PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, August 17, 2022, 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.

AGENDA

1. **Pledge of Allegiance**

2. **Roll Call**

3. **Public Comment Period**

4. **Resolution 2022-74** a Resolution of the Tooele City Council Adopting the Proposed Tax Rate for Fiscal Year 2022-2023
   Presented by Shannon Wimmer, Finance Director

5. **Resolution 2022-75** a Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2022-2023
   Presented by Shannon Wimmer, Finance Director

6. **Public Hearing & Motion on Ordinance 2022-29** an Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 8.5 Acres of Property Located at Approximately 2520 and 2540 North 600 East from Medium Density Residential (MDR) to High Density Residential (HDR)
   Presented by Jim Bolser, Community Development Director

7. **Public Hearing & Motion on Ordinance 2022-30** an Ordinance of Tooele City Reassigning the Zoning for Approximately 8.5 Acres Located at Approximately 2520 and 2540 North 600 East from R1-7 Residential to the MR-16 and MR-12 Multi-Family Residential Zoning Districts
   Presented by Jim Bolser, Community Development Director

8. **Public Hearing & Motion on Ordinance 2022-31** an Ordinance of Tooele City Amending Tooele City Code Chapters 7-4 and 7-11A Regarding Parking for Multi-Family Developments
   Presented by Jim Bolser, Community Development Director and Roger Baker, City Attorney

9. **Public Hearing & Motion on Ordinance 2022-32** an Ordinance of the Tooele City Council Vacating a Dedicated Public Utility Easement on Lot 354A of the Shetland Meadows No. 3 Subdivision
   Presented by Jim Bolser, Community Development Director

10. **Resolution 2022-72** a Resolution of the Tooele City Council Awarding the Public Defender Contract to Linares Law Office and Bonewell Morris & Associates
    Presented by Roger Baker, City Attorney

11. **Resolution 2022-73** a Resolution of the Tooele City Council Approving and Ratifying a Contract Change Order No.2 with Broken Arrow Inc. for the 2022 Roadway Improvement Project
    Presented by Paul Hansen, City Engineer

12. **Minutes**

13. **Invoices**

14. **Adjourn**

_____
Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

RESOLUTION 2022-74

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE PROPOSED TAX RATE FOR FISCAL YEAR 2022-2023.

WHEREAS, Utah Code §10-6-133 requires cities to set by ordinance or resolution the real and personal property tax levy, or tax rate, for various municipal purposes; and,

WHEREAS, the certified tax rate has been calculated by the Utah State Tax Commission to be .002009 for Fiscal Year 2022-2023 and,

WHEREAS, the City Council proposes to not adopt the Tax Commission certified tax rate but to adopt the proposed rate of .002411; and,

WHEREAS, the City Council convened in a public hearing on the proposed tax rate on August 3, 2022, together with the public hearing on the tentative budget:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City real and personal property tax levy, or tax rate, is hereby set at **0.002411** for Fiscal Year 2022-2023.

This Resolution shall become effective on the date of passage by authority of the Tooele City Charter.

Passed this_____day of_____, 2022.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For) (Against)

_____ _____

ATTEST:

_____

Michelle Y. Pitt, City Recorder

S E A L

Approved as to form: _____

Roger Evans Baker, Tooele City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2022-75

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE FINAL BUDGET FOR TOOELE CITY FOR FISCAL YEAR 2022-2023.

WHEREAS, the Tooele City Council adopted the budget officer's tentative budget for fiscal year 2022-2023 on May 4, 2022, and established June 15, 2022, as the date for a public hearing for the budget, as required by U.C.A. Chapter 10-6; and,

WHEREAS, the City Council convened a public hearing on June 15, 2022, as required by U.C.A. §10-6-114; and,

WHEREAS, the City Council adopted a new tentative budget for fiscal year 2022-2023 on June 15, 2022, based on a proposed increase to the certified tax rate, and established August 3, 2022, as the date for a truth-in-taxation public hearing; and,

WHEREAS, the City Council is required to adopt the final budget pursuant to U.C.A. §10-6-118 by either June 30 or September 1, as applicable; and,

WHEREAS, the fiscal year 2022-2023 budget adoption process has followed the requirements of Utah Code Title 10, Chapter 6; and,

WHEREAS, the Tooele City Council now desires to adopt a final budget for fiscal year 2022-2023;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City final budget for fiscal year 2022-2023 is hereby adopted, and hereby directs the budget officer to certify the budget and to file the budget with the state auditor within 30 days of the date of this Resolution.

This Resolution shall be effective immediately 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 _____, 2022.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING:_____

MAYOR OF TOOELE CITY

(For) (Against)

_____ _____

ATTEST:

_____
Michelle Y. Pitt, City Recorder

S E A L

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

TOOELE CITY CORPORATION

ORDINANCE 2022 -29

AN ORDINANCE OF TOOELE CITY REASSIGNING THE LAND USE DESIGNATION FOR APPROXIMATELY 8.5 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2520 AND 2540 NORTH 600 EAST FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO HIGH DENSITY RESIDENTIAL (HDR).

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

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

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

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

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

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

WHEREAS, the City received an Amendment Petition for Land Use Map amendment for properties located at approximately 2520 and 2540 North 600 East on July 26, 2022, requesting that the Subject Properties be reassigned from the MDR Land Use designations to the HDR Land Use designation (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by the Estate of Eileen Barnett and Robert Pitt and are currently designated as Regional Commercial, High Density Residential and Medium Density Residential in the Land Use Element of the General Plan; and,

WHEREAS, the High Density Residential land use designation includes the MR-16 and MR-12 Multi-Family Residential Zoning districts; and,

WHEREAS, the MR-16 and MR-12 Multi-Family Residential zones permit exclusively three or more attached residential units such as townhomes, condominiums and apartments; and,

WHEREAS, on August 10, 2022, 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 August 17, 2022, 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 zoning map amendment proposed therein is in the best interest of the City in that it will create additional housing opportunities and provide more opportunities for the construction of moderate income housing; and,
2. the Land Use map is hereby amended reassigning the Land Use designation to High Density Residential for approximately 8.5 acres of property located at approximately 2520 and 2540 North 600 East, according to the map attached as Exhibit A and staff report attached as Exhibit B.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 20__.

TOOELE CITY COUNCIL

(For)	(Against)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)	(Disapproved)
_____	_____

ATTEST:

_____
Michelle Pitt, City Recorder

S E A L

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

Exhibit A

Petition and Mapping Pertinent to Zoning Map Amendment

Master Plan

Zoning, General Plan, & Master Plan Map Amendment Application

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

Tooele City
Est. 1853

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

Project Information

22-869

Date of Submission: 7-26-2022	Current Map Designation: ~~RC/MR20/R1-7~~ RC, HDR, MDR	Proposed Map Designation: ~~RC/MR20/MR16/MR12/R1-7~~ HDR	Parcel #(s): 02-144-0-0013 & 02-144-0-0016
Project Name: TBD			Acres: 34.44

Project Address:
2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX

Proposed for Amendment: ☐ Ordinance ☐ General Plan ☒ Master Plan: Land Use Element

Brief Project Summary:
An extension of 400 East north of 2400 North. To change the Zoning from Main Street West to East, to commercial development (RC) on the east side of Main Street, followed by High Density Residential (MR-20), followed by High Density Residential (MR-16), followed by High Density Residential (MR-12); followed by Medium Density Residential (R1-7). Continued on Appendix A.

Property Owner(s): (02-144-0-0013)
Ruth S. Pitt Trustee pf the Ruth S. Pitt Family Trust April 8, 1975
Barry Pitt, Trustee, 78 East Williams Lane, Grantsville, UT 84029

Property Owner(s): (02-144-0-0016) The Estate of Eileen Barnett			**Applicant(s):** Thrive Development Corporation		
Address: 1844 North Blue Peak Drive			Address: 7585 S Union Park Ave		
City: Tooele	State: UT	Zip: 84074	City: Salt Lake City	State: UT	Zip: 84047
Phone: Ronald J Barnett and Leanna Fretwell, Co-Trustees			Phone: 801-948-8800		
Contact Person: David Gumucio			Address: P.O. Box 743		
Phone: 435-830-3337			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-830-3337	Fax: 866-634-3115		Email: gumby@mstar.net		

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

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

For Office Use Only 22209579

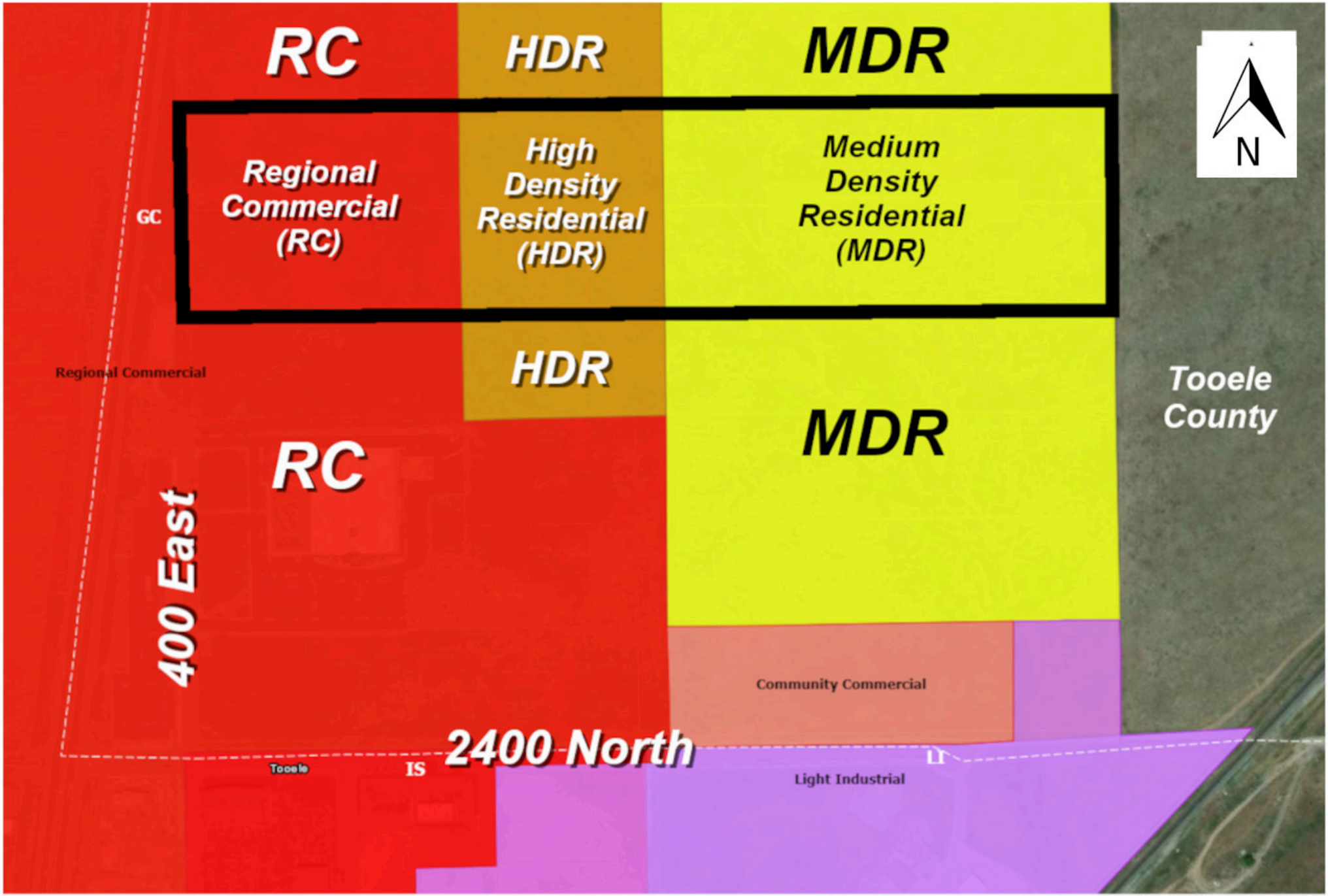
Received By:	Date Received:	Fees:	App. #:

• Fee's being waived by Mayor Winn

Thrive Development Land Use Map Amendment

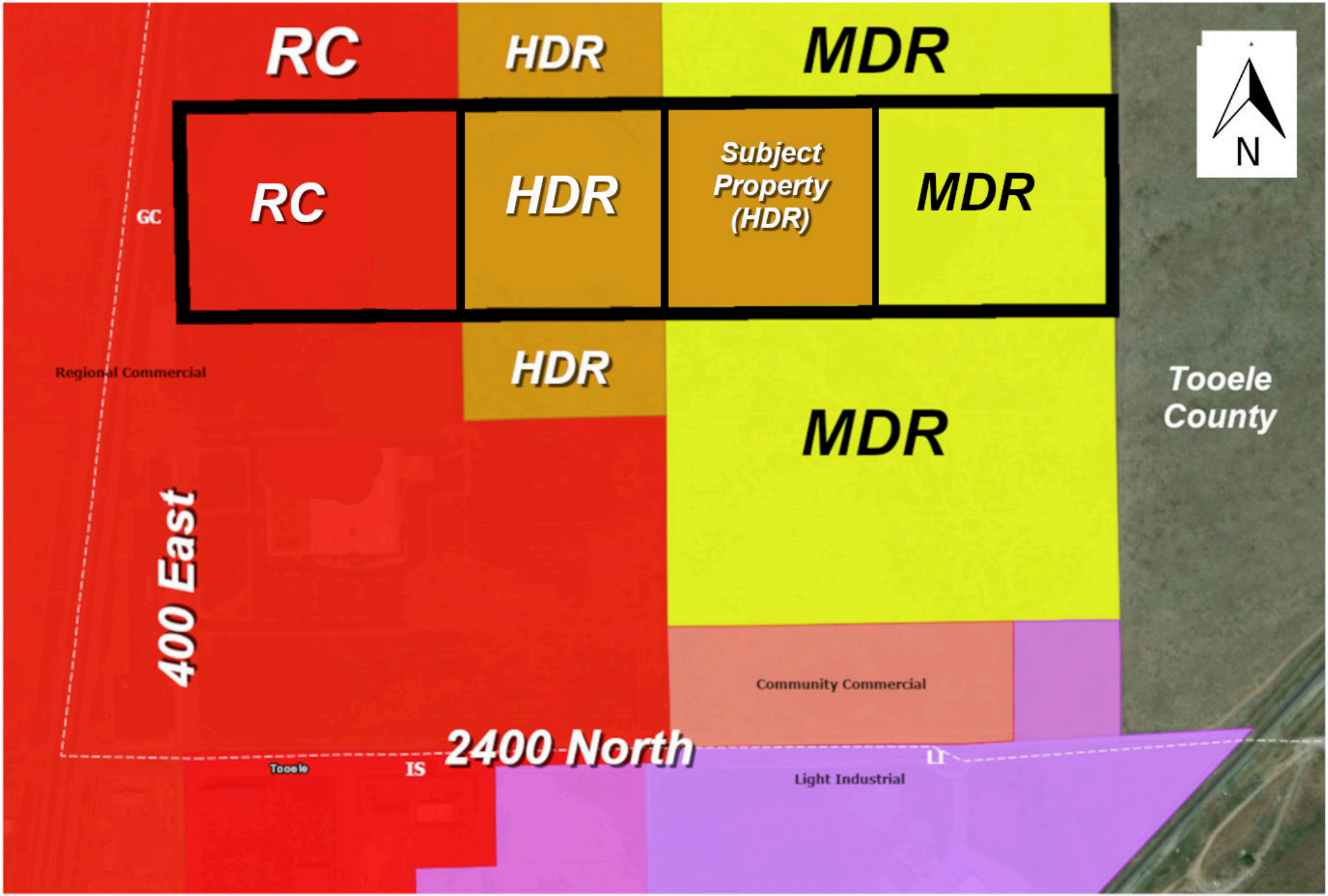
Aerial View

Thrive Development Land Use Map Amendment



Current Land Use

Thrive Development Land Use Map Amendment



Proposed Land Use

Exhibit B

Staff Report

STAFF REPORT
August 2, 2022

To: Tooele City Planning Commission
Business Date: August 10, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Thrive Development – Land Use Map Amendment Request**

Application No.:	P22-869
Applicant:	David Gumucio, representing Thrive Development Corporation
Project Location:	Approximately 2520 & 2540 North 600 East
Zoning:	GC General Commercial & RD Research and Development Zone
Acreage:	Approximately 9.9 Acres (753,588 ft^2)
Request:	Request for approval of a Land Use Map Amendment to re-assign the land use from Regional Commercial and Medium Density Residential to High Density Residential.

BACKGROUND

This application is a request for approval of a Land Use Map Amendment for approximately 9.9 acres located at approximately 2520 & 2540 North 600 East. The affected portions of the property currently bear the Regional Commercial Land Use Designation and the Medium Density Residential Land Use Designation. The applicant is requesting that 1.4 acres of property be reassigned from Regional Commercial to High Density Residential and that 8.5 acres be reassigned from Medium Density Residential to High Density Residential.

ANALYSIS

General Plan. The Land Use Map of the General Plan calls for the Regional Commercial land use designation for the western 1.4 acres of the subject property and for the Medium Density Residential for the eastern 8.5 acres of the subject property. Properties to the north and south bear similar land use designations but will be slightly different in that the applicant is wishing to expand the High Density Residential land use designation into the Regional Commercial (1.4 acres) and the Medium Density Residential (8.5 acres) areas. Mapping pertinent to the subject request can be found in Exhibit "A" to this report

The properties currently bear three land use designations and the zoning as recently approved by the City Council matches the current land use map (see current zoning map attached to this report). The western most 10 acres (approximately) are currently designated as Regional Commercial. The Regional Commercial land use requires the RC Regional Commercial and the RD Research and Development Zoning districts. Both of these zones encourage larger scale regional commercial uses, office parks, education facilities, research parks, medical uses and so forth. The applicant is requesting to reduce the 10 acres of Regional Commercial to 8.6 acres, thus changing 1.4 acres from Regional Commercial to High Density Residential.

The central 7.4 acres are currently designated as High Density Residential and will remain unchanged.

The eastern 17 acres are currently designated as Medium Density Residential. The applicant is requesting to reduce the Medium Density Residential portion of the properties to 8.5 acres. The remaining 8.5 acres are requested to be re-assigned to the High Density Residential land use designation. If the land use map amendment is approved the 34 acre properties would be divided into the following acreage and land use designations:

- Western 8.6 acres – Regional Commercial.
- Central 17.3 acres – High Density Residential.
- Eastern 8.5 acres – Medium Density Residential.

The High Density Land Use designation requires the MR Multi-Family Residential zones. The MR zones include the MR-8 (eight units per acre) the MR-12 (twelve units per acre) the MR-16 (16 units per acre) and the MR-20 (twenty units per acre). Uses within the MR zones are exclusive to multi-family residential such as town homes, apartments, condominiums or any other 3 attached unit or more dwelling configuration. The MR zones do not permit single-family residential or two family dwellings such as duplexes and twin homes.

The Medium Density Land Use designation is the opposite of the High Density designation in that it is exclusive to single-family residential zones including the R1-7 Residential, the R1-8 Residential and the R1-10 Residential zones. These zones permit only single-family residential homes, two family dwellings such as duplexes and twin homes and accessory dwelling units that are ancillary to the main dwelling. Permitted densities in these zones range from four units per acre to five units per acre.

To reiterate what is being asked for by the applicant. 1.4 acres of property is requested to be changed from Regional Commercial to High Density Residential. 8.5 acres of property is requested to be changed from Medium Density Residential to High Density Residential. The majority of the property will be High Density Residential.

These properties are isolated and do bear a number of development challenges such access to available water systems and sewer lines. The properties also do not have any immediate access to City rights-of-way. They may be able to access SR-36 but that is a State highway and approvals to access that highway would come directly from the Utah Department of Transportation. Although it may be tempting to discuss these development issues at this time, these issues are not pertinent to the application at hand. In order to change the zoning of the property the Land Use Map must first be changed as the Zoning Map is required by City ordinance to be in compliance with the Land Use Map of the General Plan. Subdivision and utility issues will be reviewed and discussed in detail as the proposed development undergoes subdivision and site plan review.

It should also be emphasized that a change in the land use to a particular use designation does not guarantee a particular zoning. The High Density Residential designation includes four MR zones but does not recommend a particular MR zoning district for the property. That decision, ultimately, comes down to the City Council as to what is best for the City and the proposed location, upon recommendation from the Planning Commission.

Subdivision Layout. A concept plan has not been provided by the applicant at this time.

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. The HDR land use does not guarantee the highest density MR zoning district for any property.
2. The properties currently have very limited access to roads and no access to sewer or water utilities.
3. The MR-8, MR-12, MR-16 and MR-20 zoning districts do comply with the HDR designation of the Land Use Map.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Divisions do not typically review Land Use Map and Zoning Map amendments and therefore have not issued any comments regarding this application.

Tooele City Fire Department Review. The Tooele City Fire Department do not typically review Land Use Map and Zoning Map amendments and therefore have not issued any comments regarding this application.

