

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, July 7, 2021, 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.

We 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 are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email cmpubliccomment@tooelecity.org anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Comment Period**
4. **Public Hearing & Motion on Ordinance 2021- 20** An Ordinance of Tooele City Reassigning the Land Use Designation From Medium Density Residential (MDR) & Regional Commercial (RC) to High Density Residential (HDR) for Approximately 29.3 Acres of Property Located at Approximately 2800 North 400 East
Presented by Jim Bolser, Community Development Director
5. **Public Hearing & Motion on Ordinance 2021-21** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the MR-25 Multi-Family Residential Zoning District for Approximately 4.3 Acres of Property Located at Approximately 740 West McKellar Street
Presented by Jim Bolser, Community Development Director
6. **Resolution 2021-49** A Resolution of the Tooele City Council Consenting to the One-Time Incorporation of Stipends Paid to Specific City Employees by the Redevelopment Agency of Tooele City (RDA) to Employee Regular Rates of Pay by Tooele City Corporation
Presented by Shannon Wimmer, Finance Director
7. **Resolution 2021-66** A Resolution of the Tooele City Council Consenting to Mayor Debra E. Winn's Appointment of Caption Adrian Day as Tooele City Chief of Police
Presented by Debbie Winn, Tooele City Mayor
8. **Resolution 2021- 74** A Resolution of the Tooele City Council Approving an Agreement with Nelson Brothers Construction Company for the Water Reclamation Facility 2021 Upgrades, Phase 1
Presented by Paul Hansen, Tooele City Engineer
9. **Subdivision Plat Amendment Request by Lexington Townhomes, LLC** for the Purpose of Amending the Lexington at Overlake Subdivision to Combine Lots 103 & 108 into a Single Lot 201 on 6.39 Acres in the MR-16 Multi-Family Residential Zoning District
Presented by Jim Bolser, Community Development Director

10. Minutes

- June 16 Work and Business Meeting

11. Invoices

12. 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 2021 - 20

AN ORDINANCE OF TOOELE CITY REASSIGNING THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND REGIONAL COMMERCIAL (RC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR APPROXIMATELY 29.3 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2800 NORTH 400 EAST.

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

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

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

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

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

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

WHEREAS, the City received an Amendment Petition for Land Use Plan amendments for property located at approximately 2800 North 400 East on April 12, 2021, requesting that the Subject Property be re-designated from Medium Density Residential (MDR) and Regional Commercial (RC) to High Density Residential (HDR) (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the High Density Residential land use designation includes the MR-8, MR 16 and MR-25 Multi-family residential zoning districts; and,

WHEREAS, the Subject Properties are owned by DH Real Estate, LP, and are currently designated as Medium Density Residential and Regional Commercial in the Land Use Element of the General Plan; and,

WHEREAS, the Medium Density Residential land use designation includes the R1-7, R1-8 and R1-10 single-family residential zoning districts and allows single-family homes as well as duplexes; and,

WHEREAS, the Regional Commercial land use designation includes the Regional Commercial and Research and Development commercial zoning districts and allows a wide variety of regionally oriented commercial activities and uses; and,

WHEREAS, on June 23, 2021, 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 July 7, 2021, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the land use map amendment proposed therein is in the best interest of the City in that it will create additional housing opportunities; and,
2. the Land Use Map is hereby amended for 29.3 acres of property located at approximately 2800 North 400 East as requested and illustrated in Exhibit A, attached, from the Medium Density Residential (MDR) and Regional Commercial (RC) land use designation to the High Density Residential (HDR) land use designation.

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 Land Use 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



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					
Date of Submission: 04/12/2021		Current Map Designation:		Proposed Map Designation:	
Project Name: TOOELE COMMERCIAL AND MULTI-FAMILY		Parcel #(s): 02-144-0-0017 02-144-0-0018		Acres: 17.13 34.35	
Project Address: 2800 N. 400 E (SR-36)					
Proposed for Amendment: ☐ Ordinance ☒ General Plan ☐ Master Plan: _____					
Brief Project Summary: Land Use Amendment Please see attached justification for amendment request					
Property Owner(s): DH Real Estate LP			Applicant(s): Lonestar Properties, LLC		
Address: 8731 SOUTH SANDY PARKWAY STE 103			Address: 2208 W 700 S		
City: Sandy	State: UT	Zip: 84093	City: Springville	State: UT	Zip: 84663
Phone: 801-560-2190			Phone: 801-400-1944		
Contact Person: Joseph Earnest			Address: 2208 W 700 S		
Phone: 801-400-1944			City: Springville	State: UT	Zip: 84663
Cellular: 801-400-1944	Fax:		Email: joseph@lonestarbuildersinc.com		

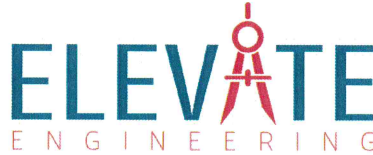
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This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

Note to Applicant:

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

2210489

For Office Use Only			
Received By: JESSI	Date Received: 5/7/2021	Fees: 4,500.00	Rec #: 403572



March 18, 2021

Andrew Aagard
City Planner/Zoning Administrator

Dear Mr. Aagard,

Re: Letter of justification for minor General Plan Amendment from medium density residential to high density residential located along Highway 36 in Tooele, Utah.

The property owner is requesting a minor General Plan Amendment for the portion of parcel numbers 02-144-0-0018 and 02-144-0-0017. Approximately 17.50 acres is proposed to change from medium density to high density residential, and approximately 3.0 acres of regional commercial is proposed to change to high density residential. This would change the land use TO 5.0 acres of regional commercial and 29.3 acres of high density residential out of a total 34.3 acre parcels.

As rationalization for this minor General Plan amendment, we offer the following reasons:

1. Approximately 9 acres of the property is already zoned as high-density residential land use. The owner is requesting a high density use designation for the east portion (approximately 17.50 acres of medium density residential) of the property and converting approximately 3.0 acres of the regional commercial into high density, leaving the remaining 5.0 acres of regional commercial unchanged.
2. Future land development, according the General Plan, will likely create low density residential use. The General Plan shows a large area of low-density residential use just south of the property. The proposed amendment to the General plan will be congruent with similar large areas of high density uses shown on the General Plan map.
3. The installation of infrastructure services – water and sewer mains – to this area will also make new construction more likely and of higher intensity.
4. Growth and development of the area appears to be new single-family subdivisions. Vacant land exists to the north, east, south and west of the proposed development.
5. Project Proposals: An amendment of the General Plan for this property is consistent with the specific goals and policies of having orderly development and compatible land uses. The subject property is being planned as both commercial and multi-family development. Approximately 5.0 acres are planned for commercial and 29.3 acres for multi-family homes. (Please see the attached conceptual site plan).
6. The property is vacant land that doesn't appear to have ever been developed and has no structures. There doesn't appear to be any identifiable topographical features, water channels, rock outcroppings or significant vegetation on the parcels. The land was previously used for agricultural purposes.
7. Access to the property will be from Highway 36 at the northwest corner of the property where there is an existing gravel access.
8. The amendment should not have a significant effect on the protection, conservation, development and use of natural resources in the area. It should have a minimal/negligible effect on land reclamation, air, forests, wildlife, nearby waters, geological hazards, environmentally sensitive areas, etc. No significant additional flooding or environmental hazards will be introduced by this reclassification

amendment, as the area being developed is agricultural and not environmentally sensitive areas.

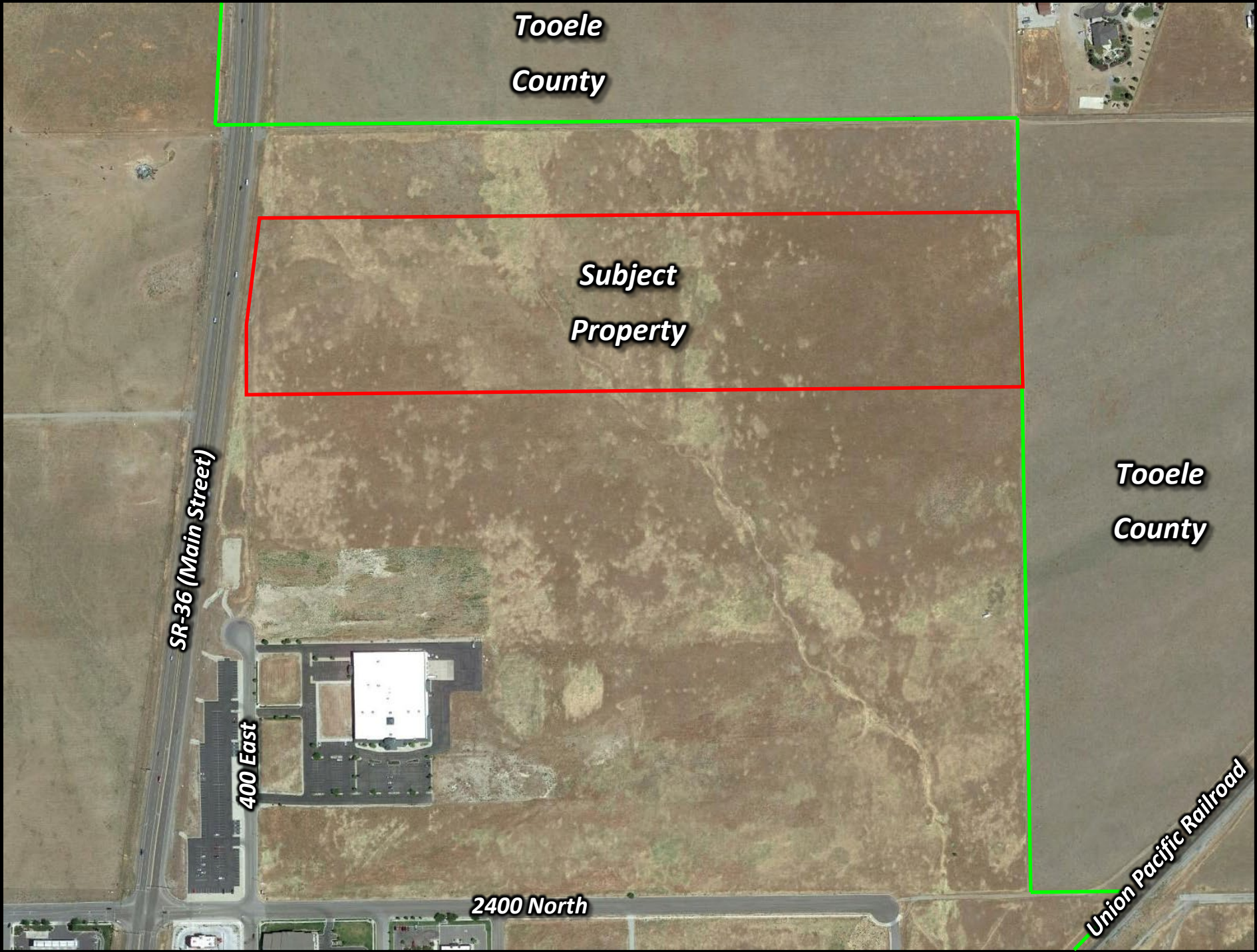
9. The amendment will require similar public services and facilities as shown prior to the amendment. Any changes to the required public services such as sewage, waste disposal, drainage, local utilities, rights-of-way, easements, police and fire protection, and other public services will be shown with the updated plans.
10. There is no need for historical preservation, and the amendment will provide additional housing and should not cause blight or need for future redevelopment.
11. Future uses of land will likely be further residential or commercial developments, similar to the proposed developments of this project. The gradual expansion of facilities may be required over time to service additional population.
12. The amendment from medium residential density to higher density will likely have positive economic effects, as it will allow for additional housing units, and thus allow a slight increase in population and economic activity.
13. As previously mentioned, the amendment allows for additional multi-family housing units, and will therefore provide an increase to the moderate-income housing supply.

We believe the proposed amendment to change 3.0 acres of regional commercial and 17.50 acres of medium density to higher density residential will generally be favorable, allowing more housing units to be developed within the same area of land.

Sincerely,

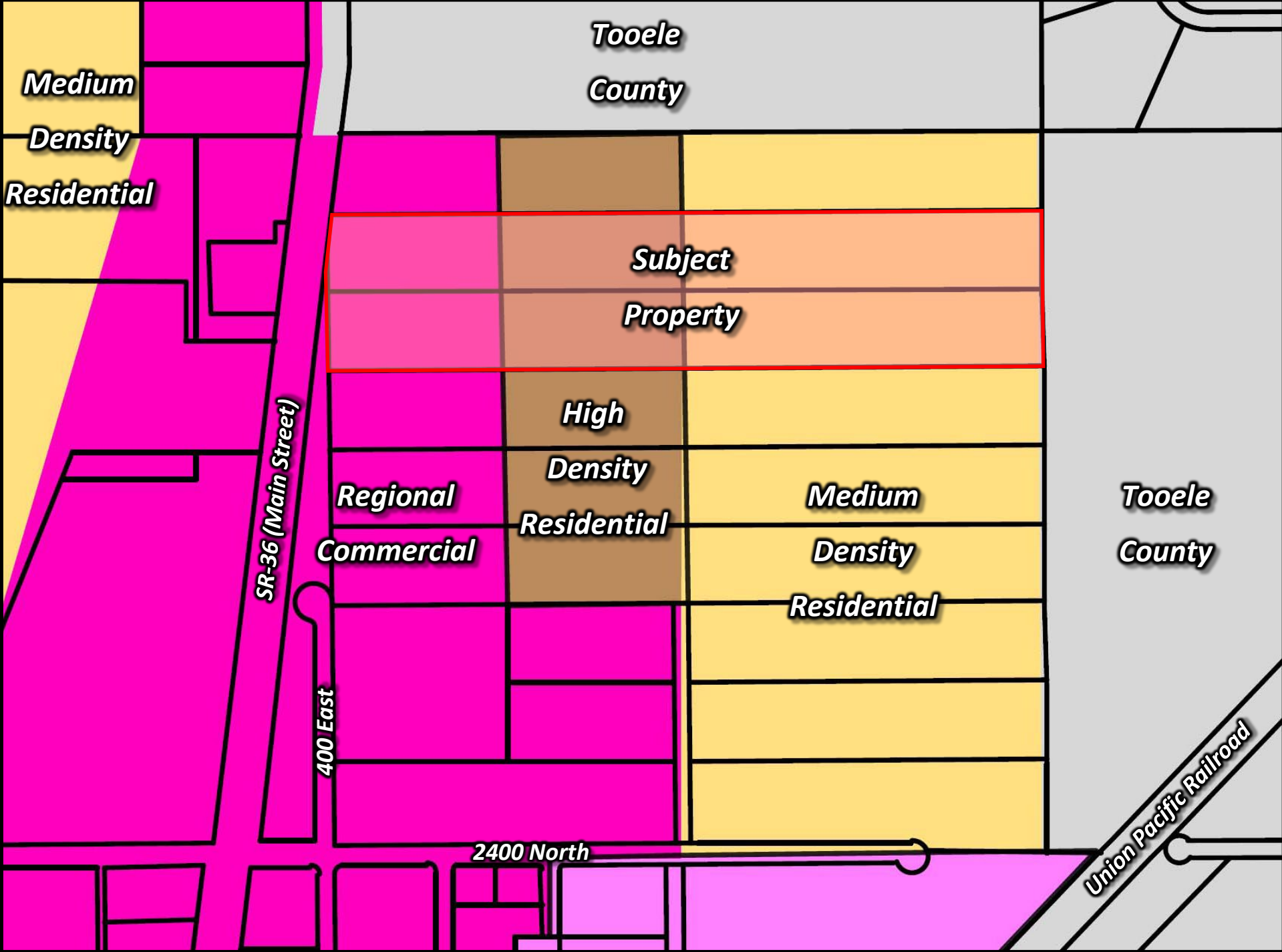
Larvin Pollock
Project Engineer
Elevate Engineering
Larvin@elevateng.com
(801) 718-5993

Tooele Commercial & Multi-Family Land Use Map Amendment



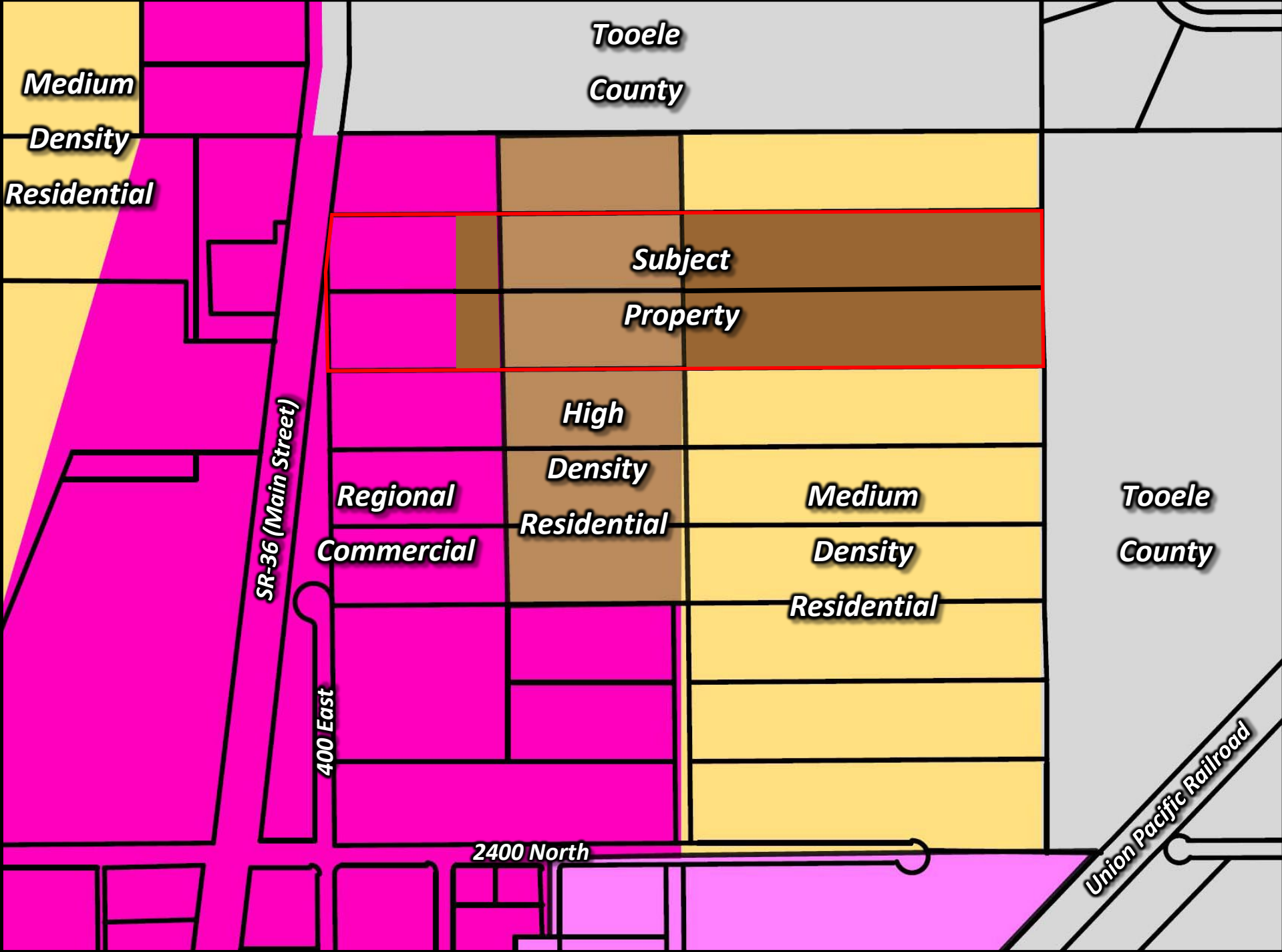
Aerial Map

Tooele Commercial & Multi-Family Land Use Map Amendment



Current Land Use Map

Tooele Commercial & Multi-Family Land Use Map Amendment



Proposed Land Use Map

Exhibit B

Staff Report

STAFF REPORT

June 16, 2021

To: Tooele City Planning Commission
Business Date: June 23, 2021

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Tooele Commercial and Multi-Family – Land Use Map Amendment Request

Application No.: P21-494
Applicant: Joseph Earnest, representing Lonestar Properties, LLC
Project Location: Approximately 2800 North 400 East
Zoning: GC General Commercial & RD Research and Development Zone
Acreage: 34.35 Acres (Approximately 1,496,286 ft²)
Request: Request for approval of a Land Use Map Amendment in the GC General Commercial & RD Research and Development zones that proposes to reassign the land use designation of the eastern majority of the property from the Medium Density Residential (MDR) and Regional Commercial (RC) designations to High Density Residential (HDR).

