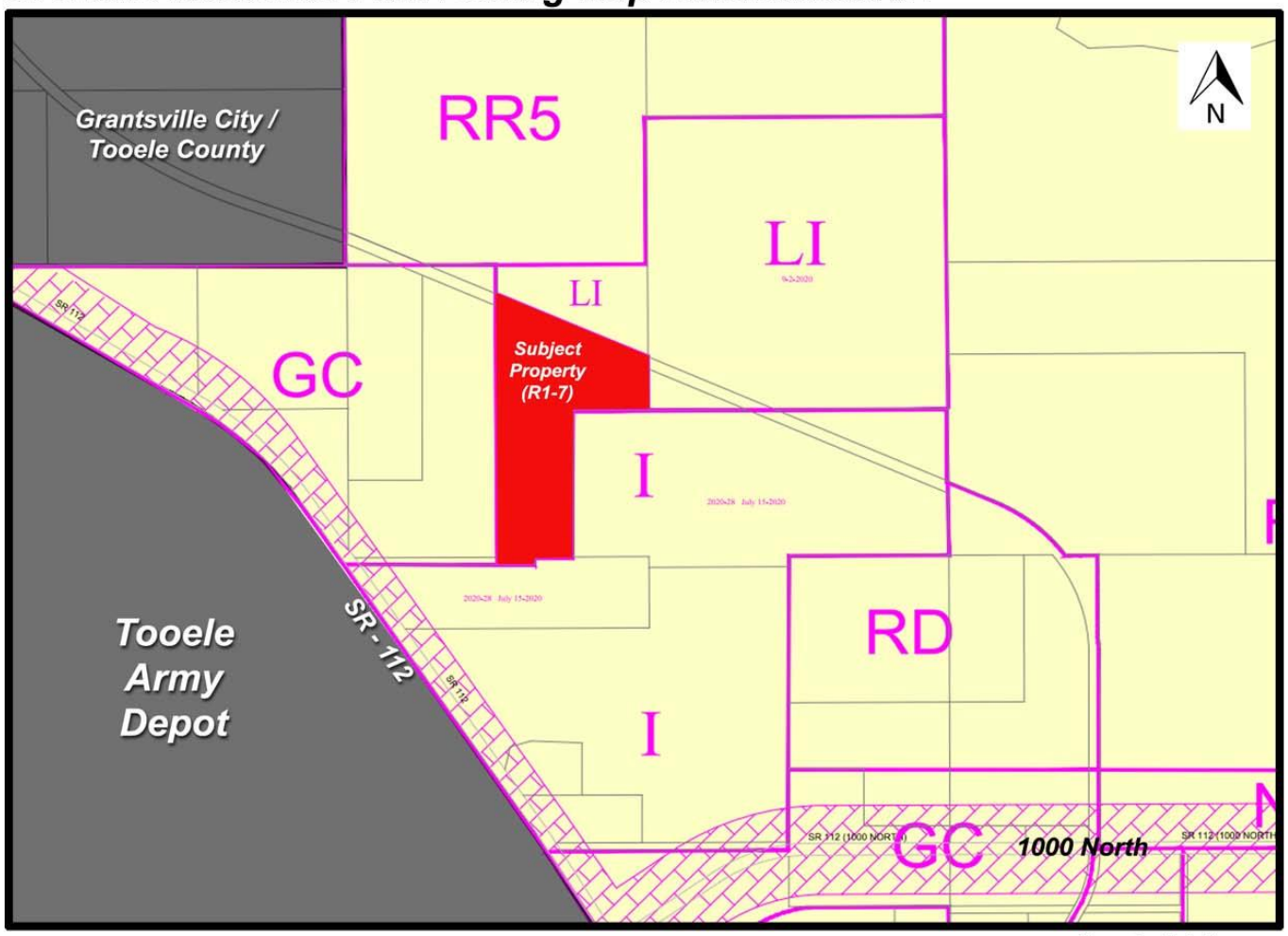
MAPPING PERTINENT TO THE OVERLAKE INDUSTRIAL PARK ZONING MAP AMENDMENT

Overlake Industrial Park Zoning Map Amendment #2



Aerial View

Overlake Industrial Park Zoning Map Amendment #2



Aerial View

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan Map Amendment Application

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

Tooele City
Est. 1853

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

Project Information

P20-916

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
9-25-20	R1-7	Industrial	02-145-0-0014

Project Name: Overlake Industrial Park

Acres: 43.08

Project Address: 1000 N. 1200 W, Tooele, UT 84074

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

Brief Project Summary: The rezone of this tax parcel will eliminate R1-7 zoning that is surrounded by Light Industrial North and East of the tax parcel and Industrial zoning West and South of the tax parcel.

Property Owner(s): Tooele Associates, LP			**Applicant(s):** Tooele Associates, LP		
Address: 1983 N. Berra Blvd.			Address: 1983 N. Berra Blvd.		
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074
Phone: (435) 830-6979			Phone: (435) 830-6979		
Contact Person: Drew Hall			Address: 1983 N. Berra Blvd.		
Phone: (435) 830-6979			City: Tooele	State: UT	Zip: 84074
Cellular: (435) 830-6979	Fax: N/A		Email: drewdhall@comcast.net		

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

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

2200907

For Office Use Only

Received By:	Date Received:	Fees:	~~App #~~:
JB	9-24-20	5,308.00	00384508

Overlake Development Group

September 25, 2020

Mayor Debbie Winn,
Tooele City
50 North Main
Tooele, UT 84074

RE: TOOELE ASSOCIATES, LP APPLICATION FOR REZONE OF RESIDENTIAL PROPERTY TO INDUSTRIAL WITHIN THE OVERLAKE PROJECT AREA:

Dear Mayor Winn,

The undersigned are the "Developer Parties" to the August 6, 2014 "Settlement Agreement" between the Developer Parties and Tooele City.

We are aware of and approve of the Tooele Associates, LP ("TA") application to rezone the following Tooele County land parcel within the Overlake Project Area from R1-7 to Industrial:

Tooele County Tax Parcel #	Approximate Acreage
02-145-0-0014	43.08

We believe the TA rezone will result in significant employment and tax revenues to Tooele City and will also benefit the other Developer Parties. The 43.08 acres is within the 1000 North West Industrial Community Reinvestment Project Area created by the Redevelopment Agency of Tooele City in Resolution 2017-09 adopted on December 6, 2017.

With the City consent of this rezone, the total zoned acreage of Commercial, Industrial and Light Industrial allowed within the Overlake Project Area will increase from 594.87 acres to 637.95 acres.

Best Regards,

Tooele Associates, LP
Drew D. Hall
Managing Partner

L.H. Perry Investments
William O. Perry III

Perry/Tooele Associates, LLC
Drew D. Hall
Managing Member

PTA Settlement, LLC
William O. Perry III
Managing Member

Overlake Golf, LLC
Drew D. Hall
Managing Member

Perry Homes, Inc.
Jeff Taylor
President

1983 N. Berra Blvd.
Tooele UT 84074
435-843-1087
FAX 435-843-1088

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2020-43

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE (IS) INDUSTRIAL SERVICE ZONING DISTRICT FOR APPROXIMATELY 130 ACRES OF PROPERTY LOCATED AT GENERALLY AT 300 SOUTH 1200 WEST AND 400 EAST 2200 NORTH.

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, 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 1998-39 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, on July 15, 2020 the City Council approved Ordinance 2020-29 by a vote of 3-1 to reassign property at 318 South 1200 West from the (LI) Light Industrial zoning district to the (I) Industrial zoning district; and,

WHEREAS, as a part of the discussion and approval of Ordinance 2020-29, the City Council provided direction to staff to proceed with development of a new third industrial zoning classification to address concerns raised between the existing differences between the (LI) Light Industrial and (I) Industrial zoning districts; and,

WHEREAS, from that direction, on October 7, 2020, following a recommendation from the Planning Commission and a duly advertised public hearing, the City Council adopted Ordinance 2020-42, establishing

and including into the Tooele City Code the identification and terms of the new (IS) Industrial Service zoning district; and,

WHEREAS, with the adoption of the City Code provisions for the (IS) Industrial Service zoning district, the Tooele City Zoning Map can be amended to identify those areas of the city deemed appropriate for assignment to the (IS) Industrial Service zoning district; and,

WHEREAS, the Planning Commission identified areas located near 300 South 1200 West and near 400 East 2200 North for consideration of zoning amendments to the (IS) Industrial Service zoning district; and,

WHEREAS, the Subject Properties located near 300 South 1200 West are to be reassigned from the (I) Industrial and (LI) Light Industrial zoning districts to the (IS) Industrial Service zoning district, as shown in the mapping attached as **Exhibit A**; and,

WHEREAS, the Subject Properties located near 400 East 2200 North are to be reassigned from the (LI) Light Industrial zoning district to the (IS) Industrial Service and (GC) General Commercial zoning districts, as shown in the mapping attached as **Exhibit A**; and,

WHEREAS, the Subject Properties are owned by Diamond A Properties and are currently assigned the LI Light Industrial zoning districts; and,

WHEREAS, on September 23, 2020, 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 B**); and,

WHEREAS, on _____, the City Council convened a duly-advertised public hearing:

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

1. this Ordinance and the zoning amendments proposed therein are in the best interest of the City in that they will provide additional areas for industrial land uses to locate and provide additional jobs and economic activity to Tooele City and are consistent with the General Plan and Land Use Plan;
2. the Zoning Map is hereby amended for the property located near 300 South 1200 West and near 400 East 2200 North, as reflected in **Exhibit A**, attached; and,
3. this Ordinance and the zoning amendments proposed therein do not vacate or supersede the conditions placed upon Ordinance 2019-35 by the City Council for a prior Zoning Map Amendment regarding specific property within the scope of properties reassigned to the (IS) Industrial Service zoning district by this ordinance and reaffirms those conditions onto that specific property, namely:
    a. that the project be built to include the architectural features, colors, lighting, and the outside aesthetics and materials that appear in the renderings and elevation pictures, also included and attached hereto as **Exhibit C**; and,
    b. that the project be built to include the landscaping and trees that appear in the renderings and elevation pictures, also included and attached hereto as **Exhibit C**.

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)

_____	_____
Justin Brady	Justin Brady
_____	_____
Melodi Gochis	Melodi Gochis
_____	_____
Tony Graf	Tony Graf
_____	_____
Ed Hansen	Ed Hansen
_____	_____
Scott Wardle	Scott Wardle

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____	_____
Debra E. Winn	Debra E. Winn