Noticing. The applicant has expressed their desire to reassign the land use designation 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 Thrive Development Land Use Map Amendment request by David Gumucio, representing Thrive Development Corporation reassigning 9.9 acres located at approximately 2520 and 2540 North 600 East to the High Density Land Use designation, application number P22-869, based on the findings and subject to the conditions listed in the Staff Report dated August 2, 2022:"

1. List findings and conditions…

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Thrive Development Land Use Map Amendment request by David Gumucio, representing Thrive Development Corporation reassigning 9.9 acres located at approximately 2520 and 2540 North 600 East to the High Density Land Use designation, application number P22-869, based on the following findings:"

1. List findings…

EXHIBIT A

MAPPING PERTINENT TO THE THRIVE DEVELOPMENT LAND USE MAP AMENDMENT

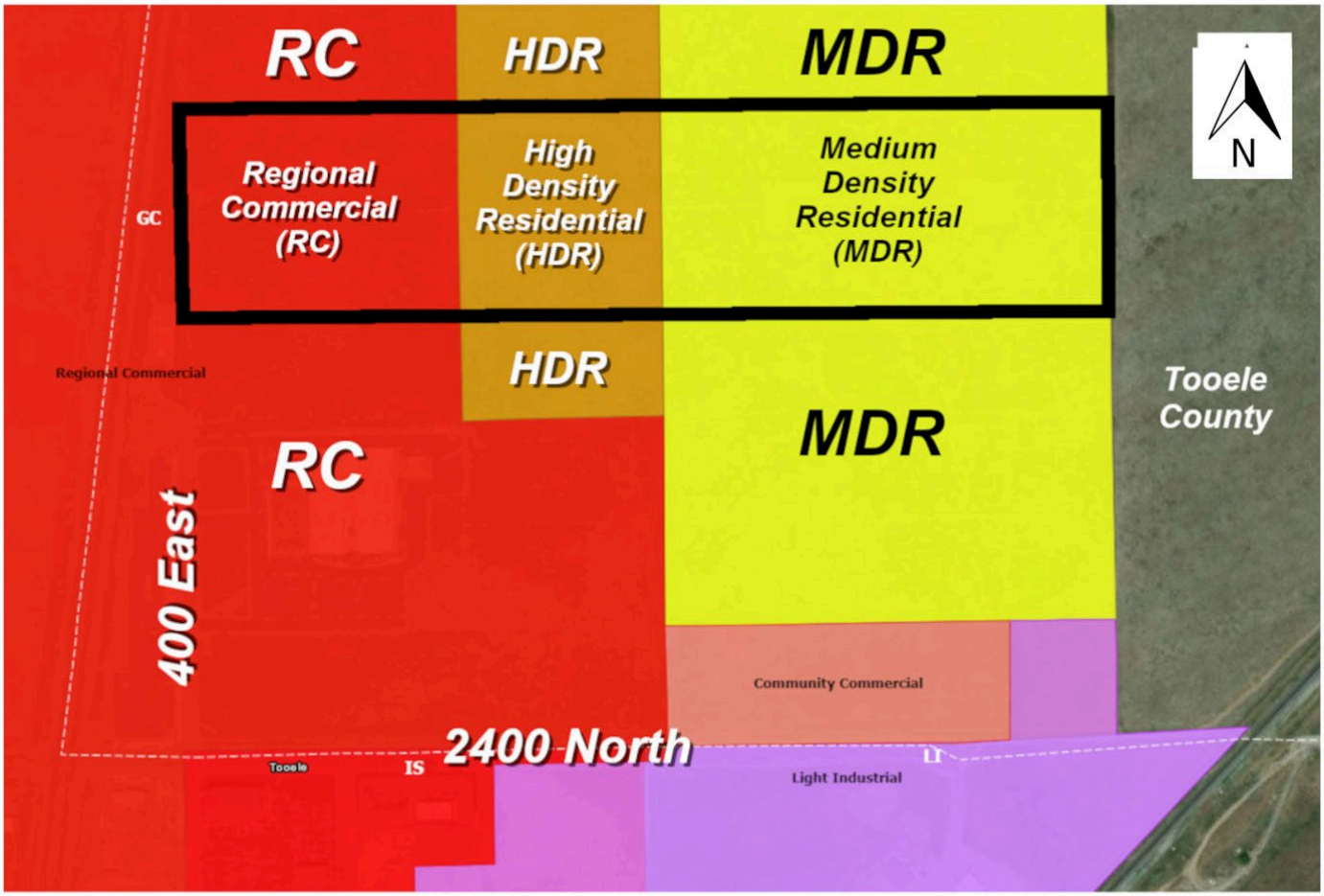
Thrive Development Land Use Map Amendment

Aerial View

Thrive Development Land Use Map Amendment

Current Zoning

Thrive Development Land Use Map Amendment



Current Land Use

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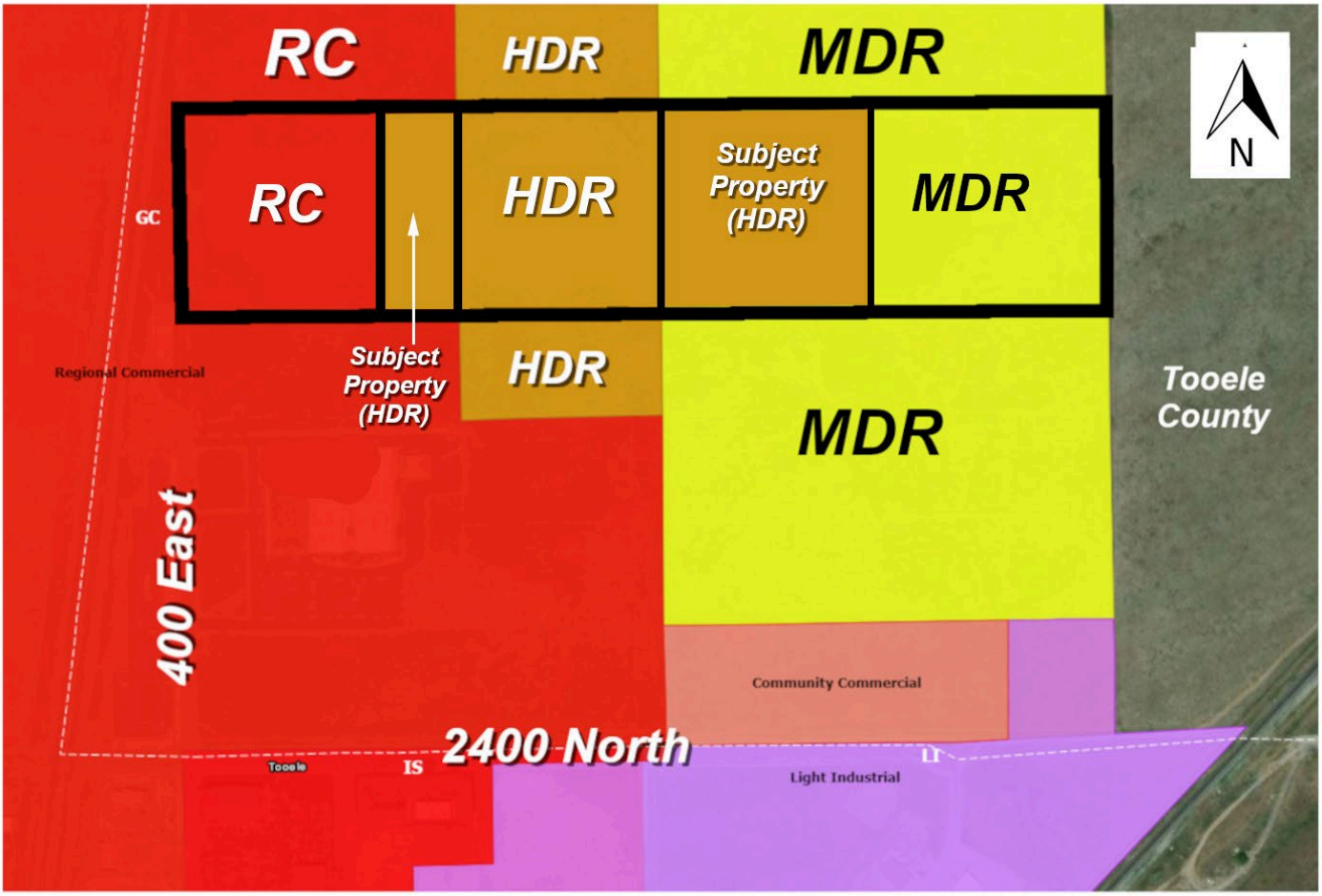

Proposed Land Use

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Master Plan

Zoning, General Plan, & Master Plan Map Amendment Application

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

Tooele City
Est. 1853

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Project Information

22-869

Date of Submission: 7-26-2022	Current Map Designation: ~~RC/MR20/R1-7~~ RC, HDR, MDR	Proposed Map Designation: ~~RC/MR20/MR16/MR12/R1-7~~ HDR	Parcel #(s): 02-144-0-0013 & 02-144-0-0016
Project Name: TBD			Acres: 34.44

Project Address:
2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX

Proposed for Amendment: ☐ Ordinance ☐ General Plan ☒ Master Plan: Land Use Element

Brief Project Summary:
An extension of 400 East north of 2400 North. To change the Zoning from Main Street West to East, to commercial development (RC) on the east side of Main Street, followed by High Density Residential (MR-20), followed by High Density Residential (MR-16), followed by High Density Residential (MR-12); followed by Medium Density Residential (R1-7). Continued on Appendix A.

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Ruth S. Pitt Trustee pf the Ruth S. Pitt Family Trust April 8, 1975
Barry Pitt, Trustee, 78 East Williams Lane, Grantsville, UT 84029

Property Owner(s): (02-144-0-0016) The Estate of Eileen Barnett			**Applicant(s):** Thrive Development Corporation		
Address: 1844 North Blue Peak Drive			Address: 7585 S Union Park Ave		
City: Tooele	State: UT	Zip: 84074	City: Salt Lake City	State: UT	Zip: 84047
Phone: Ronald J Barnett and Leanna Fretwell, Co-Trustees			Phone: 801-948-8800		
Contact Person: David Gumucio			Address: P.O. Box 743		
Phone: 435-830-3337			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-830-3337	Fax: 866-634-3115		Email: gumby@mstar.net		

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For Office Use Only 22209579

Received By:	Date Received:	Fees:	App. #:

• Fee's being waived by Mayor Winn

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2022-30

AN ORDINANCE OF TOOELE CITY REASSIGNING THE ZONING FOR APPROXIAMTELY 8.5 ACRES LOCATED AT APPROXIMATELY 2520 AND 2540 NORTH 600 EAST FROM R1-7 RESIDENTIAL TO THE MR-16 AND MR-12 MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

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 Zoning Map amendments for properties located at approximately 2520 and 2540 North 600 East on July 26, 2022, requesting that the Subject Properties be rezoned from R1-7 Residential to MR-16 Multi-Family Residential and MR-12 Multi-Family Residential (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by the Estate of Eileen Barnett and Robert Pitt and are currently designated as Regional Commercial, High Density Residential and Medium Density Residential in the Land Use Element of the General Plan; and,

WHEREAS, the MR-16 and MR-12 Zoning Districts comply with the High Density Residential Land Use designation; and,

WHEREAS, the High Density Residential land use designation includes the MR-16 and MR-12 Multi-Family residential zoning districts and allows multi-family residential apartments, condominiums and townhomes; and,

WHEREAS, on August 10, 2022, 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 August 17, 2022, 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 zoning map amendment proposed therein is in the best interest of the City in that it will create additional housing opportunities and provide more opportunities for the construction of moderate income housing; and,
2. the zoning map is hereby amended reassigning the zoning to the MR-16 and MR-12 Multi-Family Residential Zoning districts for 8.5 acres of property located at approximately 2520 and 2540 North 600 East, according to the map attached as Exhibit A and staff report attached as Exhibit B.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 20__.

TOOELE CITY COUNCIL

(For)	(Against)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)	(Disapproved)
_____	_____

ATTEST:

_____
Michelle Pitt, City Recorder

S E A L

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

Exhibit A

Petition and Mapping Pertinent to Zoning Map Amendment

Zone Change

Zoning, General Plan, & Master Plan Map Amendment Application

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

Tooele City
Est. 1853

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

Project Information

22-870

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
7-26-2022	RC/MR20/R1-7	RC/MR20/MR16/MR12/R1-7	02-144-0-0013 & 02-144-0-0016

Project Name: TBD

Acres: 34.44

Project Address: 2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX

Proposed for Amendment: ☒ Ordinance ☐ General Plan ☐ Master Plan: ZONING MAP

Brief Project Summary:
An extension of 400 East north of 2400 North. To change the Zoning from Main Street West to East, to commercial development (RC) on the east side of Main Street, followed by High Density Residential (MR-20), followed by High Density Residential (MR-16), followed by High Density Residential (MR-12); followed by Medium Density Residential (R1-7). Continued on Appendix A.

Property Owner(s): (02-144-0-0013)
Ruth S. Pitt Trustee pf the Ruth S. Pitt Family Trust April 8, 1975
Barry Pitt, Trustee, 78 East Williams Lane, Grantsville, UT 84029

Property Owner(s): (02-144-0-0016) The Estate of Eileen Barnett			**Applicant(s):** Thrive Development Corporation JEFF LEE		
Address: 1844 North Blue Peak Drive			Address: 7585 S Union Park Ave		
City: Tooele	State: UT	Zip: 84074	City: Salt Lake City	State: UT	Zip: 84047
Phone: Ronald J Barnett and Leanna Fretwell, Co-Trustees			Phone: 801-948-8800		
Contact Person: David Gumucio			Address: P.O. Box 743		
Phone: 435-830-3337			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-830-3337	Fax: 866-634-3115		Email: gumby@mstar.net		

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

Note to Applicant:

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

For Office Use Only 2220880			
Received By:	Date Received:	Fees:	App. #:

*Fee's waived by Mayor Winn

SUBMISSION QUESTIONS AND ANSWERS

ZONING MAP*

1. Present Zoning from Main Street, West to East, is: RC, MR-20 and R1-7.
2. The Proposed Zoning is keeping the RC & MR-20 Zones as designated, and modifying the R1-7 Zone (8.2 acres approx) by tiering the density gradually from the MR-20 Zone to the R1-7 Zone with 2.25 acres MR-16 and 2.0 acres MR-12.
3. The Proposed Zone is in harmony with the current Land Use Map. It is also in harmony with the Tooele City Council's request to gradually "step-down" densities and avoid abrupt density changes. The surrounding area is commercial and undeveloped farm land, with proposed uses being additional commercial and residential in varying densities.
4. The existing uses of the property is dry farming. The proposed change brings the existing use of the property in harmony with the existing Tooele City Land Use Map, General Map/Plan and Master Map/Plan.
5. The Tooele City Council asked us to provide a tiered transition between the approved MR-20 Zone and the approved Medium Density Residential R1-7 Zone. The proposed Zoning fulfills the goals and objectives of Tooele City and their respective Land Use Map(s). It also improves the current land use zones by adding transitional zones of varying density (MR-16 & MR-12) between high density residential zones and medium density residential zones. The proposed zones will also increase commercial development and provide quality and affordable housing in a smart and beautiful development, in an area which is currently undeveloped and "nonperforming" for the city. It will develop infrastructure in the Northeast and Northwest portions of the city that are currently void of water, sewer, gas, communications etc., which will pave the way for controlled sustained growth in these areas for the future. It will increase tax revenues for the City and provide inventory of quality affordable housing which the City is currently lacking. In addition, the Proposed Zones will allow a beautiful and smartly developed commercial and residential community as a "Gateway" to Tooele City.

*** NOTE: Tooele City's Zoning Map has not been updated to match Tooele City's approved Zones.**

GENERAL PLAN MAP*

1. Present Land Use for the proposed properties is Regional Commercial along Main Street and then heading East, varying degrees of residential from MR-20 to R1-7 Zones.
2. Present land use is farming. Neighboring land use is commercial. Planned neighboring land use is additional commercial and residential in varying forms of density.
3. Commercial and Residential Development in varying forms of density.
4. The proposed land use is in harmony with the surrounding area and with Tooele City's General Plan/Map, Master Plan/Map and Land Use Zone Designations.
5. The Tooele City Council asked us to provide a tiered transition between the approved MR-20 Zone and the approved Medium Density Residential R1-7 Zone. The proposed land use fulfills the goals and objectives of Tooele City by increasing commercial development and providing quality and affordable housing in smart and beautiful development, in an area which is currently undeveloped and "nonperforming" for the city. It will develop infrastructure in the Northeast and Northwest portions of the city that are currently void of water, sewer, gas, communications

etc., which will pave the way for controlled sustained growth in these areas for the future. It will increase tax revenues for the City and provide a beautiful and smartly developed commercial and residential community "Gateway" to Tooele City.

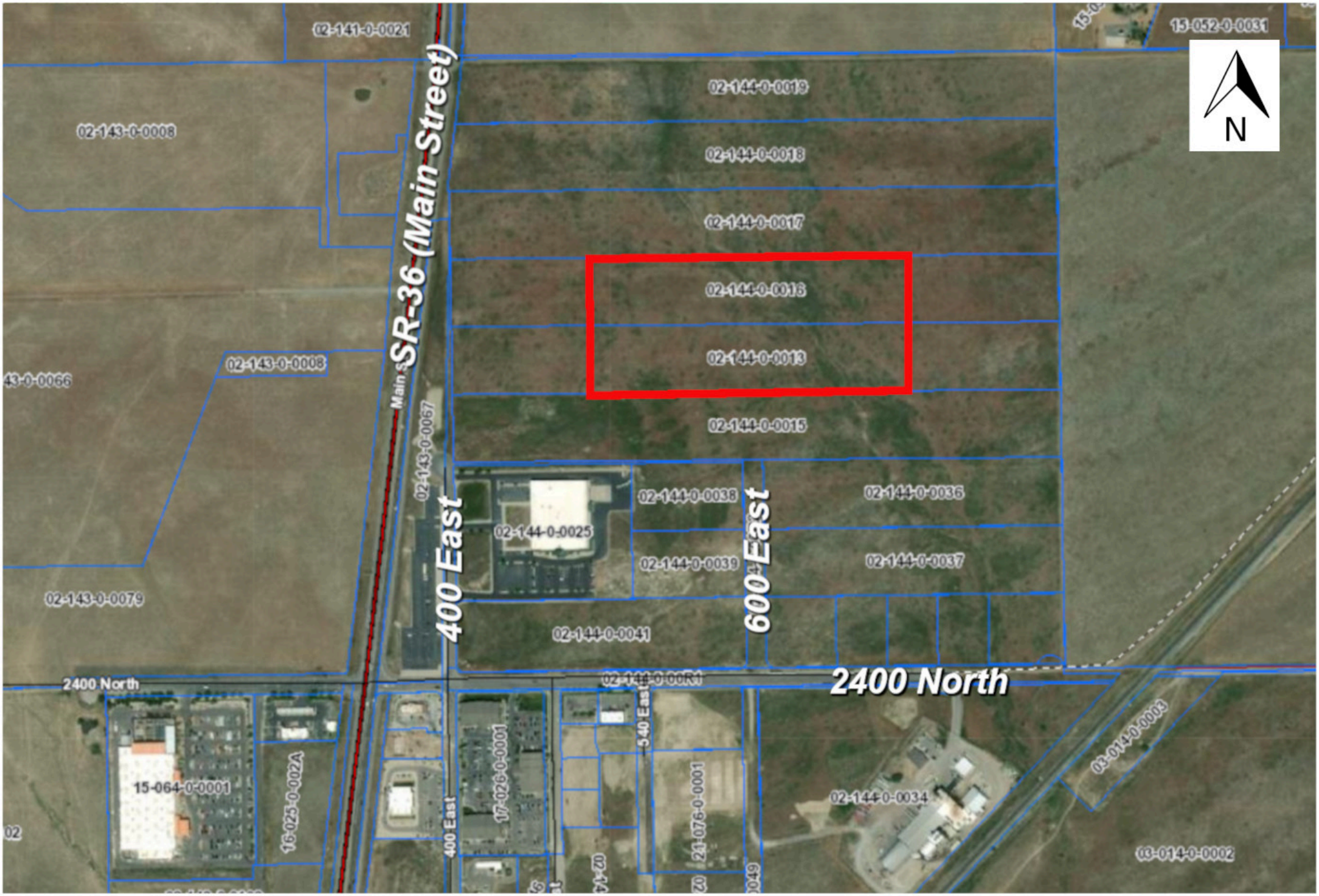
*** NOTE: Tooele City's General Plan Map has not been update to match Tooele City's approved Land Uses.**

MASTER PLAN MAP*

1. Master Plan Map - Land Use Element
2. Regional Commercial, High Density Residential MR-20, Medium Density Residential RM-8, R1-7, R1-8 and R1-10.
3. The proposed designation of Regional Commercial, High Density Residential MR-20, High Density Residential MR-16, High Density Residential MR-12 and Medium Density Residential R1-7 is within the Master Plan Map limitations and conforms with present and planned land use in the surrounding developed commercial areas, undeveloped areas as well as future land use for the present undeveloped farming areas.
4. Commercial and Residential Development in varying forms of density.
5. The proposed map designations would smooth, tier and step-down the transitions areas between High Density and Medium Density designations. This uniform tiering is a smart way to transition development and reduce "transition shock" between high density designations and lower density designations.
6. The Tooele City Council asked us to provide a tiered transition between the approved MR-20 Zone and the approved Medium Density Residential R1-7 Zone. The proposed designations fulfill the goals and objectives of Tooele City by increasing commercial development and providing quality and affordable housing in smart and beautiful development, in an area which is currently undeveloped and "nonperforming" for the city. It will develop infrastructure in the Northeast and Northwest portions of the city that are currently void of water, sewer, gas, communications etc., which will pave the way for controlled sustained growth in these areas for the future. It will increase tax revenues for the City and provide a beautiful and smartly developed commercial and residential community "Gateway" to Tooele City.