BACKGROUND

This application is a request for approval of a Land Use Map Amendment for approximately 34.35 acres located at approximately 2800 North 400 East. The application involves two properties that are currently zoned GC General Commercial and RD Research and Development. The properties currently bear three land use designations. The western portion of the properties are currently designated as Regional Commercial. The middle portion of the properties are current designated as High Density Residential and the eastern portions, the larger portion of the properties, are designated as Medium Density Residential. The applicant is requesting that the eastern half of the properties and some of the property currently designated as Regional Commercial be reassigned to the High Density Residential designation. The HDR designation is desired to facilitate consideration on the property zoning being reassigned to a multi-family residential zoning district.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan currently places three land use designations on the property. The portions of the lots closest to SR-36 are currently designated as RC Regional Commercial. The central portion is HDR and the largest portion of the two lots, the eastern half totaling approximately 17 acres, is currently designated as MDR. The current zoning of GC and RD are not identified by the General Plan as preferred zoning classifications for the RC, MDR and HDR land use designations. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The proposed Land Use Map Amendment involves approximately the eastern 17 acres and approximately 5 acres of the area currently designated as Regional Commercial. The eastern 17 acres are currently designated as Medium Density Residential (MDR). The MDR land use designation identifies the R1-7 R1-8 and R1-10 residential zones as preferred zoning districts for this area. The MDR land use designation encourages the construction of single-family residential and duplex type residential uses.

Multi-family residential uses are not permitted in these zoning districts. Please note that properties to the north and south bear the same land use designations as the subject property. A previous application has requested HDR on the eastern 17 acres, similar to what is being requested by this applicant, on the properties located to the south of the subject parcels. However, the previous application did not propose to change the RC portion of the properties as this application does.

The applicant wishes to have the eastern half of both properties, approximately 17 acres, re-assigned to the HDR land use designation. The zoning districts that are preferred for the HDR designation are the MR-8, MR-16 and MR-25 Multi-Family Residential zoning districts. These zones are specific to multi-family residential type of uses such as apartments, condominiums and town houses. Single-family uses are not permitted in these zoning districts.

The applicant is also proposing that 3 acres of the 8 acres currently designated as RC be re-assigned to the HDR designation as well. This will reduce the amount of acres that are designated as RC from 8 to 5 acres. In total the applicant wishes to have at least 29.3 acres of both properties designated as HDR.

These properties do face some development challenges. One of those challenges is access. Currently there is no access to the properties and the nearest accesses of 400 East and 600 East are separated from the subject properties by numerous properties under different ownership. Other challenges involve sewer and water, however, those challenges would be resolved during subdivision or site plan reviews and, although critical, are not usually addressed during preliminary Land Use and Zoning Map discussions. It is the intent of the applicant, however, to obtain the HDR designation thus making more than 3/4 of the properties a candidate for higher density multi-family residential.

It should be emphasized that an amendment to the Tooele City Land Use Map does not guarantee or grant any entitlement to a particular zoning district on the properties. The applicant will still need to submit a zoning map amendment request and during that application the Planning Commission and City Council will determine if the MR zoning district is appropriate at that time and what MR density is in the best interest of Tooele City. The Land Use Map amendment just clears the way for consideration of HDR zoning districts on the property.

Site Plan Layout. The applicant has not provided a site plan layout for the property but one may be presented at the hearing. It should be emphasized that site plans help to convey an applicant's intentions for the property but applicants can change plans, abandon projects or sell the development to another developer who may propose a development different from the plan shown during the hearing. It is for this reason that the focus should stay on the use of the property rather than getting into specific site design.

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

- (1) In considering a proposed amendment to the Tooele City General Plan, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area;
 - (b) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
 - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;

- (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
- (e) The suitability of the properties for the uses requested 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 Land Use Map Amendment submission and has issued the following comments:

- 1. Only the eastern 17 acres (approximate) and 3 acres of the property designated as RC is proposed to be changed from MDR and RC to HDR.
- 2. The applicant intends that 29.3 acres be re-designated to HDR.
- 3. There is no road access to the properties. The nearest accesses to the properties are 400 East and 600 East and will require crossing properties of separate ownership to gain access.

Engineering Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding the proposed Land Use Map Amendment.

Noticing. The applicant has expressed their desire to amend the Land Use Map for 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 Land Use Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

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

- 1. The effect of the proposed application on the character of the surrounding area.
- 2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
- 3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
- 4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
- 5. The suitability of the properties for the uses proposed.
- 6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
- 7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
- 8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- 9. The overall community benefit of the proposed amendment.
- 10. Whether or not public services in the area are adequate to support the subject

- development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Tooele Commercial and Multi-Family Land Use Map Amendment Request by Joseph Earnest, representing Lonestar Properties, LLC, reassigning the Land Use Map designation for approximately 20 acres located at approximately 2800 North 400 East to High Density Residential, application number P21-494, based on the findings and subject to the conditions listed in the Staff Report dated June 16, 2021:”

1. List any additional findings and conditions...

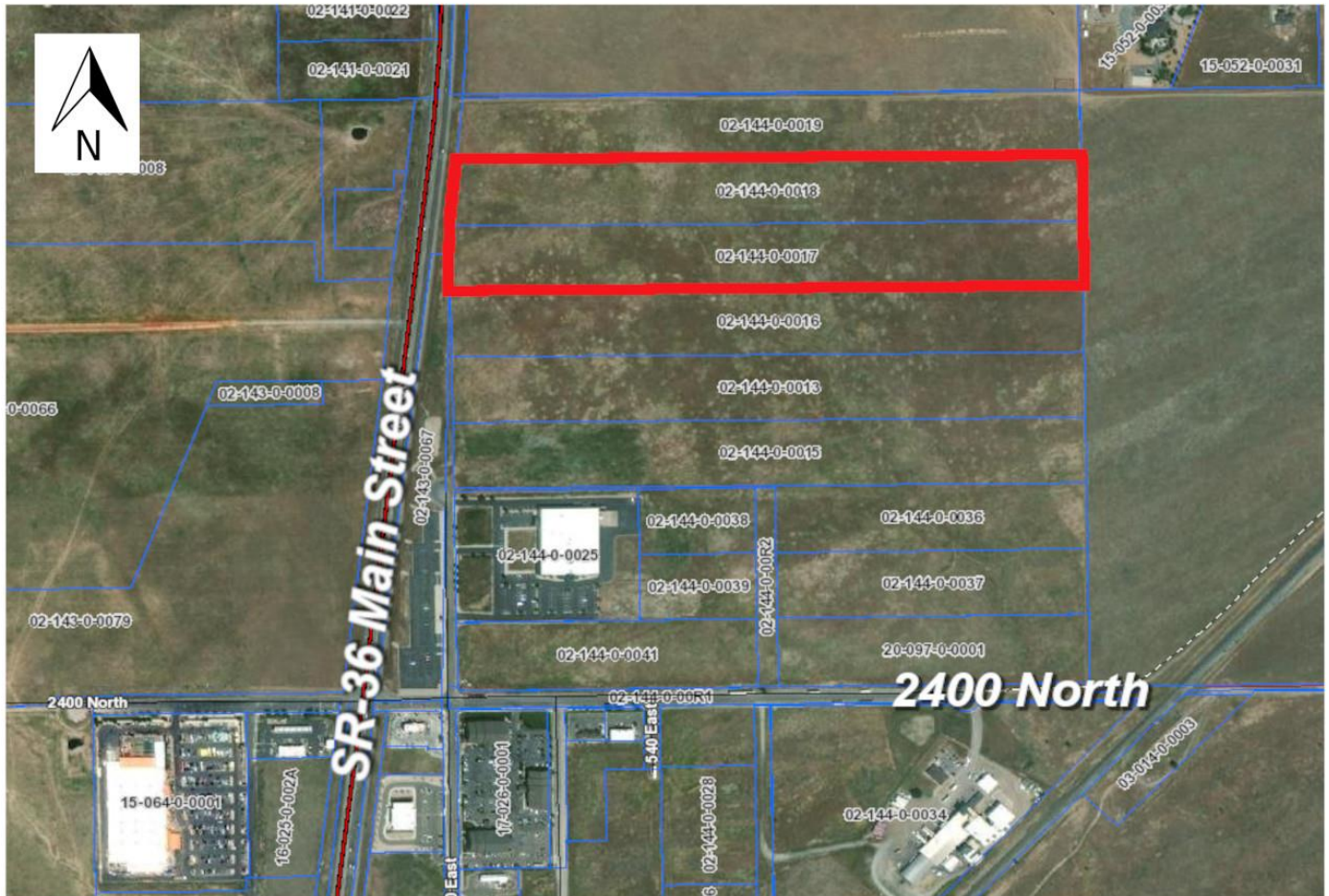
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Tooele Commercial and Multi-Family Land Use Map Amendment Request by Joseph Earnest, representing Lonestar Properties, LLC, reassigning the Land Use Map designation for approximately 20 acres located at approximately 2800 North 400 East to High Density Residential, application number P21-494, based on the following findings:”

1. List findings...

EXHIBIT A

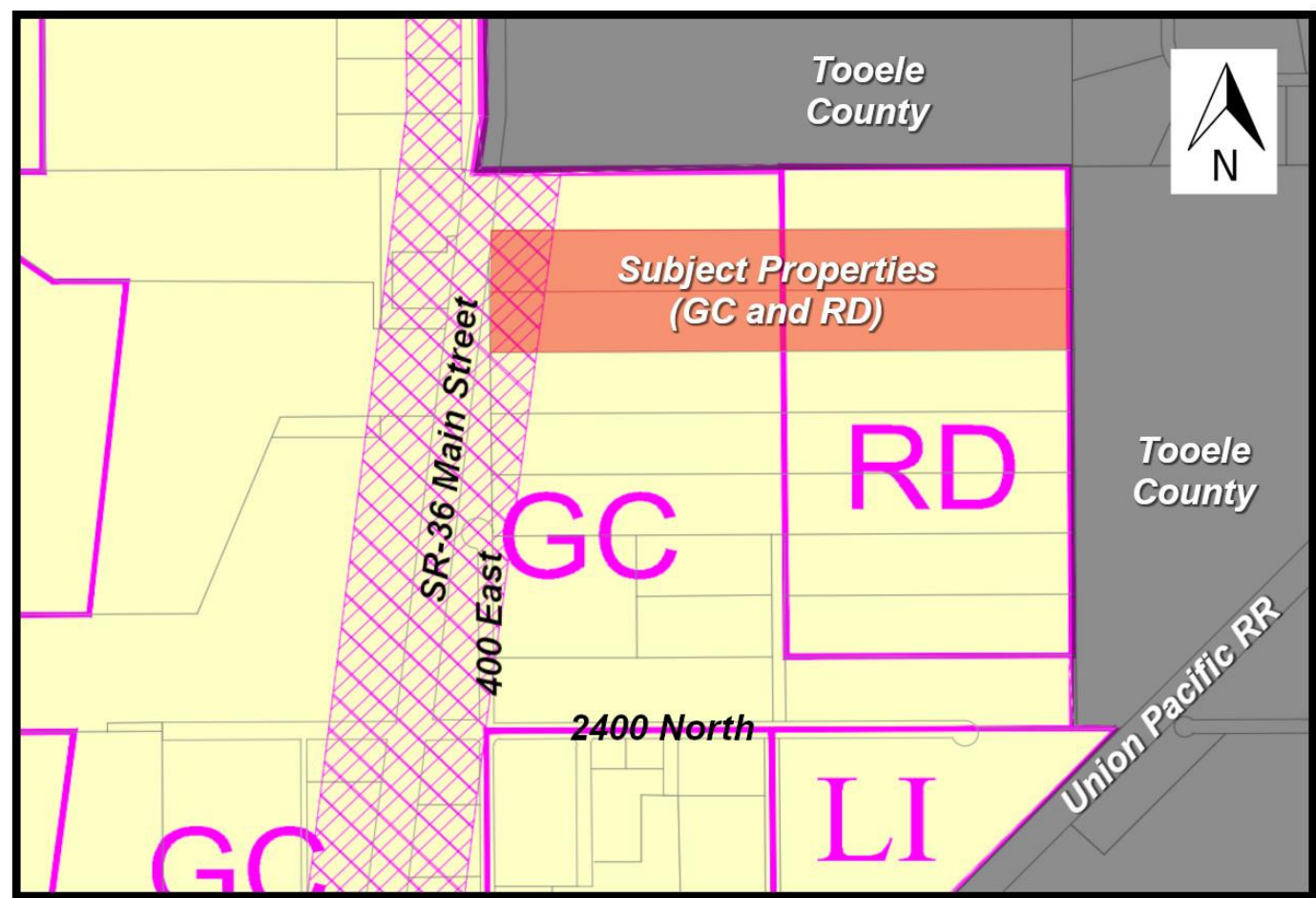
MAPPING PERTINENT TO THE TOOEELE COMMERCIAL AND MULTI-FAMILY LAND USE MAP AMENDMENT