(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 Pitt, City Recorder

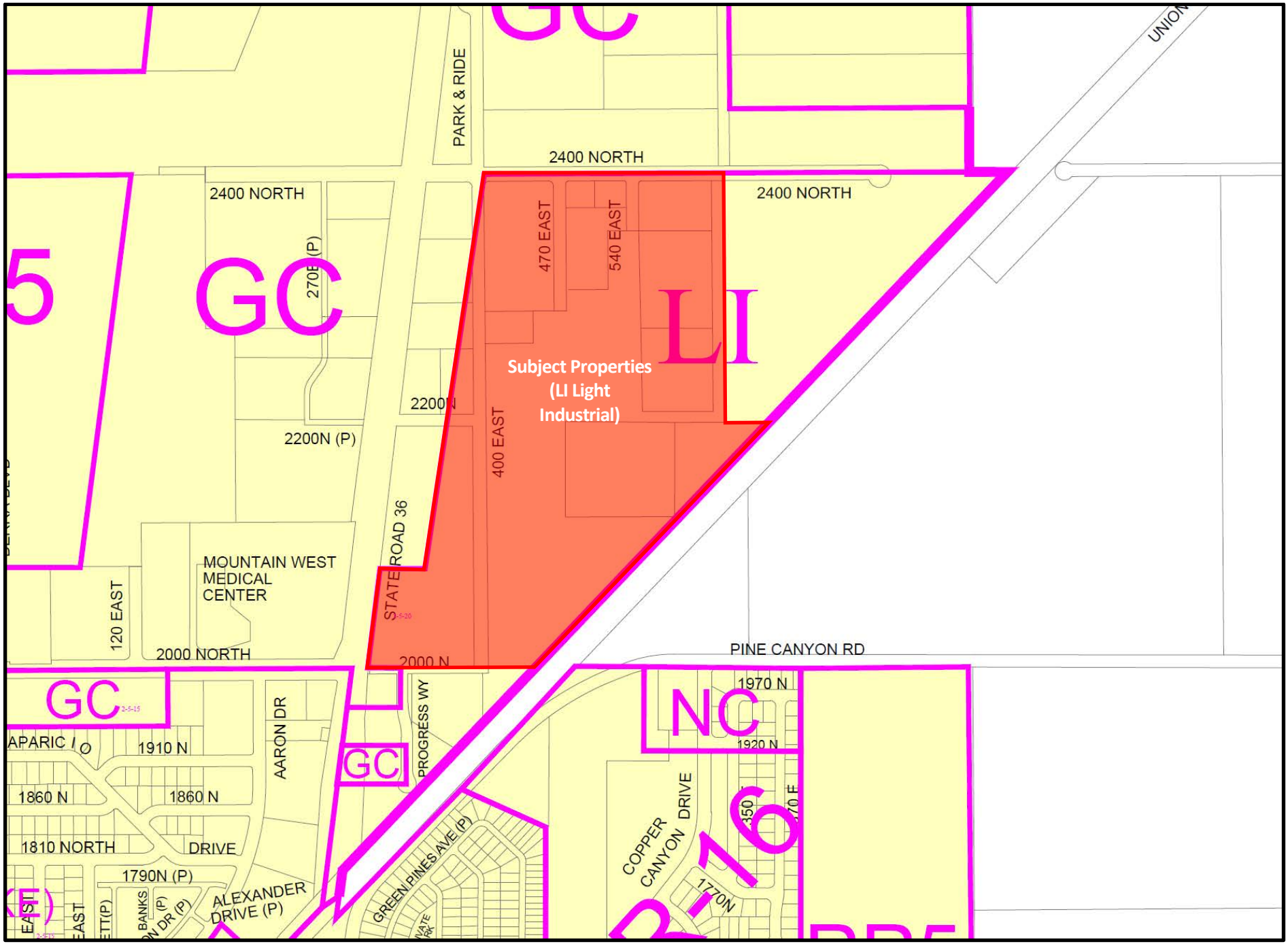
S E A L

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

Exhibit A

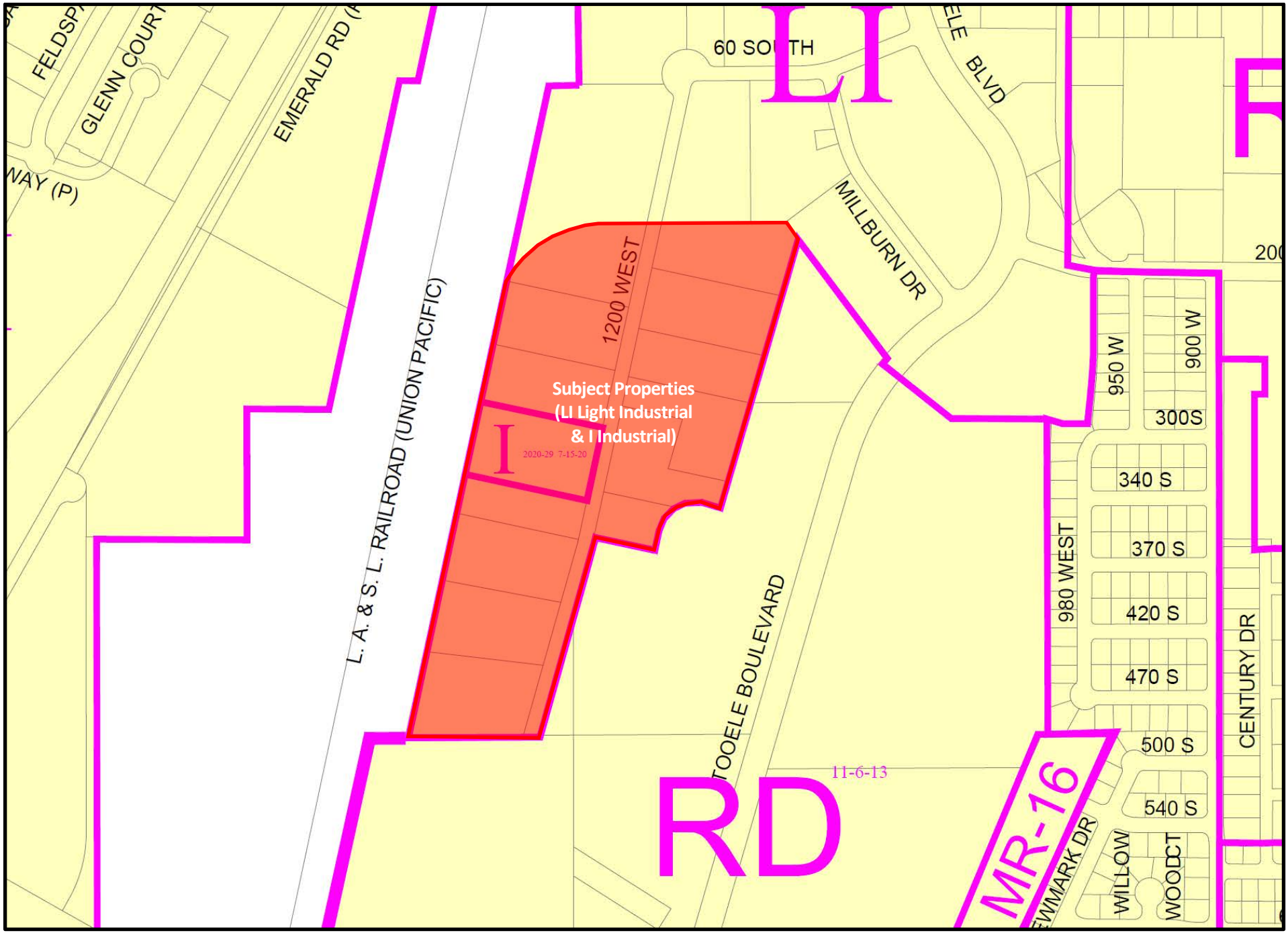
Mapping Pertinent to Zoning Map Amendment

Industrial Zones Zoning Map Amendment



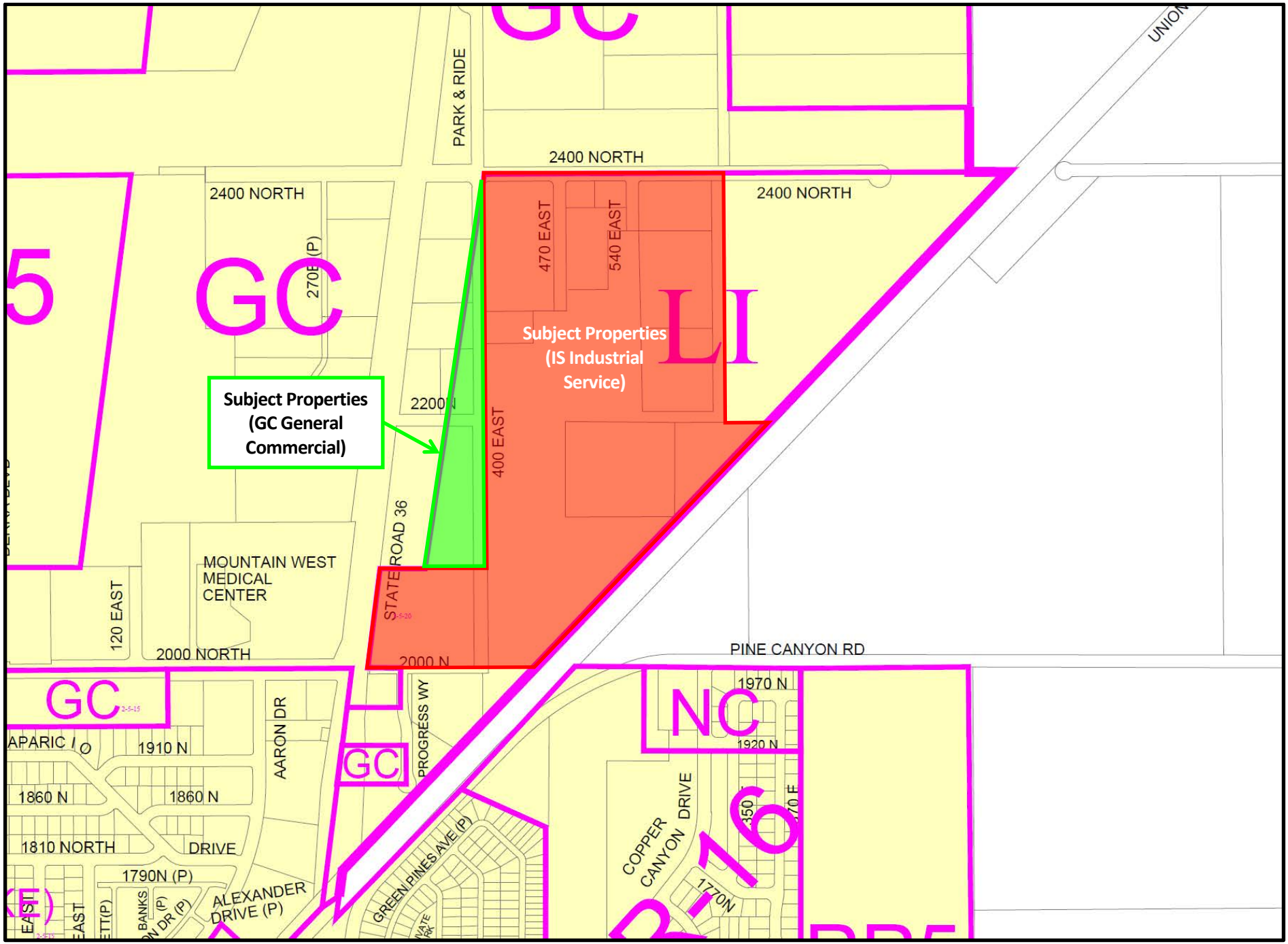
North Area – Current Zoning Map

Industrial Zones Zoning Map Amendment



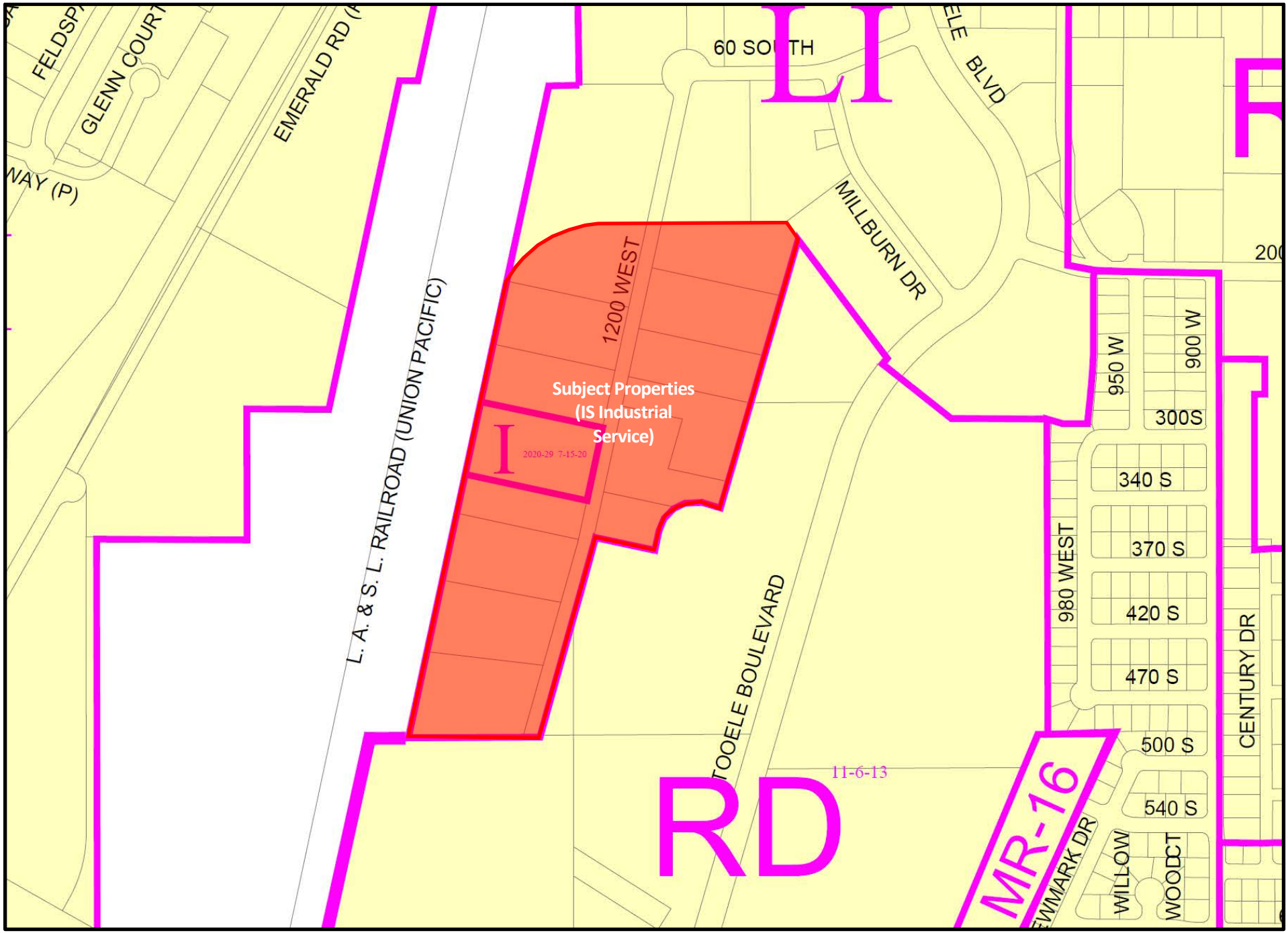
South Area – Current Zoning Map

Industrial Zones Zoning Map Amendment



North Area – Proposed Zoning Map

Industrial Zones Zoning Map Amendment



South Area – Proposed Zoning Map

Exhibit B

September 23, 2020 Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, September 23, 2020
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:
Tyson Hamilton
Shauna Bevan
Melanie Hammer
Matt Robinson
Nathan Thomas
Chris Sloan
Bucky Whitehouse
Dave McCall

City Employees Present:
Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Members Present:
Council Member Justin Brady
Council Member Ed Hansen

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. **Pledge of Allegiance**
   The Pledge of Allegiance was led by Commissioner Sloan.