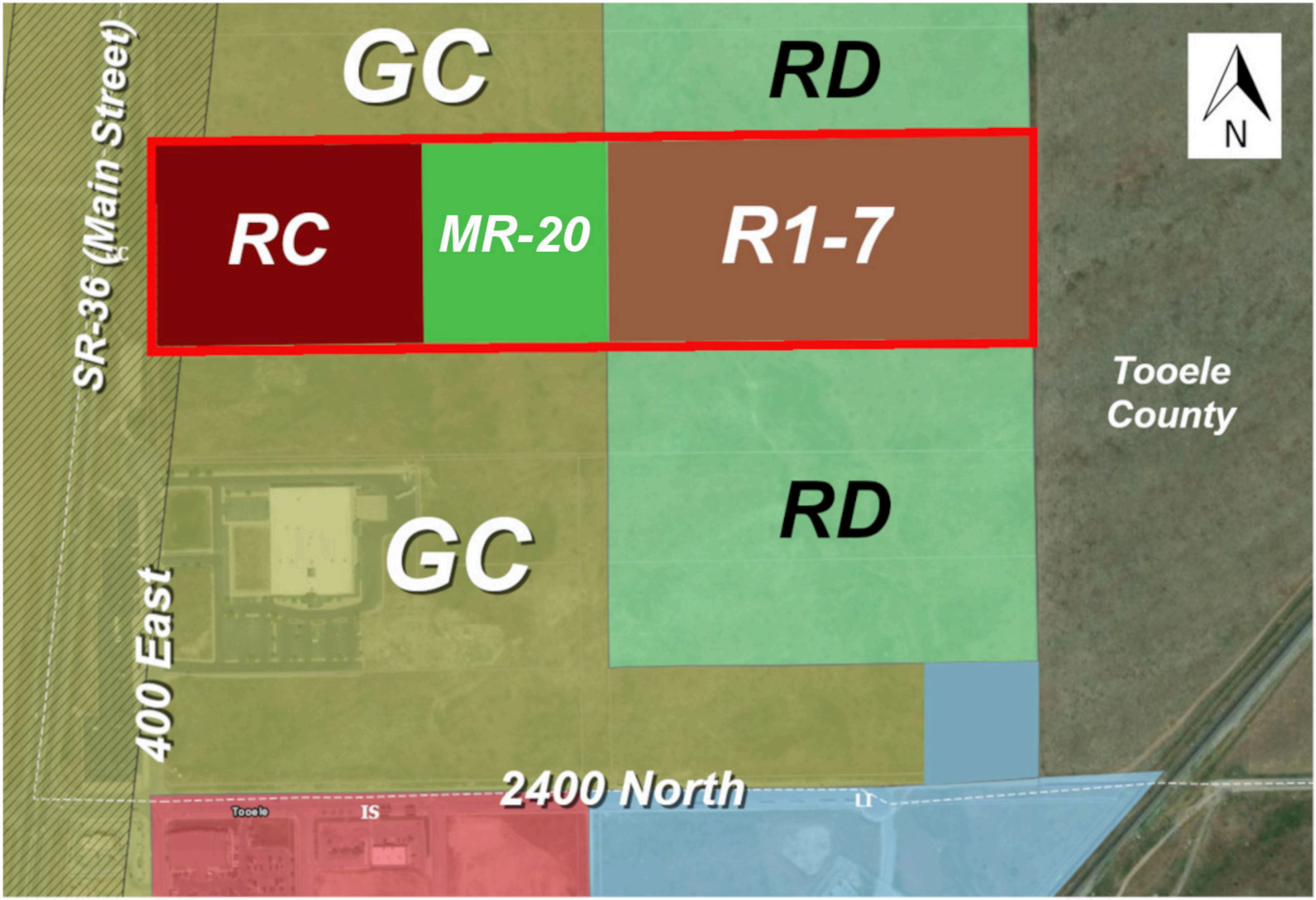
*** NOTE: Tooele City's Master Plan Map has not been updated to match Tooele City's Land Use Designations and the deletion of the MR-25 designation and the creation of the MR-12 Designation.**

Thrive Development Zoning Map Amendment



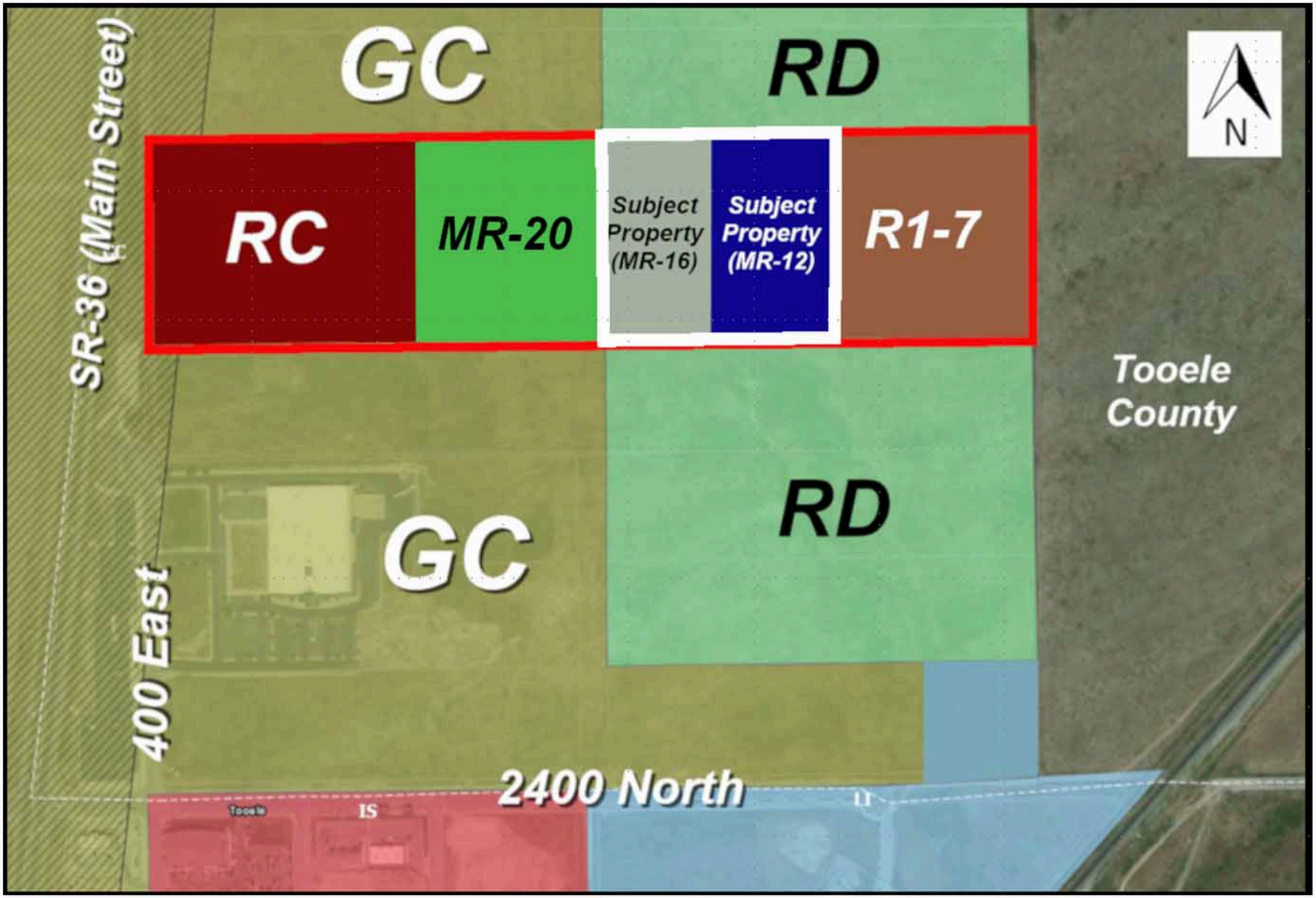
Aerial View

Thrive Development Zoning Map Amendment

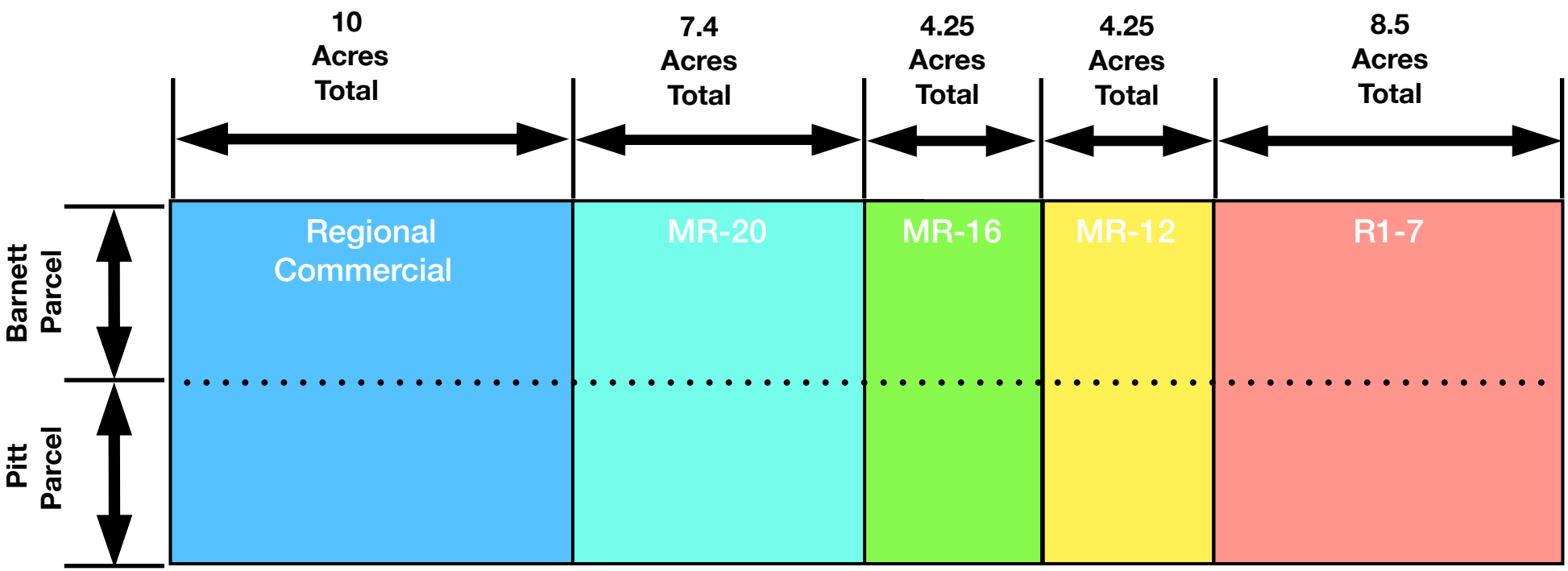


Current Zoning

Thrive Development Zoning Map Amendment



Proposed Zoning



Commercial up front with a decrease in housing density from front to back. Smarter and better development with better buffering between each product and zone.

Corrected Proposed Zoning

Exhibit B

Staff Report

s

STAFF REPORT

August 3, 2022

To: Tooele City Planning Commission
Business Date: August 10, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: **Thrive Development – Zoning Map Amendment Request**

Application No.:	P22-870
Applicant:	David Gumucio, representing Thrive Development Corporation
Project Location:	Approximately 2520 & 2540 North 600 East
Zoning:	RC Regional Commercial Zone, MR-20 Multi-Family Residential Zone and R1-7 Residential Zone
Acreage:	Approximately 17.3 Acres (Approximately 753,588 ft^2)
Request:	Request for approval of a Zoning Map Amendment in the GC General Commercial zone regarding re-assigning the zoning for approximately 17.3 acres from the RC Regional Commercial, MR-20 Multi-Family Residential and R1-7 Residential to the MR-20 Multi-Family Residential, MR-16 Multi-Family Residential and the MR-12 Multi-Family Residential zones.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 17.3 acres located at approximately 2520 & 2540 North 600 East. The property was recently rezoned by the Tooele City Council to RC Regional Commercial, MR-20 Multi-Family Residential and R1-7 Residential. The applicant is requesting that the property be rezoned to MR-20 Multi-Family, MR-16 Multi-Family and MR-12 Multi-Family residential to facilitate a large residential development on the majority of the site.

ANALYSIS

General Plan and Zoning. The current Land Use Map of the General Plan calls for Regional Commercial on the western 10 acres of the properties, High Density Residential on the central 7.4 acres of the properties and Medium Density Residential on the eastern 17 acres of the properties. The properties were recently rezoned by the Tooele City Council in June of 2022 to the RC Regional Commercial, MR-20 Multi-Family Residential and R1-7 Residential exactly as indicated by the Land Use Map. The three zoning designations recently assigned to the properties are identified by the General Plan as a preferred zoning classification for the Regional Commercial, High Density Residential and Medium Density Residential land use designations. Properties to the north are zoned GC General Commercial and RD Research and Development. Properties to the south are zoned GC and RD. Properties to the east are located in unincorporated Tooele County / Erda City. Properties to the west are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

The recently approved Barnett – Pitt Zoning Map Amendment reassigned the zoning of the 34 acres into three chunks of zones in compliance with the Land Use Map of the General Plan, those chunks of property being described above. The applicant is now requesting a change to the zoning map to reflect the change to the Land Use Map that will be heard on the same meeting agenda.

The proposed zoning change will reduce the 10 acres of RC Regional Commercial to 8.6 acres and shift the limits of the MR-20 zoning westward closer to SR-36. The MR-20 zoning district will then incorporate 8.8 acres of the 34 acre parcel. Immediately east of the proposed MR-20 zoning it is proposed that 4.25 acres of property will be re-assigned to the MR-16 zoning district. East of the MR-16 it is proposed that 4.25 acres will be re-assigned to the MR-12 zoning district. The remaining 8.5 acres on the east side of the properties will remain R1-7 Residential. The proposed zoning change will reduce the single-family residential from 17 acres to 8.5, reduce the RC Regional Commercial zoning from 10 acres to 8.5 and increase the Multi-Family zoning from 7.4 acres to 17.3 acres.

How does this impact development of the site in regards to the potential number of residential units? Staff has made some bulk calculations based upon maximum densities allowed by the zones, gross acreage and considering 20% of the property being used for public infrastructure and roads. Under the current zoning of MR-20 and R1-7 the property could yield approximately 186 multi-family and single-family residential uses. Under the new proposed MR-20, MR-16, MR-12 and R1-7 zoning and using the same bulk calculations the property could yield approximately 265 units. The proposed zoning change, if approved, could produce 79 additional residential units, primarily multi-family residential units, over what the zoning would currently permit. Please keep in mind these numbers do not consider parking requirements, open space requirements, building setback requirements, road alignments, etc, and are strictly a crude estimate. There are many factors beyond acreage and density that determine final unit yield. These numbers are only included in this report to provide the Commission with a clearer understanding of the differences in development between the existing zoning and the proposed zoning.

These properties are isolated and do bear a number of development challenges such access to available water systems and sewer lines. The properties also do not have any immediate access to City rights-of-way. They may be able to access SR-36 but that is a State highway and approvals to access that highway would come directly from the Utah Department of Transportation. Although it may be tempting to discuss these development issues at this time, these issues are not pertinent to the application at hand. In this case the issue at hand is to determine if the zoning as proposed by the applicant is suitable in this location and if it benefits Tooele City as a whole. Subdivision, site plan and utility issues will be reviewed and discussed in detail as the proposed developments undergo subdivision and site plan review once the zoning is in place.

Site Plan Layout. A concept plan has not been provided by the applicant.

Subdivision Layout. A concept plan has not been provided by the applicant.

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

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

(d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
(e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
(f) The overall community benefit of the proposed amendment.

REVIEWS

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

1. The proposed zoning map amendment increases the multi-family zoning on the properties from 7.4 acres to 17.3 acres.
2. The increase in multi-family zoning could result in potentially 79 additional units over what is currently permitted by the zoning.
3. The proposed zoning map amendment would reduce the amount of Regional Commercial zoning by 1.4 acres.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Divisions do not typically review Land Use Map and Zoning Map amendments and therefore have not issued any comments regarding this application.

Tooele City Fire Department Review. The Tooele City Fire Department do not typically review Land Use Map and Zoning Map amendments and therefore have not issued any comments regarding this 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 Thrive Development Zoning Map Amendment Request by David Gumucio, representing the Thrive Development Corporation for the purpose of reassigning approximately 17.3 acres located at 2520 and 2540 North 600 East to the MR-20, MR-16 and MR-12 Multi-Family Residential Zoning districts, application number P22-870, based on the findings and subject to the conditions listed in the Staff Report dated August 3, 2022:"

1. List findings and conditions…

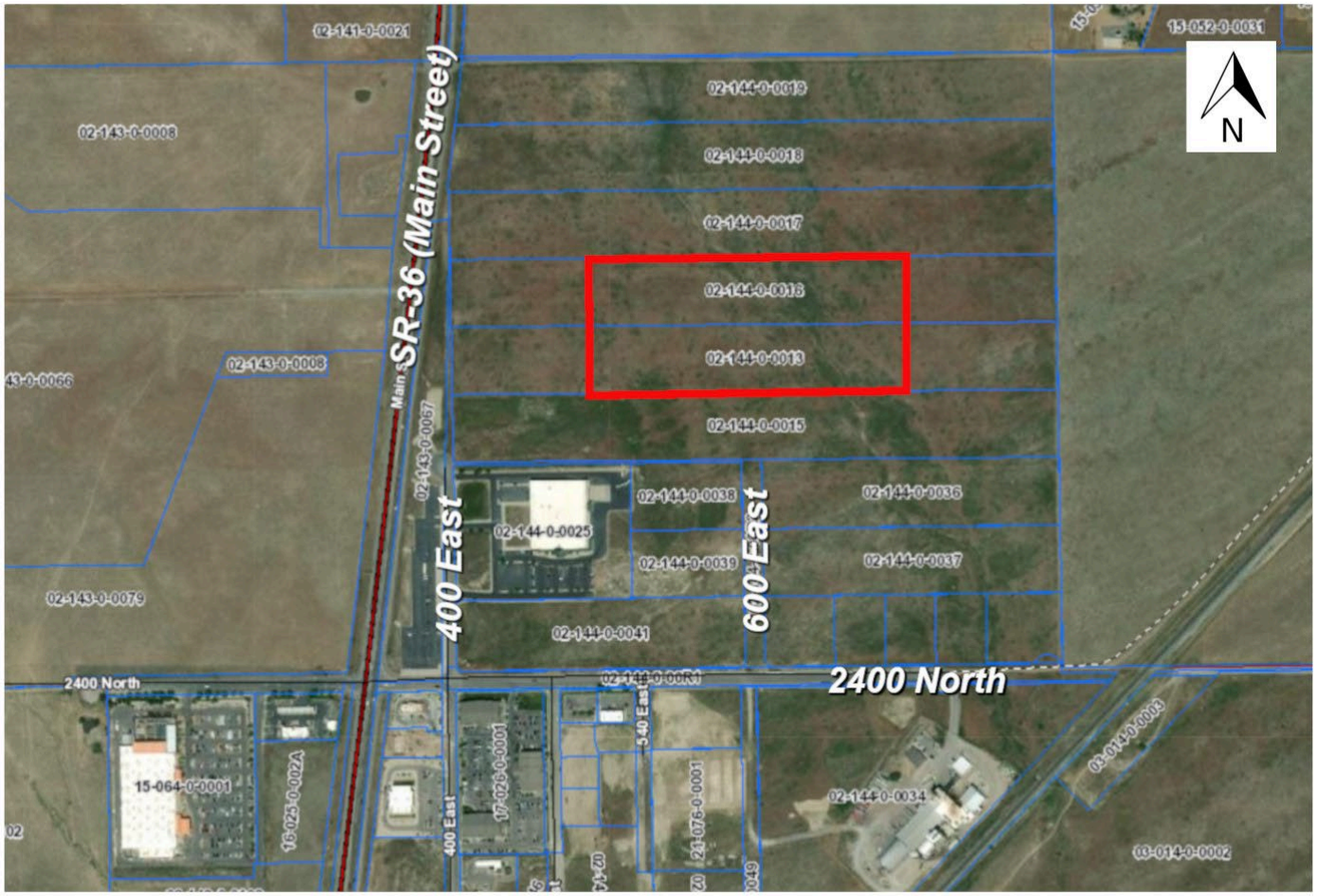
Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Thrive Development Zoning Map Amendment Request by David Gumucio, representing the Thrive Development Corporation for the purpose of reassigning approximately 17.3 acres located at 2520 and 2540 North 600 East to the MR-20, MR-16 and MR-12 Multi-Family Residential Zoning districts, application number P22-870, based on the following findings:"