Tooele Commercial and Multi-Family Land Use Map Amendment



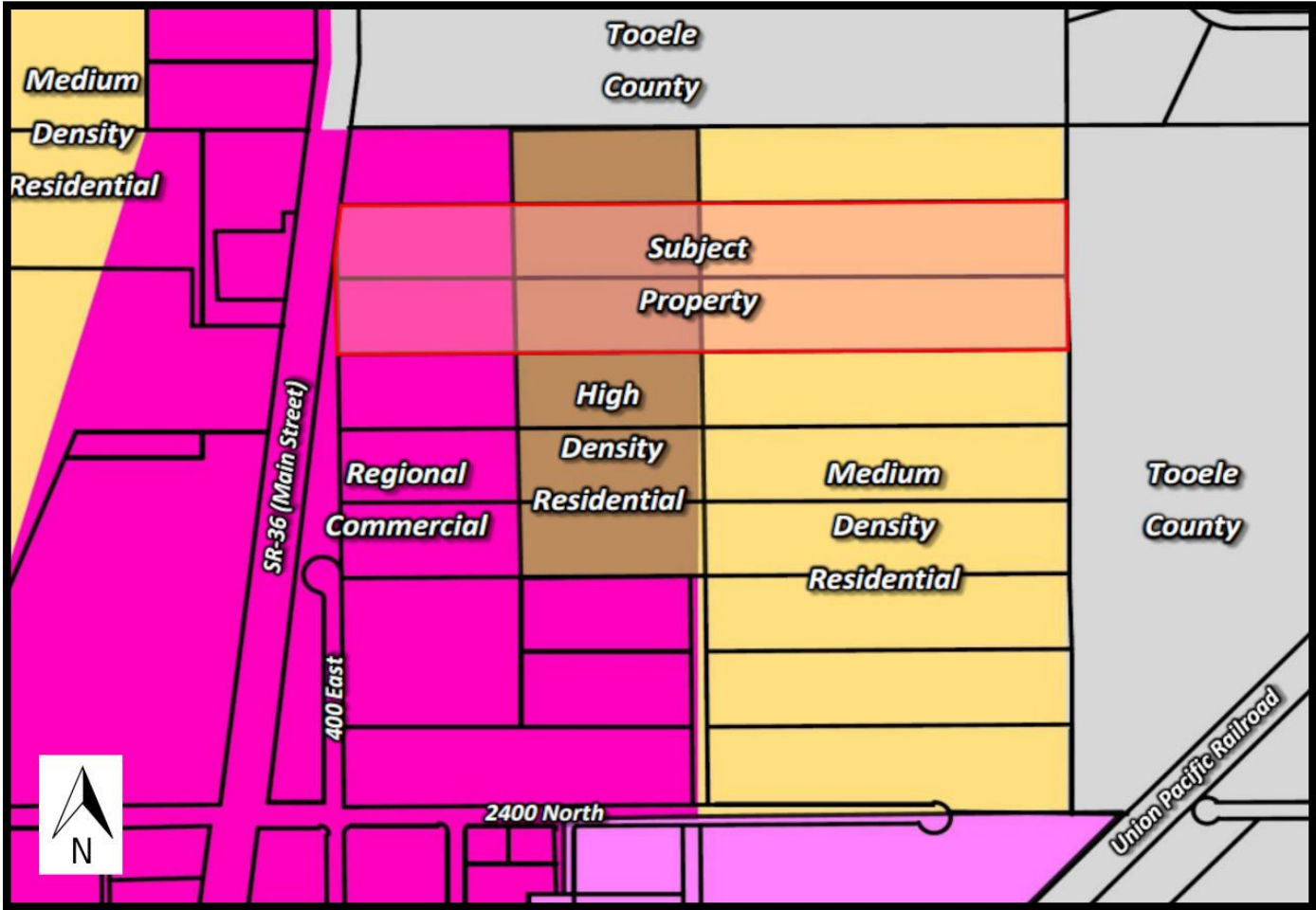
Aerial View

Tooele Commercial and Multi-Family Land Use Map Amendment



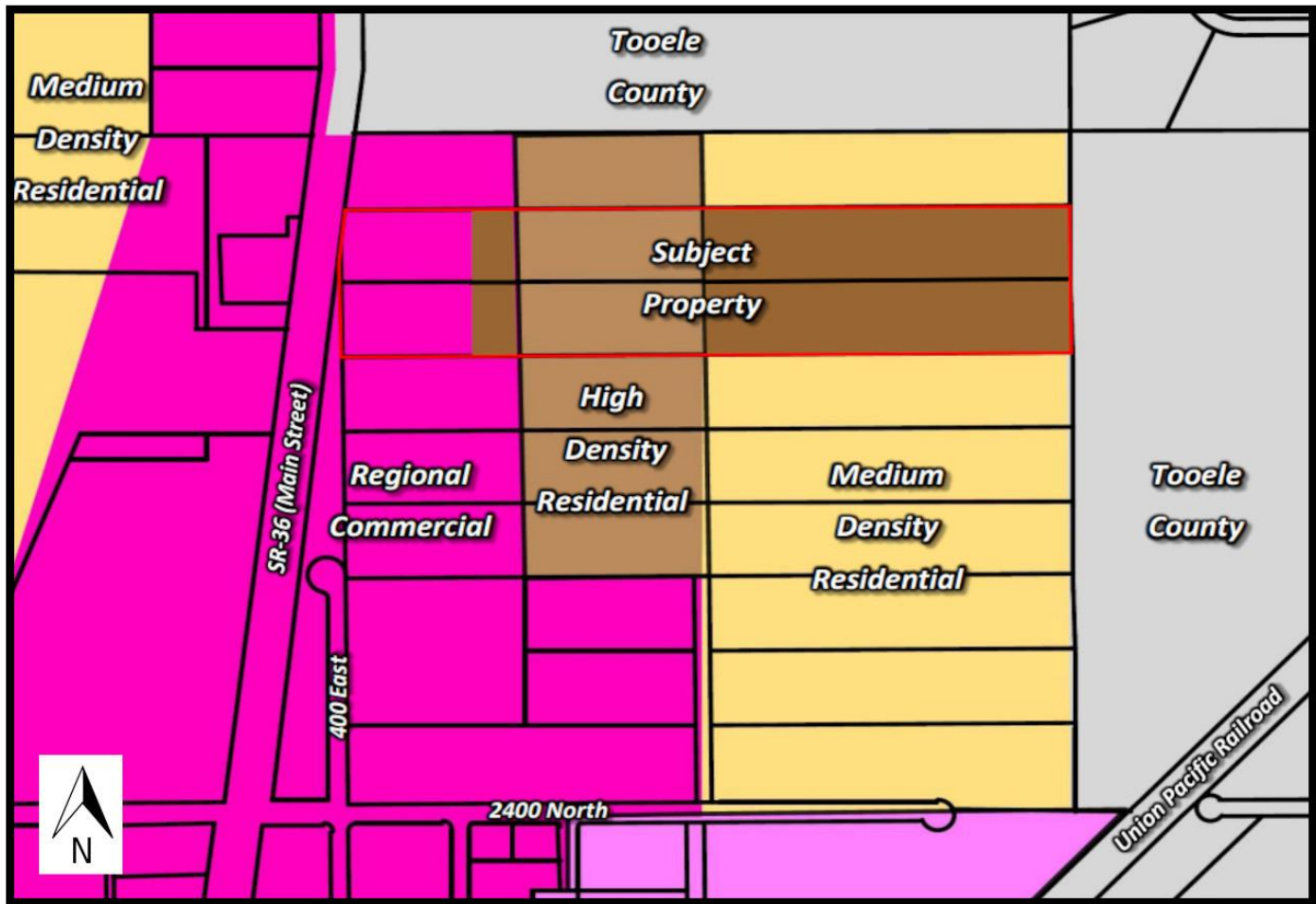
Current Zoning

Tooele Commercial and Multi-Family Land Use Map Amendment



Current Land Use Map

Tooele Commercial and Multi-Family Land Use Map Amendment



Proposed Land Use Map

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



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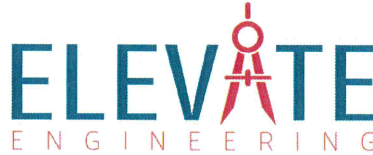
Project Information					
Date of Submission: 04/12/2021		Current Map Designation:		Proposed Map Designation:	
Project Name: TOOELE COMMERCIAL AND MULTI-FAMILY		Parcel #(s): 02-144-0-0017 02-144-0-0018		Acres: 17.13 34.35	
Project Address: 2800 N. 400 E (SR-36)					
Proposed for Amendment: ☐ Ordinance ☒ General Plan ☐ Master Plan: _____					
Brief Project Summary: Land Use Amendment Please see attached justification for amendment request					
Property Owner(s): DH Real Estate LP			Applicant(s): Lonestar Properties, LLC		
Address: 8731 SOUTH SANDY PARKWAY STE 103			Address: 2208 W 700 S		
City: Sandy	State: UT	Zip: 84093	City: Springville	State: UT	Zip: 84663
Phone: 801-560-2190			Phone: 801-400-1944		
Contact Person: Joseph Earnest			Address: 2208 W 700 S		
Phone: 801-400-1944			City: Springville	State: UT	Zip: 84663
Cellular: 801-400-1944	Fax:		Email: joseph@lonestarbuildersinc.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.

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For Office Use Only			
Received By: JESSI	Date Received: 5/7/2021	Fees: 4,500.00	Rec #: 403572



March 18, 2021

Andrew Aagard
City Planner/Zoning Administrator

Dear Mr. Aagard,

Re: Letter of justification for minor General Plan Amendment from medium density residential to high density residential located along Highway 36 in Tooele, Utah.

The property owner is requesting a minor General Plan Amendment for the portion of parcel numbers 02-144-0-0018 and 02-144-0-0017. Approximately 17.50 acres is proposed to change from medium density to high density residential, and approximately 3.0 acres of regional commercial is proposed to change to high density residential. This would change the land use TO 5.0 acres of regional commercial and 29.3 acres of high density residential out of a total 34.3 acre parcels.

As rationalization for this minor General Plan amendment, we offer the following reasons:

1. Approximately 9 acres of the property is already zoned as high-density residential land use. The owner is requesting a high density use designation for the east portion (approximately 17.50 acres of medium density residential) of the property and converting approximately 3.0 acres of the regional commercial into high density, leaving the remaining 5.0 acres of regional commercial unchanged.
2. Future land development, according the General Plan, will likely create low density residential use. The General Plan shows a large area of low-density residential use just south of the property. The proposed amendment to the General plan will be congruent with similar large areas of high density uses shown on the General Plan map.
3. The installation of infrastructure services – water and sewer mains – to this area will also make new construction more likely and of higher intensity.
4. Growth and development of the area appears to be new single-family subdivisions. Vacant land exists to the north, east, south and west of the proposed development.
5. Project Proposals: An amendment of the General Plan for this property is consistent with the specific goals and policies of having orderly development and compatible land uses. The subject property is being planned as both commercial and multi-family development. Approximately 5.0 acres are planned for commercial and 29.3 acres for multi-family homes. (Please see the attached conceptual site plan).
6. The property is vacant land that doesn't appear to have ever been developed and has no structures. There doesn't appear to be any identifiable topographical features, water channels, rock outcroppings or significant vegetation on the parcels. The land was previously used for agricultural purposes.
7. Access to the property will be from Highway 36 at the northwest corner of the property where there is an existing gravel access.
8. The amendment should not have a significant effect on the protection, conservation, development and use of natural resources in the area. It should have a minimal/negligible effect on land reclamation, air, forests, wildlife, nearby waters, geological hazards, environmentally sensitive areas, etc. No significant additional flooding or environmental hazards will be introduced by this reclassification

amendment, as the area being developed is agricultural and not environmentally sensitive areas.

9. The amendment will require similar public services and facilities as shown prior to the amendment. Any changes to the required public services such as sewage, waste disposal, drainage, local utilities, rights-of-way, easements, police and fire protection, and other public services will be shown with the updated plans.
10. There is no need for historical preservation, and the amendment will provide additional housing and should not cause blight or need for future redevelopment.
11. Future uses of land will likely be further residential or commercial developments, similar to the proposed developments of this project. The gradual expansion of facilities may be required over time to service additional population.
12. The amendment from medium residential density to higher density will likely have positive economic effects, as it will allow for additional housing units, and thus allow a slight increase in population and economic activity.
13. As previously mentioned, the amendment allows for additional multi-family housing units, and will therefore provide an increase to the moderate-income housing supply.

We believe the proposed amendment to change 3.0 acres of regional commercial and 17.50 acres of medium density to higher density residential will generally be favorable, allowing more housing units to be developed within the same area of land.

Sincerely,

Larvin Pollock
Project Engineer
Elevate Engineering
Larvin@elevateng.com
(801) 718-5993

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2021-21

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE MR-25 MULTI-FAMILY RESIDENTIAL ZONING DISTRICT FOR APPROXIMATELY 4.3 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 740 WEST MCKELLAR STREET.

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

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

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

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

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

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

WHEREAS, the City received an application for Zoning amendments for property located at approximately 740 West McKellar Street on May 17, 2021, requesting that the Subject Property be reassigned to the MR-25 Multi-Family Residential 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 Kim Dean Glaser and are currently

assigned the MR-8 Multi-Family Residential zoning district; and,

WHEREAS, on June 23, 2021, 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 July 7, 2021, 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 Tooele City and its residents because it will provide increased housing options in the lower price-point range, helping to address the housing gap in Utah; and,
2. the Zoning Map is hereby amended for the 4.3 acres of property located at approximately 740 West McKellar Street 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

721-522

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.tooelecitecity.org



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					
Date of Submission: 5/12/2021		Current Map Designation: MR-8		Proposed Map Designation: MR-25	
Project Name: The Meadows Subdivision				Parcel #(s): 14-018-0-0001 14-018-0-0002	
Project Address: 740 WEST MCKELLAR ST., TOOELE, UT 84074				Acres: 4.31	
Proposed for Amendment: ZONING ☒ Ordinance ☐ General Plan ☐ Master Plan:					
Brief Project Summary: REQUESTING REZONE OF 4.31 Acres FROM MR-8 TO MR-25, TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL APARTMENT COMMUNITY OF APPROXIMATELY 98 DWELLING UNITS.					
Property Owner(s): KIM DEAN GLASER			Applicant(s): JOHNATHAN M. AUBREY		
Address: 740 WEST MCKELLAR ST.			Address: 4900 WEST SAGUARO DR.		
City: TOOELE	State: UT	Zip: 84074	City: WEST JORDAN	State: UT	Zip: 84081
Phone: 435-882-4815			Phone: 801-628-2673		
Contact Person: JOHNATHAN M. AUBREY			Address: 4900 WEST SAGUARO DR.		
Phone: 801-628-2673			City: WEST JORDAN	State: UT	Zip: 84081
Cellular: SAME		Fax: N/A	Email: jmaubrey@gmail.com		

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

Note to Applicant:

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

Received by Jessi Date 5/17/21 Receipt # 405295

For Office Use Only			
Received By:	Date Received:	Fees:	App #:

#2210517 = \$1,500.00

Zoning Amendment Application Checklist

SUBMISSION REQUIREMENTS

Application Fee: (\$1,000.00 + \$100.00/acres up to 50 acres regardless of application size)
\$1,000 + \$431 (4.31 acres) = **\$1431** (attached)

Completed **Application Form** (attached)

List of names and mailing addresses of property owners within 200 feet (attached)

Legal Description: *Lots 1 and 2, GLASER SUBDIVISION, a subdivision of Tooele City, According to the Official Plat thereof, on file and of record in the Office of the Tooele County Recorder, State of Utah.*

Zoning Map Amendment Questions:

1. **What is the current zoning of the property?** *Current zoning is MR-8. Requesting a zoning map amendment to the MR-25 Zone.*

2. **Explain how the proposed zoning is consistent with the current land use description.**
The current land use designation for the property, as designated in the Tooele City General Plan adopted December 2020, is “HIGH DENSITY RESIDENTIAL MR-25, MR-16.” The proposed zone would allow a residential density of up to 25 dwelling units per acre. The submitted concept plan illustrates a possible development design with a potential density of less than 25 dwelling units per acre.

3. **Explain how the proposed zoning is similar or compatible to the current zoning in the surrounding area.**
The development of the subject property will be similar to the two existing multi-family projects to the east. While these adjoining properties are currently zoned MR-8, their residential densities are approximately 17 and 13 dwelling units per acre). The submitted concept plan for the proposed rezoning indicates a possible density of approximately 22 dwelling units per acre. This proposed development would be of similar size, setbacks, etc. as each of the two multi-family residential projects to the east.

4. Explain how the proposed zoning is suitable for the existing uses of the subject property(s).

The subject property does have some limited agricultural use, but is mostly vacant. There is an existing multi-family residential structure on the southeast corner and a single family dwelling the west of that. The multi-family residential units proposed for the MR-25 Zone will have direct public access from 600 North and McKeller Streets, as well as internal access meeting fire codes. (see attached Concept Plan)

5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.

The proposed rezoning supports the following Tooele City Goals and Objectives:

Tooele City General Plan Land Use Element ADOPTED: DECEMBER 16, 2020:

Page 3.12

Goal #3 Enable higher density residential developments which support local retail establishments, promote a walkable community, and provide housing options for varying income levels and lifestyles.

- Provide design standards for the development of higher density housing in close proximity to services, schools, commercial centers, and employment centers.
- Establish design standards for the development of high density and multi-family dwellings to assure high quality materials, recreation opportunities and maintained landscaping.

Tooele City General Plan Affordable Housing Plan Element ADOPTED: DECEMBER 16, 2020:

Page 4.11

“Condominiums and townhomes sales at the 50% Area Median Income level dropped from 70.8% to 18.5% in 2016. This makes Tooele City less affordable and this target group has limited choices in home or condominium purchases. Per HUD CHAS, Tooele City, with only 37 affordable homes and 10 affordable condos, needs 48 additional affordable homes or condos at the 50% AMI level.”

Page 4.14

“As the City population ages, more families will elect to move their elderly family members to Tooele City to be near them. Some elderly residents may not be able to remain in their homes or may choose to relocate to a dwelling type that better suits their preferences and needs. The Tooele City Council recognizes the need to evaluate the housing options available to seniors wishing to remain in or move to the community.”

"Rezone for Densities Necessary to Assure the Production of Moderate Income Housing....The City has also created a new multi-family residential zoning district, the MR-25 Multi-Family zone permitting up to 25 dwelling units per acre and has amended building height and setback restrictions within this zone to be more compatible to developments with this density."

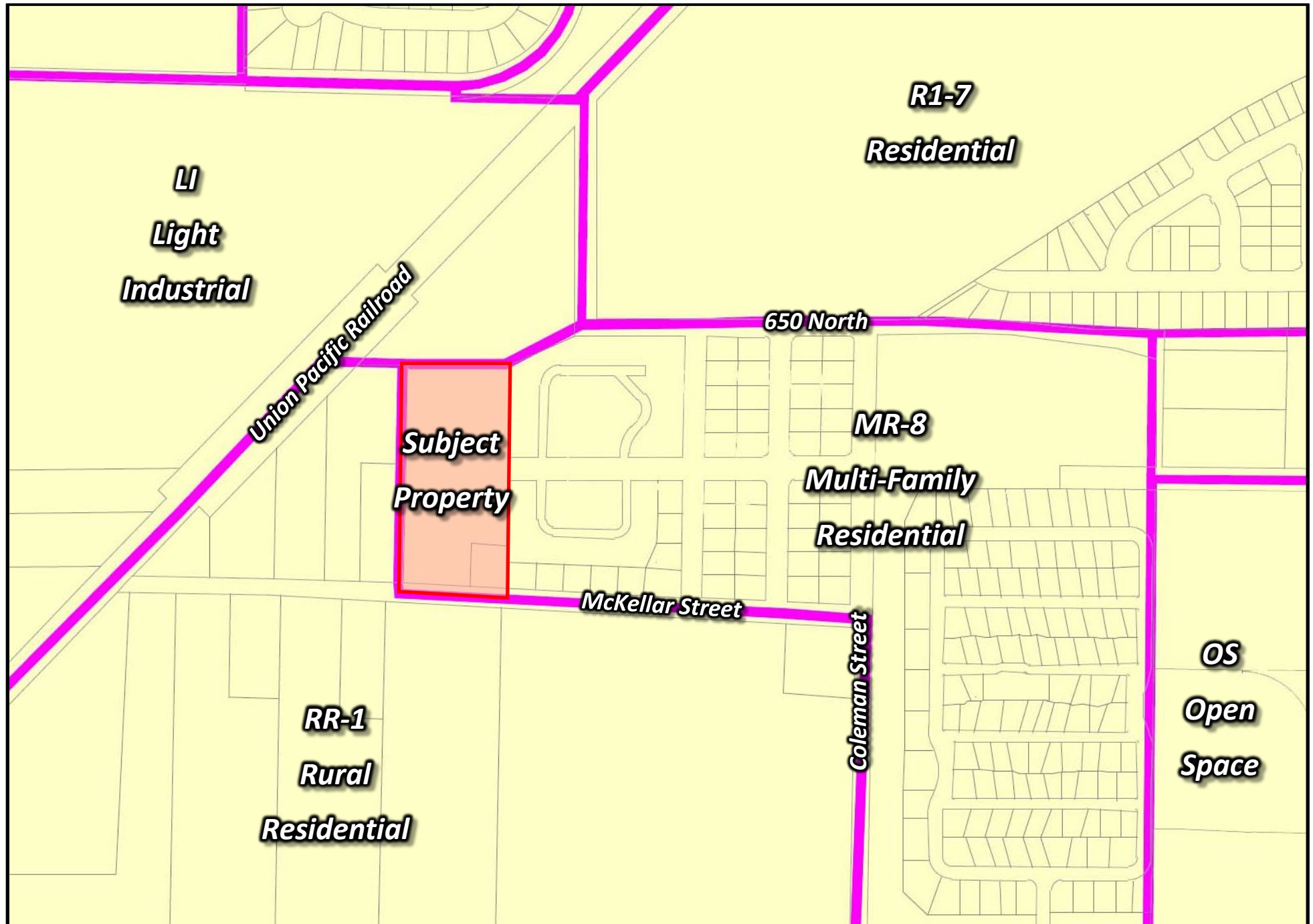


The Meadows Subdivision Zoning Map Amendment



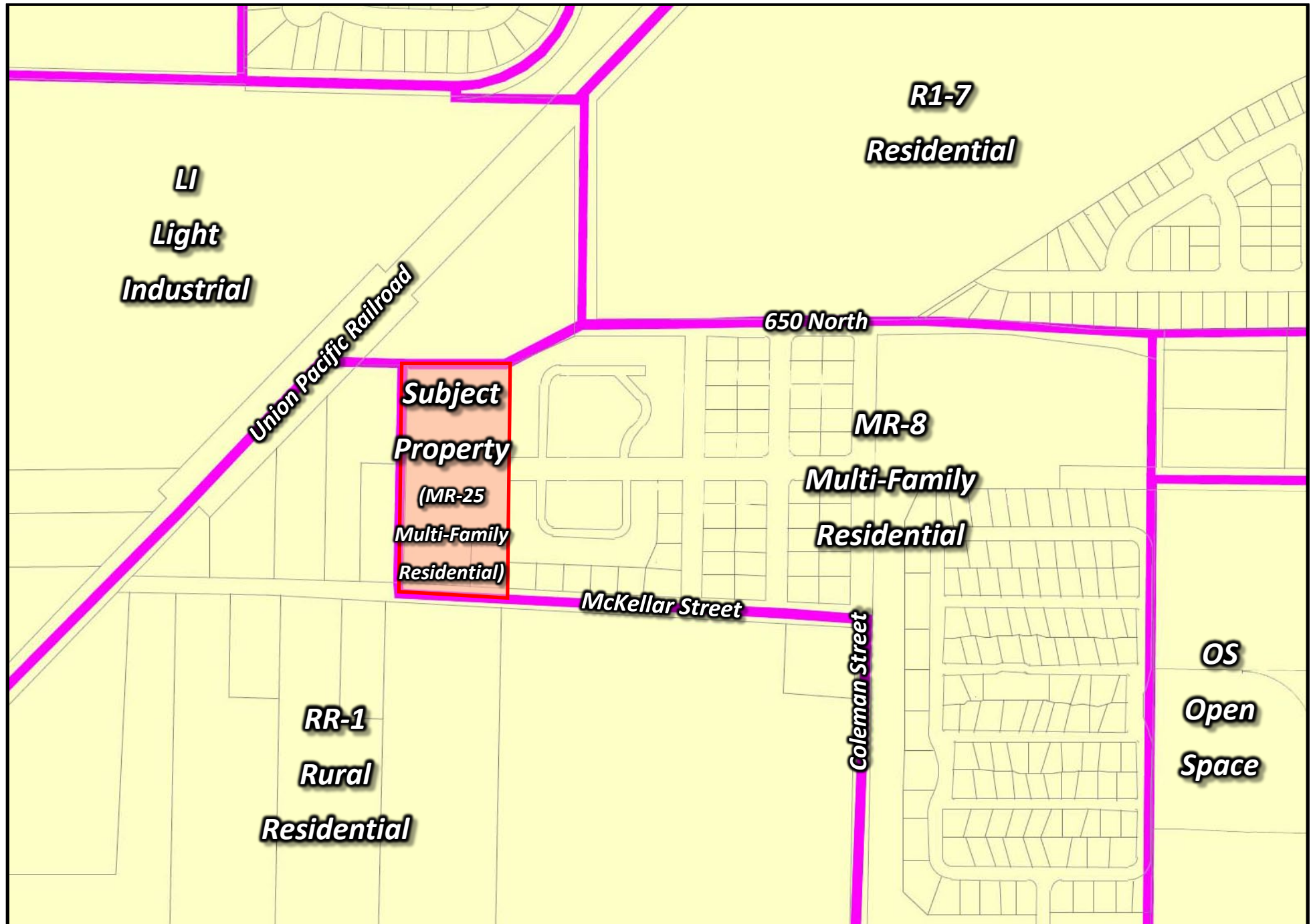
Aerial Map

The Meadows Subdivision Zoning Map Amendment



Current Zoning Map

The Meadows Subdivision Zoning Map Amendment



Proposed Zoning Map

Exhibit B

Staff Report

STAFF REPORT

June 15, 2021

To: Tooele City Planning Commission
Business Date: June 23, 2021

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: The Meadows Subdivision – Zoning Map Amendment Request