2. **Roll Call**
   Tyson Hamilton, Present
   Melanie Hammer, Present
   Shauna Bevan, Present
   Matt Robinson, Present
   Nathan Thomas, Present
   Chris Sloan, Present
   Bucky Whitehouse, Present

3. **Public Hearing and Recommendation on a Proposed Amendment to the Adopted Tooele City Annexation Policy Plan to Identify One New Potential Expansion Area and Include that Area into the Adopted Annexation Policy Plan and Accompanying Expansion Area Maps.**

Presented by Jim Bolser

Mr. Bolser gave a brief presentation on the differences between an amendment to the adopted Tooele City Annexation Policy Plan and an actual annexation. He used a doctor's office analogy for the differences. The Annexation Policy Plan is like the waiting room, waiting to be seen by the doctor, with other applications and an application cannot get beyond the waiting room without going through the Annexation Policy Plan process. The annexation is like meeting with the doctor; including considerations, specific properties, and application or petition for annexation is considered, with a diagnosis or decision determined by the City Council. The City is currently at the beginning with this application for the amendment to the adopted Annexation Policy Plan.

Mr. Bolser stated that the current annexation Policy plan was adopted in 2010. It was recently revised in June of 2020 which created three new expansion areas. There is also a city wide ongoing General Plan update, which is not part of the application. The annexation policy plan is a part of the General Plan and this is an amendment to the current adopted plan. The expansion area map includes areas A-J, and this application identifies a single area of K. The process does not mean the properties will or won't be annexed. The annexation is property owner initiated.

Mr. Bolser stated the process for annexation and the Annexation Policy Plan is outlined by state code in Section 10.204.5. There is an initial public presentation, which was held by the Planning Commission on August 26, 2020. A minimum of a 10 window must be made for "affected entities" to provide written comment. The Planning Commission allowed for a 22-day window, with which there was no comment. Following the closing of the window, there needs to be a public hearing, which will be held in the meeting tonight. Following the public hearing the Planning Commission can forward a recommendation to the City Council for another public hearing on a date still to be determined, ultimately leading to a City Council decision.

Mr. Bolser stated Area K is on the south side of the existing Carr Fork subdivision, which is in the incorporated City boundaries and on the east side of Droubay Road. Area K property is undeveloped and on the north side of Erikson Road.

Chairman Hamilton opened to the Council for any questions or comments.

Commissioner Sloan confirmed with Mr. Bolser that the application is property owner driven and not City recruited? Mr. Bolser stated that a representative for the property owners that make up Area K, approached the City Council for consideration of inclusion in the Annexation Policy Plan. The City Council asked the staff to pursue.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Droubay Road Annexation Policy Plan Amendment request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, based on the following findings. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer,

"Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. **Public Hearing and Decision on a Conditional Use Permit to allow "Business Office" use by Insurance Network in an existing building located at 272 North Broadway in the MU-B Mixed Use Broadway Zoning District.**
Presented by Andrew Aagard

Mr. Aagard stated the Conditional Use Permit application is for property located at the southeast intersection of Broadway and Birch Street in an existing office building/warehouse building. The property is zoned MU-B, Mixed Use Broadway as are properties to the east, and south, with property to the west zoned R1-7 Residential and to the north is Elton park. The application requests to authorize a business office use in an existing building for an insurance office. One of the main reasons for the Conditional Use Permit process is to ensure that impact of proposed land uses is properly mitigated. One of the main issues is parking, the office space portion of this building is approximately 4,700 square feet. With parking standards for office space being one space per 200 square feet of office area, that would lead to the need for 37 parking spaces. There are 37 available in the parking area and that does not consider on street parking on Broadway. The applicant has stated that the office will be used to meet with clients and that employees currently work remotely. They do not anticipate more than three employees at the site at any given time. Staff does not anticipate any parking issues with the application. The item is a public hearing and notices were sent to property owners within 200 feet. No comments were registered by staff. Staff is recommending with the basic conditions listed in the Staff Report.

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

Commissioner Sloan stated this building is being used and has been used for lots of individual business and where the total square footage of the building is being used for parking, why is it necessary for an individual tenant to apply for a Conditional Use Permit. Mr. Aagard stated the use in the MU-B Mixed Use Broadway zone requires the Conditional Use Permit.

Commissioner Sloan asked if the Conditional Use Permit goes with the property? Mr. Bolser stated that parking is always a sum total of all the uses. The nature of the Conditional Use Permit, is individually placed, if a new use comes in, it has to establish it's self as a permitted use. If a similar use has a conditional use and leaves and another business comes in, they could use the Conditional Use Permit already approved, although in this case there is no record of a prior Conditional Use Permit.

Chairman Hamilton asked if there were any commits or questions from the Commission, there were none.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Whitehouse motioned to approve a Conditional Use Permit Request by Mike Tingey, representing Insurance Network LC to allow the use of "Business Office" at 272 North

Broadway, application number P20-814, based on the findings and subject to the conditions listed in the Staff Report dated September 17, 2020. Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

5. **Recommendation on a Subdivision Plat Amendment application to amend lots 101 – 106 of the Buffalo Ridge Subdivision by Buffalo Ridge, LLC located at approximately 600 North 200 West in the R1-7 Residential Zoning District on 1.03 acres.**
Presented by Andrew Aagard

Mr. Aagard stated the Buffalo Ridge subdivision is located at the north west side of Intersection of 200 West and 600 North. The property is zoned R1-7 Residential, as are the properties to the east and west. To the north is MR-8 Multi-Family Residential and utilized as single-family and two family residential and to the south is open space zoning. The plat amendment proposes to resolve a property line/fence line discrepancy that was initially brought up with the original developer of the subdivision, however the developer chose to plat the development along the correct survey plat line. The subdivision has been sold and the current developer is solving he discrepancy by making the fence line the new property line. The new lot line will shift the property approximately four feet to the east. This will result in the deeding of approximately 1600 square feet of property to the property owner to the west. The reduction in property will reduce the property lot sizes, however each lot will remain above the minimum 7,000 square feet lot size required by the R1-7 Residential zone. Lot widths and frontages will not be affected by the amendment and no nonconformities will be created with the lot line changes. Staff is recommending approval of the amendment.

Chairman Hamilton asked the Commission if there were questions or comments, there were none.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for the Buffalo Ridge Subdivision Plat Amendment Request by DeAnn Christensen, Buffalo Ridge, LLC, thus amending lots 101 through 106, application number P20-848, based on the findings and subject to the conditions listed in the Staff Report dated September 17, 2020. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Chapter 7-25 of the Tooele City Code Regarding Signs.**
Presented by Jim Bolser

Mr. Bolser stated there have been several working groups going on within the City trying to find ways to make City more efficient, flexible, and still maintain proper guidance under the law and procedures. Council Member Graf has been working with local businesses and members of the community, trying to make the sign code more user friendly for business. This is a text amendment that adds in a defined term for a civic organization, addresses size allowances for banner signs, allowances for inflatable signs, various provisions dealing with electronic signs, signage allowances

for non-profit organizations, schools, and civic organizations, allowances for temporary holiday periods and what the holiday periods are, sign allowances for temporary signs, enforcement and removal of signs, allowances for signage of home occupations and technical changes with those items.

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

Chairman Hamilton stated he has been part of the working group and Council Member Graf gave the business owners a chance to make changes.

Commissioner Thomas asked for clarification on the electronic signs and the changes to colors and brightness. Mr. Bolser stated the current ordinance states the amount of electronic signage in terms of brightness. The proposal, rather than looking at brightness but now looks at the colors that produce the brightness. The areas of the sign are limited in those colors that produce brightness. Commissioner Thomas asked if the change will still help address nuisance signs. Mr. Bolser stated we believe that it will help.

Chairman Hamilton gave an example of using an electronic sign with brightness and the proposed changes in the code.

Commissioner Sloan asked if there are signs that will have difficulty changing to the new ordinance. Mr. Bolser stated in terms of changing, no. The images are usually developed by the user. In terms of signs that may need to change, yes there are some. Commissioner Sloan asked if the changes are expensive? Mr. Bolser stated he didn't think it would be expensive, but he is not an expert in it.

Commissioner Thomas stated he was looking for language about the billboard signs. Mr. Bolser stated the current code does not allow for offsite signage. Commissioner Sloan asked if those are regulated? Mr. Bolser stated billboards mentioned are in Tooele County and on private property with lease agreements. The state law has specific provisions regarding offsite signage. Chairman Hamilton stated the offsite signage was reviewed by the working group, but it will be looked into further.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Thomas motioned to forward a positive recommendation to the City Council for the for the Signs City Code Text Amendment Request by Tooele City, application number P20-826, based on the following findings; listed in the Staff Report. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. **Public Hearing and Recommendation on a Request by Tooele City for a Text Amendment to Chapters 7-1 and 7-16 of the Tooele City Code Regarding the Establishment of a New IS Industrial Service Zoning District.**

Presented by Jim Bolser

Mr. Bolser stated this is the first of two steps. A few months ago, there as a zoning map amendment that went through the City process looking to rezone the property for a specific use on the property that was only allowed in the I Industrial zone, while the property was zoned as a LI Light Industrial zone. As part of the review of that item, it became apparent that the use itself was not in opposition, but it could move locations and the I Industrial zone in that area, was a point of difficulty for the Planning Commission and City Council. At the time of the application review for the rezone, the Council requested that the staff pursue a text amendment to the City Code to create a third industrial zone to allow for more flexibility and usability between the two zones. The staff created a new zone referred to as the IS Industrial Service Zone which is kind of a hybrid of the LI Light Industrial and I Industrial zones. This is an amendment to create the zone and amend the table of 7-16 and later tables.

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

Commissioner Sloan thanked the staff and Council Member Hansen for the work on this.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the for the Industrial Zones City Code Text Amendment Request by Tooele City for the purpose of establishing a new IS Industrial Service zoning district, as a part of application number P20-706, based on the following findings; listed in the Staff report. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

8. **Public Hearing and Recommendation on a Request by Tooele City for a Zoning Map Amendment to Reassign Properties Generally Located in the Area of 300 South 1200 West and 2200 North 400 East to the IS Industrial Service Zoning District**
Presented by Jim Bolser

Mr. Bolser stated this is the second step to the same application just presented. Now that the new zone is approved, there needs to be a recommendation of where to place it on the zoning map. At the prior Planning Commission meeting, there was discussion as to where to put the new IS Industrial Service zone on the map. Once properties were identified, the owners were noticed with written notification after the prior meeting.

Mr. Bolser stated that there are two areas referred to as the north and the south area. The north area is on the east side of Main street, straddling 400 east between roughly speaking, SR36 to 600 East and between 2000 North and 2400 North. The south area is around approximately 1200 West 200 South, primarily on the west side of 1200, but includes a couple areas on the east side of 1200 West. The current zoning of the north area is LI Light Industrial zone. Similarity for the south area

properties are in the LI Light Industrial, excluding the property that prompted this change which is in the I Industrial zone and all those properties will be changed to the IS Industrial Service zone.. In the north area along 400 East, there has been a historic zoning line that runs through properties between SR36 and 400 East, thus splitting the properties in two with two zones, GC General Commercial and LI Light Industrial. Proposed with the IS Industrial Service zoning, the city staff also proposes to adjust the properties that are currently between SR36 and 400 East to GC General Commercial to put those properties under one zoning classification.

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

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Industrial Zones Zoning Map Amendment Request by Tooele City for the purpose of reassigning certain properties to the IS Industrial and GC General Commercial zoning district, as part of application number P20-706, based on the following findings; on the Staff Report conditions and additionally corrects the area of GC General Commercial and LI Light Industrial split properties. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

9. **Public Hearing and Recommendation on a Request by Tooele City for a text Amendment to Table 1 of Chapter 7-14 of the Tooele City Code Regarding Apiaries.**
Presented by Roger Baker

Mr. Baker stated that back in 2011 some citizens of the community asked the Council to consider allowing beehives in residential areas with the term being used is apiaries. The minutes for the Planning Commission indicate that the item was presented in the context of single-family zones. For reasons no on remembers, when it went through the City Council, that context was omitted. The intention was to allow apiaries in single-family districts, not multi-family zoning districts where there are not individually owned properties. The purpose of this ordinance is to clarify the record that allows for the context of single-family usage for apiaries.

Chairman Hamilton stated it is a correction and get the code up to date. Mr. Baker stated it is a correction, but he didn't feel comfortable just putting it in the code without going through the process.

Commissioner Thomas asked if there are any beekeepers that are in the MR Multi-Family Residential zones that caused this to come to the attention of staff or was it something that was caught? Mr. Baker stated that a single-family property owner was approached by code enforcement. Code enforcement was doing their job and the homeowner was doing what he thought he was allowed to do. Mr. Baker stated that he is not aware of existing or requested apiaries in multi-family zones.

Chairman Hamilton opened the public hearing, there were no comments Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the request of the table 1 regarding apiaries Commissioner Bevan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Whitehouse, "Aye," Commissioner Sloan, "Aye," Chairman Hamilton, "Aye." The motion passes.