1. List findings…

EXHIBIT A

MAPPING PERTINENT TO THE THRIVE DEVELOPMENT ZONING MAP AMENDMENT

Thrive Development Zoning Map Amendment

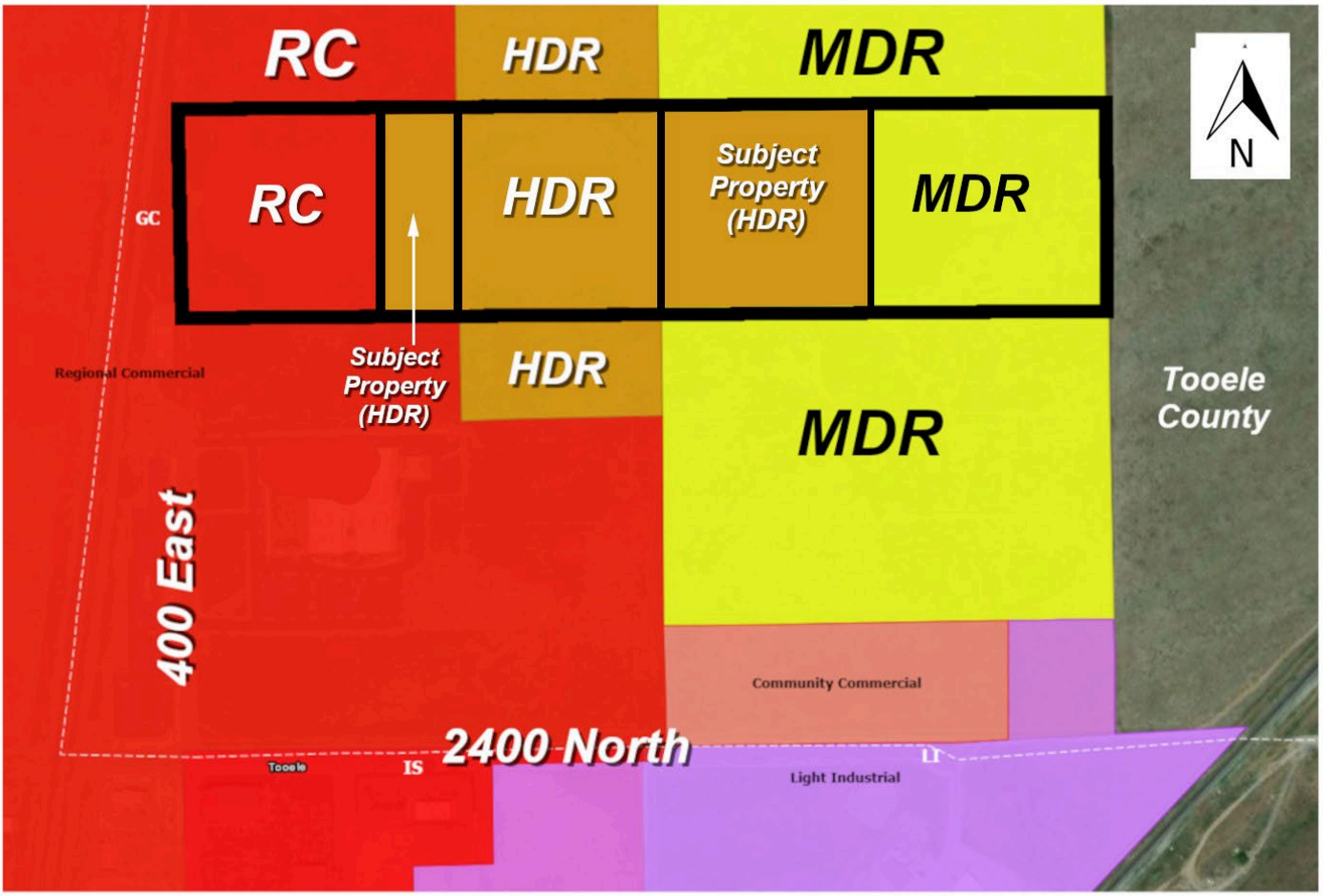


Aerial View

Thrive Development Zoning Map Amendment

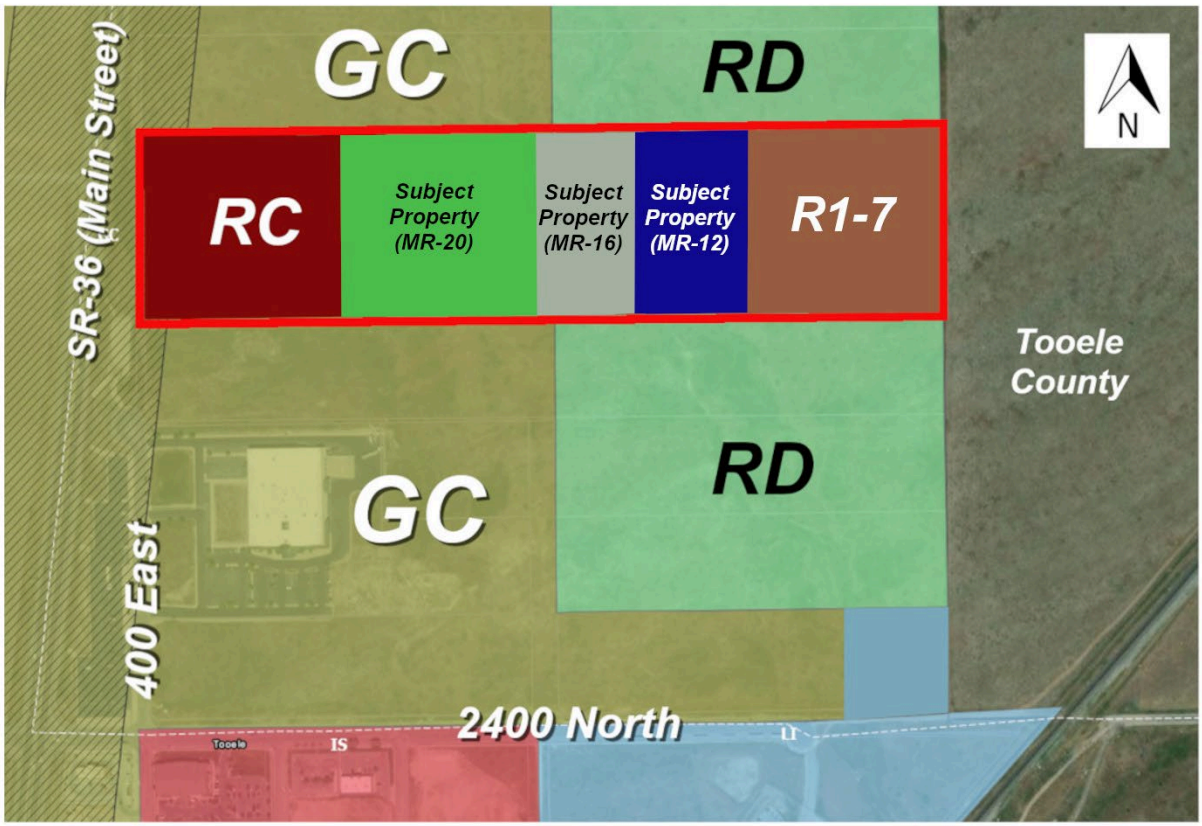
Current Zoning

Thrive Development Zoning Map Amendment



Land Use

Thrive Development Zoning Map Amendment



Proposed Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zone Change

Zoning, General Plan, & Master Plan Map Amendment Application

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

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Project Information

22-870

Date of Submission:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):
7-26-2022	RC/MR20/R1-7	RC/MR20/MR16/MR12/R1-7	02-144-0-0013 & 02-144-0-0016

Project Name: TBD

Acres: 34.44

Project Address: 2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX

Proposed for Amendment: ☒ Ordinance ☐ General Plan ☐ Master Plan: ZONING MAP

Brief Project Summary:
An extension of 400 East north of 2400 North. To change the Zoning from Main Street West to East, to commercial development (RC) on the east side of Main Street, followed by High Density Residential (MR-20), followed by High Density Residential (MR-16), followed by High Density Residential (MR-12); followed by Medium Density Residential (R1-7). Continued on Appendix A.

Property Owner(s): (02-144-0-0013)
Ruth S. Pitt Trustee pf the Ruth S. Pitt Family Trust April 8, 1975
Barry Pitt, Trustee, 78 East Williams Lane, Grantsville, UT 84029

Property Owner(s): (02-144-0-0016) The Estate of Eileen Barnett			**Applicant(s):** Thrive Development Corporation JEFF LEE		
Address: 1844 North Blue Peak Drive			Address: 7585 S Union Park Ave		
City: Tooele	State: UT	Zip: 84074	City: Salt Lake City	State: UT	Zip: 84047
Phone: Ronald J Barnett and Leanna Fretwell, Co-Trustees			Phone: 801-948-8800		
Contact Person: David Gumucio			Address: P.O. Box 743		
Phone: 435-830-3337			City: Grantsville	State: UT	Zip: 84029
Cellular: 435-830-3337	Fax: 866-634-3115		Email: gumby@mstar.net		

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

Note to Applicant:

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

For Office Use Only 2220880			
Received By:	Date Received:	Fees:	App. #:

*Fee's waived by Mayor Winn

SUBMISSION QUESTIONS AND ANSWERS

ZONING MAP*

1. Present Zoning from Main Street, West to East, is: RC, MR-20 and R1-7.
2. The Proposed Zoning is keeping the RC & MR-20 Zones as designated, and modifying the R1-7 Zone (8.2 acres approx) by tiering the density gradually from the MR-20 Zone to the R1-7 Zone with 2.25 acres MR-16 and 2.0 acres MR-12.
3. The Proposed Zone is in harmony with the current Land Use Map. It is also in harmony with the Tooele City Council's request to gradually "step-down" densities and avoid abrupt density changes. The surrounding area is commercial and undeveloped farm land, with proposed uses being additional commercial and residential in varying densities.
4. The existing uses of the property is dry farming. The proposed change brings the existing use of the property in harmony with the existing Tooele City Land Use Map, General Map/Plan and Master Map/Plan.
5. The Tooele City Council asked us to provide a tiered transition between the approved MR-20 Zone and the approved Medium Density Residential R1-7 Zone. The proposed Zoning fulfills the goals and objectives of Tooele City and their respective Land Use Map(s). It also improves the current land use zones by adding transitional zones of varying density (MR-16 & MR-12) between high density residential zones and medium density residential zones. The proposed zones will also increase commercial development and provide quality and affordable housing in a smart and beautiful development, in an area which is currently undeveloped and "nonperforming" for the city. It will develop infrastructure in the Northeast and Northwest portions of the city that are currently void of water, sewer, gas, communications etc., which will pave the way for controlled sustained growth in these areas for the future. It will increase tax revenues for the City and provide inventory of quality affordable housing which the City is currently lacking. In addition, the Proposed Zones will allow a beautiful and smartly developed commercial and residential community as a "Gateway" to Tooele City.

*** NOTE: Tooele City's Zoning Map has not been updated to match Tooele City's approved Zones.**

GENERAL PLAN MAP*

1. Present Land Use for the proposed properties is Regional Commercial along Main Street and then heading East, varying degrees of residential from MR-20 to R1-7 Zones.
2. Present land use is farming. Neighboring land use is commercial. Planned neighboring land use is additional commercial and residential in varying forms of density.
3. Commercial and Residential Development in varying forms of density.
4. The proposed land use is in harmony with the surrounding area and with Tooele City's General Plan/Map, Master Plan/Map and Land Use Zone Designations.
5. The Tooele City Council asked us to provide a tiered transition between the approved MR-20 Zone and the approved Medium Density Residential R1-7 Zone. The proposed land use fulfills the goals and objectives of Tooele City by increasing commercial development and providing quality and affordable housing in smart and beautiful development, in an area which is currently undeveloped and "nonperforming" for the city. It will develop infrastructure in the Northeast and Northwest portions of the city that are currently void of water, sewer, gas, communications

etc., which will pave the way for controlled sustained growth in these areas for the future. It will increase tax revenues for the City and provide a beautiful and smartly developed commercial and residential community "Gateway" to Tooele City.

*** NOTE: Tooele City's General Plan Map has not been update to match Tooele City's approved Land Uses.**

MASTER PLAN MAP*

1. Master Plan Map - Land Use Element
2. Regional Commercial, High Density Residential MR-20, Medium Density Residential RM-8, R1-7, R1-8 and R1-10.
3. The proposed designation of Regional Commercial, High Density Residential MR-20, High Density Residential MR-16, High Density Residential MR-12 and Medium Density Residential R1-7 is within the Master Plan Map limitations and conforms with present and planned land use in the surrounding developed commercial areas, undeveloped areas as well as future land use for the present undeveloped farming areas.
4. Commercial and Residential Development in varying forms of density.
5. The proposed map designations would smooth, tier and step-down the transitions areas between High Density and Medium Density designations. This uniform tiering is a smart way to transition development and reduce "transition shock" between high density designations and lower density designations.
6. The Tooele City Council asked us to provide a tiered transition between the approved MR-20 Zone and the approved Medium Density Residential R1-7 Zone. The proposed designations fulfill the goals and objectives of Tooele City by increasing commercial development and providing quality and affordable housing in smart and beautiful development, in an area which is currently undeveloped and "nonperforming" for the city. It will develop infrastructure in the Northeast and Northwest portions of the city that are currently void of water, sewer, gas, communications etc., which will pave the way for controlled sustained growth in these areas for the future. It will increase tax revenues for the City and provide a beautiful and smartly developed commercial and residential community "Gateway" to Tooele City.

*** NOTE: Tooele City's Master Plan Map has not been updated to match Tooele City's Land Use Designations and the deletion of the MR-25 designation and the creation of the MR-12 Designation.**

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2022-31

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTERS 7-4 AND 7-11A REGARDING PARKING FOR MULTI-FAMILY DEVELOPMENTS.

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

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

WHEREAS, UCA Section 10-9a-501 authorizes and anticipates Utah municipalities enacting land use ordinances, which include multi-family design standards and parking regulations; and,

WHEREAS, Tooele City Code (TCC) Chapter 7-4 contains the City's parking regulations for developments in Tooele City; and,

WHEREAS, TCC Chapter 7-11a contains the City's design standards, including parking areas and parking, for multi-family dwelling developments, defined in TCC Section 7-1-5 to include townhouses and condominiums exceeding two attached units; and,

WHEREAS, UCA Section 10-9a-504 enables Tooele City to "enact an ordinance establishing a temporary zoning regulation," without prior Planning Commission recommendation or public hearings, upon the City Council finding a "compelling, countervailing public interest" in doing so, with "temporary" meaning not to exceed six months; and,

WHEREAS, the Utah Supreme Court opinion in the case of *Western Land Equities v. Logan City* (1980) created the Pending Ordinance Rule, now codified in UCA 10-9a-504 (Temporary Land Use Regulations); and,

WHEREAS, on April 6, 2022, the City Council approved Ordinance 2022-11, which enacted a temporary land use regulation, also known as a temporary zoning ordinance, providing that for the duration of the temporary regulation, "all townhouse, condominium, and other attached single-family and multi-family developments shall provide the minimum required off-street parking spaces without considering garage space"; and,

WHEREAS, the six-month period contemplated in UCA 10-9a-504, related to Ordinance 2022-11, began on March 18, 2022, and will expire on or about September 13, 2022; and,

WHEREAS, a copy of Ordinance 2022-11 is attached to this ordinance (Exhibit A) and incorporated into this ordinance by its attachment, and the authorities, policies, and public interests described in Ordinance 2022-11 are the authorities, policies, and public interests supporting this ordinance, among others; and,

WHEREAS, the City Council discussed this ordinance, Ordinance 2022-11, and/or the subject thereof during its open and public work meetings of April 6, May 18, July 6, and August 3, 2022; and,

WHEREAS, the Planning Commission discussed this ordinance, Ordinance 2022-11, and/or the subject thereof during its open and public business meeting of March 23, 2022; and,

WHEREAS, the Planning Commission convened a duly-noticed public hearing during its open and public business meeting of August 10, 2022, and voted in the affirmative to recommend approval of this ordinance by the City Council; and,

WHEREAS, the City Council convened a duly-noticed public hearing during its open and public business meeting of August 17, 2022; and,

WHEREAS, this ordinance and the TCC amendments it enacts are intended to address and mitigate the compelling, countervailing public interest identified in Ordinance 2022-11:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Tooele City Code Chapters 7-4 and 7-11a are hereby amended as shown in Exhibit B.

This Ordinance shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2022.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____ _____

ATTEST:

_____
Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Ordinance 2022-11

TOOELE CITY CORPORATION

ORDINANCE 2022-11

AN ORDINANCE OF TOOELE CITY ENACTING A TEMPORARY ZONING ORDINANCE REGARDING GARAGE PARKING IN MULTI-FAMILY RESIDENTIAL DEVELOPMENTS.

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

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

WHEREAS, Utah Code Section 10-9a-505 enables Tooele City to "enact an ordinance establishing a temporary zoning regulation," without prior Planning Commission recommendation or public hearings, upon the City Council finding a "compelling, countervailing public interest" in doing so, with "temporary" meaning not to exceed six months; and,

WHEREAS, the Utah Supreme Court case of *Western Land Equities v. Logan City* (1980) identified and established a common law principle called the Pending Ordinance Rule, which provides that a land use or development "application for a permitted use cannot be refused **unless a prohibiting ordinance is pending at the time of application**"; further, "if a city...has initiated proceedings to amend its zoning ordinances, a landowner who subsequently makes application for a permit is not entitled to rely on the original zoning designation" (emphasis added); and,

WHEREAS, like UCA Section 10-9a-504, the Pending Ordinance Rule requires a legislative finding of a compelling, countervailing public interest; and,

WHERREAS, *Western Land Equities* also established Utah's vested development rights rule that, except for the Pending Ordinance Rule, a land use application establishes the date on which development rights vest, as well as the set of land use ordinances applicable to the approved land use; and,

WHEREAS, *Western Land Equities* recognizes the unfairness and the threat to the public interest where the announcement of a future zoning ordinance change would trigger a race to file and vest land use applications prior to the municipality's ability to follow the established lengthy process for amending land use ordinances, thus subverting and undermining the very public policies supporting the need for the zoning ordinance amendment; and,

WHEREAS, Tooele City Code Section 7-4-4, referring to Table 7-4-1, requires two off-street parking spaces for all dwellings, including detached single-family dwellings, attached single-family dwellings (e.g., townhouses, duplexes), condominiums, and apartments; and,

WHEREAS, on August 13, 2021, the Tooele City Zoning Administrator issued an administrative interpretation stating that, in a townhouse development, garages may not count toward off-street parking requirements, noting the occupant penchant to use garage space for storage rather than for vehicles, and that if townhouse driveways were not provided, occupant and visitor parking would be pushed on-street, undermining the legislative policy behind requiring off-street parking; and,

WHEREAS, the Zoning Administrator's administrative interpretation was not appealed pursuant to the administrative appeals procedure identified in the City Code (i.e., first to the Director of Community Development under TCC Section 1-27-4, then to the Administrative Hearing Officer under TCC Section 1-27-5 and Chapter 1-28); and,

WHEREAS, though no formal administrative appeals of the Zoning Administrator's administrative interpretation have been submitted pursuant to City Code procedures, other developers have complained about the administrative interpretation, which interpretation is the basis of the City's practice to not count garage space toward off-street parking requirements for townhouse developments; and,

WHEREAS, the City Administration and the City Council believe that the Zoning Administrator's administrative interpretation is correct, and further believes that the City Code should be amended to provide more predictable and understandable legislative language in support of that interpretation; and,

WHEREAS, were the City to allow townhouse developments to count garage space as off-street parking space, without adequate driveway lengths to provide off-street parking, and were occupants to use garages for storage, which is typical, off-street parking would of necessity be pushed on-street, with no other area for off-street parking; and,

WHEREAS, because townhouses are typically narrow structures on small narrow lots, the number of drive/garage access from the street are proportionately much higher than in single-family subdivisions, and the increased number of drive/garage accesses dramatically decreases the amount of on-street parking available to the public; and,

WHEREAS, streets within townhouse developments are often private streets, for internal traffic circulation, and thus can be narrower than public streets, as narrow as 26 feet under the International Fire Code, and with cars parked on both sides of the street due to insufficient off-street parking, the street becomes impassable to many emergency response vehicles (i.e., ambulances, fire trucks), impassable for two-way vehicle traffic,

and difficult even for one-way vehicle traffic, further exacerbating the public safety risks of predominant on-street parking; and,

WHEREAS, Tooele City has prior experience with precisely this scenario, including with The Fields of Overlake townhomes and West Pointe Meadows townhomes, in which garages are used for storage, no other (or insufficient) off-street parking spaces were provided, and both occupant and visitor parking are pushed onto the street; and,

WHEREAS, TCC Section 10-3-6 provides that "(1) It shall be unlawful to park a vehicle on any public right-of-way: (a) when snow is falling upon that vehicle; or, (b) when snow or ice have accumulated in any amount on the right-of-way upon which that vehicle is parked." This legislatively-enacted regulation is necessary to allow adequate snow plowing, to reduce the risk of snow plows striking and damaging parked vehicles, to avoid injury to snow plow drivers and damage to snow plows, to remove snow from public streets sufficiently to allow safe vehicle travel, to allow safe emergency vehicle access including police vehicles, ambulances, and large fire apparatus, to preserve the full public street travel way for its intended purpose of traffic circulation, to allow safe garbage removal by large garbage trucks, to minimize stacking of deep snow against vehicles parked on the street in a way that the vehicles cannot move, among other things; and,

WHEREAS, TCC 10-3-6 recognizes the public safety risk of on-street parking in winter by providing, "Any vehicle parked in violation of this Section may be removed at the discretion of the Tooele City Police Department for creating public safety risks and for obstructing the City's snow removal efforts"; and,

WHEREAS, while on-street parking is not prohibited during non-winter seasons, pushing *all* or nearly all occupant and visitor parking onto the street creates a real safety risk for children and other pedestrians crossing the street from between parked vehicles, reducing and confusing driver visibility of the roadway and of crossing children and other pedestrians, increasing risks for children and others riding bicycles in the roadway as required by State of Utah transportation regulations, among other dangers; and,

WHEREAS, developers have suggested that imposing a recorded covenant prohibiting storage of personal property in townhouse garages, and enforcing the covenant through a homeowner's association, would mitigate the City's on-street parking concerns. The City Administration and City Council believe, however, that the covenant would be ignored due in part to the lack of storage space inside small townhouse units, and would be practically and politically impossible to enforce, for the following reasons, among others:

- the covenant contradicts the normal, typical, popular, accepted, and expected resident behavior of using garages for personal property storage;
- enforcement of the covenant would be very unpopular with residents, creating contention and community division among the association board members and their neighbors;
- the covenant would be no more enforceable than a recorded covenant against sneezing, or waving to neighbors, or children playing in the yard; and,

WHEREAS, all of the above considerations and findings serve to support a finding of a compelling, countervailing public interest to require off-street parking other than garage space in townhouse developments and to disallow garage space to count toward off-street parking requirements; and,

WHEREAS, the City Administration avers that, when enacting its off-street parking regulations, the City Council intended for townhouse developments to provide off-street parking in addition to garage space, as with all single-family dwellings, though the Code does not specify minimum driveway lengths for townhouse developments; and,

WHEREAS, the City Administration recommends that the City Code be amended to disallow developers and their design professionals from counting garage space toward off-street parking requirements; and,

WHEREAS, following approval of this Ordinance and the temporary zoning regulation proposed herein, the City Council will have a maximum of six months to discuss and determine its legislative policy regarding counting garage space toward off-street parking requirements in townhouse, condominium, and other attached single-family dwelling developments; and,

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

1. This Ordinance 2022-11 is hereby approved; and,

2. The temporary zoning ordinance enumerated and described in this Ordinance 2022-11 is hereby temporarily enacted; and,

3. This Ordinance 2022-11 and the temporary zoning regulation are effectively immediately, as authorized by the Tooele City Charter; and,

4. For the duration of this temporary zoning regulation, all townhouse, condominium, and other attached single-family and multi-family developments shall provide the minimum required off-street parking spaces without considering garage space; and,

5. This Ordinance 2022-11 shall be in effect until a land use regulation is enacted following the regular Planning Commission, City Council, and public hearing and notice processes required by the Utah Code and the Tooele City Code, but in no event for longer than six months; and,

6. The City Administration, including planning staff, are hereby instructed to prepare draft City Code language on the subject of this Ordinance 2022-11 for consideration by the City Council; and,

7. Should a new land use regulation governing garage parking not be enacted within the six-month period referenced above, the existing City Code provisions will govern; and,

8. This Ordinance 2022-11 and its temporary zoning regulation shall have binding application upon all land use applications submitted after the date on which proceedings began to amend the City Code regarding garage parking, that date being March 18, 2022; and,

9. As required by Utah Code Section 10-9a-504 and *Western Land Equities*, the City Council hereby makes a finding of compelling, countervailing public interest in disallowing garage parking to count toward required off-street parking spaces due to the reasonably foreseeable risks to the public health and safety of occupant and visitor parking being located on the public streets, those risks being more fully described at length in the recitals above, which recitals are hereby incorporated into this finding; and,

10. Similarly, the City Council hereby finds that failing to approve this Ordinance 2022-11 and enact this temporary zoning ordinance, a residential parking crisis would result, as early as the next approved townhouse development in the vicinity of that development, with the crisis compounding with the proliferation of townhouses developments with inadequate off-street parking.