Application No.: P21-522
Applicant: Johnathan Aubrey
Project Location: 740 West McKellar Street
Zoning: MR-8 Multi-Family Residential Zone
Acreage: 4.31 Acres (Approximately 187,743 ft²)
Request: Request for approval of a Zoning Map Amendment in the MR-8 Multi-Family Residential zone regarding reassignment of the subject properties to the MR-25 Multi-Family Residential zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 4.31 acres located at 740 West McKellar Street. The property is currently zoned MR-8 Multi-Family Residential. The applicant is requesting that a Zoning Map Amendment be approved to reassign the zoning for the subject properties to MR-25 Multi-family residential that will facilitate the development of the property with multi-family residential units, up to 25 units per acre.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-8 Multi-Family Residential zoning classification, supporting approximately eight dwelling units per acre. The MR-8 Multi-Family Residential zoning designation is identified by the Land Use Map of the General Plan as a preferred zoning classification for the High Density Residential land use designation. To the north property is zoned LI Light Industrial and is the old waster water treatment plant. To the west and the south properties are zoned RR-1 Residential. To the east properties are zoned MR-8 Multi-Family Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The purpose of the MR-8 zone is to provide an environment and opportunities for high-density residential uses, including attached single-family residential units, apartments, condominiums and townhouses. This zoning district is intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts.

The purpose of the MR-25 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses.

The only difference between the two zones is density. All uses that are permitted in the MR-25 zone are also permitted in the MR-8 zone. However the MR-8 zone limits density to 8 units per acre where in the

MR-25 zone a property could be developed with as much as 25 units per acre. So what does that look like. The property has 187,743 square feet. Considering at least 20% of the site will be developed as roads and other infrastructure, that leaves 150,195 square feet for density calculations. 150,195 square feet is 3.44 acres. If the 3.44 acres were to develop at 8 units per acre the density yield could, potentially, be 27 units. If the 3.44 acres were to develop at 25 units per acre the property could, potentially, yield 86 units, a difference of 59 residential units. Please keep in mind the term “potentially” is used when calculating density limitations. There are many factors that are involved when determining ultimate unit yield in a multi-family residential development. Some of those factors involve, but are not limited to, building setbacks, required amount of parking, open space, landscaping, etc. The site plan will ultimately dictate total unit yield. This means that if the MR-25 zoning is approved it is not guaranteed that the project will yield exactly 25 units per acre. Ultimate unit density could be 18, 19 or 22 units per acre which would still require an MR-25 zoning district.

The Land Use Map of the Tooele City General Plan has designated the two parcels being considered for rezoning as HDR High Density Residential. The HDR designation encourages the MR-8, MR-16 and MR-25 zoning districts but does not require the City to approve a zoning district just because it is requested by the applicant. Therefore, the property’s current zoning is compliant with the Land Use Map and the MR-25, should it be approved, would also comply with the HDR designation. The question that needs to be asked is if this property is more appropriately zoned MR-8 or MR-25.

There is an existing non-conforming structure located at the southeast corner of the property. This structure was converted to a 6 unit multi-family residential structure contrary to the zoning and without a building permit and is not considered a legal multi-family residential structure. By rezoning the properties to MR-25 and including the structure within the new development the multi-family residential status of the structure would then be considered legal and conforming. This would only resolve the non-conformity in regards to the zoning. The owner of the structure would still need to work with the Tooele City Building Department to ensure the work to convert the structure to multi-family dwellings meets existing building codes.

Site Plan Layout. The applicant has provided a concept plan showing their intentions with the property. The plan is very much conceptual and should be considered as such. This is not a site plan hearing but is instead a zoning hearing where the objective is to establish the proper zoning for the property. The concept plan shows the property being developed with multi-unit apartment buildings.

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

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

- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

REVIEWS

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

1. Three MR Multi-Family Residential zoning districts comply with the HDR designation of the Land Use Map. The MR-8, MR-16, and the MR-25 zoning districts. Each zone has varying degrees of densities and residential intensity from least intensity with the MR-8 up to the highest intensity with the MR-25. All three zones comply with the HDR designation and the HDR designation does not guarantee an MR-25 zoning district.
2. The MR-25 zoning district could yield a unit count of approximately 86 multi-family residential units (gross calculation only and does not consider parking area, open space and building setback requirements).
3. The existing non-conforming multi-family building containing 6 units will be made conforming with an MR-25 zoning district assignment and inclusion into the surrounding development.

Engineering Review. The Tooele City Engineering and Public Works Divisions have not issued any comments in regards to this zoning map amendment application.

Building Division Review. The Tooele City Building Division has have not issued any comments in regards to this zoning map amendment application.

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 Land Use Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

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

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.

7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the The Meadows Subdivision Zoning Map Amendment request by Johnathan Aubrey, for the purpose of reassigning the zoning for 4.31 acres located at 740 West McKellar Street to MR-25 Multi-Family residential, application number P21-522, based on the findings listed in the Staff Report dated June 15, 2021:”

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 The Meadows Subdivision Zoning Map Amendment request by Johnathan Aubrey, for the purpose of reassigning the zoning for 4.31 acres located at 740 West McKellar Street to MR-25 Multi-Family residential, application number P21-522, based on the following findings:”

1. List findings...

EXHIBIT A

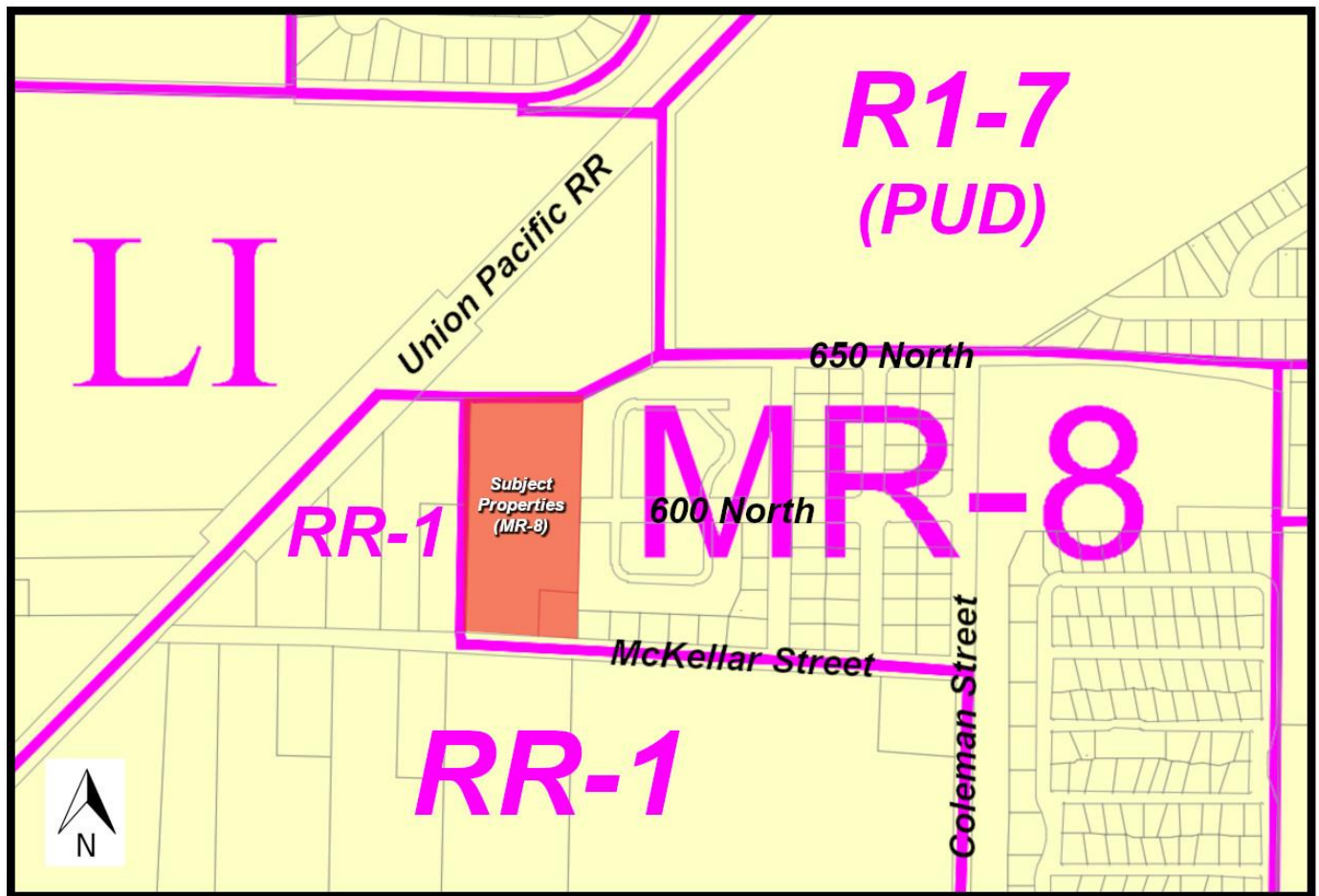
**MAPPING PERTINENT TO THE THE MEADOWS SUBDIVISION ZONING MAP
AMENDMENT**

The Meadows Zoning Map Amdendment



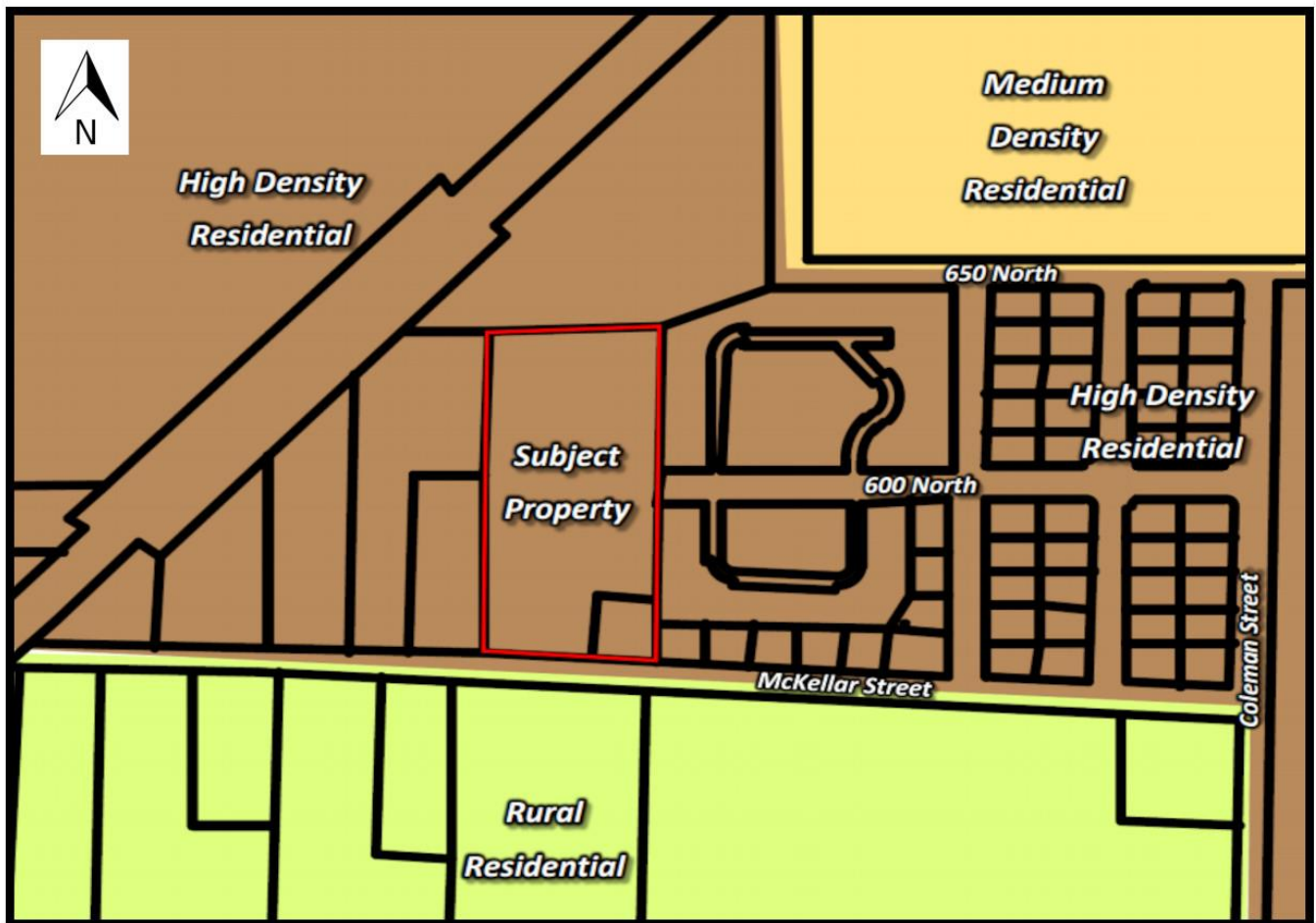
Aerial View

The Meadows Zoning Map Amdendment



Current Zoning

The Meadows Zoning Map Amdendment



Land Use Map

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

721-522

Zoning, General Plan, & Master Plan
Map Amendment Application
 Community Development Department
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Project Address: 740 WEST MCKELLAR ST., TOOELE, UT 84074				Acres: 4.31	
Proposed for Amendment: ZONING ☒ Ordinance ☐ General Plan ☐ Master Plan:					
Brief Project Summary: REQUESTING REZONE OF 4.31 Acres FROM MR-8 TO MR-25, TO ACCOMMODATE THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL APARTMENT COMMUNITY OF APPROXIMATELY 98 DWELLING UNITS.					
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Address: 740 WEST MCKELLAR ST.			Address: 4900 WEST SAGUARO DR.		
City: TOOELE	State: UT	Zip: 84074	City: WEST JORDAN	State: UT	Zip: 84081
Phone: 435-882-4815			Phone: 801-628-2673		
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Phone: 801-628-2673			City: WEST JORDAN	State: UT	Zip: 84081
Cellular: SAME		Fax: N/A	Email: jmaubrey@gmail.com		

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Received by Jessi Date 5/17/21 Receipt # 405295

For Office Use Only			
Received By:	Date Received:	Fees:	App #:

2210517 = \$1,500.00

Zoning Amendment Application Checklist

SUBMISSION REQUIREMENTS

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The proposed rezoning supports the following Tooele City Goals and Objectives:

Tooele City General Plan Land Use Element ADOPTED: DECEMBER 16, 2020:

Page 3.12

Goal #3 Enable higher density residential developments which support local retail establishments, promote a walkable community, and provide housing options for varying income levels and lifestyles.

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- Establish design standards for the development of high density and multi-family dwellings to assure high quality materials, recreation opportunities and maintained landscaping.

Tooele City General Plan Affordable Housing Plan Element ADOPTED: DECEMBER 16, 2020:

Page 4.11

“Condominiums and townhomes sales at the 50% Area Median Income level dropped from 70.8% to 18.5% in 2016. This makes Tooele City less affordable and this target group has limited choices in home or condominium purchases. Per HUD CHAS, Tooele City, with only 37 affordable homes and 10 affordable condos, needs 48 additional affordable homes or condos at the 50% AMI level.”

Page 4.14

“As the City population ages, more families will elect to move their elderly family members to Tooele City to be near them. Some elderly residents may not be able to remain in their homes or may choose to relocate to a dwelling type that better suits their preferences and needs. The Tooele City Council recognizes the need to evaluate the housing options available to seniors wishing to remain in or move to the community.”

"Rezone for Densities Necessary to Assure the Production of Moderate Income Housing....The City has also created a new multi-family residential zoning district, the MR-25 Multi-Family zone permitting up to 25 dwelling units per acre and has amended building height and setback restrictions within this zone to be more compatible to developments with this density."



Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

RESOLUTION 2021-49

A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO THE ONE-TIME INCORPORATION OF STIPENDS PAID TO SPECIFIC CITY EMPLOYEES BY THE REDEVELOPMENT AGENCY OF TOOELE CITY (RDA) TO EMPLOYEE REGULAR RATES OF PAY BY TOOELE CITY CORPORATION.

WHEREAS, at an unknown date, the Redevelopment Agency of Tooele City, Utah (RDA), authorized the payment of a bi-weekly “RDA Stipend” to specific City employees who performed substantial work for the RDA in addition to their regular work for Tooele City. City staff have been unable to locate historical contextual records regarding the original RDA Stipend authorization; and,

WHEREAS, the original RDA Stipend authorization included an annual RDA budget appropriation and payment to Tooele City, in exchange for Tooele City allowing the RDA to utilize the services of Tooele City employees, and in lieu of the RDA retaining and paying its own personnel directly. The RDA Stipend was then paid from the Tooele City RDA budget; and,

WHEREAS, RDA Stipend amounts were established by the RDA Executive Director and RDA Board and then relayed to Tooele City’s Human Resource/payroll office for payment through the City’s payroll processing as a separate pay code titled “RDA Stipend” and such payment was charged to the RDA budget; and,

WHEREAS, for all employees except elected officials, Tooele City desires to discontinue handling such payment in this manner and to discontinue payment of these wages via the RDA; and,

WHEREAS, Tooele City desires to make a one-time transitional calculation as follows:

- Divide the “RDA Stipend” by 40 hours to establish an hourly equivalent amount;
- Add that amount to the employees’ current hourly rate of pay to establish a new hourly rate of pay equivalency;
- Review the Tooele City Salary Schedule and the grade assignment for each affected employee’s position and assign the employee a new pay step at the step closest to the calculated pay equivalency (may be slightly + or – the actual adjusted rate), not to exceed the maximum of the position’s corresponding salary range on the Tooele City Salary Schedule, where applicable, or to adjust the City Attorney accordingly as this position does not have an assigned salary grade but is classified as Not on Scale;
- The employee adjustment will not affect the employee’s next salary review date but may impact the future range progression by reaching the maximum of their position’s salary range more quickly than if the adjustment had not been made.