10. **Public Hearing and recommendation on a Request by Tooele City for a Text Amendment to Table 5 of Chapter 7-14 of the Tooele City Code Regarding Water Rights in the In-Fill Areas**
Presented by Jim Bolser

Mr. Baker stated this is a correction to an existing ordinance based on the intent and context at the time. In 2015 staff brought to the Planning Commission and City Council, proposals for development of infill areas. There are two infill areas, A and B. Table 5 contains the incentives that were codified to encouraged development. One of the incentives codified regarded water rights. In geographic area A, the table allows for a fee in lieu of conveying water rights and the fee was reduced by half. Every development is required to convey water rights for its demand. In the infill areas the demand is not reduced. The City Council adopted the policy in City Code, that certain developments could pay the city fee and access the city's water rights. The city's water rights are limited. For residential developments, the policy was to only sell a water right credit for a single lot development; one lot split into two. That context is in the minutes and the staff recommendation, but for unknown reasons, it was not clearly codified in the City Code. In the code currently, the language would allow any infill development of any size to allow the developer to pay the fee and the City would have to provide the rights. That is not the policy and intent.

Chairman Hamilton asked the commission for questions or comments.

Chairman Hamilton opened the public hearing, there were no comments. Chairman Hamilton closed the public hearing.

Commissioner Bevan motioned to forward a positive recommendation to the City Council for text amendment to table of 5, regarding water rights in infill areas. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Hammer, "Aye," Commissioner Thomas, "Aye." Commissioner Sloan, "Aye," Commissioner Whitehouse, "Aye," Chairman Hamilton, "Aye." The motion passes.

11. **Review and Approval of the Planning Commission Minutes for Meeting Held on September 9, 2020.**

Commissioner Hammer motioned to approve the minutes. Commissioner Thomas seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Bevan, "Aye," Commissioner Hammer, "Aye," Commissioner Robinson, Aye," Commissioner Thomas, "Aye,"

Commissioner Sloan, “Aye,” Commissioner Whitehouse, “Aye,” Chairman Hamilton, “Aye.” The motion passes.

Chairman Hamilton thanked the staff and property owners for the agenda tonight. Mr. Bolser reminded the Commission that on October 2, it will be the second open house of the General Plan. From 6-9 pm. Access to the General plan can be done at city hall on the website, and comments can be made through email, get the priors notes. Following the open house, the Planning Commission is the first of two public meetings. The second public hearing is not necessary and provided additional opportunities. The November 12, due to Veterans Day. The planning Commission recommendation, with the City Council.

Chairman Hamilton asked the public to come out. This is the future of the City.

12. Adjourn

Chairman Hamilton declared the meeting adjourned at 8:01 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 14th day of October, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

Exhibit C

Ordinance 2019-35 Approved Conditions









TOOELE CITY CORPORATION

RESOLUTION 2020-79

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING THE COMPLETED VINYL FENCE PUBLIC IMPROVEMENT ASSOCIATED WITH THE COPPER CANYON PHASE 9 SUBDIVISION.

WHEREAS, Tooele City previously approved a subdivision final plat for the Copper Canyon phase 9 subdivision (the "Subdivision"); and,

WHEREAS, Tooele City Code §7-19-35 requires that public improvements constructed in connection with an approved subdivision be accepted by Resolution of the City Council following verification by the City Engineer or the Director of Public Works that all the public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications and City standards; and,

WHEREAS, Bach Land and Development, Inc., has provided a proper bond agreements and cash warranty bond with Tooele City for the Subdivision's public improvements, dated January 14 and August 20, 2020, in the warranty amount of $102,093.43; and,

WHEREAS, the above-referenced bond agreement contains the following language:

> *under the Tooele City Code, the Improvements must be completed, inspected, and accepted prior to the issuance of a building permit for the land use approval or prior to the recordation of a subdivision final plat, as the case may be, except that a subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the Improvements where the Applicant has completed an approved bond agreement and provided an associated bond*;

and,

WHEREAS, by Resolution 2020-73, approved on October 7, 2020, the City Council accepted the Subdivision's completed public improvements, with the exception of the perimeter vinyl fence ("Fence") on Tooele Boulevard; and,

WHEREAS, by photographs and email correspondence dated October 8, 2020, the Community Development Department has verified that the Fence has been completed (see Exhibit A):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL as follows:

1. The Fence associated with the Subdivision is hereby accepted, that improvement

being reflected in the bond agreement, dated January 14 and August 19, 2020, and the October 8, 2020, correspondence attached hereto as Exhibit A; and,

2. the one-year warranty period on the vinyl fence shall begin retroactive to the date of the acceptance of the remaining public improvements on October 7, 2020.

This Resolution shall become effective immediately on the date of passage, without further publication, by authority of the Tooele City Charter.

Approved this ____ day of _____, 2020.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For) (Against)

_____ _____

ATTEST:

_____
Michelle Y. Pitt
Tooele City Recorder

S E A L

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

Exhibit A

Correspondence: Verification of Completion

Roger Baker

From: Jim Bolser
Sent: Thursday, October 8, 2020 12:46 PM
To: Brad Alder; Roger Baker; Brandon Ames
Subject: RE: Vinyl Fence Bond
Attachments: 20201008_121856.jpg; 20201008_121915.jpg

I have performed this inspection and found the fencing to have been installed and complete per the plans. The bonding for the fence should be cleared for release.

Jim Bolser, AICP

From: Brad Alder <brada@TooeleCity.org>
Sent: Wednesday, October 07, 2020 9:12 AM
To: Jim Bolser <jimb@TooeleCity.org>
Subject: FW: Vinyl Fence Bond

Jim,

Brandon with Bach Homes, has requested that his occupancy bond for the white vinyl fence be released. Can you help us with this.

Thanks

Brad Alder
Tooele City
Building Inspector

From: Brandon Ames <Brandon.A@bachhomes.com>
Sent: Tuesday, October 6, 2020 4:51 PM
To: Roger Baker <RogerB@TooeleCity.org>; Brad Alder <brada@TooeleCity.org>
Subject: RE: Vinyl Fence Bond

Brad,

Will you please fit time into your schedule for an inspection on the vinyl fence along Tooele Blvd. so I can request a bond release?

Thank you,

Brandon Ames, P.E.
Land Development
BACH HOMES
11650 S. State St., 3rd Floor
Draper, Utah 84020
mobile: 435.272.3958

Brandon.A@bachhomes.com

From: Roger Baker <RogerB@TooeleCity.org>
Sent: Tuesday, October 6, 2020 3:46 PM
To: Brandon Ames <Brandon.A@bachhomes.com>
Subject: RE: Vinyl Fence Bond

Brandon:

I will need a City inspection report saying the fence has been completed properly.

Roger Baker
Tooele City Attorney

From: Brandon Ames <Brandon.A@bachhomes.com>
Sent: Tuesday, October 6, 2020 3:36 PM
To: Roger Baker <RogerB@TooeleCity.org>
Subject: Vinyl Fence Bond

Roger,

I would like to request a release from the Vinyl Fence Bond for Copper Canyon Phase 9. Please let me know what I need to do to comply,

Thank you,

Brandon Ames, P.E.
Land Development
BACH HOMES
11650 S. State St., 3rd Floor
Draper, Utah 84020
mobile: 435.272.3958
Brandon.A@bachhomes.com



STAFF REPORT

October 7, 2020

To: Tooele City Planning Commission
Business Date: October 14, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **SR-36 Self Storage – Minor Subdivision Request**

Application No.:	P20-656
Applicant:	SR-36 Self Storage, LLC
Project Location:	2035 North 400 East
Zoning:	LI Light Industrial Zone
Acreage:	14.92 Acres (Approximately 240,886 ft^2)
Request:	Request for approval of a Minor Subdivision in the LI Light Industrial zone regarding the creation of two commercial lots.

BACKGROUND

This application is a request for approval of a Minor Subdivision for approximately 14.92 acres located at 2035 North 400 East. The property is currently zoned LI Light Industrial. The applicant is requesting that a Minor Subdivision creating two large commercial lots. The subdivision will facilitate the construction of a neighborhood storage unit facility.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Light Industrial land use designation for the subject property. The property has been assigned the LI Light Industrial zoning classification and a portion of the property is zoned GC General Commercial.

Properties to the east of the subject property are all zoned LI Light Industrial. To the north of the subject property the zoning is Light Industrial and GC General Commercial. To the south property is zoned LI Light Industrial and GC General Commercial. All properties in the area are utilized as light Industrial, Medical Office and Commercial. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Subdivision Layout. The Minor Subdivision proposes to split an existing 14.92 lot of record and create two platted subdivision lots. Lot 1 will be 5.53 acres and will be developed as a neighborhood storage facility. Lot 2 will be 8.04 acres and will remain undeveloped at this time. Both lots exceed all requirements of the LI Light Industrial zoning district regarding lot size and lot width.

Road Dedication. The subdivision plat shows a dedication of 33 feet of road to Tooele City. Typically, when road dedication is necessary the subdivision is reviewed first as a Preliminary Plan and then as a Final Plat. Tooele County has muddied the waters a little on this subdivision. According to survey records the property included in the road dedication had already been deeded to Tooele County and when Tooele City annexed the property it became a Tooele City road. However, Tooele County would prefer to have the road dedication shown on the plat rather than just having the property deeded. County parcel

maps also demonstrate that the full right-of-way width has also been dedicated and is public right-of-way. Tooele County would not approve the Minor Subdivision without the road dedication being officially demonstrated on the plat. For this reason, staff has decided to continue to process this subdivision application as a Minor Subdivision instead of a preliminary plan.

Criteria For Approval. The procedure for approval or denial of a Minor Subdivision Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-35 of the Tooele City Code.

REVIEWS

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

1. Both lots within the subdivision meet or exceed all standards for lots within the LI Light Industrial and GC General Commercial zoning districts for lot size, lot width and lot frontages.
2. Frontage improvements along 400 East and 2000 North will be constructed in conjunction with the commercial site plan development of each lot as it develops.
3. The right-of-way dedication along 400 East and 2000 North has already been completed when the property was deeded to Tooele County and then annexed by Tooele City, thus becoming a public street maintained by Tooele City.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Minor Subdivision request by SR-36 Self Storage, LLC, application number P20-656, subject to the following conditions:

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

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general

welfare of the general public nor the residents of adjacent properties.

4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. Both lots within the subdivision meet or exceed all standards for lots within the LI Light Industrial and GC General Commercial zoning districts for lot size, lot width and lot frontages.
7. Frontage improvements along 400 East and 2000 North will be constructed in conjunction with the commercial site plan development of each lot as it develops.
8. The right-of-way dedication along 400 East and 2000 North has already been completed when the property was deeded to Tooele County and then annexed by Tooele City, thus becoming a public street maintained by Tooele City.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the SR-36 Self Storage Minor Subdivision Request by SR-36 Self Storage, LLC creating two commercial lots, application number P20-656, based on the findings and subject to the conditions listed in the Staff Report dated October 7, 2020:"

1. List any additional findings and conditions…

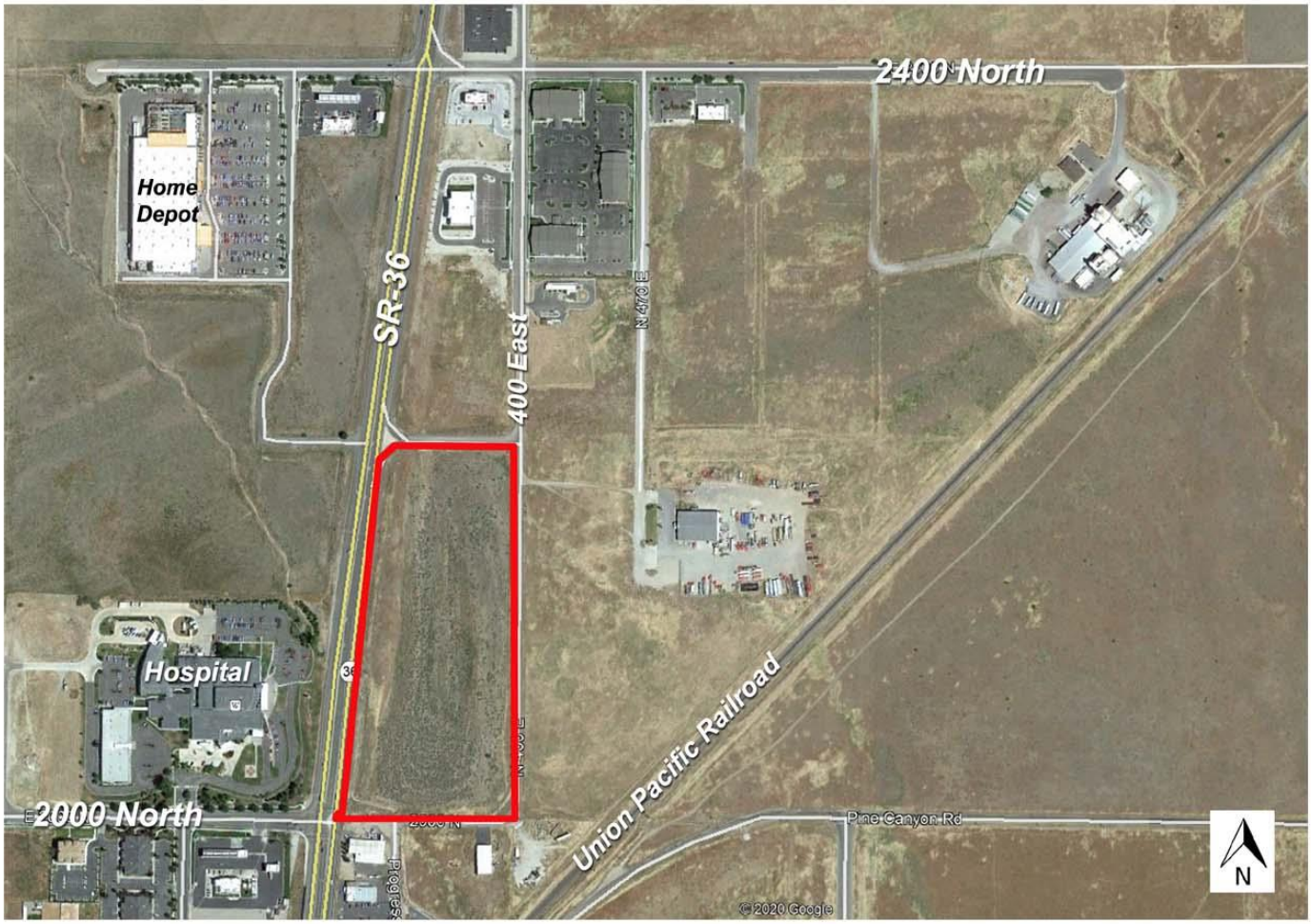
Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the SR-36 Self Storage Minor Subdivision Request by SR-36 Self Storage, LLC creating two commercial lots, application number P20-656, based on the following findings:"