11. Nothing in this Ordinance 2022-11 shall be considered to eliminate or reduce the current visitor parking requirements of the City Code, and nothing shall allow dwelling unit driveways and garage space to be counted as visitor parking space.

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

IN WITNESS WHEREOF, this Ordinance is approved by the Tooele City Council this 6th day of April, 2022.

TOOELE CITY COUNCIL

(For) (Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

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

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:

Roger Evans Baker, City Attorney

Tooele City Planning Commission
Business Meeting Minutes

Date: Wednesday, March 23, 2022
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:
Melanie Hammer
Nathan Thomas
Chris Sloan
Matt Robinson
Tyson Hamilton
Weston Jensen
Paul Smith
Alison Dunn

Commission Members Excused:
Melodi Gochis

City Council Members Present:
Maresa Manzione

City Council Members Excused:
Ed Hansen

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

Minutes prepared by Katherin Yei

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

1.Pledge of Allegiance
The Pledge of Allegiance was led by Chairman Thomas.

2. Roll Call
Melanie Hammer, Present
Nathan Thomas, Present
Chris Sloan, Present
Matt Robinson, Present

6. Discussion on Ordinance 2022-11An Ordinance of Tooele City Enacting a Temporary Zoning Ordinance Regarding Garage Parking in Multi-Family Residential Developments

Mr. Baker indicated his purpose of introducing the Commission to a temporary zoning ordinance regarding garage parking being counted for minimum required off-street parking in residential areas. There is a legal doctrine called the pending ordinance rule. Once a temporary zoning ordinance is put in place, all developments have to follow the it until it ends at six months or a new rule takes effect. If there is an important enough reason, compelling and countervailing, the City Council can impose a temporary zoning ordinance without the Planning Commission's recommendation and with public hearings. This is to help prevent a rush of applications to vest in the current regulations while new regulations are being formulated and are going through the regular process for enacting new land use ordinances.

The Planning Commission asked the following questions:
What is the difference between the temporary ordinance and a moratorium?
Does the new rule have to mirror the temporary ordinance?

Mr. Baker addressed the Planning Commission. The Council cannot declare a moratorium on their own rules, but they can change their rules. The pending ordinance doctrine allows the rules to change immediately without going through the regular process. It is temporary and for a period of up to 6 months. At 6 months, the ordinance will revert to previous or they need to have adopted something new. The new rule does not have to mirror the temporary ordinance. Any change has to go through the regular process. The current rules require two parking spaces for a single-family dwelling, which is usually accomplished by a driveway long and wide enough for two cars, and require garages with minimum dimensions. The concern is garages are often used for storage, and whether to count the garage apart of the minimum required off-street parking spaces. City Hall has received many complaints regarding on-street parking. Some townhouse developments do not have driveways or other off-street parking, and because of the higher densities more of the street frontage is used for drive approached, reducing the amount of on-street parking, forcing parking to spill over into neighboring developments. On-street parking during snow events is a violation of the City Code because it prevents safe and adequate snow plowing. In the opinion of the City Administration, this rises to the level of a compelling, countervailing public interest. The ordinance being presented is for a maximum six-month period, allowing garage space to not be included in off street parking. Anything proposed as a new permanent regulation will come back for further discussion and recommendations.

The Planning Commission shared their personal experience, expressing the need for the ordinance. They asked the following questions about the current requirements:
Does the City require the driveway to be long enough and wide enough to fit two cars?
What are the requirements for residential areas?
Is six months a realistic timeline to get the new ordinance in place?

Mr. Baker addressed the Planning Commission concerns. The process will include looking at the off-street parking requirements for single family, townhomes, and apartments. The requirement for single-family detached housing is 25 feet, requiring a two-car garage, and a 20-foot depth

between house and street, which required a driveway that accommodates two cars. The City does require setbacks in driveways and garages, requiring two spaces, and requiring off street parking. There are no extensions to the 6-month maximum. City staff must work efficiently to bring something forward before the temporary regulation reverts back to the current rule. The six months started with a public notice published on Friday, March 18th.

The Planning Commission shared their support.

7. City Council Reports
Council Member Manzione presented a brief overview of the City Council's meeting. The City Council wanted to hear a discussion and the opinions of the Commission regarding the annexation change. The Mayor is starting 'Monday with the Mayor', a presentation and discussion for the community. The meetings will be held the first Monday of every month in person or on Facebook live.

8. Review and Approval of Planning Commission Minutes for the Meeting Held on March 9, 2022.

There were no changes to the minutes

Commissioner Hamilton motion to approve the Planning Commission minutes from March 9, 2022. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman Robinson, "Aye," Commissioner Hamilton, "Aye", Commissioner Sloan, "Aye", Commissioner Jensen, "Aye", and Commissioner Smith, "Aye". The motion passed.

9. Adjourn
Chairman Robinson adjourned the meeting at 8:07 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 April, 2022

_____
Matt Robinson, Tooele City Planning Commission Chair

Exhibit B

City Code Amendments:
Chapter 7-4
Chapter 7-11a

7-11a-13. Design Standards: Parking and Internal Circulation - Apartment Buildings.

(1) Parking areas shall be contained within the interior of the Site or under or within the buildings. Parking areas shall be no closer to a public right-of-way or exterior road than 20 feet or the setback of the closest building to that same road, whichever is greater.

(2) Direct access to parking areas shall be from internal roads, not from a public road.

(3) Parking areas of six or more spaces shall be effectively screened from public streets and Surrounding Property. Screening may be with fencing, berming, or landscaping, which landscaping may be credited to the Common Area landscaping percentage requirements contained in this Chapter.

(4) The predominant view from the public roads shall be buildings, not parking areas.

(5) Parking structures, including garages~~enclosed parking~~, shall utilize materials, colors, and design similar to those of the nearest building.

(6) Covered parking shall utilize colors and design similar to those of the nearest building.

(7) At least one required resident parking space per unit shall be provided as a covered or enclosed parking space. ~~Parking provided within an enclosed building may count towards required parking upon provision ensuring that the enclosed parking must be used for primarily parking.~~

(8) All required parking for residents and visitors shall be provided within the Project, exclusive of roads and rights-of-way, and:

(a) resident spaces shall be made available to all residents and their visitors as a part of their residency without additional charge or restriction;

(b) resident spaces may be assigned for the dedicated use of the tenants of specific units;

(c) resident spaces may be restricted from use by non-residents or visitors; and

(d) visitor spaces shall be dispersed throughout the Project.

(9) Rows of parking shall not include more than 12 spaces without a landscaping break of not less than five feet. These breaks are encouraged to include pedestrian pathways where reasonable for access around and through the Project and to buildings.

(10) Roads on the interior of a Project, whether proposed or intended to be public or private, shall comply with Section 4-8-2 of the Tooele City Code. Standards for private roads shall not be subject to the provisions of Section 7-11a-25 herein.

(11) A traffic impact study shall be required for all multi-family Projects planned to contain 50 or more units, or as otherwise required by the City Engineer.

(Ord. 2021-03, 01-20-2021) (Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-13.1 Design Standards: Parking - Townhouses, Condominiums.

(1) Townhouses and condominiums shall provide the number of off-street parking spaces required by Section 7-4-4 and Table 7-4-1 of this Title.

(2) Fully-enclosed garages of minimum dimension of 22 feet deep and 10 feet wide per garage space may count toward required off-street parking, as shown in Table 7-11a-13.1, below.

(3) Driveways of minimum dimension of 20 feet long and 10 feet wide each may count toward required off-street parking, as shown in Table 7-11a-13.1, below.

(4) Off-street parking spaces, including garages and driveways, associated with one unit shall not count toward the off-street parking spaces required for another unit.

(5) Where a driveway is provided for a unit, a pedestrian walkway between the driveway and the unit primary entrance shall be provided.

Table 7-11a-13.1

Garage Space Scenario	Garage Space Counting Toward Parking
One-car garage without driveway	0 parking spaces
One-car garage with one-car driveway	1 parking space
Two-car garage without driveway	1 parking space
Two-car garage with one-car driveway	2 parking spaces
Two-car garage with two-car driveway	3 parking spaces (i.e. 2 for unit + 1 visitor)

Dwelling, Multi-Family[2,4]	~~<2 Bedroom Units~~ Apartments	2 spaces per DU
	~~2 Bedroom Units~~ Townhouse / Condominium	2 spaces per DU
Dwelling, Visitor Parking[3]		1 space for every 4 DU

2 ~~Unless otherwise~~ As specified in Sections 7-11a-13 and 7-11a-13.1 and Table 7-11a-13.1 ~~Chapter 16~~ of this Title.

Dwelling, Multi-Family[2,4]	Apartments	2 spaces per DU
	Townhouse / Condominium	2 spaces per DU
Dwelling, Visitor Parking[3]		1 space for every 4 DU

2 As specified in Sections 7-11a-13 and 7-11a-13.1 and Table 7-11a-13.1 of this Title.

STAFF REPORT
August 4, 2022

To: Tooele City Planning Commission
Business Date: August 10, 2022

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: **Garage Parking in Multi-Family Developments – City Code Text Amendment Request**
Application No.: P22-912
Applicant: Tooele City
Request: Request for approval of a City Code Text Amendment regarding allowances for garages to qualify for required parking in multi-family residential developments.

BACKGROUND

This application is a request for approval of a City Code Text Amendment regarding garage parking in multi-family residential developments. More specifically, whether and when garage space is eligible to count towards required resident and guest parking within those developments. The City Code, particularly Chapter 7-4, has maintained a long-standing requirement of two parking spaces per unit for resident parking, plus one visitor parking space per four units; effectively creating a parking requirement ratio of 2.25 spaces per unit. Despite the clarity in the requirement, the Code has been less clear on the methods available to applicants for meeting that requirement. Although discuss with applicant had occurred, the question was first raised formally in 2021, resulting in an Administrative Interpretation issued on August 13, 2021. In that interpretation, the Tooele City Zoning Administrator concluded that garages may not count towards required parking under the City Code, noting the occupant penchant to use garage spaces for storage rather than for vehicles and that if townhome driveways are not provided, occupancy and visitor parking would be pushed on-street, undermining the legislative policy behind requiring off-street parking. Where there is no requirement for driveways to be provided in multi-family residential developments, the potential for a proliferation of on-street parking in these developments is high. Where the roads in these developments are typically private, their widths are typically smaller that public streets creating a tight scenario, potentially prohibitive, for public safety response, mounting the safety risks to the residents, the general public, and public safety personnel. These scenarios have played out in Tooele City. The Zoning Administrator's interpretation was not appealed has been consistently implemented since. Despite no appeal, discussions and concerns continued between City staff and applicants continued. Despite the City maintaining belief that the interpretation was and is correct, the City also believes that having a more predictable and understandable public policy in the City Code serves to benefit all involved. To this end, it was determined that the potential for public safety risks during the time necessary to develop, review, and enact revision to the City Code is significant enough that a compelling, countervailing public interest exists making a temporary zoning ordinance a vital step to protect against those risks during this process. As such, a temporary zoning ordinance, Ordinance 2022-11, attached as Exhibit "C" to this report along with a supporting memorandum from the City Attorney, was noticed and advertised on March 18, 2022 and subsequently unanimously adopted by the City Council on April 6, 2022. That temporary ordinance established a regulation that garages do not count towards required parking in multi-family residential developments. By Utah State law,

temporary zoning ordinances cannot establish regulation for a period of time longer than six months from the time the noticing of that ordinance is provided. As such, this prohibition on garage parking counting towards required parking in multi-family residential developments remains in effect through August 18, 2022. If a permanent City Code amendment is not enacted prior to the expiration of the temporary zoning ordinance, that regulation reverts back to the existing terms of the City Code until such time as a permanent text amendment is adopted. This application is intended to address a permanent regulation to address garage parking allowances in multi-family residential developments.

ANALYSIS

Tooele City Code. The City Code provisions related to garages and parking in multi-family residential developments exist in two coinciding chapters. The first is Chapter 7-4 which establishes and addresses parking requirements generally for uses throughout the City. The established requirement of 2.25 parking spaces per unit in multi-family residential developments is integral and central to the question at hand and not proposed to change in terms of the volume of parking required. Through the development of the proposed amendments in this application, it was identified that there are housekeeping efforts that are needed to Table 7-4-1 to correct an errant reference in the notations and a clarification to make a more applicable reference to the type of housing unit versus the number of bedrooms within the unit. The proposed revisions to Table 7-4-1 can be found in Exhibit "A" to this report.

The second chapter, and more pertinent to the amendments at issue in this application, is Chapter 7-11a which addresses the design standards for multi-family residential developments. More specifically, Section 7-11a-13 addresses parking and circulation design standards. In this section contains the bulk of revisions proposed as a part of this application. Primarily, this section is amended to create a new Section 7-11a-13.1 that addresses more specifically standards for scenarios that contain garages in multi-family residential developments. Secondly, there has been developed a graduated program for balancing the need to regulate the parking scenarios provided within the developments for the benefit of residents and visitors, but also the address and ensure public safety against the flexibility and design preferences inherent to applicants building those projects. The proposed Table 7-11a-13.1 establishes a graduated series of steps by which the design of the development determines the method by which garages and driveways can accommodate and count towards the calculated required parking for the individual units within a multi-family residential development. These graduated steps range from no parking at the unit counting towards the requirement, thereby mandating all parking be provided elsewhere within the development, to all parking being provided at the unit, thereby mandating no other parking provided elsewhere in the development freeing up those other areas for amenities or other features. Whichever step is utilized, or combination of steps, is left to the applicant to determine and design into their development plans. Finally, Section 7-11a-13 contains proposed amendments in support of the primary purposes of this application to ensure the best possible outcomes and development projects. The proposed revisions to Section 7-11a-13 can be found in Exhibit "B" to this report.

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

(1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:

(a) The effect of the proposed amendment on the character of the surrounding area.

(b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
(c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
(d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
(e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
(f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment request and has issued the following comments:

1. The proposed City Code text amendment addresses a public safety concern caused by ineffective parking scenarios within multi-family residential developments.
2. The proposed City Code text amendment supports the Administrative Interpretation of the Tooele City Zoning Administrator while also providing support to the flexibility and design of applicants.
3. The proposed City Code text amendment balances the needs and desires of all involved in applications for multi-family residential developments.
4. The proposed City Code text amendment provides clarity, predictability, and understanding in the terms of the City Code.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The proposed City Code text amendment addresses concerns regarding public safety response within multi-family residential developments and reduces the potential for delays in response to these areas.

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

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

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

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's

consistency with the intent, goals, and objectives of any applicable master plan.

3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – "I move we forward a positive recommendation to the City Council for the Garage Parking in Multi-Family Developments City Code Text Amendment Request by Tooele City regarding garage parking in multi-family residential developments, application number P22-912, based on the following findings:"

1. List findings …

Sample Motion for a Negative Recommendation – "I move we forward a negative recommendation to the City Council for the Garage Parking in Multi-Family Developments City Code Text Amendment Request by Tooele City regarding garage parking in multi-family residential developments, application number P22-912, based on the following findings:"

1. List findings …

EXHIBIT A

PROPOSED CITY CODE TEXT AMENDMENT
TABLE 7-4-1

CHAPTER 4. OFF-STREET PARKING REQUIREMENTS.

7-4-4. Number of Parking Spaces.

The number of required off-street parking spaces shall be calculated according to Table 7-4-1, subject to Section 7-4-5 herein.

Table 7-4-1 – Parking Space Requirement Calculations.

Land Use		Parking Requirement
Dwelling, Multi-Family[2, 4]	~~<2 Bedroom Units~~ *Apartments*	2 spaces per unit
	~~2 Bedroom Units~~ *Townhouse / Condominium*	2 spaces per unit
	~~3+ Bedroom Units~~	~~2 spaces per unit~~
Dwelling, Visitor Parking[3]		1 space for every 4 dwelling units

[2] ~~Unless otherwise specified in Chapter 16 of this Title~~ *As specified in Sections 7-11a-13 and 7-11a-13.1 and Table 7-11a-13.1 of this Title*.

EXHIBIT B

PROPOSED CITY CODE TEXT AMENDMENT
SECTION 7-11a-13

CHAPTER 11a. DESIGN STANDARDS: MULTI-FAMILY RESIDENTIAL.

7-11a-13. Design Standards: Parking and Internal Circulation *– Apartment Buildings*.

(1) Parking areas shall be contained within the interior of the Site or under *or within* the buildings. Parking areas shall be no closer to a public right-of-way or exterior road than 20 feet or the setback of the closest building to that same road, whichever is greater.

(2) Direct access to parking areas shall be from internal roads, not from a public road.

(3) Parking areas of six or more spaces shall be effectively screened from public streets and Surrounding Property. Screening may be with fencing, berming, or landscaping, which landscaping may be credited to the Common Area landscaping percentage requirements contained in this Chapter.

(4) The predominant view from the public roads shall be buildings, not parking areas.

(5) Parking structures, including *garages* ~~enclosed parking~~, shall utilize materials, colors, and design similar to those of the nearest building.

(6) Covered parking shall utilize colors and design similar to those of the nearest building.

(7) At least one required resident parking space per unit shall be provided as a covered or enclosed parking space. ~~Parking provided within an enclosed building may count towards required parking upon provision ensuring that the enclosed parking must be used for primarily parking.~~

(8) All required parking for residents and visitors shall be provided within the Project, exclusive of roads and rights-of-way, and:

(a) resident spaces shall be made available to all residents and their visitors as a part of their residency without *additional* charge or restriction;

(b) resident spaces may be assigned for the dedicated use of the tenants of specific units;

(c) resident spaces may be restricted from use by non-residents or visitors; and

(d) visitor spaces shall be dispersed throughout the Project.

(9) Rows of parking shall not include more than 12 spaces without a landscaping break of not less than five feet. These breaks are encouraged to include pedestrian pathways where reasonable for access around and through the Project and to buildings.

(10) Roads on the interior of a Project, whether proposed or intended to be public or private, shall comply with Section 4-8-2 of the Tooele City Code. Standards for private roads shall not be subject to the provisions of Section 7-11a-25 herein.

(11) A traffic impact study shall be required for all multi-family Projects planned to contain 50 or more units, or as otherwise required by the City Engineer.

***7-11a-13.1. Design Standards: Parking – Townhouses, Condominiums*.**

(1) Townhouses and condominiums shall provide the number of off-street parking spaces required by Section 7-4-4 and Table 7-4-1 of this Title.

(2) Fully-enclosed garages of minimum dimension of 22 feet deep and 10 feet wide per garage space may count toward required off-street parking, as shown in Table 7-11a-13.1, below.

(3) Driveways of minimum dimension of 20 feet long and 10 feet wide each may count toward required off-street parking, as shown in Table 7-11a-13.1, below.

(4) Off-street parking spaces, including garages and driveways, associated with one unit shall not count toward the off-street parking spaces required for another unit.

(5) Where a driveway is provided for a unit, a pedestrian walkway between the driveway and the unit primary entrance shall be provided.

Table 7-11a-13.1

Garage Space Scenario	*Garage Space Counting Toward Parking*
One-car garage without driveway	*0 parking spaces*
One-car garage with one-car driveway	*1 parking space*
Two-car garage without driveway	*1 parking space*
Two-car garage with one-car driveway	*2 parking spaces*
Two-car garage with two-car driveway	*3 parking spaces (i.e. 2 for unit + 1 visitor)*

EXHIBIT C

ORDINANCE 2022-11

TOOELE CITY CORPORATION

ORDINANCE 2022-11

AN ORDINANCE OF TOOELE CITY ENACTING A TEMPORARY ZONING ORDINANCE REGARDING GARAGE PARKING IN MULTI-FAMILY RESIDENTIAL DEVELOPMENTS.