WHEREAS, the anticipated calculations to be transitioned to City general wages are provided as Exhibit A; and,

WHEREAS, the anticipated payments anticipated to remain paid as "RDA Stipend" are provided as Exhibit B; and,

WHEREAS, Tooele City Policies & Procedures Section 9: Compensation, Part A states: "This Section does not identify every compensation-related matter that may arise. Tooele City reserves the right to otherwise address such matters in a manner that best meets the City's needs and complies with applicable laws"; and,

WHEREAS, Tooele City Policies & Procedures Section 9: Compensation, Part A, provides the City Administration with the ability to make the one-time adjustment, however, City Administration recognizes the significance of the adjustment, desires to be transparent in making the adjustment, and desires to have a written record that provides historical context as to why the one-time adjustment was made to specific employees' placement on the Tooele City Salary Schedule; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that consent is hereby given to the Mayor to authorize a one-time adjustment to non-elected City employees' regular city wages to incorporate the current RDA Stipend into regular City wages as outlined above. This adjustment will be made effective July 1, 2021.

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 _____, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

EXHIBIT A

Exhibit Revised from 06/09/201 Work Meeting

COLA Applied only to regular component of wage & Bakers' RDA amounts were backwards on the prior Exhibit.

Corrected 06/2021																	
	Full Name Backward		Salary Grade	Salary Step	City Hourly	City Annualized		New Hourly After FY22 1.5% COLA		RDA Stipend Converted to Hourly Equivalent		After COLA t + RDA Eq.		Grade	New Step		New Annual + Any Steps this next FY
FLSA Non-Exempt	Baker, Shilo	PR/Exec Asst RDA??	15	6	23.48	\$ 48,838.40		\$ 23.84		\$ 11,000.00	\$ 5.29	\$ 29.13		Reclassification to G17 (Assistant to Mayor/PR) plus RDA; G17, step 11	11	\$ 29.50	\$ 61,360.00
FLSA Exempt	Pitt, Michelle Y.	Recorder	22	13	40.24	\$ 83,699.20		\$ 40.84		\$ 3,500.00	\$ 1.68	\$ 42.52		22	15	\$ 42.49	\$ 88,380.41
FLSA Exempt	Wimmer, Shannon A.	Finance	24	13	45.12	\$ 93,849.60		\$ 45.80		\$ 3,500.00	\$ 1.68	\$ 47.48		24	15	\$ 47.65	\$ 99,112.00
FLSA Exempt	Bolser, James E.	CD	24	16	47.89	\$ 99,611.20		\$ 48.60		\$ 3,500.00	\$ 1.68	\$ 50.28		24	18	\$ 50.32	\$ 104,665.60
FLSA Exempt	Baker, Roger E.	City Attorney	NOS		58.13	\$ 120,910.40		\$ 59.00		\$ 15,400.00	\$ 7.40	\$ 66.40		NOS	NOS	\$ 66.40	\$ 138,112.00

EXHIBIT B

TOOELE REDEVELOPMENT AGENCY FY 2022 BUDGET									
4/26/2021 9:33 AM									
NAME	BI-WEEKLY SALARY 1	BI-WEEKLY SALARY 2	PERIOD 1	PERIOD 2	TOTAL	REVIEW DATE	FINAL GRADE	INSURANCE PLAN	HEALTH, DENTAL, VISION LIFE, EAP, STD - YR
GRAF, TONY	306.15		26		\$7,960			WAIVER SINGLE	4,302.36
BRADY, JUSTIN (Tier 2 URS Equalizer per policy)	306.15		26		\$7,960			WAIVER SINGLE	4,302.36
GOCHIS, MELODI (Tier 2 URS Equalizer per policy)	306.15		26		\$7,960			WAIVER SINGLE	4,302.36
MANZIONE, MARESA (Tier 2 URS Equalizer per policy)	306.15		26		\$7,960			WAIVER SINGLE	4,302.36
HANSEN, C. ED (Tier 2 URS Equalizer per policy)	306.15		26		\$7,960	Council pays 100% of Dep Cost so Only Singl Coverage is Reflected		SUM3 SINGLE	8,747.88
WINN, DEBRA	361.54		26		\$9,400				
BOLSER, JIM	0.00		26		\$0				
EVANS, STEVE	0.00		26		\$0				
BAKER, SHILO	0.00		26		\$0				
BAKER, ROGER	0.00		26		\$0				
PITT, MICHELLE	0.00		26		\$0				
WIMMER, SHANNON	0.00		26		\$0				
RDA COUNCIL WAGES (Tier 1)					\$7,960				
RDA COUNCIL WAGES (Tier 2 URS Equalizer per policy)					\$31,840				
RDA MUNICIPAL WAGES					\$9,400				
RDA CLERICAL WAGES					\$0				
RDA CLERICAL WAGES (URS Post Retiree)					\$0				
TOTAL RDA WAGES					\$49,200	75-4621-111000			
RDA COUNCIL BENEFITS	30.81%		OF	7,959.90	\$2,452				
RDA COUNCIL BENEFITS (Tier 2 URS Equalizer per polic	29.03%		of	31,839.60	\$9,243				
RDA MUNICIPAL BENEFITS	29.12%		OF	9,400.04	\$2,737				
RDA CLERICAL BENEFITS	29.12%		OF	0.00	\$0				
RDA CLERICAL BENEFITS (URS Post Retiree)	20.01%		OF	0.00	\$0				
TOTAL RDA BENEFITS				\$49,200	\$14,432	75-4621-131000			
RDA INSURANCE					\$25,957				
TOTAL INSURANCE					\$25,957	75-4621-132000			
TOTAL WAGES					\$49,200				
TOTAL BENEFITS W/INSURANCE					\$40,389				
TOTAL WAGES, BENEFITS & INSURANCE					\$89,589				

RDA Pays a % of the Insurance; Note that the full amount is still reflected in each department budget because of calculation formulas.

Note: If RDA Stipend for City Council members is discontinued, Tooele City needs to look at whether or not their City Council salary still meets the minimum required for participation in Tier 1 URS pension plan. As of Feb 1, 2021 the City Council salary alone would not be high enough to make them eligible for coverage in the URS pension. That would also end the Tier 2 URS Equalization Benefit for

TOOELE CITY CORPORATION

RESOLUTION 2021-66

A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO MAYOR DEBRA E WINN'S APPOINTMENT OF CAPTAIN ADRIAN DAY AS TOOELE CITY CHIEF OF POLICE.

WHEREAS, the Tooele City Police Department (TCPD) is an administrative department of Tooele City, and the Mayor designates the head of each department with the consent of a majority of the City Council (see: Tooele City Charter Section 2-06; Tooele City Code Section 1-6-6; U.C.A. Sections 10-3-910, 10-3b-202(d)(ii)(A)); and,

WHEREAS, Chief Ron Kirby has served as TCPD Chief of Police since his appointment by Mayor Roberts in 1998; he has announced his retirement; and, Mayor Winn and the City Council extend to him a sincere expression of thanks for his many years of excellent service; and,

WHEREAS, Mayor Winn has appointed TCPD Assistant Chief of Police Adrian Day as the new TCPD Chief of Police, effective July 11, 2021, and seeks the City Council's consent; and,

WHEREAS, Captain Day has been a police officer with TCPD since 2001, and has held the positions of Assistant Chief, Captain, Investigations Lieutenant, Patrol Lieutenant, Patrol Sergeant, Detective, and Patrol Officer; and,

WHEREAS, Captain Day graduated in 2020 from Northwestern University's School of Staff and Command; and,

WHEREAS, Captain Day graduated in 2000 from the University of Utah with a bachelor degree in Sociology with an emphasis in Criminology; and,

WHEREAS, Captain day graduated in 2001 from the Utah Police Corps Academy and maintains peace officer certification with the Utah Department of Public Safety's Police Officer Standards and Training; and,

WHEREAS, Captain Day and is eminently qualified to serve in the appointed office of Chief of Police for TCPD:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby consents to Mayor Debra E. Winn's appointment of Adrian Day as TCPD Chief of Police, effective July 11, 2021.

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 _____, 2021.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2021-74

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH NELSON BROTHERS CONSTRUCTION COMPANY FOR THE WATER RECLAMATION FACILITY 2021 UPGRADES, PHASE 1.

WHEREAS, Tooele City owns and operates the Water Reclamation Facility; and,

WHEREAS, due to aging infrastructure, it is necessary to perform certain maintenance of the process facilities as well as create additional waste water treatment capacity in order to meet growth demands within the City; and,

WHEREAS, the City solicited public bids for the Water Reclamation Facility 2021 Upgrades, Phase 1 in accordance with the procedures of §11-39-101 *et seq.*, Utah Code Annotated, as amended; and,

WHEREAS, funding for the project will be derived by a combination of general revenue and impact fees; and,

WHEREAS, Nelson Brothers Construction Company has submitted a total cost proposal of Eight Hundred Twenty-Seven Thousand Twenty-Four Dollars (\$827,024.00) for Water Reclamation Facility 2021 Upgrades, Phase 1, which is the lowest responsible responsive bid. A copy of the Bid Tabulation is attached as Exhibit A; and,

WHEREAS, inasmuch as significant portions of the existing facility works will not be visible for full observation until the treatment plant is taken off line and drained, the City Administration requests an additional appropriation of 15% as contingency for change orders for changed conditions and other contingencies which may arise during the Project, as reviewed and approved by the Mayor:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL the City Council hereby approves an agreement (attached as Exhibit B) with Nelson Brothers Construction Company, in the amount Eight Hundred Twenty-Seven Thousand Twenty-Four Dollars (\$827,024.00) for the Water Reclamation Facility 2021 Upgrades, Phase 1, and the additional 15% contingency is hereby approved which may be used for changed conditions and other contingencies, as reviewed and approved by 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 _____, 2021.

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, Tooele City Attorney

EXHIBIT A

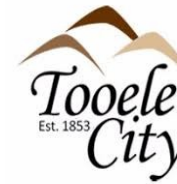
Bid Tabulation

EXHIBIT B

Agreement:

Nelson Brothers Construction Company

TOOELE CITY
WATER RECLAMATION FACILITY 2021 UPGRADES PHASE 1
BID TABULATION



Date: 6/24/2021

BID TABULATION

ITEM	DESCRIPTION	UNIT	QTY	NELSON BROTHERS		VANCON		CORRIO	
				UNIT PRICE	PRICE	UNIT PRICE	PRICE	UNIT PRICE	PRICE
A	Base Bid Equipment				\$ 563,559		\$ 637,000		\$ 840,064
A1	Membrane Diffuser Replacement	LS	1	\$ 58,534	\$ 58,534	\$ 82,000	\$ 82,000	\$ 86,854	\$ 86,854
A2	Clarifier Mechanism and Drive Equipment	LS	1	\$ 371,263	\$ 371,263	\$ 415,000	\$ 415,000	\$ 567,733	\$ 567,733
A3	Clarifier Launder Cover and Density Current Baffle	LS	1	\$ 86,022	\$ 86,022	\$ 90,000	\$ 90,000	\$ 121,914	\$ 121,914
A4	Polymer System	LS	1	\$ 47,740	\$ 47,740	\$ 50,000	\$ 50,000	\$ 63,563	\$ 63,563
B	Unit Price Equipment				\$ 234,390		\$ 302,000		\$ 175,562
B1	Mobilization/Demobilization	LS	1	\$ 19,980	\$ 19,980	\$ 120,000	\$ 120,000	\$ 52,262	\$ 52,262
B2	FRP Covers and Grating	LS	1	\$ 34,320	\$ 34,320	\$ 32,000	\$ 32,000	\$ 34,014	\$ 34,014
B3	Vertical Turbine Mounting Plate and Supports	LS	1	\$ 22,600	\$ 22,600	\$ 60,000	\$ 60,000	\$ 24,943	\$ 24,943
B4	Polymer System Installation	LS	1	\$ 35,020	\$ 35,020	\$ 30,000	\$ 30,000	\$ 26,006	\$ 26,006
B5	Miscellaneous Work Items	LS	1	\$ 72,470	\$ 72,470	\$ 15,000	\$ 15,000	\$ 15,590	\$ 15,590
B6	Electrical	LS	1	\$ 14,540	\$ 14,540	\$ 15,000	\$ 15,000	\$ 14,527	\$ 14,527
B7	Headworks Screening Hopper	EA	2	\$ 17,730	\$ 35,460	\$ 15,000	\$ 30,000	\$ 4,110	\$ 8,220
BID ESTIMATE					\$ 797,949		\$ 939,000		\$ 1,015,626

ADDITIVE ALTERNATES

ITEM	DESCRIPTION	UNIT	QTY	NELSON BROTHERS		VANCON		CORRIO	
				UNIT PRICE	PRICE	UNIT PRICE	PRICE	UNIT PRICE	PRICE
C1	Selective Cleaning of Oxidation Ditch, Solids Holding Tank, and Clarifier	Hours	40.00	\$287.00	\$ 11,480	\$265.00	\$ 10,600	\$283.45	\$ 11,338
C2	Clarifier Bridge Clean, Prep, and Recoat	LS	1.00	\$10,770.00	\$ 10,770	\$18,750.00	\$ 18,750	\$10,771.00	\$ 10,771
C3	Clarifier Exterior Clean, Prep, and Recoat	SF	650.00	\$10.50	\$ 6,825	\$14.90	\$ 9,685	\$11.56	\$ 7,514
BID ESTIMATE					\$ 29,075		\$ 39,035		\$ 29,623

**AGREEMENT
BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)**

THIS AGREEMENT is by and between Tooele City Corporation (“Owner”) and
Nelson Brothers Construction Company (“Contractor”).

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The Water Reclamation Facility 2021 Upgrades Project consists of replacement and improvement of existing wastewater treatment equipment, including: headworks channel covers, clarifier drive, mechanism, launder covers, density current baffle, diffuser membranes, polymer feed system, and vertical turbine support plate.

ARTICLE 2 – THE PROJECT

- 2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: Water Reclamation Facility 2021 Upgrades

ARTICLE 3 – ENGINEER

- 3.01 The Project has been designed by J-U-B ENGINEERS, Inc.
- 3.02 The Owner has retained J-U-B ENGINEERS, Inc. (“Engineer”) to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

- 4.01 *Time of the Essence*
- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.
- 4.02 *Contract Times: Dates*
- A. The Work for the Water Reclamation Facility 2021 Upgrades Project will be substantially completed on or before 270 days from Notice to Proceed and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before 30 days after substantial completion.
- 4.03 *Liquidated Damages*
- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any

extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner \$500 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.
2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner \$500 for each day that expires after such time until the Work is completed and ready for final payment.
3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

4.04 *Special Damages*

- A. In addition to the amount provided for liquidated damages, Contractor shall reimburse Owner (1) for any fines or penalties imposed on Owner as a direct result of the Contractor's failure to attain Substantial Completion according to the Contract Times, and (2) for the actual costs reasonably incurred by Owner for engineering, construction observation, inspection, and administrative services needed after the time specified in Paragraph 4.02 for Substantial Completion (as duly adjusted pursuant to the Contract), until the Work is substantially complete.
- B. After Contractor achieves Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times, Contractor shall reimburse Owner for the actual costs reasonably incurred by Owner for engineering, construction observation, inspection, and administrative services needed after the time specified in Paragraph 4.02 for Work to be completed and ready for final payment (as duly adjusted pursuant to the Contract), until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit. The bid amount is **Eight Hundred Twenty Seven Thousand Twenty Four** Dollars : (**\$ 827,024.00**)

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 25th day of each month during

performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract
 - a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and
 - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 7 – INTEREST

- 7.01 All amounts not paid when due shall bear interest at the rate of 3 percent per annum.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:
- A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
 - B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
 - D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and

drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

- E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor's safety precautions and programs.
- F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 Contents

- A. The Contract Documents consist of the following:
 - 1. This Agreement (pages 1 to 8 inclusive).
 - 2. Performance bond (pages to , inclusive).
 - 3. Payment bond (pages to , inclusive).
 - 4. Other bonds.
 - a. (pages to , inclusive).
 - 5. General Conditions (pages 1 to 72, inclusive).
 - 6. Supplementary Conditions (pages 1 to 9 inclusive).
 - 7. Specifications as listed in the table of contents of the Project Manual.
 - 8. Drawings (not attached but incorporated by reference) consisting of sheets bearing the following general title: 54-inch Sewer Trunk Line Rehabilitation.
 - 9. Addenda (numbers 1 to 1, inclusive).
 - 10. Exhibits to this Agreement (enumerated as follows):

- a. Contractor's Bid (pages 1 to ___ inclusive).
- 11. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
 - a. Notice to Proceed.
 - b. Work Change Directives.
 - c. Change Orders.
 - d. Field Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:

1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____, 2021 (which is the Effective Date of the Contract).