1. List findings…

EXHIBIT A

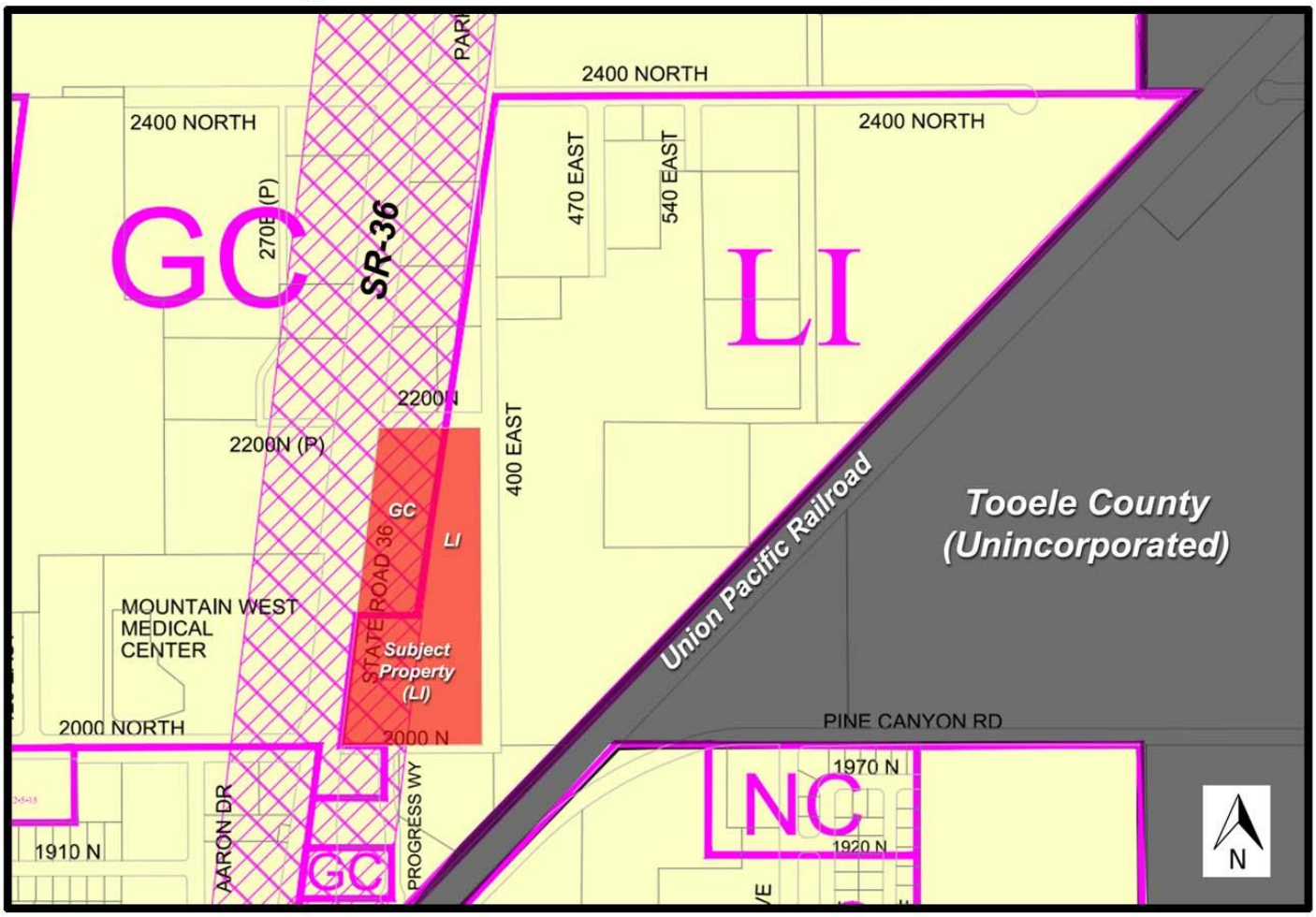
MAPPING PERTINENT TO THE SR-36 SELF STORAGE MINOR SUBDIVISION

SR-36 Self Storage Minor Subdivision



Aerial View

SR-36 Self Storage Minor Subdivision



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS AND OTHER PERTINENT DOCUMENTATION

Minor Subdivision Application

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

Tooele City
Est. 1853

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

P20-456

Project Information

Date of Submission:	Submittal #:	Zone:	Acres:	Parcel #(s):
7/27/2020	☒ 1 ☐ 2 ☐ 3 ☐ 4	LI	5.53	02-143-0-0096 (portion)

Project Name: SR-36 Self Storage

Project Address: 2035 North 400 East Tooele Utah 84074

Project Description:	Phases:	Lots:
Self Storage Facility	1	2

Property Owner(s): Butch Johnson / Wintergreen Group LLC			**Applicant(s):** SR 36 Self Storage LLC		
Address: 5939 FM52			Address: 3114 east Hunters Ridge Way		
City: Perrin	State: TX	Zip: 76486	City: Heber City	State: UT	Zip: 84032
Phone: 801-558-8888	Email: butch@xmission.com		Phone: 916-719-0733	Email: kelly.gallacherdevelopment.com	
Contact Person: Kelly Gallacher			Address: 3114 east Hunters Ridge Way		
Phone: 916-719-0733			City: Heber City	State: UT	Zip: 84032
Cellular: same	Fax: N/A		Email: kelly gallacherdevelopment.com		
Engineer & Company: Daniel Hales, HCF			**Surveyor & Company:** Doug Kinsman, Ensign		
Address: 8160 South Highland Drive Suite# 106			Address: 169 N Main St.		
City: Sandy	State: UT	Zip: 84093	City: Tooele	State: UT	Zip: 84074
Phone: 385-707-3140	Email: dhales@hcfcorp.com		Phone: 435-843-3590	Email: dkinsman@ensignutah.com	

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

For Office Use Only

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

Fire Flow Test

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

Andrew Aagard

From: Doug Kinsman <dkinsman@ensignutah.com>
Sent: Wednesday, October 7, 2020 5:16 PM
To: Joseph Hales; Andrew Aagard
Cc: kelly gallacherdevelopment.com; Paul Hansen
Subject: RE: SR-36 Minor Subdivision

Andrew,

I also agree that there should have been no Road dedication! I my research of the property 400 East has already been deeded to the county and them when annexed into Tooele city it became Tooele City property. But the County Recorder thought that they would prefer to have road dedicated rather than just deeded to the County/City. So they would not approve the plat without having the dedication completed.

I am sorry about the change we just need to get this done and the county would not budge on not having it dedicated.

Please tell me this does not cause other approval problems!

I hope this explains why we are where we are.

Douglas Kinsman, PLS | Principal, Project Manager
Main 435-843-3590 | Cell 801-573-8607 | Direct 435-238-7161
dkinsman@ensigneng.com | ensigneng.com



THE STANDARD IN ENGINEERING

CONFIDENTIALITY NOTICE: The content of this e-mail is confidential and proprietary privileged. If you are not the intended recipient, please destroy it.

From: Joseph Hales <dhales@hcfcorp.com>
Sent: Wednesday, October 7, 2020 4:05 PM
To: Andrew Aagard <AndrewA@TooeleCity.org>; Doug Kinsman <dkinsman@ensignutah.com>
Cc: kelly gallacherdevelopment.com <kelly@gallacherdevelopment.com>; Paul Hansen <PaulH@TooeleCity.org>
Subject: Re: SR-36 Minor Subdivision

Doug,

Can you answer Andrews comment?

thanks,

Daniel

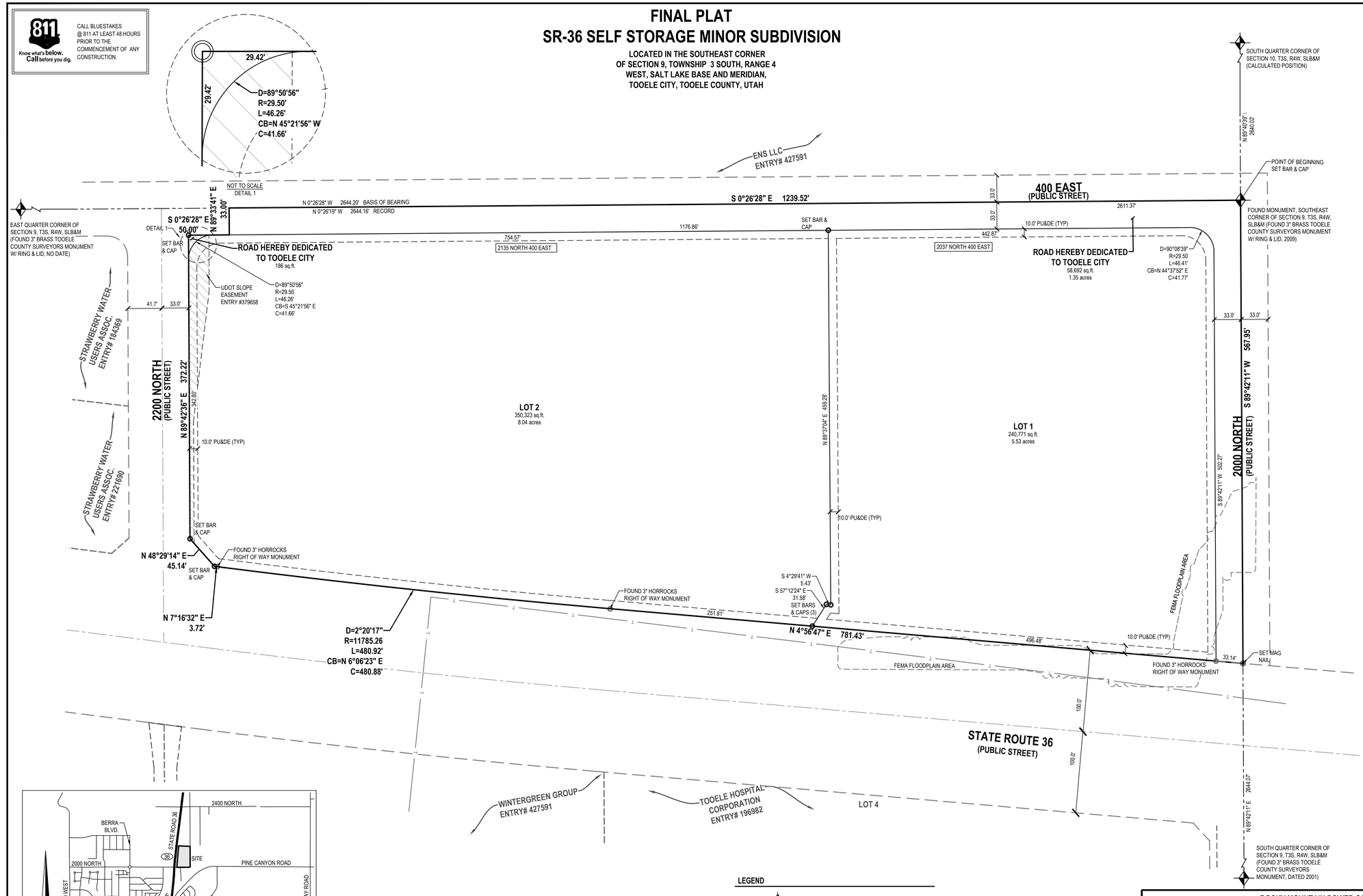
From: Andrew Aagard <AndrewA@TooeleCity.org>
Sent: Wednesday, October 7, 2020 3:56:37 PM
To: dhales@hcfcorp.com <dhales@hcfcorp.com>
Cc: kelly gallacherdevelopment.com <kelly@gallacherdevelopment.com>; Paul Hansen <PaulH@TooeleCity.org>
Subject: SR-36 Minor Subdivision

811 Know what's below. Call before you dig.

CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

FINAL PLAT
SR-36 SELF STORAGE MINOR SUBDIVISION

LOCATED IN THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



VICINITY MAP
NOT TO SCALE

LEGEND

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV." (ENSIGN ENG. LAND SURV.)
- PU•DE = PUBLIC UTILITY AND DRAINAGE EASEMENT
- RIGHT OF WAY
- FEMA FLOOD LIMIT
- BOUNDARY LINE
- CENTER LINE
- EASEMENTS
- UDOT SLOPE EASEMENT

NORTH

HORIZONTAL GRAPHIC SCALE
60 0 30 60 120
(IN FEET)
HORZ: 1 inch = 60 ft.