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

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

WHEREAS, Utah Code Section 10-9a-505 enables Tooele City to "enact an ordinance establishing a temporary zoning regulation," without prior Planning Commission recommendation or public hearings, upon the City Council finding a "compelling, countervailing public interest" in doing so, with "temporary" meaning not to exceed six months; and,

WHEREAS, the Utah Supreme Court case of *Western Land Equities v. Logan City* (1980) identified and established a common law principle called the Pending Ordinance Rule, which provides that a land use or development "application for a permitted use cannot be refused **unless a prohibiting ordinance is pending at the time of application**"; further, "if a city...has initiated proceedings to amend its zoning ordinances, a landowner who subsequently makes application for a permit is not entitled to rely on the original zoning designation" (emphasis added); and,

WHEREAS, like UCA Section 10-9a-504, the Pending Ordinance Rule requires a legislative finding of a compelling, countervailing public interest; and,

WHERREAS, *Western Land Equities* also established Utah's vested development rights rule that, except for the Pending Ordinance Rule, a land use application establishes the date on which development rights vest, as well as the set of land use ordinances applicable to the approved land use; and,

WHEREAS, *Western Land Equities* recognizes the unfairness and the threat to the public interest where the announcement of a future zoning ordinance change would trigger a race to file and vest land use applications prior to the municipality's ability to follow the established lengthy process for amending land use ordinances, thus subverting and undermining the very public policies supporting the need for the zoning ordinance amendment; and,

WHEREAS, Tooele City Code Section 7-4-4, referring to Table 7-4-1, requires two off-street parking spaces for all dwellings, including detached single-family dwellings, attached single-family dwellings (e.g., townhouses, duplexes), condominiums, and apartments; and,

WHEREAS, on August 13, 2021, the Tooele City Zoning Administrator issued an administrative interpretation stating that, in a townhouse development, garages may not count toward off-street parking requirements, noting the occupant penchant to use garage space for storage rather than for vehicles, and that if townhouse driveways were not provided, occupant and visitor parking would be pushed on-street, undermining the legislative policy behind requiring off-street parking; and,

WHEREAS, the Zoning Administrator's administrative interpretation was not appealed pursuant to the administrative appeals procedure identified in the City Code (i.e., first to the Director of Community Development under TCC Section 1-27-4, then to the Administrative Hearing Officer under TCC Section 1-27-5 and Chapter 1-28); and,

WHEREAS, though no formal administrative appeals of the Zoning Administrator's administrative interpretation have been submitted pursuant to City Code procedures, other developers have complained about the administrative interpretation, which interpretation is the basis of the City's practice to not count garage space toward off-street parking requirements for townhouse developments; and,

WHEREAS, the City Administration and the City Council believe that the Zoning Administrator's administrative interpretation is correct, and further believes that the City Code should be amended to provide more predictable and understandable legislative language in support of that interpretation; and,

WHEREAS, were the City to allow townhouse developments to count garage space as off-street parking space, without adequate driveway lengths to provide off-street parking, and were occupants to use garages for storage, which is typical, off-street parking would of necessity be pushed on-street, with no other area for off-street parking; and,

WHEREAS, because townhouses are typically narrow structures on small narrow lots, the number of drive/garage access from the street are proportionately much higher than in single-family subdivisions, and the increased number of drive/garage accesses dramatically decreases the amount of on-street parking available to the public; and,

WHEREAS, streets within townhouse developments are often private streets, for internal traffic circulation, and thus can be narrower than public streets, as narrow as 26 feet under the International Fire Code, and with cars parked on both sides of the street due to insufficient off-street parking, the street becomes impassable to many emergency response vehicles (i.e., ambulances, fire trucks), impassable for two-way vehicle traffic,

and difficult even for one-way vehicle traffic, further exacerbating the public safety risks of predominant on-street parking; and,

WHEREAS, Tooele City has prior experience with precisely this scenario, including with The Fields of Overlake townhomes and West Pointe Meadows townhomes, in which garages are used for storage, no other (or insufficient) off-street parking spaces were provided, and both occupant and visitor parking are pushed onto the street; and,

WHEREAS, TCC Section 10-3-6 provides that "(1) It shall be unlawful to park a vehicle on any public right-of-way: (a) when snow is falling upon that vehicle; or, (b) when snow or ice have accumulated in any amount on the right-of-way upon which that vehicle is parked." This legislatively-enacted regulation is necessary to allow adequate snow plowing, to reduce the risk of snow plows striking and damaging parked vehicles, to avoid injury to snow plow drivers and damage to snow plows, to remove snow from public streets sufficiently to allow safe vehicle travel, to allow safe emergency vehicle access including police vehicles, ambulances, and large fire apparatus, to preserve the full public street travel way for its intended purpose of traffic circulation, to allow safe garbage removal by large garbage trucks, to minimize stacking of deep snow against vehicles parked on the street in a way that the vehicles cannot move, among other things; and,

WHEREAS, TCC 10-3-6 recognizes the public safety risk of on-street parking in winter by providing, "Any vehicle parked in violation of this Section may be removed at the discretion of the Tooele City Police Department for creating public safety risks and for obstructing the City's snow removal efforts"; and,

WHEREAS, while on-street parking is not prohibited during non-winter seasons, pushing *all* or nearly all occupant and visitor parking onto the street creates a real safety risk for children and other pedestrians crossing the street from between parked vehicles, reducing and confusing driver visibility of the roadway and of crossing children and other pedestrians, increasing risks for children and others riding bicycles in the roadway as required by State of Utah transportation regulations, among other dangers; and,

WHEREAS, developers have suggested that imposing a recorded covenant prohibiting storage of personal property in townhouse garages, and enforcing the covenant through a homeowner's association, would mitigate the City's on-street parking concerns. The City Administration and City Council believe, however, that the covenant would be ignored due in part to the lack of storage space inside small townhouse units, and would be practically and politically impossible to enforce, for the following reasons, among others:

- the covenant contradicts the normal, typical, popular, accepted, and expected resident behavior of using garages for personal property storage;
- enforcement of the covenant would be very unpopular with residents, creating contention and community division among the association board members and their neighbors;
- the covenant would be no more enforceable than a recorded covenant against sneezing, or waving to neighbors, or children playing in the yard; and,

WHEREAS, all of the above considerations and findings serve to support a finding of a compelling, countervailing public interest to require off-street parking other than garage space in townhouse developments and to disallow garage space to count toward off-street parking requirements; and,

WHEREAS, the City Administration avers that, when enacting its off-street parking regulations, the City Council intended for townhouse developments to provide off-street parking in addition to garage space, as with all single-family dwellings, though the Code does not specify minimum driveway lengths for townhouse developments; and,

WHEREAS, the City Administration recommends that the City Code be amended to disallow developers and their design professionals from counting garage space toward off-street parking requirements; and,

WHEREAS, following approval of this Ordinance and the temporary zoning regulation proposed herein, the City Council will have a maximum of six months to discuss and determine its legislative policy regarding counting garage space toward off-street parking requirements in townhouse, condominium, and other attached single-family dwelling developments; and,

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

1. This Ordinance 2022-11 is hereby approved; and,

2. The temporary zoning ordinance enumerated and described in this Ordinance 2022-11 is hereby temporarily enacted; and,

3. This Ordinance 2022-11 and the temporary zoning regulation are effectively immediately, as authorized by the Tooele City Charter; and,

4. For the duration of this temporary zoning regulation, all townhouse, condominium, and other attached single-family and multi-family developments shall provide the minimum required off-street parking spaces without considering garage space; and,

5. This Ordinance 2022-11 shall be in effect until a land use regulation is enacted following the regular Planning Commission, City Council, and public hearing and notice processes required by the Utah Code and the Tooele City Code, but in no event for longer than six months; and,

6. The City Administration, including planning staff, are hereby instructed to prepare draft City Code language on the subject of this Ordinance 2022-11 for consideration by the City Council; and,

7. Should a new land use regulation governing garage parking not be enacted within the six-month period referenced above, the existing City Code provisions will govern; and,

8. This Ordinance 2022-11 and its temporary zoning regulation shall have binding application upon all land use applications submitted after the date on which proceedings began to amend the City Code regarding garage parking, that date being March 18, 2022; and,

9. As required by Utah Code Section 10-9a-504 and *Western Land Equities*, the City Council hereby makes a finding of compelling, countervailing public interest in disallowing garage parking to count toward required off-street parking spaces due to the reasonably foreseeable risks to the public health and safety of occupant and visitor parking being located on the public streets, those risks being more fully described at length in the recitals above, which recitals are hereby incorporated into this finding; and,

10. Similarly, the City Council hereby finds that failing to approve this Ordinance 2022-11 and enact this temporary zoning ordinance, a residential parking crisis would result, as early as the next approved townhouse development in the vicinity of that development, with the crisis compounding with the proliferation of townhouses developments with inadequate off-street parking.

11. Nothing in this Ordinance 2022-11 shall be considered to eliminate or reduce the current visitor parking requirements of the City Code, and nothing shall allow dwelling unit driveways and garage space to be counted as visitor parking space.

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

IN WITNESS WHEREOF, this Ordinance is approved by the Tooele City Council this 6th day of April, 2022.

TOOELE CITY COUNCIL

(For) (Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

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

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:

Roger Evans Baker, City Attorney

Tooele City Planning Commission
Business Meeting Minutes

Date: Wednesday, March 23, 2022
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:
Melanie Hammer
Nathan Thomas
Chris Sloan
Matt Robinson
Tyson Hamilton
Weston Jensen
Paul Smith
Alison Dunn

Commission Members Excused:
Melodi Gochis

City Council Members Present:
Maresa Manzione

City Council Members Excused:
Ed Hansen

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

Minutes prepared by Katherin Yei

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

1.Pledge of Allegiance
The Pledge of Allegiance was led by Chairman Thomas.

2. Roll Call
Melanie Hammer, Present
Nathan Thomas, Present
Chris Sloan, Present
Matt Robinson, Present

6. Discussion on Ordinance 2022-11An Ordinance of Tooele City Enacting a Temporary Zoning Ordinance Regarding Garage Parking in Multi-Family Residential Developments

Mr. Baker indicated his purpose of introducing the Commission to a temporary zoning ordinance regarding garage parking being counted for minimum required off-street parking in residential areas. There is a legal doctrine called the pending ordinance rule. Once a temporary zoning ordinance is put in place, all developments have to follow the it until it ends at six months or a new rule takes effect. If there is an important enough reason, compelling and countervailing, the City Council can impose a temporary zoning ordinance without the Planning Commission's recommendation and with public hearings. This is to help prevent a rush of applications to vest in the current regulations while new regulations are being formulated and are going through the regular process for enacting new land use ordinances.

The Planning Commission asked the following questions:
What is the difference between the temporary ordinance and a moratorium?
Does the new rule have to mirror the temporary ordinance?

Mr. Baker addressed the Planning Commission. The Council cannot declare a moratorium on their own rules, but they can change their rules. The pending ordinance doctrine allows the rules to change immediately without going through the regular process. It is temporary and for a period of up to 6 months. At 6 months, the ordinance will revert to previous or they need to have adopted something new. The new rule does not have to mirror the temporary ordinance. Any change has to go through the regular process. The current rules require two parking spaces for a single-family dwelling, which is usually accomplished by a driveway long and wide enough for two cars, and require garages with minimum dimensions. The concern is garages are often used for storage, and whether to count the garage apart of the minimum required off-street parking spaces. City Hall has received many complaints regarding on-street parking. Some townhouse developments do not have driveways or other off-street parking, and because of the higher densities more of the street frontage is used for drive approached, reducing the amount of on-street parking, forcing parking to spill over into neighboring developments. On-street parking during snow events is a violation of the City Code because it prevents safe and adequate snow plowing. In the opinion of the City Administration, this rises to the level of a compelling, countervailing public interest. The ordinance being presented is for a maximum six-month period, allowing garage space to not be included in off street parking. Anything proposed as a new permanent regulation will come back for further discussion and recommendations.

The Planning Commission shared their personal experience, expressing the need for the ordinance. They asked the following questions about the current requirements:
Does the City require the driveway to be long enough and wide enough to fit two cars?
What are the requirements for residential areas?
Is six months a realistic timeline to get the new ordinance in place?

Mr. Baker addressed the Planning Commission concerns. The process will include looking at the off-street parking requirements for single family, townhomes, and apartments. The requirement for single-family detached housing is 25 feet, requiring a two-car garage, and a 20-foot depth

between house and street, which required a driveway that accommodates two cars. The City does require setbacks in driveways and garages, requiring two spaces, and requiring off street parking. There are no extensions to the 6-month maximum. City staff must work efficiently to bring something forward before the temporary regulation reverts back to the current rule. The six months started with a public notice published on Friday, March 18th.

The Planning Commission shared their support.

7. City Council Reports
Council Member Manzione presented a brief overview of the City Council's meeting. The City Council wanted to hear a discussion and the opinions of the Commission regarding the annexation change. The Mayor is starting 'Monday with the Mayor', a presentation and discussion for the community. The meetings will be held the first Monday of every month in person or on Facebook live.

8. Review and Approval of Planning Commission Minutes for the Meeting Held on March 9, 2022.

There were no changes to the minutes

Commissioner Hamilton motion to approve the Planning Commission minutes from March 9, 2022. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman Robinson, "Aye," Commissioner Hamilton, "Aye", Commissioner Sloan, "Aye", Commissioner Jensen, "Aye", and Commissioner Smith, "Aye". The motion passed.

9. Adjourn
Chairman Robinson adjourned the meeting at 8:07 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 April, 2022

_____
Matt Robinson, Tooele City Planning Commission Chair

MEMORANDUM

To: City Council
cc: Mayor, Planning Commission

From: Roger Evans Baker, City Attorney

Date: March 18, 2022

Re: Temporary Zoning Ordinance

This question has arisen: *Whether the City Code allows or prohibits garage space to count toward the minimum off-street parking requirements for townhouses and other dwellings?*

When zoning laws are in question, the City Code provides for a Zoning Administrator (ZA) to make administrative interpretations of those laws. The ZA has made an interpretation that garage space in a townhouse without a driveway does not count toward off-street parking requirements. Developers argue that the City Code does not clearly disallow garage space counting toward off-street parking requirements. With this argument, they decline to design driveways into their townhouse projects. Without driveways, the only off-street parking is in garages. But most occupants use garage space for personal property storage, parking their cars in the driveway. Where townhouses have no driveways, the City expects most if not all cars to park on the street, subverting the off-street parking requirement.

The Tooele City Administration believes that allowing garage space to count toward off-street parking, while at the same time there are no driveways, is guaranteed to create a parking crisis, where most if not all resident and visitor parking will be pushed onto the street for lack of off-street parking spaces. This would violate winter parking ordinances, would make effective snow plowing impossible, and would create a host of serious public safety risks, including accidents and injuries involving snow plows, cars, and pedestrians.

Utah Code allows cities to enact temporary zoning ordinances, without Planning Commission recommendation or public hearings, upon a finding of a compelling, countervailing public interest. The City Administration has published notice of the commencement of proceedings to amend the City Code regarding garage parking and off-street parking requirements, and has drafted Ordinance 2022-11. If approved by the City Council, the temporary zoning ordinance would be in place for up to six months, during which time a permanent zoning ordinance would be prepared and brought to the Commission and Council for public hearings and votes. Under the temporary zoning ordinance, all development applications filed after March 18, 2022, would have to comply with the temporary zoning ordinance and provide two off-street parking spaces per dwelling, not including garage space.

The City Administration looks forward to supporting the City Council in the Council's policy discussions and decisions on the important question of garage parking. Ordinance 2022-11 is attached.

TOOELE CITY CORPORATION

ORDINANCE 2022-32

AN ORDINANCE OF THE TOOELE CITY COUNCIL VACATING A DEDICATED PUBLIC UTILITY EASEMENT ON LOT 354A OF THE SHETLAND MEADOWS NO. 3 SUBDIVISION.

WHEREAS, Donald Torrey (the "property owner") has petitioned the City to vacate a certain public utility easements (the "PUE") located along the existing south rear lot line and east side lot line of parcel 12-051-0-354A, also known as lot 4, in the Shetland Meadows No. 3; and,

WHEREAS, the petition satisfies the requirements of U.C.A. §10-9a-609.5 (the petition, attached as Exhibit A, together with the subdivision plat including the PUE, attached as Exhibit C); and,

WHEREAS, the property owner has notified, and has received the signatures on an amended subdivision plat from, Questar Gas, Rocky Mountain Power, CenturyLink, and Comcast (see attached as Exhibit B); and,

WHEREAS, the property owner has represented, consistent with the utility company signatures, that there are currently no utilities in the PUE; and,

WHEREAS, no Tooele City utilities are located, or contemplated to be located, within the portions of the PUE to be vacated; and,

WHEREAS, the City Council convened a duly-noticed public hearing on the vacation petition on August 17, 2022; and,

WHEREAS, good cause exists for the vacation, and the vacation is not anticipated to materially injure the public interest or any private person, inasmuch as:

- the property is under single ownership
- the property owner has petitioned for the vacation
- the current lot lines and PUE interior to the Property will serve no public or private purpose
- no public or private utilities are located or contemplated to be located within the PUE
- the above-referenced utility companies have agreed to the vacation
- the public hearing identified no reason why the vacation should not be approved; and,

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that the petition to vacate the public utility and drainage easement located on the property's west interior lot line, as depicted in the Shetland Meadows No. 3 plat, shown in Exhibit C, is hereby approved; and,

This Ordinance 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 Ordinance is passed by the Tooele City Council this ____ day of _____, 20___.

TOOELE CITY COUNCIL

(For) (Against)

_____	_____
Justin Brady	Justin Brady
_____	_____
Dave McCall	Dave McCall
_____	_____
Tony Graf	Tony Graf
_____	_____
Ed Hansen	Ed Hansen
_____	_____
Maresa Manzione	Maresa Manzione

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____	_____
Debra E. Winn	Debra E. Winn

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. City Charter Section 2-05. UCA 10-3-704(11).)

ATTEST:

_____

Michelle Pitt, City Recorder

S E A L

Approved as to Form: _____

Roger Evans Baker, Tooele City Attorney

EXHIBIT A

VACATION PETITION

Mike Combs
Kimberley Langi
181 Wallace Way
Tooele, Ut 84074

To whom it may concern:
I am formally requesting a release of Easement for the Southeast corner of 181 Wallace way, for the purpose of building a Garage.

Thank you for your consideration,

Mike Combs

EXHIBIT B

UTILITY SIGNATURES

Comcast Cable Communications, Inc.
1350 E. Miller Ave.
Salt Lake City, Utah 84106
801-401-3041 Tel
801-255-2711 Fax

July 22, 2022

Mike Combs
181 Wallace Way
Tooele, UT 84074

To whom it may concern,

Comcast of Utah II grants permission to encroach upon the existing utility easements, which exists along the South and East property lines of 181 Wallace Way, Tooele, UT 84074. As long as it does not interfere with or deny access to our existing facilities (Poles, cable, conduits, pedestal, electronics). Three feet of clearance must be maintained around all pedestals.

If you need our facilities to be moved, it can be done at your expense. If any damage is incurred to our facilities due to your encroachment, repairs will be done at your expense. Be sure to contact Blue Stakes to locate all utility services at least 48 hours before digging.

Sincerely,

Samantha Murray

Samantha Murray
Authorized Representative

LUMEN

Date: **7/18/2022**

RE:
181 Wallace Way, Tooele, UT 84074

To Whom It May Concern,

As you requested, Lumen hereby consents to Mike Combs, an encroachment of the existing MTN STATES TELEPHONE & TELEGRAPH CO ROW ESMT, along the southeast property line at 181 Wallace Way, Tooele, UT 84074 for the placement of a detached garage.

However, this consent does not waive or relinquish any rights necessary to the operation, maintenance, renewal, construction, repair, or removal of Lumen lines, conduit, or other communication facilities, which are or may be located on said easement. Also, all clearances must be maintained from Lumen lines.

It has been determined that there are no existing Lumen cables in this existing easement.

As consideration for Lumen granting you permission to encroach upon said easement, it will be necessary for you to hold Lumen harmless from any and all claims for personal injuries or damages to property when such injuries or damages, directly or indirectly, arise out of the existence, construction, installation, maintenance, condition, use or presence of your structures upon said easement. Lumen shall not be responsible for any damages to structures or property located on said easement.

Sincerely,

David Sloan
385-315-6586
david.sloan2@lumen.com
Sr Network Implementation Engineer
Lumen

Space above for County Recorder's use
PARCEL I.D.# 12-051-0-354A

DISCLAIMER OF UTILITY EASEMENT

The undersigned, QUESTAR GAS COMPANY dba Dominion Energy Utah, Grantor, hereby disclaims and releases any rights, title or interest which it may have in and to the following-described real property in Tooele County, Utah, to-wit:

All public utility easements, excepting the easement(s) or portion of easement(s) running adjacent and parallel to the street(s), located within Lot 354A, Shetland Meadows No 3 Subdivision, located in the Northwest quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Tooele County, Utah; said Subdivision recorded in the Office of the County Recorder for Tooele County, Utah.

IN WITNESS WHEREOF, this disclaimer and release of any right, title or interest has been duly executed on July 18, 2022.

QUESTAR GAS COMPANY
Dba Dominion Energy Utah

By: _____
Authorized Representative

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On July 18, 2022, personally appeared before me Richard Hellstrom, who, being duly sworn, did say that (s)he is an Authorized Representative for QUESTAR GAS COMPANY dba Dominion Energy Utah, and that the foregoing instrument was signed on behalf of said corporation pursuant to a Delegation of Authority.

_____
Notary Public

PAULINE CARAVEO
Notary Public State of Utah
My Commission Expires on:
February 16, 2025
Comm. Number: 716795

ROCKY MOUNTAIN POWER
A DIVISION OF PACIFICORP

1438 West 2550 South
Ogden, Utah 84401

July 18, 2022

Mike Combs
Mcombs79@gmail.com

RE: EASEMENT ENCROACHMENT
Request: 8243285
Dear Mr. Combs:

As you requested, Rocky Mountain Power hereby consents to a proposed encroachment of the utility easement on the south east corner of property located at or near 181 Wallace Way, Tooele, Utah.

However, this consent does not waive or relinquish any rights necessary to the operation, maintenance, renewal, construction, repair, addition, or removal of Power Company lines, conduit, or other power facilities, which are or may be located on said easement.

As consideration for the Power Company granting you permission to encroach upon said easement, it will be necessary for you to hold the Power Company harmless from any and all claims for personal injuries or damages to property when such injuries or damages, directly or indirectly, arise out of the existence, construction, installation maintenance, condition, use or presence of your structures upon said easement. Rocky Mountain Power shall not be responsible for any damages to structures or property located on said easement.

Please acknowledge the receipt of this letter and your consent to the aforementioned terms by returning an executed copy of this letter to me.

Sincerely,

Kade Campbell
Estimator
(435) 833-7946

Consented to this 22nd day of July Mike Combs
Mike Combs

Public Works Department
90 N Main St. Suite 101
Tooele, Utah 84074
Phone: 435.843.2130

August 4, 2022

Mike Combs
Kimberley Langi
191 Wallace Way
Tooele, Utah 84074

To whom it may concern:

This letter is in reference to a proposed encroachment located at 181 Wallace Way, Tooele, Utah for the southwest corner of said lot for the purpose of building a garage.

Tooele City Public Works Department has no water, wastewater or storm drain utilities that are within the easement that need to have protection at this time.

Please feel free to contact me or Tiffany Day in my office if additional information is needed.