OWNER:

Tooele City Corporation

By: _____

Printed

Name: Debra E. Winn

Title: Mayor

Attest: _____

Title: _____

Address for giving notices:

90 NORTH MAIN

TOOELE, UTAH, 84074

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

APPROVED AS TO FORM

Roger Evans Baker

Tooele City Attorney

CONTRACTOR:

Nelson Brothers Construction Company

By: _____

Printed

Name: _____

Title: _____

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: _____

Title: _____

Address for giving notices:

347 West 1600 South

SALT LAKE CITY, UTAH, 84115

License No.: 225813-5501

(where applicable)

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STAFF REPORT

June 17, 2021

To: Tooele City Planning Commission
Business Date: June 23, 2021

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Lexington at Overlake – Subdivision Plat Amendment Request

Application No.: P21-356
Applicant: Harold Irving, representing Lexington Townhomes, LLC
Project Location: Approximately 1150 North Franks Drive
Zoning: MR-16 Multi-Family Residential Zone
Acreage: 6.39 Acres (Approximately 278,348 ft²)
Request: Request for approval of a Subdivision Plat Amendment in the MR-16 Multi-Family Residential zone regarding the consolidation of two lots in an existing subdivision into one lot.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 6.39 acres located at approximately 1150 North Franks Drive. The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that lots 103 and 108 of the existing Lexington at Overlake Subdivision plat be combined into one, 6.39 acre lot.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately 16 dwelling units per acre. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. Properties to the north are zoned MR-16 as are properties to the east. Properties to the west are zoned R1-7 and properties to the south are zoned NC Neighborhood Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. This subdivision plat amendment proposes to combine lots 103 and 108 of the existing Lexington at Overlake Subdivision plat into lot 201. The lot will be 278,219 square feet or 6.39 acres. The lot is increasing in size so there are not any lot size issues or concerns related to this lot consolidation.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

REVIEWS

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

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by Harold Irving, representing the Lexington Townhomes, LLC, application number P21-356, subject to the following conditions:

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

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Lexington at Overlake Subdivision Plat Amendment request by Harold Irving, representing the Lexington Townhomes, LLC, for the purpose of combining lots 108 and 103 of the existing Lexington at Overlake Subdivision, application number P21-356, based on the findings and subject to the conditions listed in the Staff Report dated June 17, 2021:”

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 Lexington at Overlake Subdivision Plat Amendment request by Harold Irving,

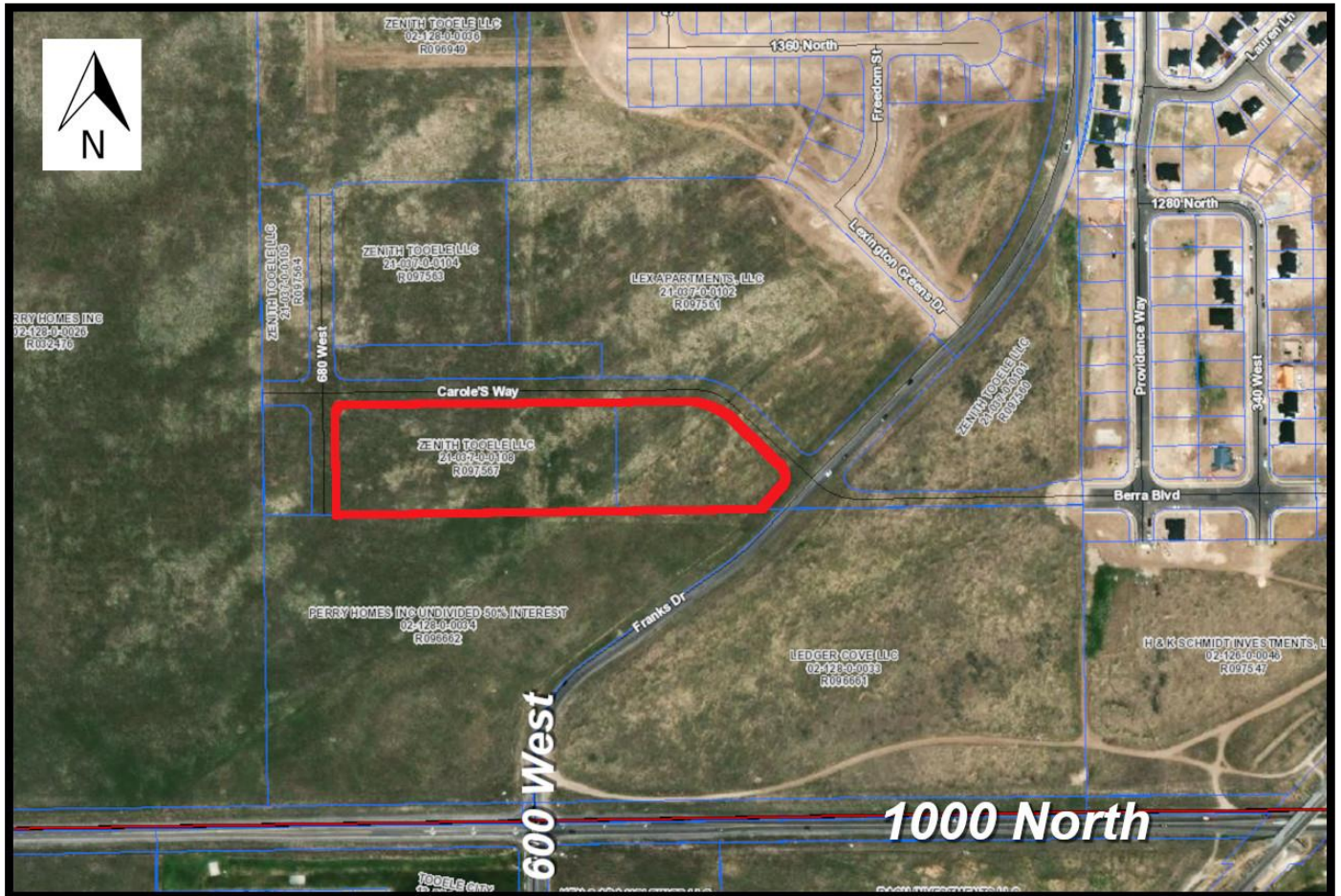
representing the Lexington Townhomes, LLC, for the purpose of combining lots 108 and 103 of the existing Lexington at Overlake Subdivision, application number P21-356, based on the following findings:”

1. List findings...

EXHIBIT A

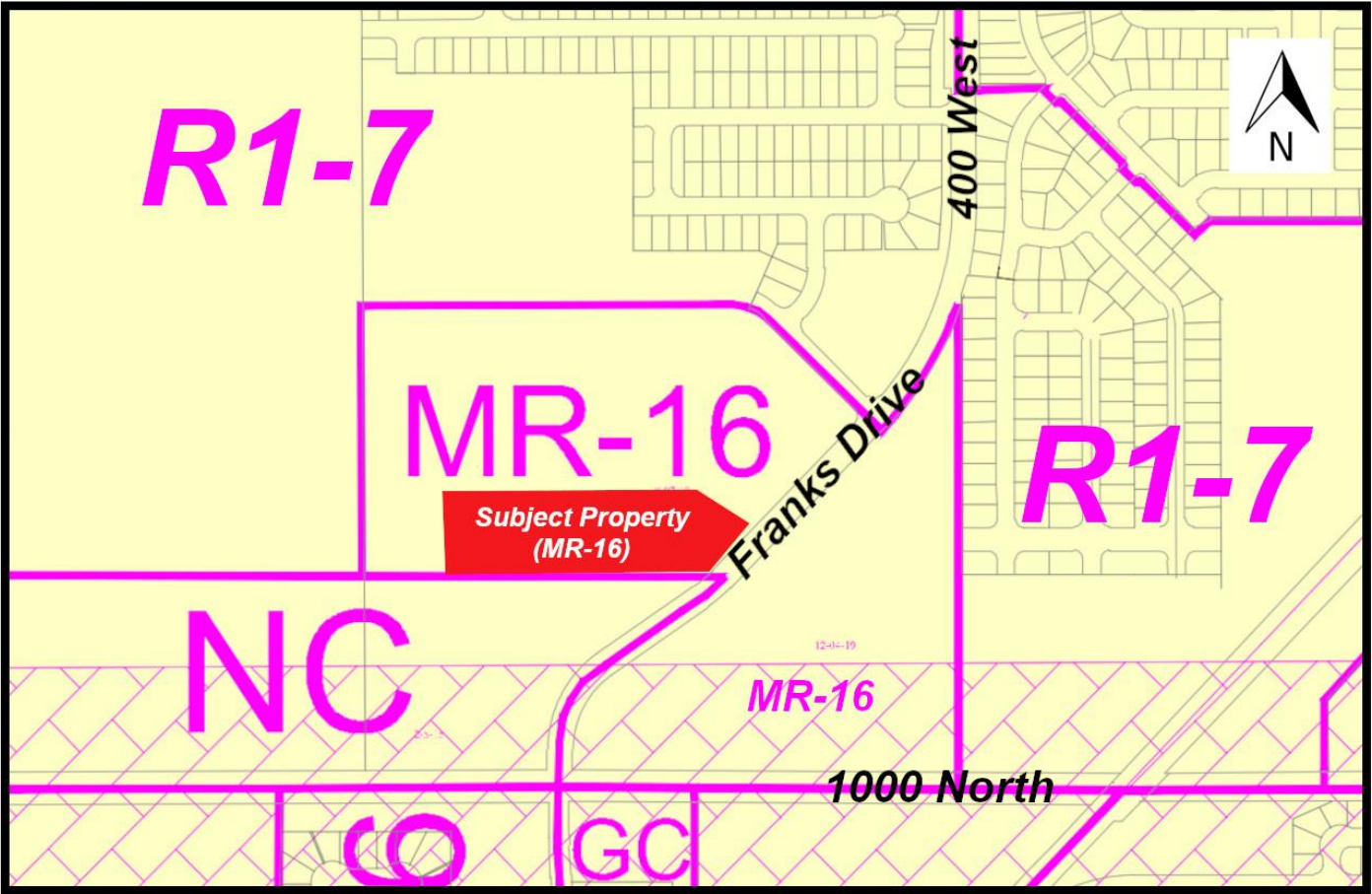
MAPPING PERTINENT TO THE LEXINGTON AT OVERLAKE SUBDIVISION PLAT AMENDMENT

Lexington At Overlake Subdivision Plat Amendment



Aerial View

Lexington At Overlake Subdivision Plat Amendment



Current Zoning

EXHIBIT B

PROPOSED DEVELOPMENT PLANS

LINE TABLE			CENTER LINE CURVE TABLE					
LINE	BEARING	LENGTH	CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
L1	N44°59'43"W	13.20'	CL1	200.00'	68.10'	19°30'32"	S80°29'29"E	67.77'
L2	N44°38'13"E	97.03'	CL2	200.00'	90.09'	25°48'30"	S57°49'58"E	89.33'
L3	S89°59'17"W	147.00'	CL3	200.00'	158.19'	45°19'02"	S67°35'14"E	154.10'
			CL4	200.00'	157.37'	45°04'59"	N67°28'13"W	153.34'

LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1

PRELIMINARY PLAT

(AMENDING AND COMBINING LOTS 103 AND 108 OF THE LEXINGTON AT OVERLAKE SUBDIVISION)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

EAST QUARTER CORNER OF
SECTION 17, TOWNSHIP 3
SOUTH, RANGE 4 WEST, SALT
LAKE BASE AND MERIDIAN.
(FOUND 3" BRASS TOOELE
COUNTY SURVEYORS
MONUMENT WITH RING AND
LID, DATED 2000)

SURVEYOR'S CERTIFICATE

I, Douglas J Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold
certificate No. 334575
in accordance with Title 58, Chapter 22, of the Professional Engineers and
Land Surveyors Act, I further certify that by authority of the owners I have completed a survey of the property described on this
subdivision plat in accordance with Section 17-23-17, have verified all measurements and have subdivided said tract of land into
units, parcels, and a private street, together with easements, hereafter to be known as LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1
, and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all lots
meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southeast Quarter of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and in Tooele City,
Tooele County, Utah, more particularly described as follows:

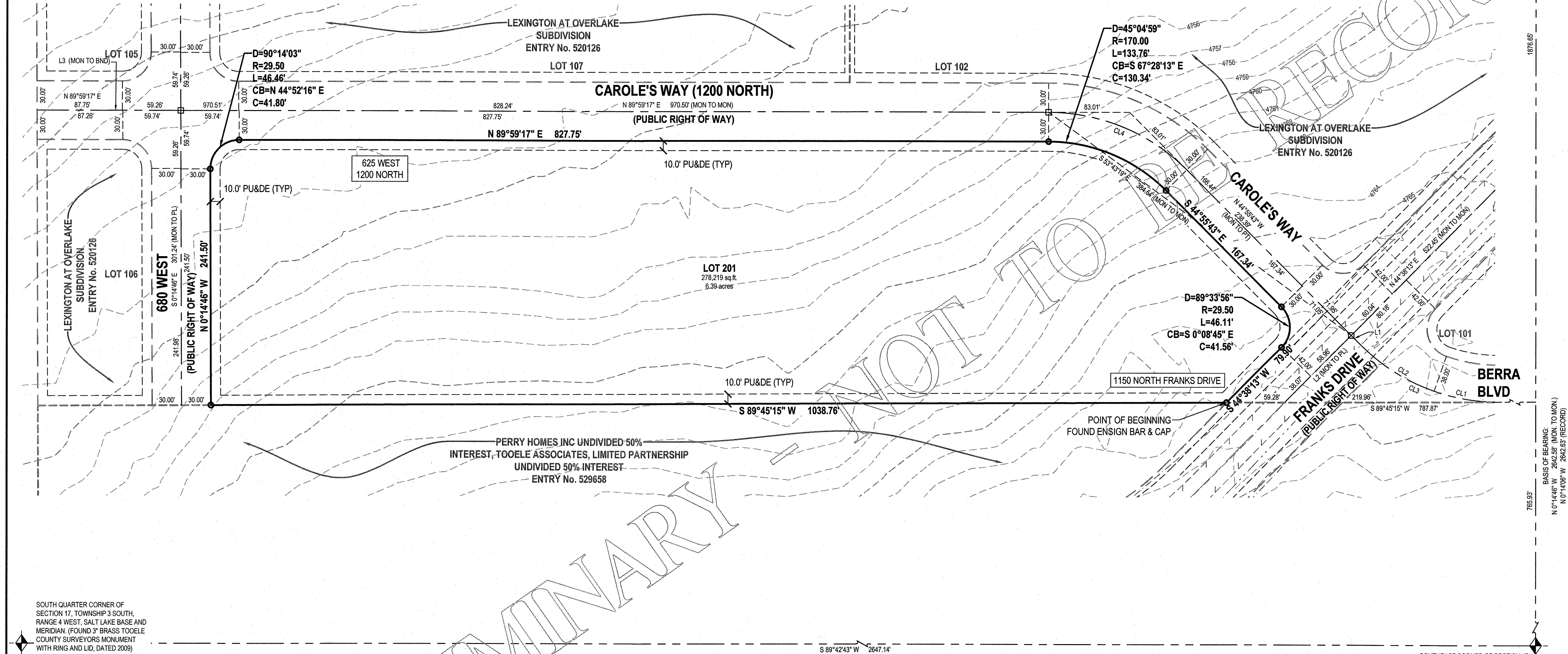
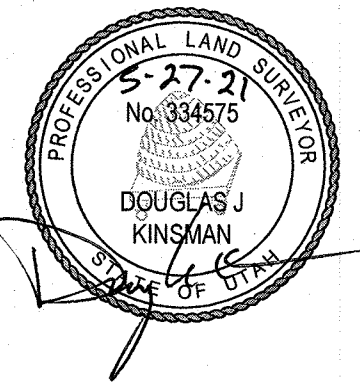
Beginning at a point on the South line of "Lexington at Overlake Subdivision" recorded in the Tooele County Recorder's Office as entry number 520126,
said point also located on the Northwestern line of Franks Drive, also located North 0°14'46" West 785.93 feet along the Section line and South 89°45'15" West
787.87 feet from the Southeast Quarter Corner of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, running:

thence South 89°45'15" West 1,038.76 feet, along said South line of Lexington at Overlake Subdivision;
thence North 00°14'46" West 241.50 feet, along the East line of 680 West;
thence Northeastly 48.45 feet along the arc of a 29.50 foot radius tangent curve to the right (center bears North 89°45'14" East and the long chord
bears North 44°52'16" East 41.80 feet through a central angle of 90°14'03"), along the East line of 680 West to the South line of Carole's Way (1200 North);
thence North 89°59'17" East 827.75 feet along said South Line;
thence Southeastly 133.76 feet along the arc of a 170.00 foot radius tangent curve to the right (center bears South 00°00'43" East and the long chord
bears South 67°28'13" East 130.34 feet through a central angle of 45°04'59"), along the South line of said Carole's Way;
thence South 44°59'43" East 167.34 feet, along the Southeastly line of said Carole's Way;
thence Southeastly 46.11 feet along the arc of a 29.50 foot radius tangent curve to the right (center bears South 45°04'17" West and the long chord bears
South 00°08'45" East 41.56 feet through a central angle of 89°33'56"), along said Southeastly line to the Northwestly line of Franks Drive;
thence South 44°38'13" West 79.90 feet, along said Northwestly line to the Point of Beginning.

Contains 278,219 square feet or 6.39 acres.

May 27, 2021

Date
Douglas J Kinsman
License no. 334575



ROCKY MOUNTAIN POWER COMPANY

- PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
- PURSUANT TO UTAH CODE ANN. § 17-27A-802(4)(C)(VI) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUBLIC UTILITY EASEMENT 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:
- A RECORDED EASEMENT OR RIGHT-OF-WAY
- THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
- TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
- ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20____

ROCKY MOUNTAIN POWER

BY _____

TITLE _____

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 ABRIGATION 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 1-800-955-9532.

APPROVED THIS _____ DAY OF _____, 20____

DOMINION ENERGY

BY _____

TITLE _____

LEGEND

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT TO BE SET
- SECTION CORNER
- SECTION CORNER
- PU&DE
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- ADJACENT RIGHT OF WAY LINE
- TANGENT LINE
- ROAD DEDICATION

DEVELOPER
ZENITH DEVELOPMENT LLC
2040 MURRAY HOLLADAY ROAD, SUITE 204
SALT LAKE CITY, UTAH 84117
801-428-3755

HEALTH DEPARTMENT

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

TOOELE COUNTY HEALTH DEPARTMENT

PARKS DEPARTMENT

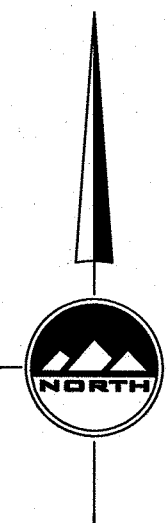
APPROVED THIS _____ DAY OF _____, 20____
BY THE TOOELE CITY PARKS DEPARTMENT.