DEVELOPER
KELLY GALLACHER
3114 EAST HUNTERS RIDGE WAY
HEBER CITY, UTAH 84032
916-719-0733

SURVEYOR'S CERTIFICATE

I, **Douglas J Kinsman** do hereby certify that I am a Professional 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, together with easements, hereafter to be known as **SR-36 SELF STORAGE MINOR SUBDIVISION**, 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.

The basis of bearing for this survey is the line between the found monuments at the East Quarter Corner and the Southeast Corner of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian, with a record bearing and distance of North 0°26'19" West 2644.16 feet and a measured bearing and distance of North 0°26'28" West 2644.20 feet.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southeast Quarter of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel also located in Tooele City, Utah, more particularly described as follows:

Beginning at the found monument at the Southeast Corner of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 89°42'11" West 567.95 feet along the Section line to the east Right-of-Way Line of said State Road 36;
thence North 04°56'47" East 781.43 feet along the east line of said SR 36 to an existing Right-of-Way Marker;
thence Northeasterly 480.92 feet along the arc of a 11,785.26 feet radius non-tangent curve to the right (center bears South 85°03'45" East and the long chord bears North 06°06'23" East 480.88 feet through a central angle of 02°20'17") along the east line of said SR 36 to an existing Right-of-Way Marker;
thence North 07°16'32" East 3.72 feet along the east line of said SR 36;
thence North 48°29'14" East 45.14 feet to the south line of said 2200 North Street;
thence North 89°42'36" East 372.22 feet along the south line of said 2200 North Street, to the west line of said 400 East Street;
thence South 00°26'28" East 50.00 feet along said west line;
thence North 89°33'41" East 33.00 feet to the Section line;
thence South 00°26'28" East 1,239.52 feet along the Section line, to the Point of Beginning.

Contains 649,971 square feet or 14.92 acres.

SEPTEMBER 23 2020
Date
Douglas J. Kinsman
License no. 334575

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

OWNER'S DEDICATION AND CONSENT TO RECORD

Known all men by these present that the undersigned are the owner(s) of the hereon described tract of land and hereby cause the same to divided into lots and streets together with easements as set forth hereafter to be known as:

SR-36 SELF STORAGE MINOR SUBDIVISION

The undersigned owner(s) hereby dedicate to Tooele City all those parts or portions of said tract of land on said plat designated hereon as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to Tooele City and to any public utility companies a perpetual, non-exclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of public utility service lines and facilities.

In witness whereof I / we have hereunto set my / our hand this_____day of_____A.D., 20_____.

By: Gallacher Developement, LLC.
Kelly Gallacher

By: Wintergreen Group, LLC.
Butch Johnson

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH)S.S.
County of TOOELE)

On the _____ day of _____ A.D., 20_____,
, personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the_____,
of _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES:_____,

_____ RESIDING IN_____ COUNTY.
NOTARY PUBLIC

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH)S.S.
County of TOOELE)

On the _____ day of _____ A.D., 20_____,
, personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the_____,
of _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES:_____,

_____ RESIDING IN_____ COUNTY.
NOTARY PUBLIC

FINAL PLAT
SR-36 SELF STORAGE
MINOR SUBDIVISION

ROCKY MOUNTAIN POWER COMPANY

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

APPROVED THIS _____ DAY OF _____ 20

ROCKY MOUNTAIN POWER

BY -

TITLE -

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

ENSIGN
TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108
WWW.ENSIGNENG.COM

SALT LAKE CITY Phone: 801.255.0529
LAYTON Phone: 801.547.1100
CEDAR CITY Phone: 435.865.1453
RICHFIELD Phone: 435.896.2983

SHEET 1 OF 1

PROJECT NUMBER : 98157P
MANAGER : D. KINSMAN
DRAWN BY : J. HOWLAND
CHECKED BY : D. KINSMAN
DATE : 2020-09-23

PLANNING COMMISSION APPROVAL

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

CHAIRMAN TOOELE CITY PLANNING COMMISSION

COUNTY HEALTH DEPARTMENT

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

TOOELE COUNTY HEALTH DEPARTMENT

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20_____.

TOOELE CITY ATTORNEY

COUNTY TREASURER APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 20_____.
BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

COUNTY SURVEY DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20_____.
BY THE TOOELE COUNTY SURVEY DEPARTMENT.
RECORD OF SURVEY FILE # 2018-0079-01, 2020-0074-01

TOOELE COUNTY SURVEY DIRECTOR

DOMINION ENERGY

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

APPROVED THIS _____ DAY OF _____, 20

DOMINION ENERGY

BY -

TITLE -

CITY COUNCIL

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY COUNCIL

COMMUNITY DEVELOPMENT

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20_____.

TOOELE CITY COMMUNITY DEVELOPMENT

CITY ENGINEER

APPROVED AS TO FORM THIS _____ DAY OF _____, 20_____

TOOELE CITY ENGINEER

TOOELE COUNTY RECORDER

RECORDED #_____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF :_____

DATE: _____ TIME: _____

FEE$ TOOELE COUNTY RECORDER

TOOELE CITY CORPORATION

RESOLUTION 2020- 80

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH ACME CONSTRUCTION INC. FOR THE 2020 SEVENTH STREET SIDEWALK IMPROVEMENT PROJECT.

WHEREAS, Seventh Street (520 East) is designated as a walking route to Sterling Elementary and other adjacent education facilities; and,

WHERE, there is a significant portion of Seventh Street, located generally between Oquirrh Avenue and Utah Avenue, that does not have a public sidewalk; and,

WHEREAS, Tooele City has received funding through the Utah Department of Transportation, Safe Routes to School program, for completion of the missing Seventh Street sidewalk; and,

WHEREAS, the City Administration has accepted bids for the 2020 Seventh Street Sidewalk Improvement Project in accordance with the procedures of §11-39-101 et seq., Utah Code Annotated, as amended; and,

WHEREAS, Acme Construction Inc. has submitted a cost proposal for the 2020 Seventh Street Sidewalk Improvement Project of Fifty-Four Thousand Six Hundred Three Dollars and Seventy Five Cents ($54,603.75), which is the lowest responsible responsive bid. A copy of the Bid Tabulation is attached as Exhibit A; and,

WHEREAS, the City Administration requests an additional appropriation of 5% in the amount of Two Thousand Seven Hundred Dollars ($2,700.00) as contingency for change orders for changed conditions which may arise during the Project, as reviewed and authorized by the Mayor:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that

1. the agreement attached as Exhibit B with Acme Construction, Inc., is hereby approved, in the amount of Fifty Four Thousand Six Hundred Three Dollars and Seventy Five Cents ($54,603.75), for completion of the 2020 Seventh Street Sidewalk Improvement Project; and,
2. an additional Two Thousand Seven Hundred Dollars ($2,700.00) contingency is hereby approved, which may be used for changed conditions at the discretion of the Mayor.

This Resolution 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 _____, 2020.

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

Bid Tabulation

BID TABULATION

Seventh Street Sidewalk Improvement Project

Bid Opening Date: October 13, 2020

Item No.	Description	Estimated Quantity	Unit	Acme Construction		Beck Construction	
				Unit Price	Total	Unit Price	Total
1	Demolition and Disposal of Existing Concrete	475	S.F.	$7.85	$3,728.75	$4.00	$1,900.00
2	Demolition and Disposal of Existing Curb and	75	L.F.	$30.00	$2,250.00	$16.00	$1,200.00
3	Furnish and Install Curb and Gutter, with Base	75	L.F.	$75.00	$5,625.00	$95.00	$7,125.00
4	Furnish and Install 6" Thick Concrete Sidewalk,	4,300	S.F.	$10.00	$43,000.00	$13.75	$59,125.00
			Total		$54,603.75		$69,350.00
			COMMENTS				

EXHIBIT B

Agreement

DOCUMENT 00 52 00

AGREEMENT

PART 1 GENERAL

1.1 CONTRACTOR

A. Name: Acme Construction Inc.

B. Address: 170 South 1200 West, North Salt Lake, Utah 84054

C. Telephone number: (801) 280-1232

D. Facsimile number: N/A

1.2 OWNER

A. The name of the OWNER is Tooele City Corporation

1.3 CONSTRUCTION CONTRACT

A. The Construction Contract is known as

Seventh Street Sidewalk Improvement Project

1.4 ENGINEER

A. Paul Hansen Associates, L.L.C. is the OWNER's representative and agent for this Construction Contract who has the rights, authority and duties assigned to the ENGINEER in the Contract Documents.

PART 2 TIME AND MONEY CONSIDERATIONS

2.1 CONTRACT PRICE

A. The Contract Price includes the cost of the Work specified in the Contract Documents, plus the cost of all bonds, insurance, permits, fees, and all charges, expenses or assessments of whatever kind or character.

B. The Schedules of Prices awarded from the Bid Schedule are as follows.

1. Base Bid.

2. _____

3. _____

4. _____

C. An Agreement Supplement [_____] is, [__X__] is not attached to this Agreement.

D. Based upon the above awarded schedules and the Agreement Supplement (if any), the Contract Price awarded is: Fifty Four Thousand Six Hundred Three Dollars and Seventy Five Cents ($54,603.75)

2.2 CONTRACT TIME

A. The Contract time shall be as follows:

1. All Work shall be substantially completed by **November 30, 2020**

2. All Work shall be final complete by **November 30, 2020**

B. Any time specified in work sequences in the Summary of Work shall be a part of the Contract Time. _____

2.3 PUNCH LIST TIME

A. The Work will be complete and ready for final payment within 5 days after the date CONTRACTOR receives ENGINEER's Final Inspection Punch List unless exemptions of specific items are granted by ENGINEER in writing or an exception has been specified in the Contract Documents.

B. Permitting the CONTRACTOR to continue and finish the Work or any part of the Work after the time fixed for its completion, or after the date to which the time for completion may have been extended, whether or not a new completion date is established, shall in no way operate as a waiver on the part of the OWNER of any of OWNER's rights under this Agreement.

2.4 **LIQUIDATED DAMAGES**

A. Time is the essence of the Contract Documents. CONTRACTOR agrees that OWNER will suffer damage or financial loss if the Work is not completed on time or within any time extensions allowed in accordance with Part 12 of the General Conditions. CONTRACTOR and OWNER agree that proof of the exact amount of any such damage or loss is difficult to determine. Accordingly, instead of requiring any such proof of damage or specific financial loss for late completion, CONTRACTOR agrees to pay the following sums to the OWNER as liquidated damages and not as a penalty.

1. **Late Contract Time Completion**:
   Five Hundred dollars and 00 cents ($ 500.00) for each day or part thereof that expires after the Contract Time until the Work is accepted as Substantially Complete as provided in Article 14.5 of the General Conditions.

2. **Late Punch List Time Completion**: 50% of the amount specified for Late Contract Time Completion for each day or part thereof if the Work remains incomplete after the Punch List Time. The Punch List shall be considered delivered on the date it is transmitted by facsimile, hand delivery or received by the CONTRACTOR by certified mail.

3. **Interruption of Public Services**: No interruption of public services shall be caused by CONTRACTOR, its agents or employees, without the ENGINEER's prior written approval. OWNER and CONTRACTOR agree that in the event OWNER suffers damages from such interruption, the amount of liquidated damages stipulated below shall not be deemed to be a limitation upon OWNER's right to recover the full amount of such damages.

   Five Hundred dollars and 00 cents ($ 500.00) for each day or part thereof of any utility interruption caused by the CONTRACTOR without the ENGINEER's prior written authorization.

C. **Survey Monuments**: No land survey monument shall be disturbed or moved until ENGINEER has been properly notified and the ENGINEER's surveyor has referenced the survey monument for resetting. The parties agree that upon such an unauthorized disturbance it is difficult to determine the damages from such a disturbance, and the parties agree that CONTRACTOR will pay as liquidated damages the sum of ($500.00) to cover such damage and expense.

D. **Deduct Damages from Moneys Owed CONTRACTOR**: OWNER shall be entitled to deduct and retain liquidated damages out of any money which may be due or become due the CONTRACTOR. To the extent that the liquidated damages exceed any amounts that would otherwise be due the CONTRACTOR, the CONTRACTOR shall be liable for such amounts and shall return such excess to the OWNER.

PART 3 EXECUTION

3.1 EFFECTIVE DATE

A. OWNER and CONTRACTOR execute this Agreement and declare it in effect as of the_____day of _____, 2020.

3.2 CONTRACTOR'S SUBSCRIPTION AND ACKNOWLEDGMENT

A. CONTRACTOR's signature: _____

B. Please print name here: _____

C. Title: _____

D. CONTRACTOR's Utah license number: _____

Acknowledgment

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020.

by _____
(person acknowledging and title or representative capacity, if any).

_____
Notary's signature

_____
Residing at

_____
My commission expires: Notary's seal

3.3 **OWNER'S SUBSCRIPTION AND ACKNOWLEDGMENT**

A. OWNER's signature: _____

B. Please print name here: _____

C. Title: _____

ATTEST:

_____
Michelle Y. Pitt
Tooele City Recorder

S E A L

APPROVED AS TO FORM

_____
Roger Evans Baker
Tooele City Attorney

END OF DOCUMENT

THIS PAGE LEFT BLANK INTENTIONALLY

TOOELE CITY CORPORATION

RESOLUTION 2020-81

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH SKM, INC. FOR UPGRADE OF SCOPE OF WORK OF MAINTENANCE SERVICES OF THE CITY'S MUNICIPAL CULINARY WATER AND WATER RECLAMATION SYSTEMS' SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM ("SCADA").

WHEREAS, Tooele City operates and provides municipal culinary water and water reclamation utility services to its residents; and,

WHEREAS, the technology that operates these systems through Supervisory Control and Data Acquisition Systems ("SCADA") are increasingly more automated, complex, and efficient; and,

WHEREAS, the technology for the operation of these systems continues to advance; and,

WHEREAS, Tooele City has invested in expanding and upgrading the facilities and infrastructure to provide greater municipal culinary water and water reclamation services; and,

WHEREAS, SKM, Inc. has been providing SCADA maintenance assistance to the City's water reclamation system on an as-needed and at-will basis for a prolonged period of time and by written agreement for calendar years 2018 - 2019, and the City has been very satisfied with SKM's services; and,

WHEREAS, the City has identified a need to seek the continued maintenance services of SKM for the SCADA system operating the municipal culinary water system, including an upgrade in the scope of work at a project total of $218,450.00:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby authorizes the Mayor to sign the agreement (attached as Exhibit A) with SKM, Inc. for maintenance services of the City's municipal culinary water and water reclamation systems' Supervisory Control and Data Acquisition System ("SCADA").

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 _____, 2020.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____ _____

ATTEST:

_____
Michelle Y. Pitt, City Recorder

S E A L

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

EXHIBIT A

SKM, INC. AGREEMENT

for

SCADA MAINTENANCE SERVICES

Tooele City Council
Work Session Meeting Minutes

Date: Wednesday, October 7, 2020
Time: 5:45 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:
Justin Brady
Tony Graf
Melodi Gochis
Scott Wardle
Ed Hansen

City Employees Present:
Mayor Debbie Winn
Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Darwin Cook, Parks Department Director
Roger Baker, City Attorney
Shannon Wimmer, Finance Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy City Recorder

Minutes prepared by Kelly Odermott

Chairman Hansen called the meeting to order at 5:47 p.m.

1. **Open City Council Meeting**

2. **Roll Call**
Justin Brady, Present
Tony Graf, Present
Melodi Gochis, Present
Scott Wardle, Present
Ed Hansen, Present

DRAFT

3. Mayor's Report

Mayor Winn asked Mr. Bolser and Mr. Stewart to share information related to building permits and grant applications. Mr. Bolser shared that the City in 2020 by calendar year, is on pace to have an increase in new building permits of 62.5%. The City is on pace for valuation permits for a 18% increase over 2019. In 2020 the City has performed 4477 inspections, which is a 22% increase over 2019. Mr. Stewart listed the grants that he is working on applications, including Tooele County COG, UDOT, Wasatch Front Regional Council and FEMA.

Mayor Winn gave an update on the 12 inch main line near England Acres. The low bid was the same company doing the infrastructure on project that discovered the issue. The project is $51,776. Both drilling and testing is done on the new wells. The water rights will be moved into the wells, with infrastructure to follow shortly after. Pratt aquatic Park is torn up to put in a sprinkler system. The City staff is able to put in the system for just under $20,000. Th City had to cancel the downtown trick or treat. The staff was able to put together a Haunted Historic Park. Take Pride Tooele Thursday will be on October 8 at 6pm by the rodeo grounds on 200 West.

Mayor Winn updated the Council on the CARES funds. The training sessions for CustomFit, through the SBCD, will start October 12, 2020. The classes are covid related to help business owners. A list of small business grants were given to the Council. There were 35 business applications, but only 22 were qualified to receive funding. The first round funded a total of $155,483.10. Mayor Winn asked for approval to pay the checks after the meeting.

There was a discussion about the PPE and what could be funded. Mayor Winn stated if a business received the PPE that amount was excluded from the funding provided by the City. Council Member Wardle stated he was concerned about the PPE and the exclusion because the PPE and this funding are separate. Ms. Wimmer stated the reduction of the PPE was to ensure the businesses did not get the same loss covered twice, to ensure the City does not have to pay back the money twice. The criteria about the PPE and the selection of applications was going to be forwarded to the Council for more information.

Council Member Gochis motioned to approve the payment of the grants. Council Member Graf seconded the motion. The voting was as follows; Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Gochis, "Aye," and Chairman Hansen, "Abstained." The motion passes.

4. City Council Members' Report

Council Member Gochis listed the meetings and dates she has attended over the past several weeks. stated she has attended the COG and Open House for Tooele City General Plan meeting. She thanked the Planning Commission for their work on the General Plan. The Census was

completed. She congratulated Council Member Wardle for his participation in the cnaidate event for the County Commission positions.

Council Member Brady stated he is one the North Tooele Service District and there was confusion on the Aaron Boulevard development which will be brought back to Council. There were two applicants for the board positions on the district. He will be attending the Affordable Housing meetings.

Council Member Graf listed the meetings he has been attending. He thanked the Community Development Department and the Planning Commission for their presentations on the General Plan open houses. He attended the Homecoming Parade.

Council Member Wardle thanked the Council Members for their comments about the County Commission seat. He stated a tentative calendar has been set for the Affordable Housing group. He discussed the options that are being discussed by the group and asked if the Council agreed to have the ideas presented at the Planning Commission meetings. The Council agreed for the presentation to the Planning Commission. Council Member Wardle gave some comments about his feelings of CARES monies and helping the businesses.

Chairman Hansen stated he has attended a lot of meetings and he appreciates what the City is doing.

There was a change to the agenda; items by Mr. Bolser, Residential Development Standards, Amusement Code, and Annexation Policy Plan and were presented first before going to recess at 6:47pm for the City Council Business meeting. Other items were presented after the Council Business meeting that concluded at 8:14pm and the Work Session was reopened at 8:21pm.

5. **City Council Discussion Items**

- **Sidewalk Replacement Program**
  Presented by Mayor Debbie Winn

  Mayor Winn stated the sidewalks are public property and public right-of-way and the condition of the sidewalks has deteriorated. In the last couple of months there seems to be an increase in the notifications to the City in the disrepair of the sidewalks. The City has tried to comply with the worst ones, budget is limited, and the 2020 budget is spent or allocated. To repair the sidewalks, the contractor bids are very high for small jobs, $2,000- $6,000. In Tooele City there was a program about 20 years ago where the homeowners could request the sidewalk be repaired if they paid 50%. The staff created a draft of the program.

DRAFT

Mayor Winn stated that she believes the policy would go a long way with the residents. She also provided the Council with a list of the special projects by the Council and the funding for that account. There is $653,000 in the account. She asked the Council to take some of those funds to put them in the line item for replacement. The City believes there are over $6 million of sidewalks that need to be replaced, not including the places where there are no sidewalks.

There was a lengthy discussion of how to use the Council monies, the 50% program, and monies for the future. The intent of the Council projects monies was intended for one time projects. The Council is concerned that they are liable for the repair of the sidewalks and they need to have continuing funding. A decision was made to pursue a policy for the replacement program, move some of the Council special projects monies for projects to sidewalk repair, bid out square foot contracts for a large number of sidewalks to have a contractor on standby, and to look into charging a fee monthly to residents.

- **Amusement Code Change**
  Presented by Jim Bolser, Community Development Director

  Mr. Bolser stated the department had reviewed the Code and there are two definitions for recreational facility indoor and recreation facility outdoor which have been a struggle. The definitions create broadness and can be problematic. The staff would like to structure the definition more clearly. The staff has created an amusement facility which separates more of the recreational outdoor. The proposal is to create the definition of an amusement facility, clarify the recreational facility definitions and apply that into the commercial zones.

  Chairman Hansen asked what the problems have ben in the past. Mr. Bolser stated a lot of the problems are just classifying businesses into the definitions.

- **Ordinance 2020-04 An Ordinance of the Tooele City Council Amending the Adopted Tooele City Annexation Policy Plan for the Purpose of Identifying & Including One New Potential Expansion Area Into the Plan & its Accompanying Expansion Areas Mapping**
  Presented by Jim Bolser, Community Development Director

  Mr. Bolser stated the council asked the staff to pursue a new area in the Annexation Policy Plan and Expansion Area Map. The current plan was approved in 2010 and revised in June of 2020. This proposal would include Area K, which is south of the Carr Fork subdivision. Approving a property to the Annexation Policy Plan does not mean the property will or won't be annexed. The Council will have a public hearing for this item on October 21, 2020.

DRAFT

Chairman Hansen clarified that this allows property owners to ask for annexation, but they could be denied? It seems like inclusion would give the property owner hope to be included in the City. Mr. Bolser stated the state code has a firm prohibition for Cities to even consider an annexation petition, unless the area containing the annexation is within an area in the Annexation Policy Plan. If a petition were to come from an area outside the approved areas, the City would be prohibited from considering it. The annexation process itself will provide the information and if the area is desirable to the City. The City Council would be under no obligation to approve an annexation request.

- **Residential Development Standards**
  Presented by Jim Bolser, Community Development Director

  Mr. Bolser gave a brief presentation and recognized Mr. Russ Tolbert of Hallmark Homes who has been working with staff on issues in the City Code to the attention of staff. The first item is a clarification that needs to be made in regards to the setbacks of driveways to an intersection. The change is to the distance on what it needs to be as an error was made in the distance to the intersection. No application since the approval of the code have been affected by the incorrect number. The second item relates to the anticipation of the setback with corner lot sizes. The new notation would require a larger corner lot, unless the plat designates the direction the home on the lot would face to mitigate the need to adjust lot size to ensure compliance with the setbacks. The last item dealt with multifamily units and garages that face the front. The proposal is to change the setback with garages so that it is no longer a hinderance to the builders. The last idea is a design standard criteria modification. The proposal suggests a method by which an applicant can modify the design criteria in the City Code as part of the site plan review with approval from the Planning Commission.

  Council Member Brady asked about the deviation in design standards and if it would be by project or by house? Mr. Bolser stated that it could be both, but would be approved or disapproved by the Planning Commission. Council Member Graf asked if there are uniform suggested code and how does this adhere to that. Mr. Bolser stated that there are a number of model codes, but they are different. The City has adapted the code to best fit Tooele.

  Mr. Bolser asked if the Council was supportive of sending these items to the Planning Commission? The Council agreed to move it to the Planning Commission.

- **Equipment Requests**

DRAFT

Presented by Darwin Cook, Parks & Recreation Director

Mr. Cook stated that there were several large pieces of equipment that the Parks Department needed replaces, bucket truck, forklift, and lawn mower for the golf course. Each of the pieces of equipment are in desperate need of replacement for OSHA compliance, and they are not working or in the shop routinely. These pieces of equipment were not included in the 2020 budget.

The Council asked Mr. Cook to come up with RFI's, look for leases, and used equipment before a decision would be made on the purchases. Council Member Wardle asked Mr. Cook to look at areas within his budget for funding and reduction in costs to fund these equipment requests.

Mr. Cook further presented that two playgrounds, Elton Park and Settlers Park that have plastic enclosures. They need to be replaced and there has been an injury. These will be replaced with cement. The lowest bid is $13,800 with SFT Concrete.

6. **Closed Meeting**

Litigation, Property Acquisition, and Personnel

The Council went into closed session at 9:15 pm. Attendees included, Chairman Hansen, Council Member Wardle, Council Member Graf, Council Member Brady, Council Member Gochis, Mayor Winn, Roger Baker, City Attorney, Jim Bolser, Community Development Director, Paul Hansen, City Engineer, Steve Evans, Public Works Director. The meeting was closed at 10:30pm.

7. **Adjourn**

Chairman Hansen adjourned the public meeting at 9:05pm.

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 7th day of October, 2020

_____

Ed Hansen, Tooele City Council Chair

DRAFT

Tooele City Council
Business Meeting Minutes

Date: Wednesday, October 7, 2020
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:
Justin Brady
Tony Graf
Scott Wardle
Melodi Gochis
Ed Hansen

City Employees Present:
Mayor Debbie Winn
Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Steve Evans, Public Works Director
Paul Hansen, City Engineer
Roger Baker, City Attorney
Darwin Cook, Parks and Recreation Director
Shannon Wimmer, Finance Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy City Recorder

Minutes prepared by Kelly Odermott

Chairman Hansen called the meeting to order at 7:03 p.m.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Mariann Cook from scout troop 314.

2. **Roll Call**

Justin Brady, Present
Tony Graf, Present
Scott Wardle, Present
Melodi Gochis, Present
Ed Hansen, Present

DRAFT

3. **Mayor's Youth Recognition Awards**
Presented by Mayor Winn, Stacey Smart, Communities that Care Coordinator

Mayor Winn welcomed visitors for the Mayors Youth Awards. Ms. Smart highlighted Communities That Care programs including Second Step, QPR, and Guiding Good Choices.

Ms. Smart then presented the Mayor's Youth Recognition Awards to the following students:

- Brinley Brown
- Ethan Plazier
- Tennessee Greenhalgh

4. **Awards Presentation**
Presented by the Tooele County EMS Council

The representatives from the Tooele County EMS Council presented awards to community members for emergency response within the City.

5. **Public Comment Period**
Chairman Hansen opened the public hearing, there were no comments. Chairman Hansen closed the public comment period.

6. **Public Hearing**
   a. **Public Hearing and Motion on Resolution 2020-78 A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2020-2021**
   Presented by Shannon Wimmer, Finance Director

   Ms. Wimmer stated that the budget adjustments were sent in the packet. Council Member Wardle asked about the budget adjustment for the Miss Tooele Program. Ms. Wimmer stated that the adjustment was to bring money into the line item for the scholarships from the trust fund accounts to the expense accounts.