TOOELE CITY PARKS DEPARTMENT

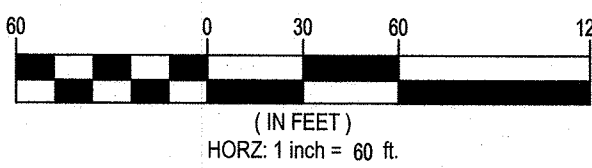
PLANNING COMMISSION

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

ATTEST:



HORIZONTAL GRAPHIC SCALE



LEXINGTON AT OVERLAKE SUBDIVISION
AMENDMENT 1
PRELIMINARY PLAT

(AMENDING AND COMBINING LOTS 103 AND 108 OF THE LEXINGTON AT OVERLAKE SUBDIVISION)

LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH



TOOELE
160 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108

www.ensigneng.com

SALT LAKE CITY
Phone: 801.225.0505

LAYTON
Phone: 801.541.1100

CEGAR CITY
Phone: 435.865.1653

RICHFIELD
Phone: 435.865.0883

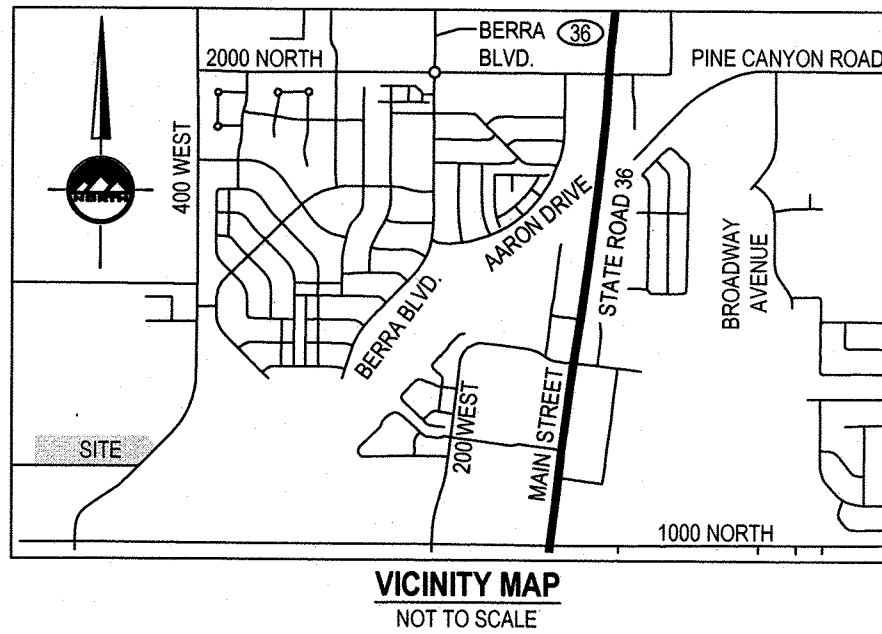
SHEET 1 of 1

PROJECT NUMBER: 8260C
MANAGER: D. KINSMAN
DRAWN BY: C. CARPENTER
CHECKED BY: D. KINSMAN
DATE: 5/27/21

LINE TABLE			CENTER LINE CURVE TABLE						
LINE	BEARING	LENGTH	CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD	
L1	N44°55'43"W	13.20'	CL1	200.00'	68.10'	19°30'32"	S80°28'29"E	67.77'	
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			CLA	200.00'	157.37'	45°04'59"	N67°28'13"W	153.34'	

LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1 FINAL PLAT

(AMENDING AND COMBINING LOTS 103 AND 108 AND VACATING EASEMENTS
BETWEEN LOTS 103 AND 108 OF THE LEXINGTON AT OVERLAKE SUBDIVISION)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE
4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



EAST QUARTER CORNER OF
SECTION 17, TOWNSHIP 3
SOUTH, RANGE 4 WEST, SALT
LAKE BASE AND MERIDIAN,
(FOUND 3" BRASS TOOELE
COUNTY SURVEYORS
MONUMENT WITH RING AND
LID, DATED 2000)

SURVEYOR'S CERTIFICATE

I, Douglas J Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold
certificate No. 334575, in accordance with Title 58, Chapter 22, of the Professional Engineers and
Land Surveyors Act, I further certify that by authority of the owners I have completed a survey of the property described on this
subdivision plat in accordance with Section 17-23-17, have verified all measurements and have subdivided said tract of land into
units, parcels, and a private street, together with easements, hereafter to be known as **LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1**
and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all lots
meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southeast Quarter of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and in Tooele City,
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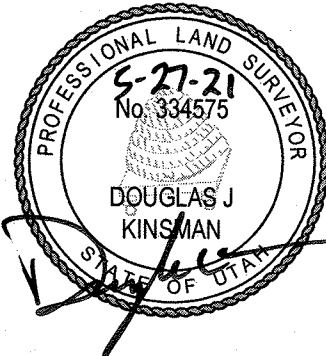
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thence Northeastly 46.46 feet along the arc of a 29.50 feet radius tangent curve to the right (center bears North 89°45'14" East and the long chord
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thence North 89°59'17" East 827.75 feet along said South Line;
thence Southeastly 133.76 feet along the arc of a 170.00 feet radius tangent curve to the right (center bears South 00°00'43" East and the long chord
bears South 07°29'13" East 130.34 feet through a central angle of 45°04'59"), along the Southerly line of said Carol's Way;
thence South 44°59'43" East 167.34 feet, along the Southwesterly line of said Carol's Way;
thence Southerly 46.11 feet along the arc of a 29.50 feet radius tangent curve to the right (center bears South 04°04'17" West and the long chord bears
South 00°08'45" East 41.56 feet through a central angle of 89°33'56"), along said Southwesterly line to the Northwestern line of Franks Drive;
thence South 44°38'13" West 79.90 feet, along said Northwestern line to the Point of Beginning.

Contains 278,219 square feet or 6.39 acres.

MAY 27, 2021

Date
Douglas J Kinsman
License no. 334575



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 be divided into lots and streets, together with easements as set forth hereafter to be known as:

LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1 (AMENDING AND COMBINING LOTS 103 AND 108 OF THE LEXINGTON AT OVERLAKE SUBDIVISION)

The undersigned owner(s) hereby dedicate for perpetual use of the public all roads and other areas shown on this plat as intended for
public use. The undersigned owners also hereby convey to Tooele City and to any and all public utility companies a perpetual,
nonexclusive 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 utility lines and facilities.

In witness whereof I / we have hereunto set my / our hand this _____ day of _____, A.D., 20____.

By: Zenith Tooele LLC
Charles W. Akerlow (Managing Director)

By: Lexington Townhomes, LLC
Harold Irving (Managing Director)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
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 Corporation executed the same.

Notary's Full Name & Commission Number _____

My Commission Expires _____

A Notary Public Commissioned in Utah

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
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 Corporation executed the same.

Notary's Full Name & Commission Number _____

My Commission Expires _____

A Notary Public Commissioned in Utah

LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1 FINAL PLAT

(AMENDING AND COMBINING LOTS 103 AND 108 OF THE LEXINGTON AT OVERLAKE SUBDIVISION)

LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH

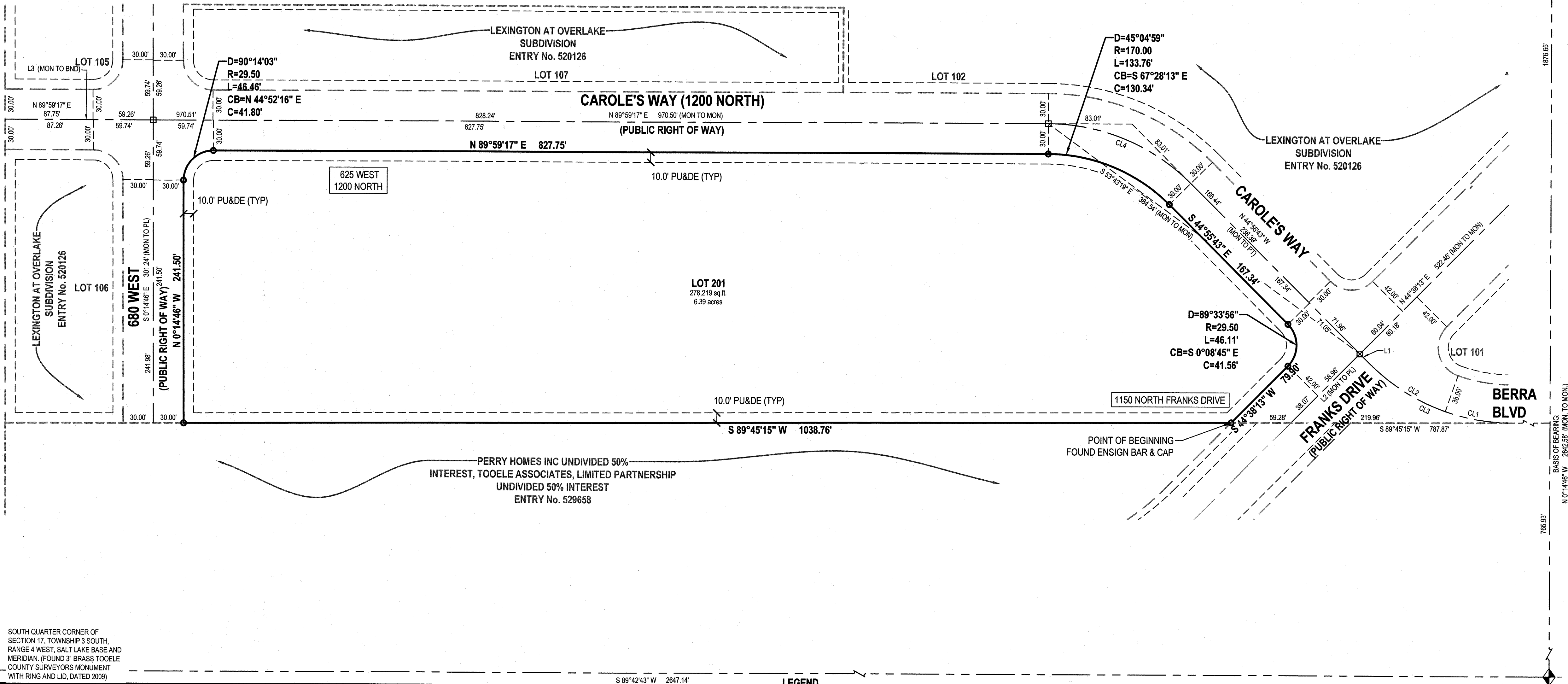
TOOELE COUNTY RECORDER

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

DATE: _____ TIME: _____

FEES

TOOELE COUNTY RECORDER



SOUTH QUARTER CORNER OF
SECTION 17, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE AND
MERIDIAN, (FOUND 3" BRASS TOOELE
COUNTY SURVEYORS MONUMENT
WITH RING AND LID, DATED 2000)

TOOELE COUNTY SURVEY DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE TOOELE COUNTY SURVEY DEPARTMENT.
RECORD OF SURVEY FILE #2020-0068

TOOELE COUNTY SURVEY DIRECTOR

COMMUNITY DEVELOPMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE COMMUNITY DEVELOPMENT

TOOELE CITY COMMUNITY DEVELOPMENT

NOTE

-5/8" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSIGN ENG. & LAND SURV." TO BE PLACED AT ALL LOT AND BOUNDARY CORNERS

-THIS PLAT IS SOLELY FOR THE PURPOSE OF ESTABLISHING PROPERTY
LINES FOR OWNERSHIP. THIS PLAT DOES NOT ENTITLE ANY DEVELOPMENT
OR CONSTRUCTION. ALL ENTITLEMENTS AND DEVELOPABILITY, INCLUDING
INFRASTRUCTURE, EASEMENTS, AND PROPERTY DEDICATIONS AS NEEDED,
MUST BE ESTABLISHED THROUGH FURTHER LAND USE APPLICATIONS AND
APPROVALS ACCORDING TO THE TOOELE CITY CODE.

APPROVED THIS _____ DAY OF _____, 20____,

DOMINION ENERGY

BY _____

TITLE - _____

LEGEND

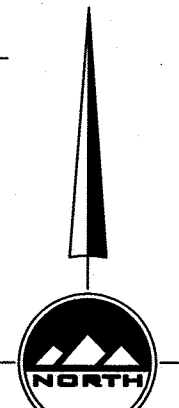
	EXISTING STREET MONUMENT		ADJACENT PROPERTY LINE
	PROPOSED STREET MONUMENT TO BE SET		SECTION LINE
	SECTION CORNER		CENTER LINE
	-5/8" x 24" REBAR W/ YELLOW PLASTIC CAP "ENSIGN ENG. & LAND SURV." TO BE PLACED AT ALL LOT & BOUNDARY CORNERS		EASEMENT LINE
	PUBLIC UTILITY & DRAINAGE EASEMENT		RIGHT OF WAY LINE
	BOUNDARY LINE		ADJACENT RIGHT OF WAY LINE
			TANGENT LINE

CITY COUNCIL APPROVAL

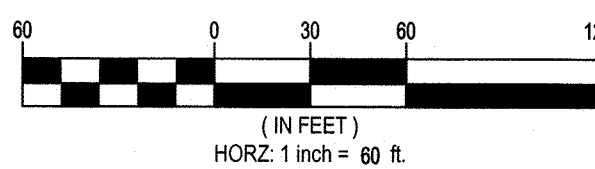
APPROVED THIS _____ DAY OF _____, 20____,
BY THE TOOELE CITY COUNCIL.

CHAIRMAN TOOELE CITY COUNCIL

SOUTHEAST CORNER OF SECTION 17,
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT
LAKE BASE AND MERIDIAN, (FOUND 3" BRASS
TOOELE COUNTY SURVEYORS MONUMENT
WITH RING AND LID, DATED 2000)



HORIZONTAL GRAPHIC SCALE



TOOELE COUNTY HEALTH
DEPARTMENT APPROVAL

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

TOOELE COUNTY HEALTH DEPT.

PLANNING COMMISSION APPROVAL

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

CHAIRMAN TOOELE CITY PLANNING COMMISSION

COUNTY TREASURER APPROVAL

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

TOOELE COUNTY TREASURER

CITY ATTORNEY'S APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____,
20____,
BY THE CITY ATTORNEY

TOOELE CITY ATTORNEY

CITY ENGINEER'S APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____,
20____,
BY THE CITY ENGINEER

TOOELE CITY ENGINEER

DEVELOPER

ZENITH DEVELOPMENT LLC
2040 MURRAY HOLLADAY
ROAD, SUITE 204
SLC, UTAH 84117
801-428-3755

SHEET 1 OF 1

PROJECT NUMBER: 8260C
MANAGER: D. KINSMAN
DRAWN BY: C. CARPENTER
CHECKED BY: D. KINSMAN
DATE: 9/27/2021



TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
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LAYTON
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RICHFIELD
Phone: 435.868.2863

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, June 16, 2021

Time: 7:00 p.m.

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

City Council Members Present:

Tony Graf
Melodi Gochis
Ed Hansen
Justin Brady
Maresa Manzione

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Shannon Wimmer, Finance Director
Darwin Cook, Parks and Recreation Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy City Recorder

Minutes prepared by Katherin Yei

Chairwoman Gochis called the meeting to order at 7:07 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Graf.

2. Roll Call

Tony Graf, Present
Melodi Gochis, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present

3. Public Comment Period

Mike Leonelli, owns 40 acres on McKeller Street, stated the Land Use Map is 30 years old. He stated he hopes that Mr. Bolser gives the City Council an updated map and that decisions are being made on facts, not comments. He stated the map that is shown does not show update information.

4. **Public Hearing and Motion on Resolution 2021-69 A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2020-2021**

Presented by Shannon Wimmer, Finance Director

Ms. Wimmer stated this is the final amendment for the budget. She stated the one amendment is to make sure the leave pay-out meets the obligations.

Chairman Gochis opened to the public

Council Member Brady motioned to approve resolution 2021-69. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

5. **Resolution 2021-71 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2021-2022**

Presented by Shannon Wimmer, Finance Director

Ms. Wimmer stated the resolution is to adopt the certified tax rate and not increase the rate. She stated the current rate for 2021, based on calendar year, is .002763 which has declined compared to the rate of 2020 which was .003051. She stated the value of the City goes up as the rate goes down.

Council Member Graf stated it is an important step to maintain the taxes for our citizens and it has his full support.

Chairman Gochis stated she agrees with Council Member Graf. She stated she applauds Ms. Wimmer because the estimated was very close to the actual

Council Member Graf motioned to approve resolution 2021-71. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

6. **Public Hearing and Motion on Resolution 2021-70 A Resolution of the Tooele City Council Adopting a Final Budget for Tooele City for Fiscal Year 2021-2022**
Presented by Shannon Wimmer, Finance Director

Ms. Wimmer stated it is the final hearing to adopt the budget. She stated the adjustments that were made were given to the City Council, but overall, it is the same budget that was presented in May.

Chairman Gochis opened to the public.

Council Member Manzione motioned to approve Resolution 2021-70, adopting the final budget. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

Mayor Winn stated her gratitude for the staff and Ms. Wimmer for putting together the budget. She stated the budget book will be put online and a printed version will be available for the public to view.

7. **Public Hearing & Motion on Ordinance 2021-19 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the MR-25 Multi-Family Residential Zoning District for Approximately 14.3 Acres of Property Located at Approximately 300 West 1000 North**
Presented by Jim Bolser, Community Development Director

Mr. Bolser stated the applicant is requesting the property be changed to MR-25 zoning to facilitate higher residential usage with the combination of apartments and or townhomes although a concept plan has not been provided. He stated the Planning Commission shared their concerns for MR-25 and forwarded a positive recommendation to make the zone MR-16 with a split vote of five to two.

Mr. Bolser stated the Council had three options to move forward. He stated option one was to consider the applicants request of MR-25 and approve or deny it. He stated option two is to consider the Planning Commission's recommendation and move forward with MR-16 by tabling this review and allowing the applicant to revise his application to a request for that zoning. He stated option three was to table the ordinance and discuss it further.

Council Member Brady asked for clarification on access points.

Mr. Bolser stated through the corridor agreement, there was a right-in, right-out only at 300 West. Council Member Brady stated most of the traffic from the development would go to 200 West. Council Member Hansen asked what UDOT is doing to the roads when they close them for construction in June. Mayor Winn stated UDOT would not be adding any lanes, only repairing the roads.

Council Member Manzione stated much of the discussion at the Planning Commission meeting was around not knowing what would actually be put there. She stated MR-16 is big enough and not having a concept plan, it is hard to allow anything bigger.

Council Member Hansen stated the Council has some room to help guide the project upon approvals.

Council Member Brady stated his concern is for the traffic on the road.

Boyd Pries, the applicant, stated they are happy to bring back a concept plan, but he wants to make sure they are going in the same direction. He stated they want to work with Tooele City's ideas. He stated the rezone makes sense for MR-25 and high density because it attracts retail and commercial, increases sales tax Main Street and 1000 North allows people to get in and out of the neighborhood without disrupting other neighborhoods, less traffic that is generated per person, develops walkable community, lower infrastructure costs to City, and it's a great location for public transit. He stated it provides a work, live, and play atmosphere within the community.

Council Member Hansen asked if there was a possibility for access at 250 West and 300 West.

Mr. Pries stated the exhibit he has, has an exit at 250 West and a possibility of a light at 300 West.

Mr. Bolser stated he pulled the corridor agreement which has allowance at 250 West access only if there is spacing. He stated there currently is not any spacing there.

Council Member Manzione stated during the Planning Commission meeting it was stated they do not have a builder yet. Mr. Pries stated they wanted to sell to just a builder but stay involved in the process.

Council Member Brady asked if the plan is apartments and or townhomes.

Mr. Pries stated it would most likely be condominiums but does not have a site plan currently.

Chairman Gochis opened the public hearing.

Jace Bakehead stated there is opportunity for retailers like TJ Maxx, Hobby Lobby, etc. to come in if Tooele has higher density. He stated retailers look at the density. He stated he

wants the City to be excited for the project which will be developed in phases as they work together.

Greg Shields, retail broker, stated Tooele City is special to him. He stated he is the guy that sits in the room and finds out what it takes to bring in the commercial including zoning at MR-16 or MR-25.

Mr. Bolser stated there were public comments received for the Planning Commission hearing which were provided to the Council as a part of their packet.

Chairman Gochis stated she has concern on a walkable community because the possibility of 350 units on 14 acres brings in many children. She stated her fear for children being near the busy road and walking. She stated she would like to see a study of how it will impact area.

Council Member Manzione asked if walking paths can be added to the traffic study. Mr. Bolser stated the walking paths can be added as an pedestrian element of traffic study.

Council Member Graf stated they are not able to change the railroad tracks, location, etc., so he doesn't see it as a feasibility for MR-25. He stated his proposal would be to table for MR-16 consideration.

Mr. Bolser stated the Council could table and discuss MR-25 further with the requested study information or table and suggest the applicant revise to MR-16, but if the applicant does not want that, they make a circle back to where they are now.

Council Member Manzione stated she is not a fan of MR-25, but is not opposed for further discussion to be fair to the applicant.

Council Member Manzione motioned to table Ordinance 2021-19 for further discussion with a concept plan, traffic study, and water study being presented.

Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Naye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed.

8. **Resolution 2021-65 A Resolution of the Tooele City Council Authorizing the Tooele City Purchasing Agent to Dispose of Surplus Personal Property (Finance)**
Presented by Michelle Pitt, Tooele City Recorder

Ms. Pitt stated the City Council declare two Yamaha Scooters surplus and allow them to go to outside auction.

Council Member Hansen asked where they take them to auction.

Ms. Pitt stated the fleet manager takes them to TNT auction.
Council Member Graf asked what the scooters were used for.
Ms. Pitt stated they were used for the water meters.
Chairman Gochis asked if they had just come to the end of its life span and had been replaced.
Ms. Pitt stated the scooters had been replaced.