   Chairman Hansen opened the public hearing, there were no comments. Chairman Hansen closed the public comments.

Council Member Brady motioned to approve Resolution 2020-78. Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

DRAFT

b. Public Hearing and Motion on Ordinance 2020-37 An Ordinance of the Tooele City Council Amending the Table of Uses in Tooele City Code Chapter 7-14 Regarding Apiaries
Presented by Roger Baker, City Attorney

Mr. Baker stated this is an effort to make a clarification in the code, that beehives or apiaries are allowed in all the single-family zoning districts, but not the multi-family zoning districts.

Chairman Hansen asked if there were any questions or comments from the Council, there were none.

Chairman Hansen opened the public hearing, there were not comments. Chairman Hansen closed the public hearing.

Council Member Graf motioned to approve Ordinance 2020-37. Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

c. Public Hearing and Motion on Ordinance 2020-38 An Ordinance of the Tooele City Council Amending Tooele City Code Chapter 7-14 Table 5 Regarding Water Rights in In-Fill Areas.
Presented by Roger Baker, City Attorney

Mr. Baker stated this is a clarification to the ordinance. The current code provides incentives for development in the infill areas, taking advantage of infrastructure that is already in place. This ordinance clarifies that for someone who qualifies for the fee in lieu of conveying water rights, the fee would be 50% in geographic Area A and 75% in geographic Area B, but it is a very limited incentive that would only apply to a single lot development.

Chairman Hansen opened the public hearing, there were no comments. Chairman Hansen closed the public hearing.

Council Member Brady motioned to approve Ordinance 2020-38. Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

DRAFT

d. Public Hearing and Motion on Ordinance 2020-42 An ordinance of the Tooele City Council Amending Section 7-1-5 and Chapter 7-16 of the Tooele City Code Regarding the Creation of the (IS) Industrial Service Zoning District.
Presented by Jim Bolser, Community Development Director

Mr. Bolser stated in June of this year there was a Zoning Map Amendment for a private party to change a specific piece of property from the LI Light Industrial to the I Industrial zone. There was no contention for the intended nature of the busines that was going in, but there were concerns about the potential effects of the business leaving the property and having an I Industrial zoning on the property. At that time the Council requested the staff begin the preparation of a third industrial zone that would bridge the gap and alleviate those concerns. The proposed zone is the IS Industrial Service zone to accomplish that goal. The ordinance updates the uses, creates a purpose and intent statement, and updates the table associated with zoning.

Chairman Hansen asked if there were any questions from the Council, there were none.

Council Member Wardle asked if the Council was moving to an automatic second approval? Chairman Hansen stated that for some of the ordinances they were.

Chairman Hansen opened the public meeting, there were no comments. Chairman Hansen closed the public meeting.

Council Member Gochis motioned to approve Ordinance 2020-42 on first reading. Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

e. Public Hearing and Motion on Ordinance 2020-43 An ordinance of the Tooele City Council Reassigning the Zoning Classification to the (IS) Industrial Service Zoning District for Approximately 130 Acres of Property Located Generally at 300 South 1200 West and 400 East 2200 North
Presented by Jim Bolser, Community Development Director

Mr. Bolser stated that this is the follow up to the prior item. The Planning Commission has forwarded a positive recommendation for both this item and the prior one. During the review and approval process the Planning Commission looked at the map and chose properties to be noticed for a change to the IS Industrial Service zone. There are two areas, listed as the north area and the south area. The north area is east of 400 East, south of 2400 North to the east of Main Street. The south area is approximately 300 South along 1200 West. The north area is currently zoned LI Light Industrial. The south area

is a mix of LI Light Industrial and I Industrial. The north area there is a proposal for IS Industrial Services and GC General Commercial. The GC General Commercial is an expansion to bring several properties which had split zoning of LI Light Industrial and GC General Commercial all under the GC General Commercial zone. The south area is proposed to be in its entirety in the IS Industrial Service zone. In the north area there is a piece of property in the southwest corner that will be rezoned to the IS Industrial Service zone. This property was recently rezoned to the LI Light Industrial with specific conditions for the use of the property. The project is currently under review with the staff and the conditions are included with the ordinance to reestablish those conditions so that they remain on the property.

Council Member Wardle asked about the south area and if the property owners requested this? Mr. Bolser stated this was a determination by the Planning Commission and they indicated they would like this area considered as a whole. Council Member Wardle asked will this have an impact on the RD Research and Development zone next to the proposed IS Industrial Service zone. Mr. Bolser stated he had not studied it specifically, but did not anticipate it would affect it any differently than the LI Light Industrial zoning currently on the property. Council Member Wardle asked about the public notice on the General Commercial in the north area and if it was adequate? Mr. Bolser stated that the newspaper had the GC General Commercial and he deferred to Mr. Baker, City Attorney for clarification. Mr. Baker stated he would need to look into it.

Council Member Wardle recommended that the Council hold the public hearing, but he was struggling with making the zoning changes in a single meeting. The Council agreed to hold the motion for the next meeting.

Chairman Hansen opened the public hearing,

Mr. Curtis Beckstrom stated that he had not seen an ordinance that changed zoning on multiple properties before. He also stated that he was concerned with the new IS zoning and its closeness to the railroad tracks and Pine Canyon Road. He stated that the closeness to Pine Canyon Road could allow debris or a structure could fall onto Pine Canyon Road.

Chairman Hansen closed the public hearing.

Council Member Wardle reiterated the question on if two properties could be listed on the same zoning request, he had never done it before. Mr. Bolser stated that he defers to Mr. Baker for the legality of it, but he has done it before in his career where a new zone is established. Mr. Bolser followed up on the questions related to the public comment. He stated that with regard to the impact to Pine Canyon Road, is the difference between the IS Industrial Service zone and the LI Light Industrial zone would not have a difference of

impact. What can be built there in terms of size and location on the property would match in the new zone. The building heights are not so high that the structure would not reach the Pine Canyon Road if it fell.

Council Member Wardle motioned to approve Ordinance 2020-43. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

f. **Public Hearing and Motion on Ordinance 2020-41 An Ordinance of the Tooele City Council Amending Chapter 7-25 of the Tooele City Code Regarding Signs.**
Presented by Jim Bolser, Community Development Director

Mr. Bolser stated that the ordinance originated out of a working group led by Council Member Graf. The proposal includes the addition of the defined term "Civic Organization", size allowance for banner signs, allowances for inflatable signs, chnges to electronic signs to focus on colors versus brightness, signage allowances for non-profit, schools, and civic organizations, signage allowances for temporary signs, enforcement and removal of signs, allowances for signs associated with home occupations, and various technical changes.

Chairman Hansen asked if there were any comments from the Council.

Council Member Graf stated the changes were business and community driven and thanked all for their efforts.

Council Member Wardle congratulated Council Member Graf on his work and efforts related to the changes.

Chairman Hansen opened the public hearing, there were no comments. Chairman Hansen closed the public hearing.

Council Member Graf motioned to approve Ordinance 2020-41. Council Member Gochis seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

7. **First Reading Items**
   a. **Resolution 2020-73 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Copper Canyon Phase 9 Subdivision**

Presented by Paul Hansen, City Engineer

Mr. Hansen stated that Tooele City Code requires that developers complete certain public improvements including, curb and gutter, sidewalk, road widening, water, sewer, and so forth. The code also requires upon completion of said improvements and upon receipt of inspection completion by the City inspectors that the Council accept the public improvements and begin the one year warranty period. This is the Copper Canyon Phase 9 subdivision. It is south of 1000 North and adjacent to the railroad. It is a 36 lot subdivision.

Council Member Brady motioned to approve Resolution 2020-73. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady "Aye," Chairman Hansen, "Aye." The motion passed.

b. **Resolution 2020-75 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Our House Assisted Living Center Site Plan**
Presented by Paul Hansen, City Engineer

Mr. Hansen stated this is a similar action as the prior one. This is a commercial assisted living center, known as Our House Assisted Living Center. It is on 1000 North about midway from 520 East and Main Street. The public improvements were along 1000 North.

Chairman Hansen asked if there were any comments or questions from the Council, there were none.

Council Member Gochis motioned to approve Resolution 2020-75. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

c. **Resolution 2020-77 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Bunn Residence.**
Presented by Paul Hansen, City Engineer

Mr. Hansen stated this is a unique project because it is for a residence. The residence is on the corner of 520 South and 50 West. The improvements did require upgrades to 520 South to the full standards. 50 West improvements were improved to the standards that were approved when the application was placed, subsequently the standards have

DRAFT

changed slightly. The property owner was required to put in road widening and curb and gutter, sidewalk was not required.

Council Member Graf motioned to approve Resolution 2020-77. Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Nay," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady "Aye," Chairman Hansen, "Aye." The motion passed.

d. **Resolution 2020-74 A resolution of the Tooele City Council Approving an Agreement with PNL Construction, Inc., for the Installation of Six Water and Sewer Laterals in the Vowels Minor Subdivision**
Presented by Steve Evans, Public Works Director

Mr. Evans joined the meeting through the phone. Mr. Evans stated that this is the conclusion of an agreement made in 1996 with the need to widen 200 South, just west of Coleman Street and to improve traffic flow off of Utah Avenue. At that time there was an agreement to give the Vowels in exchange for property, certain services. This is the last of the contract. PNL was the lowest bid on the project and the only bid. Due to the time sensitivity of the agreement coming to a close, the bid was accepted for $58,298.50, with a 5% contingency of $2,915, for a total of $61,213.50.

Chairman Hansen asked if there were any comments or questions from the Council.

Council Member Gochis stated she has a personal interest in the property and will not be voting.

Council Member Brady motioned to approve Resolution 2020-74. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Abstain," Council Member Graf, "Aye," Council Member Gochis, "Abstain," Council Member Brady. "Aye," Chairman Hansen, "Aye." The motion passed.

e. **Resolution 2020-76 A Resolution of the Tooele Council Approving a Contract with Nickerson Company, Inc., for Well #15 Motor Repairs.**
Presented by Steve Evans, Public Works Director

Mr. Evans stated this is was unforeseen damage to the upthrust bearing on well #15. Nickerson Company Inc, estimated for the repair is $24,005.

Chairman Hansen asked if there were any questions from the Council, there were none.

Council Member Gochis motioned to approve Ordinance 2020-76. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council

DRAFT

Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

f. Jacobson Subdivision – Minor Subdivision Request
Presented by Jim Bolser

Mr. Bolser stated this subdivision was brought forward in May or June of this year. Immediately prior to this subdivision being brought forward, an issue was discovered by the Tooele County Recorder's Office with the plat. The issue did not affect the property layout. The necessary changes have been made. The property is on the west side of 50 West, just south of 400 North. The zoning on the property is MR-8 Multi-Family residential. The property is four lots that face onto 50 West with common space around it. The Planning Commission has unanimously recommended approval.

Chairman Hansen asked what the problem was with the plat? Mr. Bolser stated there were some issues with signature blocks. The changes did not affect the property layout.

Council Member Wardle motioned to approve the Jacobson Minor Subdivision. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady "Aye," Chairman Hansen, "Aye." The motion passed.

g. Subdivision Plat Amendment to Amend Lots 101-106 of the Buffalo Ridge Subdivision by Buffalo Ridge LLC, Located at Approximately 600 North 200 West in the R1-7 Residential Zoning District on 1.03 Acres.
Presented by Jim Bolser, Community Development Director

Mr. Bolser stated this is a subdivision plat that has been before the Council earlier this year. This property is along the west side of 200 West and north of 600 North. The subject property is zoned R1-7 Residential, as are the properties to the east and west. The rodeo grounds property is zoned OS Open space and properties to the north being MR-8 Multi-Family Residential although t has developed differently under the terms of a development agreement. When the subdivision was platted it was platted on the surveyed property lines. It was determined that the property lines did not match up with the existing fence lines of the property. The negotiation between the owners of the lots resulted in the line of the property being moved to the fence line. The removal of the 4 foot strip would not create any non conformities in the lots. All the lots would still be fully compliant with the R1-7 Residential zone.

Council Member Graf motioned to approve Ordinance 2020-39. Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council

Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

8. Minutes

Minutes include September 16, 2020 Work Session and City Council Business Meetings and August 12, 2020 Combined Planning and City Council Minutes.

Council Member Brady motioned to adopt minutes. Council Member Graf seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

9. Approval of Invoices

Presented by Michelle Pitt

An invoice in the amount of $48,531.47, to Mountainland Supply Company, for water meters new construction and meter replacement.

An invoice in the amount of $27,570.33, to PNL Construction, for PNL 27,670.33, for Milburn Drive storm drain.

An invoice in the amount of $32,874.18, to Big T Recreation, for no touch trash receptacles for the parks department.

An invoice in the amount of $300,000, to Tooele School District, for CARES funding of Chromebooks for distance learning.

An invoice in the amount of $35,857.68, to Intermountain Regional Landfill, for biosolids. 35,857.

Council Member Gochis motioned to approve invoices. Council Member Brady seconded the motion. The vote was as follows: Council Member Wardle, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Council Member Brady, "Aye," Chairman Hansen, "Aye." The motion passed.

10. Adjourn

Chairman Hansen adjourned the meeting at 8:14 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.

DRAFT

Approved this 21st day of October, 2020

_____

Ed Hansen, Tooele City Council Chair

DRAFT