Council Member Hansen motioned to approve 2021-65. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

9. **Resolution 2021-68 A Resolution of the Tooele City Council Approving an Amendment and Extension to the Interlocal Agreement with Tooele County for Solid Waste Disposal Presented by Debbie Winn, Mayor of Tooele**

Mayor Winn stated the resolution is to extend the agreement with Tooele County for solid waste disposal. She stated the agreement has been in existence for three years; they will leave the fee amount the same and extend for another year.

Council Member Brady motioned to approve resolution 2021-68. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

10. **Resolution 2021- 67 A Resolution of the Tooele City Council Approving a Contract with Christensen & Griffith Construction for the Oquirrh Hills Golf Course Restroom Buildings Project**
Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook stated bids went out to construct restroom at the Golf Course; they received two back with Christensen & Griffith Construction being the lowest. He stated this resolution is to approve the contract with Christensen & Griffith to construct bathrooms for the front nine and the back nine at the Oquirrh Hills Golf Course. He stated there are two alternates and the Council can choose which one they would like. He stated alternate one is to build both bathrooms for \$228,726. He stated alternate two is to build just the back bathroom for \$96,043.

Chairman Gochis asked if they already approved in the budget the construction on the bathrooms for the back nine and would be adding to the budget for the additional cost.

Mr. Cook stated it they did approve the budget for the back nine bathrooms and approval for this contract would be approving the additional funds with a contingency of 5%.

Council Member Brady asked for further clarification on the price different between the two alternates.

Mr. Cook stated due to the location of where the front nine bathrooms would be located in 810 feet away from an electrical connection and the cost is to connect the building to that connection. He stated it does include the demolition of the front nine.

Council Member Brady asked how much is in the par-tax that can be spent.

Mr. Cook stated they had not requested the full amount of the budget; there is \$385,000 available.

Council Member Hansen motioned to approve 2021-67 with alternate one. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

11. **Resolution 2021-72 A Resolution of the Tooele City Council Approving a Contract with Cold Tech Refrigeration Inc. for Removal and Replacement of the HVAC System for the Tooele City Youth Center**
Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook stated one of the heaters has completely failed and the swamp cooler has reached its life span in the Tooele City Youth Center. He stated it had been sent to bid with Cold Tech Refrigeration Inc bidding at \$57,948. He stated Tooele City does use Cold Tech for other needs. He stated the resolution is to award the contract to Cold Tech Refrigeration Inc with a 5% contingency.

Council Member Brady motioned to approve 2021-72. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

12. **Resolution 2021-73 A Resolution of the Tooele City Council Approving an Agreement with Sonntag Recreation LLC for Purchase and Installation of a Playground at England Acres Park**
Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook stated this is considered phase two construction project at England Acres Park for the playground. He stated four contractors submitted two proposals each. He stated the proposal they chose is a combination of Sonntag Recreation LLC's two proposals. \

Chairman Gochis asked if there is a timeline for this part of the project.

Mr. Cook stated the department will be waiting on the City more than they are waiting for Sonntag Recreation LLC.

Chairman Gochis asked if the department does any of the prep work.

Mr. Cook stated the department would be doing ground preparation. He stated the City has two certified inspectors that can pass it off.

Chairman Gochis stated it is a money savor to use city employees for ground work.

Mr. Cook stated city employees have jumped up and done projects in the past and it does save money.

Council Member Hansen motioned to approve resolution 2021-73. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

13. **Subdivision Plat Amendment Request to Amend Lot 1 of the Oristruts Minor Subdivision** by Off-Road Innovations, Inc., Located at Approximately 2400 North 600 East in the GC General Commercial Zoning District on 8.81 Acres.
Presented by Mayor Winn, substituting for Jim Bolser, Community Development Director

Mayor Winn stated there is a detailed report of this amendment in the staff report. She stated the Oristruts Minor subdivision wants to take lot one and divide it into five light industrial lots.

Council Member Hansen asked the applicant if they are sold or had a plan for future use.

The applicant stated it is a step for future plans.

Council Member Manzione motioned to approve subdivision plat amendment request to amend lot 1 of the Oristruts Minor subdivision. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council

Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

14. **Minor Subdivision Request by Green River, LLC, for the Green Rock Minor Subdivision, to Subdivide an Existing Parcel of Record into Two Lots Located at 353 East 500 North in the R1-7 Residential Zoning District on 0.41 Acres.**

Presented by Mayor Winn substituting for Jim Bolser, Community Development Director

Mayor Winn stated this request was forwarded from the Planning Commission. She stated Green River would like to take an existing parcel of land and divide it into two lots.

Council Member Hansen asked if there was a home on the lot already.
Mayor Winn stated there is one house on the lot already.

Council Member Hansen motioned to approve Minor Subdivision Request by Green River, LLC. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

15. **Minutes**

- June 2nd Work and Business Meeting

Council Member Manzione motioned to approve minutes from June 2, 2021. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Chairwoman Gochis, "Aye." The motion passed

16. **Invoices**

Presented by Michelle Pitt, Tooele City Recorder

Ms. Pitt presented the following invoices to the Council for approval:

Tooele County Sheriff's Office for dispatch services in the amount of \$80,078.00.

Settlement Canyon Irrigation Company for \$127,648 to pay the SCIC for contracted work and supplies of installation of storm drain and pipe.

Mayor Winn stated she sent the City Council an email explaining the difference in the amounts. She stated the Settlement Canyon hired the company and the approval is to reimburse the irrigation company.

Council Member Hansen motioned to approve invoices. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Graf, “Aye,” Council Member Brady, “Aye,” Council Member Manzione, “Aye,” Chairwoman Gochis, “Aye.” The motion passed.

17. **Adjourn**

Chairwoman Gochis adjourned the meeting at 8:16pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this ____ day of June, 2021

Melodi Gochis, City Council Chairwoman

**Redevelopment Agency of
Tooele City Council**

Date: Wednesday, June 16, 2021

Time: 5:30 p.m.

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

Board Members Present:

Tony Graf
Ed Hansen
Justin Brady
Maresa Manzione
Melodi Gochis, Tardy

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Steve Evans, Public Works Director
Kami Perkins, Human Resources Director
Shannon Wimmer, Finance Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy City Recorder
Jared Stewart, Economic Development Coordinator

Minutes prepared by Katherin Yei

1. Open RDA Meeting

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

2. Roll Call

Tony Graf, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present

3. Public Hearing & Motion on Resolution 2021-08 A Resolution of the Redevelopment Agency of Tooele City, Utah, Adopting a Budget for Fiscal Year 2021-2022

Presented by Shannon Wimmer

Ms. Wimmer stated this hearing is to adopt the final budget for the RDA.

Chairman Brady opened the public hearing.

Board Member Manzione motioned to adopt Resolution 2021-08. Board Member Hansen seconded the motion. The vote was as follows: Board Member Hansen, "Aye," Board Member Graf, "Aye," Chairman Brady, "Aye," and Board Member Manzione, "Aye. The motion passed.

4. Economic Development Report

Presented by Jared Stewart

Mr. Stewart stated there are efforts to get public feedback on the draft of the Economic Development Strategic Plan. He stated on June 8th, Ms. Anderson from the Governor's Office visited Tooele City to kick off the Main Street Program. He stated UDOT has given the go-ahead to add parking on the west side of main street in the downtown area. He stated they received \$50,000 grant from the WFRC for covid-19 response fund. He stated two trainings are taking place for Tooele City Businesses including web-marketing and book keeping. He stated they also received grant money from the Tooele County Tourism Tax fund to help advertise the Oquirrh Hills Golf Course and to upgrade the electrical panel for the Tooele Valley Museum. He stated the RDA will be getting a Financial Analysis Study to provide recommendation for the Council. He stated the Industrial Depot is making great progress, including Savage, Carvana, and PID.

Board Member Gochis asked when the RDA, Redevelopment Tax Increment Act, set to sunset or expire.

Mr. Stewart stated it will not take effect until 2023.

Board Member Manzione stated she attended the kick off meeting on Monday and is exciting to see what the analysis comes back with.

5. Minutes

Minutes include March 19, 2021 Meeting

No changes need to be made to the minutes on March 19, 2021.

Board Member Manzione motioned to adopt the minutes on March 19, 2021. Board Member Hansen seconded the motion. The vote was as follows: Board Member Hansen, "Aye," Board Member Graf, "Aye," Chairman Brady, "Aye," and Board Member Manzione, "Aye." The motion passed.

6. Closed Meeting

Litigation, Property Acquisition, and/or Personnel

Board Member Graf motioned to move to a closed meeting. Board Member Manzione seconded the motion.

Those in attendance were Mayor Debbie Winn, Council Chair Gochis, Council Member Manzione, Council Member Graf, Council Member Brady, Council Member Hansen, Michelle Pitt, Derrick Larsen, Jared Stewart, Jim Bolser, Paul Hansen, Shilo Baker, and Shannon Wimmer.

7. Adjourn

Chairman Brady adjourned the meeting at 5:58 pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this _____ day of June, 2021

Justin Brady, Redevelopment Agency Chairman

Tooele City Council Work Meeting Minutes

Date: Wednesday, June 16, 2021

Time: 5:35 p.m.

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

City Council Members Present:

Tony Graf
Melodi Gochis
Ed Hansen
Justin Brady
Maresa Manzione

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Darwin Cook, Parks and Recreation Director
Shannon Wimmer, Finance Director
Steve Evans, Public Works Director
Paul Hansen, Tooele Engineer
Kami Perkins, Human Resources Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy City Recorder

Minutes prepared by Katherin Yei

1. Open City Council Meeting

Chairwoman Gochis called the meeting to order at 6:01 p.m.

2. Roll Call

Tony Graf, Present
Melodi Gochis, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present

3. Mayor's Report

Mayor Winn stated she attended the celebration of the Tooele Rail port with Savage. She stated the City was invited to a Flag Day ceremony in Lexington Green where the VFW Post was invited. She stated with the drought the water conservation schedule is posted and the City is posting links with tips to conserve water. She stated Utah has put out restrictions with fireworks

and fires. She stated the county is not allowing any fires in the county-maintained canyons; fires are only allowed in approved fire rings. She stated she met with the fire chief to leave fire restrictions in place from previous years. She stated she signed the certificate of completion for the public works items.

Mayor Winn stated UDOT is planning to begin the re-pavement project of SR112. She stated 600 west 1000 north intersection will be shut down completely for full closer June 24-27; 200 west and 1000 north will be closed completely July 9-11.

4. Council Member's Report

Council Member Hansen stated he didn't have anything to report.

Council Member Brady stated he attended the Dugway Proving grounds tour, Downtown Main Street Program meeting, Savage ribbon cutting, met with several developers about ideas for City.

Council Member Graf stated he attended the Dugway Proving grounds tour, attended Arts Council Meeting with Friday's on Vine starting, attended savage ribbon cutting today, and a citizen reached out about fires within the City where a conversation ensued with the Mayor and the county.

Council Member Manzione stated she attended the Dugway Proving grounds tour, the flag raising ceremony, the Utah Main Street Program meeting, Savage Ribbon Cutting, Planning Commission meeting, and active transportation meetings.

Chairman Gochis stated she attended the Dugway Proving grounds tour, Friday's on Vine with a BBQ and a concert, Miss Tooele City elected official brunch, 911 memorial planning meeting, Pre-development meeting, Tooele City Arts Council meeting, viewed Planning Commission meeting, and the Flag Raising Ceremony.

5. Fraud Risk Assessment

Presented by Shannon Wimmer

Ms. Wimmer stated the fraud risk assessment came out around March of 22 to allow agencies to assess their progress in those areas. She sated the City is doing well but needs improvement in three areas.

Council Member Graf stated his appreciation.

Chairman Gochis stated there is a responsibility to the citizens and the assessment is appreciated.

6. Resolution 2021-49 A Resolution of the Tooele City Council Consenting to the One-Time Incorporation of Stipends Paid to Specific City Employees by the Redevelopment Agency of Tooele City (RDA) to Employee Regular Rates of Pay by Tooele City Corporation

Presented by Kami Perkins

Mrs. Perkins stated she has been asked to include the RDA stipend in the Tooele City Budget. She stated she does not have authorization within the policy and procedures to make the changes; she brings these changes to the council to make sure they are transparent in these changes.

Chairman Gochis stated RDA is going to sunset and there will be other ways to create the tax.

Mrs. Perkins stated this is a discussion tonight, but the vote will be in July.

7. Resolution 2021-55 A Resolution of the Tooele City Council in Support of Renaming the Midvalley Highway (S.R. 179) to "Jordan M. Byrd Veterans Memorial Highway"

Presented by Tony Graf, City Council Member

Council Member Graf stated reached out to the family of Jordan M Byrd to rename the Midvalley Highway. He stated the City does not have the power to rename the highway, but the intent is to show support to the movement when they can approach UDOT.

He read a section of the story of Jordan M Byrd and his service; he put himself in danger with no thought of himself but for the safety of his platoon. He stated they want to remember our own; those that put life and liberty above their own.

Council Member Hansen asked if it has been presented to the County.

Council Member Graf stated he has not been in contact with the County yet. He stated he wants the full support of the City before he moves forward to the County.

Council Member Manzione stated she is in full support.

Graf stated his goal is to get all the entities within the county to support this endeavor as well.

Council Member Hansen stated he is in support of honoring the young man.

Council Member Graf stated the verbiage is recognizing all veterans, Jordan is the front runner of this project.

8. Discussion on a Proposed City Code Text Amendment Regarding RSD Residential Special Districts and CSD Commercial Special Districts

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated it is a first draft to the proposed City Code text amendment. He stated the principle and application of zoning is a powerful tool but can be somewhat inflexible. He stated RSD, residential special districts, is not one that is widely understood and accepted by a lot of

cities. He stated the inflexibility comes into play when new ideas come into the equation and time and technology change ideas, codes typically cannot keep up.

Mr. Bolser stated the idea is to specifically identify and accommodate new ideas without overhauling ordinances. He stated the applicant comes in with a project that does not fit into a current zone, they basically write their own zone; this text amendment is a first effort to look and establish a program. He stated the difficult part is trying not to undermine the current zoning code by making the RSD program too simple or allow it to cover too small of a project area that it encourages every project coming in to propose an RSD to get around zoning. There is also a balance in that you don't want to set up a program or project area where it's too much for good projects to utilize this tool. He stated the document given out was a declaration page that developed for use with PUDs was an example of what the RSD form could look like.

Council Member Manzione stated she is a fan of the proposal.

Council Member Brady stated this is great. He stated the developer would complete it and then the Council talks about what they want within that. Mr. Bolser stated it would function in one of two ways including providing the document to the applicant to start the conversation or the applicant fills out the form and then the discussion happens.

Council Member Brady stated once the application is submitted, the Council can state what they need within it, i.e. park or green area.

Council Member Hansen stated other zones are cut and dry, this allows some freedom.

Mr. Bolser stated many applicants want different things that would fall under different zones. He stated they can do two things with an RSD, allow them to mix product types without worry about zoning boundaries or right their own zones to fit their ideas.

Council Member Hansen stated problems might arise over the years. He asked if they are going to fix the problems as they arise. Mr. Bolser stated they have taken the opportunity to address issues the staff has seen in the past and can adapt.

Council Member Hansen asked why the acre is so big. Mr. Bolser stated he is unsure of what the balance point is between a project that is big enough to warrant this idea but not too big to make it as a very select few. He stated they can discuss project sizes for what's right for an RSD.

Council Member Manzione stated she would like a smaller size than listed in draft.

Council Member Gochis stated her concerns is an applicant will come in and say the City allowed it in one area but not the other. Mr. Bolser stated the standard of review is addressed in the draft to be non-precedent setting, but the Council gets to decide the standard for each RSD because it is a legislative review so the Council maintains discretion. Chairman Gochis stated her concern is sometimes the applicant can find ways around things.

Council Member Brady stated the Council has the final approval on projects; the applicant can design the project but the Council gets to help in the process for design.

Council Member Manzione stated there needs to be uniformity but by changing text in city code for where it applies it shows there is a need for some flexibility.

Mr. Bolser stated a difficult part is the idea of a comparison to a development agreement, but it is important because an RSD provides a method to accomplish flexibility without the need for a development agreement.

Chairman Gochis asked how it affects the Land Use Map.

Mr. Bolser stated it is only approvable if the Land Use Map identifies it as the correct use. The area would have to already be designated with a residential land use in order to be considered for an RSD. He stated it cannot be put anywhere. He stated feedback from the Planning Commission would be coming soon. He stated because it is a text amendment to the City Code, it goes through a public hearing with both the Planning Commission and City Council for approval.

9. Discussion on a Proposed Land Use Map Amendment for the Proposed Tooele Commercial and Multi-Family Residential Project to Reassign Approximately 34.35 acres Located at Approximately 2800 North 400 East from the Regional Commercial, High Density Residential, and Medium Density Residential Land Use Categories to the Regional Commercial and High-Density Residential Land Use Categories

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated the proposed Land Use Map amendment located 2800 North 400 East is to change the Regional Commercial, High Density Residential, and Medium Density Residential area to Regional Commercial and High-Density Residential land uses for the project located at 2800 North, 400 East. He stated the intended zoning is MR-25, but they do not have a concept plan submitted yet.

Council Member Manzione stated she wants to see a concept plan before considering a Land Use Map amendment.

Council Member Brady stated that this spot might be ok for a high density, but he does not want high density with medium density surrounding it.

Council Member Hansen asked if the bottom of property is coming in as commercial.

Mr. Bolser stated the bottom property shown on the Land Use Map is reassigned as commercial but the map shown was produced prior to that change. He stated it is not uncommon to have high density next to non-residential uses as a buffer.

Council Member Brady stated his other concern is that the county is to the east with no road access. Mr. Bolser stated in the access agreements with UDOT, as they develop up the highway, they allow an access point but all access is from the west as stated.

Council Member Manzione stated without a concept plan it is hard to approve something with so many unknowns.

Chairman Gochis stated she is opposed without seeing infrastructure and transportation plans.

10. Discussion on a proposed Zoning Map Amendment for the Proposed Meadows Subdivision to Reassign Approximately 4.31 Acres Located at Approximately 740 West McKellar Street From the MR-8 Multi-Family Residential Zoning District to the MR-25 Multi-Family Residential Zoning District

Presented by Jim Bolser, Community Development Director

Mr. Bolser stated the proposed property at approximately 740 West McKellar Street wants to be rezoned from MR-8, Multi-Family Residential, to MR-25 Multi-Family Residential. He stated the Land Use Map identifies the area for high density residential, so the Council only has to discuss zoning. He stated it is supported as multi-family under the City Code. He stated the applicant has asked for MR-25 and has submitted a concept plan. He stated it is an introductory item so it is not a public hearing or decision item yet.

Council Member Brady stated by zoning it to a higher density, the current road could not handle the traffic. He stated he feels bad for the residents when they take from a small zone to a larger zone.

Mr. Bolser stated McKellar Street would be the main access point, but there would be another access point at 600 North, but those both feed into Coleman Street.

11. Closed Meeting

- Litigation, Property Acquisition, and/or Personnel

There was not a closed session.

12. Adjourn

Chairwoman Gochis adjourned the meeting at 7:07 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this _____ day of May, 2021

Melodi Gochis, City Council Chairwoman

DRAFT