Sincerely,

Jamie Grandpre
Public Works Director

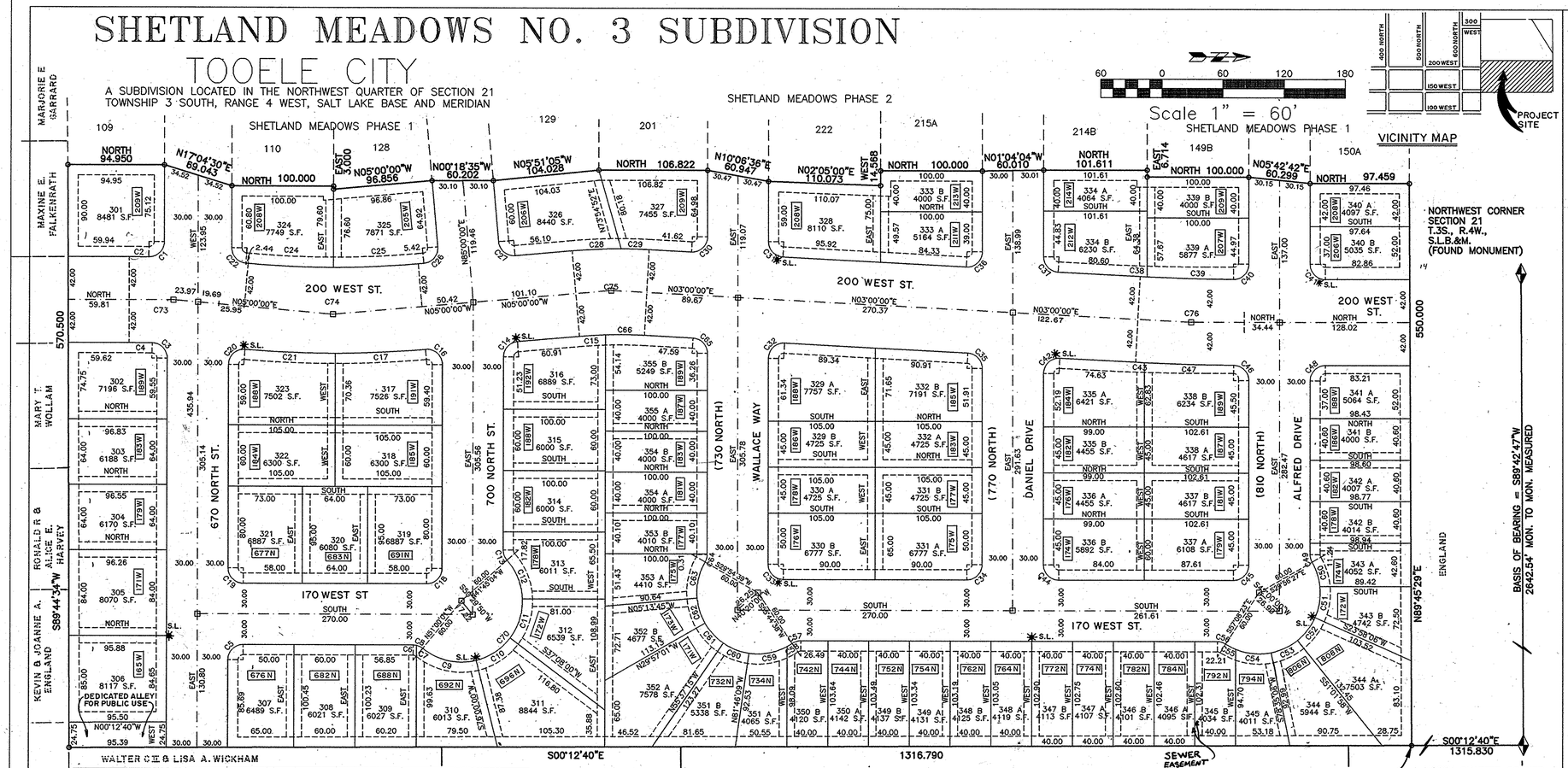
EXHIBIT C

SUBDIVISION MAPS

SHETLAND MEADOWS NO. 3 SUBDIVISION

TOOELE CITY

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 21
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN



NUMBER	DELTA	TAN.	RAD.	LEN.	CHD.	NUMBER	DELTA	TAN.	RAD.	LEN.	CHD.
C1	90°53'53"	15.24	15.00	23.80	21.38	C36	93°00'00"	15.81	15.00	24.35	21.76
C2	01°03'55"	9.69	1042.00	19.37	19.37	C37	87°00'01"	14.23	15.00	22.78	20.65
C3	88°48'40"	14.69	15.00	23.25	20.99	C38	00°12'08"	3.46	1958.00	6.91	6.91
C4	01°22'02"	11.43	958.00	22.86	22.86	C39	02°29'10"	42.48	1958.00	84.96	84.95
C5	90°00'00"	15.00	15.00	23.56	21.21	C40	90°18'41"	15.08	15.00	23.64	21.27
C6	12°54'03"	1.70	15.00	3.38	3.37	C41	89°59'59"	15.00	15.00	23.56	21.21
C7	26°05'25"	3.48	15.00	6.83	6.77	C42	93°00'00"	15.81	15.00	24.35	21.76
C8	38°59'58"	5.31	15.00	10.21	10.01	C43	00°14'39"	4.35	2042.00	8.70	8.70
C9	52°59'59"	29.91	60.00	55.50	53.54	C44	90°00'00"	15.00	15.00	23.56	21.21
C10	38°52'00"	21.17	60.00	40.70	39.93	C45	90°00'00"	15.00	15.00	23.56	21.21
C11	39°17'39"	21.42	60.00	41.15	40.35	C46	89°42'20"	14.92	15.00	23.48	21.16
C12	39°35'25"	21.60	60.00	41.46	40.64	C47	02°27'41"	43.87	2042.00	87.73	87.72
C13	41°45'03"	5.72	15.00	10.93	10.69	C48	90°00'00"	15.00	15.00	23.56	21.21
C14	84°59'59"	13.74	15.00	22.25	20.27	C49	29°56'27"	4.01	15.00	7.84	7.75
C15	03°12'44"	12.84	458.00	25.68	25.67	C50	24°08'01"	12.83	60.00	25.27	25.09
C16	95°00'50"	16.37	15.00	24.87	22.12	C51	29°46'31"	15.95	60.00	31.18	30.83
C17	04°52'59"	44.43	1042.00	88.81	88.78	C52	27°03'53"	14.44	60.00	28.34	28.08
C18	90°00'00"	15.00	15.00	23.56	21.21	C53	27°33'08"	14.71	60.00	28.85	28.58
C19	90°00'00"	15.00	15.00	23.56	21.21	C54	33°51'08"	18.26	60.00	35.45	34.94
C20	94°45'18"	16.30	15.00	24.81	22.07	C55	10°25'21"	5.47	60.00	10.91	10.90
C21	04°53'09"	44.45	1042.00	88.86	88.83	C56	32°51'37"	4.42	15.00	8.60	8.49
C22	85°00'02"	13.75	15.00	22.25	20.27	C57	34°15'21"	4.62	15.00	8.97	8.84
						C58	05°40'07"	2.97	60.00	5.94	5.93
C24	05°01'22"	42.02	958.00	83.98	83.95	C59	36°49'05"	19.97	60.00	38.56	37.90
C25	04°58'38"	41.64	958.00	83.22	83.19	C60	26°08'54"	13.93	60.00	27.38	27.15
C26	89°59'57"	15.00	15.00	23.56	21.21	C61	25°40'14"	13.67	60.00	26.88	26.66
C27	90°00'01"	15.00	15.00	23.56	21.21	C62	24°43'16"	13.15	60.00	25.89	25.69
C28	05°07'00"	24.22	542.00	48.40	48.39	C63	35°08'24"	19.00	60.00	36.80	36.22
C29	02°53'00"	13.64	542.00	27.28	27.27	C64	29°54'39"	4.01	15.00	7.83	7.74
C30	93°00'02"	15.81	15.00	24.35	21.76	C65	87°00'00"	14.23	15.00	22.78	20.65
C31	87°00'01"	14.23	15.00	22.78	20.65	C66	04°47'16"	19.15	458.00	38.27	38.26
C32	92°59'59"	15.81	15.00	24.35	21.76	C70	170°45'04"	741.76	60.00	178.81	119.61
C33	90°00'00"	15.00	15.00	23.56	21.21	C73	5°00'00"	43.66	1000.00	87.27	87.24
C34	90°00'00"	15.00	15.00	23.56	21.21	C74	10°00'00"	87.49	1000.00	174.53	174.31
C35	87°00'00"	14.23	15.00	22.78	20.65	C75	08°00'00"	34.96	500.00	69.81	69.76
						C76	03°00'00"	52.37	2000.00	104.72	104.71

SURVEYOR'S CERTIFICATE

I, RALPH E. GOFF, DO HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER, AND OR LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 144147 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS

SHETLAND MEADOWS NO. 3 SUBDIVISION

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT, I FURTHER CERTIFY THAT ALL LOTS MEET THE FRONTAGE, WIDTH, AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCE.

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS S0°12'40"E, 1315.830 FEET FROM THE NORTH QUARTER CORNER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S0°12'40"E, 1316.790 FEET; THENCE S89°44'34"W, 570.500 FEET; THENCE NORTH, 94.950 FEET; THENCE N17°04'30"E, 69.043 FEET; THENCE NORTH, 100.000 FEET; THENCE EAST, 3.000 FEET; THENCE N5°00'00"W, 96.856 FEET; THENCE N0°18'35"W, 60.202 FEET; THENCE N5°51'05"W, 104.028 FEET; THENCE NORTH, 106.822 FEET; THENCE N10°06'36"E, 60.947 FEET; THENCE N2°05'00"E, 110.073 FEET; THENCE WEST, 14.568 FEET; THENCE NORTH, 100.000 FEET; THENCE N1°04'04"W, 60.010 FEET; THENCE NORTH, 101.611 FEET; THENCE EAST, 6.714 FEET; THENCE NORTH, 100.000 FEET; THENCE N5°42'42"E, 60.299 FEET; THENCE NORTH, 97.459 FEET; THENCE N89°45'29"E, 550.000 FEET TO THE POINT OF BEGINNING.

CONTAINS: 16.8674 ACRES

LICENSED LAND SURVEYOR No. 144147 RALPH E. GOFF STATE OF UTAH

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SHETLAND MEADOWS L.L.C. THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE

SHETLAND MEADOWS NO. 3 SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS
THIS _____ DAY OF _____ A.D. 19__

MICHAEL M. BRODSKY, CHAIRMAN HAMLET HOMES CORPORATION AS MANAGING MEMBER OF SHETLAND MEADOWS L.L.C.

STANLEY JENKINS, VICE PRESIDENT FIRST SECURITY BANK OF UTAH, N.A.

JERRY M. HAUGHTON, PRESIDENT TOOELE TITLE COMPANY

CLYDE T. WENTZ, VICE PRESIDENT FIRST AMERICAN TITLE COMPANY

CRESTLINE/UTAH L.L.C. BY BARRY L. KING, PRESIDENT TOOELE LAND MANAGEMENT INC. ITS MANAGER

CORPORATE ACKNOWLEDGMENT

ON THE 19th DAY OF November A.D. 1997 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, Clyde T. Wentz WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A VICE PRESIDENT OF FIRST AMERICAN TITLE COMPANY, A UTAH CORPORATION AND THAT _____ SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES: 8/3/01
NOTARY PUBLIC JOANNE ELDER 40 Santa Rosa Place West Jordan, UT 84088 My Commission Expires August 3, 2001 STATE OF UTAH
Joanne Elder
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

CORPORATE ACKNOWLEDGMENT

ON THE 19th DAY OF November A.D. 1997 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, STANLEY JENKINS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A VICE PRESIDENT OF FIRST SECURITY BANK OF UTAH., A UTAH CORPORATION AND THAT Stanley F. Jenkins SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES: 9/10/2001
NOTARY PUBLIC KATHLEEN A. WILSON 405 So. Main 12th Flr. S.L.C., UT 84107 COMMISSION EXPIRES SEPT. 10, 2001 STATE OF UTAH
Kathleen A. Wilson
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

CORPORATE ACKNOWLEDGMENT

ON THE 19TH DAY OF NOVEMBER A.D. 1997 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, JERRY M. HAUGHTON, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A PRESIDENT OF TOOELE TITLE COMPANY, A UTAH CORPORATION AND THAT _____ SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION- FOR THE PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES: 6-17-2001
Notary Public SUSAN S. HOUGHTON 123 Russell Ave. Tooele, Utah 84074 My Commission Expires June 17, 2001 State of Utah
Susan S. Houghton
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

ON THE 19th DAY OF November A.D. 1997 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, BARRY J. KING WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF TOOELE LAND MANAGEMENT COMPANY, A UTAH CORPORATION AS MANAGER OF CRESTLINE/UTAH L.C. SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID COMPANY FOR THE PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES: 8/3/01
NOTARY PUBLIC JOANNE ELDER 40 Santa Rosa Place West Jordan, UT 84088 My Commission Expires August 3, 2001 STATE OF UTAH
Joanne Elder
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

ON THE 19th DAY OF November A.D. 1997 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, MICHAEL M. BRODSKY, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE CHAIRMAN OF HAMLET HOMES CORPORATION, THE MANAGING MEMBER OF SHETLAND MEADOWS LIMITED LIABILITY COMPANY, A UTAH L.L.C.,THAT MICHAEL M. BRODSKY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID COMPANY FOR THE PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES: 8/3/01
NOTARY PUBLIC JOANNE ELDER 40 Santa Rosa Place West Jordan, UT 84088 My Commission Expires August 3, 2001 STATE OF UTAH
Joanne Elder
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

ENGINEER/SURVEYOR:
RALPH GOFF AND ASSOCIATES
CONSULTING ENGINEERS
118 EAST VINE STREET - MURRAY, UTAH 84107
(801) 262-8733

OWNER/DEVELOPER:
HAMLET DEVELOPMENT CORPORATION
470 EAST, 3900 SOUTH, SUITE 200
SALT LAKE CITY, UTAH, 84107
PHONE: 281-2223

CITY ATTORNEY

APPROVED THIS 19th DAY OF November A.D. 1997
CITY ATTORNEY

CITY ENGINEER

APPROVED THIS 19TH DAY OF Nov A.D. 1997
G.D. Welton
CITY ENGINEER

LAND USE TECHNICIAN

APPROVED THIS 19TH DAY OF Nov. A.D. 1997
Richard C. Ingram
TOOELE CITY LAND USE TECHNICIAN

TOOELE CITY PLANNING COMMISSION

APPROVED THIS Nov 12 1997 DAY OF 12 A.D. 1997
Lawrence F. Silcox
CHAIRMAN, PLANNING COMMISSION

TOOELE CITY COUNCIL

PRESENTED TO TOOELE CITY
APPROVED THIS _____ DAY
OF _____ A.D., 19__
ATTEST: RECORDER
CHAIRMAN, CITY COUNCIL

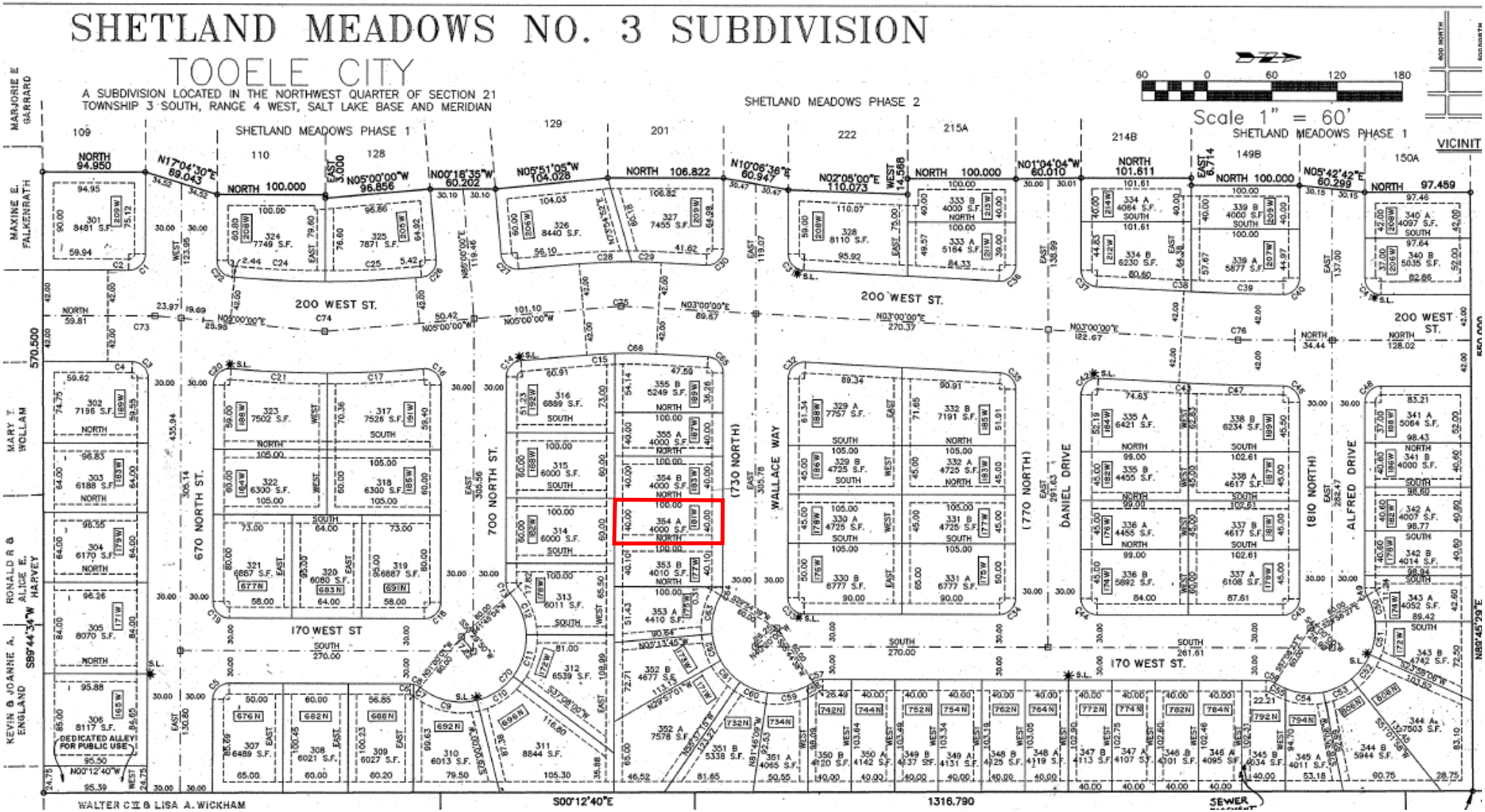
TOOELE COUNTY RECORDER

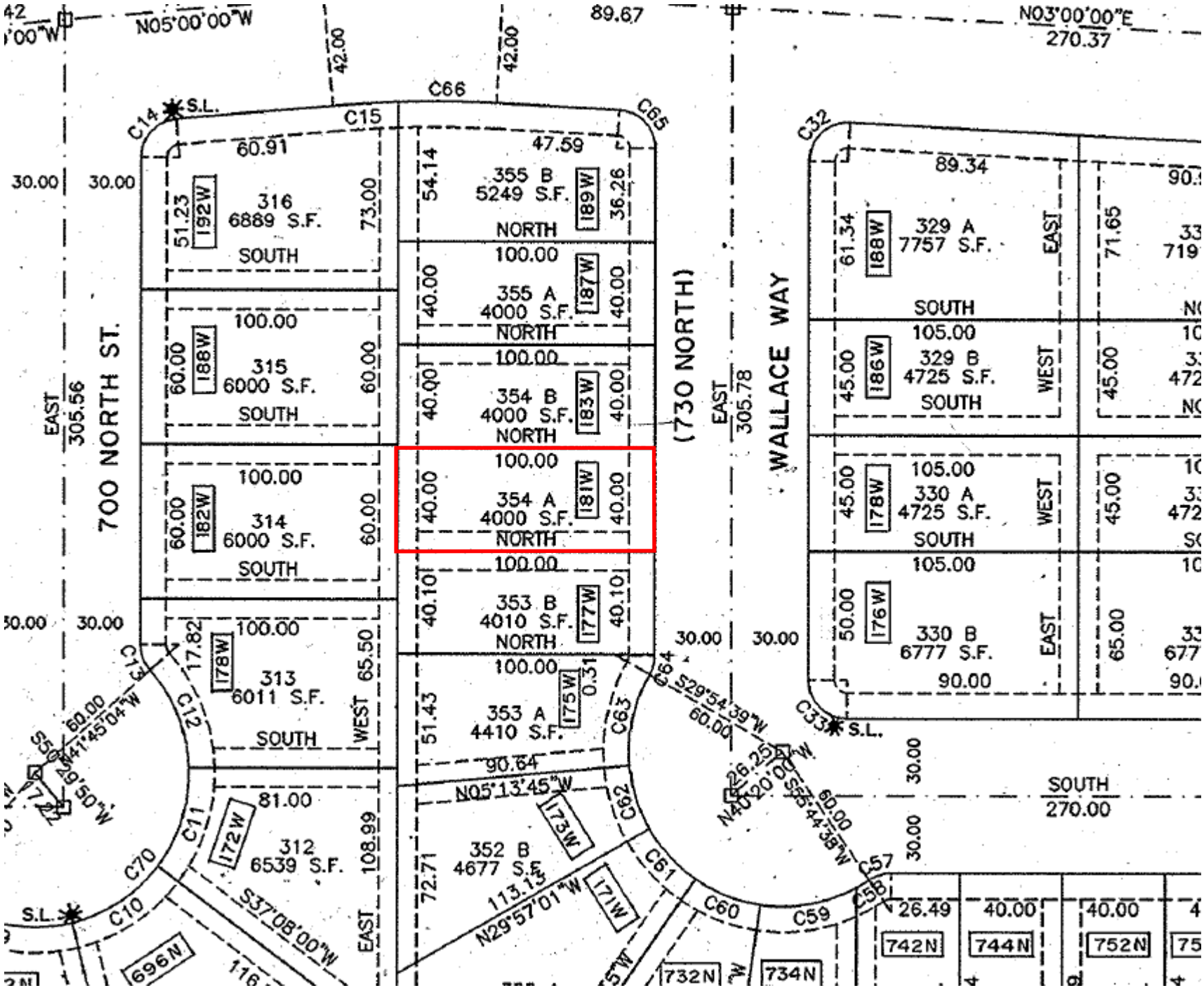
ENTRY NO. 104101 Request of: First American Title Company
FEE PAID $112.00 FILED FOR RECORD AND RECORDED THIS 5TH DAY OF December 1997 AT 15:54 pm IN BOOK NO. 481 PAGE NO. 854 OF THE OFFICIAL RECORDS
DATE Dec 5th 1997 TIME 15:54 pm BOOK 481 PAGE 854
Rhonda L. Sharp
DEPUTY
Donna S. McKendrick
COUNTY RECORDER

SHETLAND MEADOWS NO. 3 SUBDIVISION

TOOELE CITY

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 21
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN

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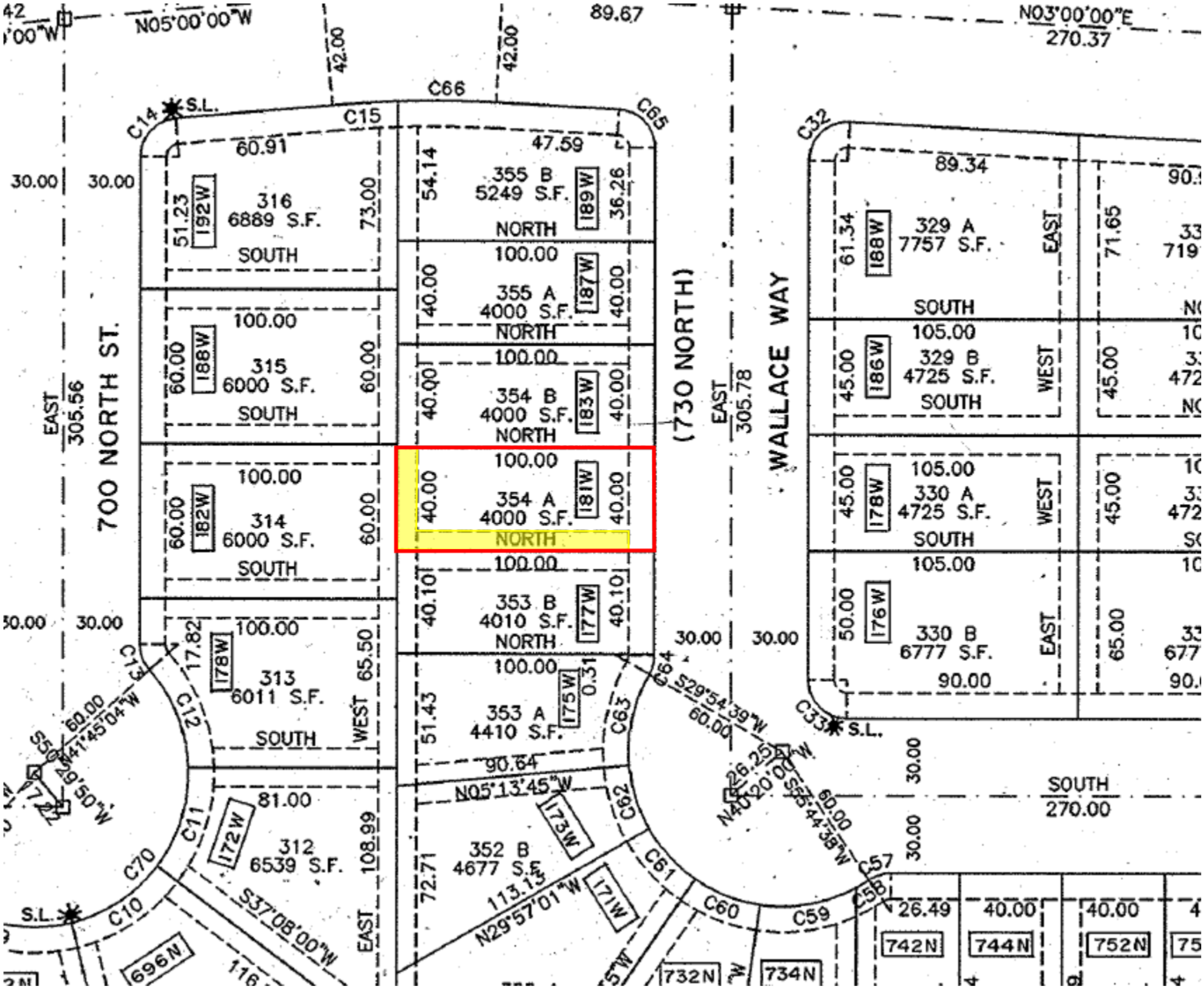

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TOOELE CITY RESOLUTION 2022-72

A RESOLUTION OF THE TOOELE CITY COUNCIL AWARDING THE PUBLIC DEFENDER CONTRACT TO LINARES LAW OFFICE AND BONEWELL MORRIS & ASSOCIATES.

WHEREAS, the Tooele City public defender contract has been held most recently by Linares Law Office (Jacob Linares) and Tanner & Tanner (Richard Tanner), with one-half of the contract each. Mr. Tanner has resigned from the contract effective August 31, 2022. The City Administration wishes to retain Bonewell Morris & Associates (Curt Morris) to replace Mr. Tanner's one-half of the public defender contract. Mr. Linares has maintained a portion of the City's public defender contract since 2008, and has provided quality representation to his appointed clients. Mr. Morris has abundant experience with criminal defense, including with the Tooele City public defender contract from 2005-2008, during which he provided quality representation to his appointed clients; and,

WHEREAS, the City Administration recommends that the public defender contract continue to be held by more than one attorney, as in previous years, primarily to avoid the necessity of retaining conflict counsel when a contracted public defender has a conflict of interest prohibiting him from providing representation to a particular defendant; and,

WHEREAS, due to increased case loads and increasingly busy court schedules, and since the public defender compensation has not risen since 2015, the City Administration recommends that the current contract amount of $51,000 be increased to $64,000 annually (a 25% increase), divided equally between Mr. Linares and Mr. Morris ($2,667 per month for each attorney); and,

WHEREAS, the City Administration has revised the public defender contract consistent with this Resolution (see Exhibit A, attached):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to sign on behalf of Tooele City a new contract for public defender services with Linares Law Office and Bonewell Morris & Associates for the rate, terms, and conditions as set forth in the contract is attached hereto as Exhibit A.

This Resolution shall become effective on the date of passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this _____ day of _____, 2022.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING:_____

MAYOR OF TOOELE CITY

(For) (Against)

_____ _____

ATTEST:

_____
Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Public Defender Contract

PUBLIC DEFENDER CONTRACT FOR TOOELE CITY

This contract is made the **1st day of September, 2022**, between **Tooele City Corporation** ("the City"), and **Linares Law Office** and **Bonewell Morris & Associates** (collectively "the Attorneys").

1. Purpose. The City hereby contracts with the Attorneys as Public Defenders to defend, upon Court appointment, indigent persons charged in District and/or Justice Court criminal cases and appeals and who are prosecuted by the City.

2. Acceptance. The Attorneys accept the employment as public defenders and promise to render, to the best of their ability, the services described herein during the term of this contract. They will provide public defender services on an alternating basis, as the court determines.

3. Compensation. As compensation in full for all services to be rendered by the Attorneys hereunder, the City shall pay to each of the Attorneys the sum of **$32,000 per year**, for each and every year during the term of this contract. The City agrees to make such payment by paying each of the Attorneys **$2,667 each month**.

4. Recoupment. The City shall have the exclusive right to receive all amounts ordered by a Court as recoupment or restitution for reasonable attorneys' fees. The Attorneys shall not receive or be entitled to any such amounts.

5. Conflicts of Interest. The Attorneys shall be alert to the possibility of a conflict of interest, as determined by applicable Utah legal standards. In the event a court finds that one of the Attorneys has a conflict of interest, the alternating Attorney shall be appointed. It is understood that the Attorneys are not partners, that they maintain separate and independent practices and offices. Therefore, it is unlikely that when one of the Attorneys has a conflict of interest the other Attorney will also have a conflict. The City will be responsible to obtain other Public Defender Services if there exists a conflict of interest on the part of both Attorneys.

6. Term. This contract shall be in effect through December 31, 2023. Thereafter, the contract shall be automatically renewed for successive terms of one year, beginning January 1, 2024.

7. Termination. This contract may be terminated at any time and for any reason upon thirty (30) days notice in writing by either party.

TOOELE CITY CORPORATION

_____
Mayor Debra E. Winn

ATTEST:

_____
Michelle Y. Pitt, City Recorder

APPROVED AS TO FORM:

_____
Roger Evans Baker, City Attorney

LINARES LAW OFFICE

_____
By: Jacob Linares

BONEWELL MORRIS & ASSOC.

_____
By: Curt Morris

TOOELE CITY CORPORATION

RESOLUTION 2022-73

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AND RATIFYING A CONTRACT CHANGE ORDER NO. 2 WITH BROKEN ARROW INC. FOR THE 2022 ROADWAY IMPROVEMENT PROJECT.

WHEREAS, by Resolution 2022-38, on May 4, 2022, Tooele City retained Broken Arrow Inc. for completion of the 2022 Roadway Improvement Project; and,

WHEREAS, the 2022 Roadway Improvement Project was bid with the primary scope of work being the reconstruction of existing roadways and the installation of replacement waterlines; and,

WHEREAS, during execution of the Work, it was discovered that the location of the actual waterline in 500 West was installed different than shown in the City files, and that during installation of the Sunset Avenue Waterline, water service had been inadvertently cut off to two residences and to West Elementary School; and,

WHEREAS, due to the need to immediately restore water service, the Contractor was directed to proceed with installation of a new water main within 500 West, south of the Sunset Avenue waterline connection, and to provide new water services to the two affected residences and to West Elementary School; and,

WHEREAS, during the course of the installation of the new curb and gutter along Sunset Avenue, it was also discovered that it would be necessary to remove and replace the existing concrete park strip and some drive approaches in order to allow for uniform installation of the new curb and gutter; and,

WHEREAS, the 2022 Roadway Improvement Project was competitively bid pursuant to UCA Chapter 11-39, and Broken Arrow was the lowest responsible responsive bidder; Broken Arrow has honored the same unit cost for this Change Order No. 2 as for the principal Project for the waterline work, and has provided pricing for the additional concrete work; and,

WHEREAS, Broken Arrow Inc. has submitted a cost proposal of Fifty Thousand One Hundred Twenty Eight Dollars and Eighty Five Cents ($50,128.85), which cost uses the same unit bid costs as contained in the original award. A copy of the cost proposal is attached as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby approves and ratifies the Contract Change Order No. 2 (see Exhibit B) with Broken Arrow Inc. in the amount of Fifty Thousand One Hundred Twenty Eight Dollars and Eighty Five Cents ($50,128.85) for the additional water and concrete work, as described in Exhibit A. The Contingency allowed in Resolution 2022-38 will remain in place for both the original project, Change Order No. 1, and Change Order No. 2, to cover the

cost of unanticipated conditions.

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 _____, 2022.

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

Broken Arrow Inc. Cost Proposal

CHANGE ORDER REQUEST FORM

BROKEN ARROW
QUALITY & INTEGRITY
EST. 1972

GENERAL CONTRACTOR

Broken Arrow Inc.
8960 Clinton Landing Road
Lakepoint, Utah 84074
Main Office: (801) 355-0527
Fax Number: (801) 252-7501

Project Manager: Sonny Smith
Contact Number: (435) 241-588

Date: July 29, 2022

TO:

Tooele City Corporation
90 North Main Street
Tooele, UT 84074

CHANGE DIRECTIVE

Project:	2022 Roadway Reconstruction Project
JOB #:	BC2212
Address:	Various Locations
Start Date:	May 24, 2022
Finish Date:	TBD

DESCRIPTION

This Change Order references additional work outside of the original contract agreement and/or adjusts items within the current contract agreement. The description includes the following:

1.	ADD - Furnish and Install 8-Inch Diameter Waterline (180 LF x $89.61)	$	16,129.80
2.	ADD - Furnish and Install Waterline Connections to Existing Line (1 EA x $2,453.00)	$	2,453.00
3.	ADD - Remove and Replace Existing 1" Water Service Lateral (2 EA x $3,494.00)	$	6,988.00
4.	ADD - Demolition and Disposal of Existing Asphalt & Base For Additional Water Line & Service Laterals (1,440 SF x $0.74)	$	1,065.60
5.	ADD - Remove and Dispose of Existing Park Strip & Base (945 SF x $4.63)	$	4,375.35
6.	ADD - Furnish and Install 4" Minimum Concrete and 6" Minimum Thickness Roadbase for Park Strip (945 SF x $6.98)	$	6,596.10
7.	ADD - Furnish and Install 3" Minimum Asphalt T-Patch and 6" Minimum Thickness Roadbase for Additional 8-Inch Waterline & Water Service Laterals (1,440 SF x $5.25)	$	7,560.00
8.	ADD - Furnish and Install 6" Minimum Concrete and 6" Minimum Thickness Roadbase for Private Drives (1,100 SF x $9.28)	$	10,208.00
9.	CREDIT - Furnish and Install 3" Minimum Asphalt and 6" Minimum Thickness Roadbase for Private Drives (1,100 SF x $4.77)	$	(5,247.00)
	Total Amount:	**$**	**50,128.85**

COST AND DURATION SUMMARY

Original Contract Amount:	$	809,541.40	Summary of Orders		Amount	Contract Calendar Days	
Previous Change Order(s):	$	63,858.48	Change Order No. 1	$	6,838.80	Revised Contract Calendar Days	
This Change Order:	$	50,128.85	Change Order No. 2	$	9,607.68	Previous Finish Date	
Adjusted Contract Amount:	$	923,528.73	Change Order No. 3	$	47,412.00	New Finish Date	
			Change Order No. 4	$	1,949.16		
			Change Order No. 5	$	50,128.85		

CONTRACT SUMMARY:
Upon signature approval of this Change Order, the contract is hereby modified to include the changes specified herein, and this change order is hereby made a part of the titled contract. The work shall be performed and completed in accordance with the contract documents and the project schedule shall be adjusted as required to allow sufficient time to complete the additional work. Payment terms shall follow the contract agreement terms. This Change Order shall include labor and materials to complete the work as described. The terms and other provisions of the original agreement and/or purchase order which are not expressly changed above are to remain.

ACCEPTED BY:

Broken Arrow Inc. — Date 07/29/22

Project Owner Representative — Date

EXHIBIT B

Change Order No. 2

CHANGE ORDER

No. 2

DATE OF ISSUANCE: July 29, 2022 EFFECTIVE DATE: July 29, 2022

OWNER: Tooele City

CONTRACTOR: Broken Arrow Inc.

Contract:

Project: **2022 Roadway Reconstruction Project**

ENGINEER: Paul Hansen

You are directed to make the following changes in the Contract Documents.

Description: Modification of the Contract amount by $50,128.85 for addition of waterline and concrete park strip.

Reason Change Order: When the waterline in Sunset was abandoned, it was discovered that the water feed south to the elementary school and two residences had been cut off. This change order compensates the Contractor to install a new waterline in 500 West to restore service and to pay for additional concrete replacement behind C&G

Attachments: (List documents supporting change) Broken Arrow Inc. cost proposal dated July 29, 2022

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price **$809,541.40**	Original Contract Time: Substantial Completion: October 1, 2022 Ready for final payment: October 15, 2022 days or date
Net Increase (Decrease) from No. 0 No. 1 **$ 47,411.22**	Net Change from Previous Change Orders No. - to No. - : Substantial Completion: 0 Ready for final payment: 0 days
Contract Price Prior to this Change Order: **$856,952.62**	Contract Times Prior to this Change Order: Substantial Completion: October 1, 2022 Ready for final payment: October 15, 2022 days or date
Net Increase (Decrease) of this Change Order: **$50,127.85**	Net Increase (Decrease) of this Change Order: Substantial Completion: 0 Ready for final payment 0 days
Contract Price with all Approved Change Orders: **$907,080.47**	Contract Time with all Approved Change Orders: Substantial Completion: October 1, 2022 Ready for final payment: October 15, 2022 days or date

RECOMMENDED:

by Paul Hansen

Engineer (Authorized Signature)

Date: 7/29/2022

APPROVED:

by

Owner (Authorized Signature)

Date:

APPROVED:

by

Contractor (Authorized Signature)

Date:

Tooele City Council & RDA Work Meeting Minutes

Date: Wednesday, August 3, 2022
Time: 6:30 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:
Ed Hansen
Justin Brady
Maresa Manzione
Tony Graf
David McCall

City Employees Present:
Jim Bolser, Community Development Director
Adrian Day, Police Department Chief
Roger Baker, City Attorney
Paul Hansen, City Engineer
Shannon Wimmer, Finance Director
Darwin Cook, Parks and Recreation Director
Michelle Pitt, City Recorder
Holly Potter, Deputy City Recorder
Jami Grandpre, Public Works Director
Kami Perkins, HR Director

Minutes prepared by Katherin Yei

1. Open City Council Meeting
Chairman Brady called the meeting to order at 6:30 p.m.

2. Roll Call
Tony Graf, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present
David McCall, Present

3. Council Member's Report
The Council Members reported on the events they attended during the week.

4. Discussion Items

A. Townhouse Garage Parking
Presented by Roger Baker, City Attorney & Jim Bolser, Community Development Director

Mr. Baker presented information about the changes to the City Code for how garages should count toward parking requirements within a townhome development. In the proposal, garage parking for apartment projects remains as it was. In the proposal, the townhome and condo parking have their own code section and matrix of when the garage space counts. With a one-car garage and no driveway, the garage space will not count towards parking, and additional parking will be required elsewhere within the project. With a one-car garage and a one-car driveway, the driveway space will count, but not the garage. If there is a two-car garage and a one-car driveway, one garage space can count. With a two-car garage and a two-car driveway, the driveway counts for two spaces and the garage counts for one space, with the third space counting toward visitor parking requirements. The rule is easy and predictable for developers. It also provides more parking than the current code. And it represents a compromise, where garage spaces can count in certain scenarios.

Mr. Bolser addressed the Council. A scenario the staff looked at is the rear-loading garages. When a two-car garage and two-car driveway is provided, the guest parking counts as part of what is provided. When rear loaded driveways are provided, the requirement is a path for guests to get to the entrance. They add a provision to the ordinance for the calculations of visitor parking.

The Council had a discussion regarding the clarification and the compromise within the changes. They asked the following questions:
Is two-spaces per dwelling unit sufficient?
How can the City enforce that apartments are not charging for additional parking?
If a townhome only has a single-garage and no driveway, is parking required elsewhere?

Mr. Bolser addressed the Council. It is adequate and would change the calculations of how many spaces are needed. There are many things they considered, if they compromise too much, they reduce the design preferences of applicants and restrict some housing units. If they want to provide a driveway and open up other amenities for the residents, it provides a balance between design and requirements.

The Planning Commission will see it next week. The Council will see this item again at their next meeting in two weeks.

5. Closed Meeting-*Litigation, Property Acquisition, and/or Personnel*
There was no closed meeting.

6. Adjourn
Chairman Brady adjourned the meeting at 6:46 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 August, 2022

_____

Justin Brady, City Council Chair

Tooele City Council Business Meeting Minutes

Date: Wednesday, August 3, 2022
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:
Ed Hansen
Justin Brady
Maresa Manzione
Tony Graf
David McCall

Planning Commission Members Present:
Chris Sloan
Matt Robinson

City Employees Present:
Jim Bolser, Community Development Director
Adrian Day, Police Department Chief
Roger Baker, City Attorney
Paul Hansen, City Engineer
Shannon Wimmer, Finance Director
Darwin Cook, Parks and Recreation Director
Michelle Pitt, City Recorder
Holly Potter, Deputy City Recorder
Jami Grandpre, Public Works Director
Kami Perkins, HR Director

City Employees Excused:
Mayor Debbie Winn

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance
The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call
Tony Graf, Present
Ed Hansen, Present
Justin Brady, Present
Maresa Manzione, Present

Dave McCall, Present

3. **Public Comment Period**
Curtis Bextrum followed up regarding the scooters within the community. He asked if they have been successful and if there have been any accidents.

Scooters will be removed from Tooele City.

4. Public Hearing on Tooele City Adopting the Proposed Tax Rate for Fiscal Year 2022-2023
Presented by Shannon Wimmer, Finance Director

Ms. Wimmer presented the certified tax rate. The County Auditor did present a few weeks ago regarding the information. The certified tax rate is based on last year's tax collection and current assessed values. The purpose of the certified tax rate is to make sure governments have a certified amount to provide items. The rate does not provide for inflation and increased costs. Tooele City had not raised taxes for over 20 years. Due to Covid-19, truth and taxation did not happen during 2020 and 2021, causing a decrease in rate. Property tax is divided with Tooele City receiving $0.22 per dollar. There have been public budget meetings to discuss the proposed rate. The 20% increase will go into the general fund and general expenses, funding the police department, the fire department, and the new fire station. Additional costs are covered by other revenues and cuts within the departments. Residents can apply for abatements, deferrals, and exemptions within Tooele County to help with the tax increase. Over 80% of appeals for home evaluations are approved with Tooele County.

The public hearing was opened.

The public was not in favor of the tax increase. They shared their concerns about inflations and the economy. For additional information on who spoke during the public meeting, see attached roster.

The public hearing was closed.

The Council addressed the public's concerns.

Chairman Brady shared his understanding of the tax rate not being favorable for the citizens. The Council is dealing with decisions that past Council's have made. They have looked at the budget and make the best decisions for the City and the public.

Council Member Graf addressed the public. They understand and feel the inflation as well. As an elected official, they have to do the perceived best. They understand the dislike for the tax raise, but they need to look at the safety and concerns of the community.

Council Member Manzione shared her understanding what the community feels and is going through. They are paying and going through the same situations. With the increase of wages

within the County and the school district, the City is struggling to keep up. Big decisions are waited within the Council but have to be made for the betterment of the community.

Council Member Hansen addressed the public. They hear what is said and all of their concerns are valid. There could be discussions made within the City of where funds can go.

Council Member McCall spoke on the postponement of the taxes. The City has gone 30 years without increase and the City is paying the price. They are trying to make sure Tooele is a decent place to live and trying to take those steps to go in the right direction.

The vote is not happening in the meeting tonight. The vote will be in two weeks at the next meeting.

5. Public Hearing on Tooele City Adopting the Final Budget for Tooele City for Fiscal Year 2022-2023
Presented by Shannon Wimmer, Finance Director

The budget is a public budget and can be reviewed online by the public. Ms. Wimmer addressed the Council regarding the final changes to the budget.

The public hearing was opened. They shared additional concerns about the increasing tax raise, inflation, using the City budget appropriately, and applying for grants. They shared concerns of the Council not caring and hearing the public's concerns.

The public hearing was closed.

Chairman Brady addressed the public. Elected officials take care of many things the public does not always seen. The City has applied for grants every opportunity they can. They are hesitant about putting the fire station off. The City has to hire an architect to design the station and use impact fees before the deadline. The City has fallen behind in the City safety and they are trying to catch up. Tooele City payed for Grantsville's library. That Lawsuit has a judgment levy tax to pay for that, but would be that exact amount asking for now. Discussions have been made to be transparent for the City.

Council Member Graf shared his care for the City. The Council does there best to make the right decision for the City. City employees are residents and they need to be able to live as well.

Council Member Manzione concurred with the thoughts of the other Council members. The Council does have discussions and do not all agree with each other. Each Council member comes from different walks of life and has a different view. Businesses are what make the taxes go down and keep residents from commuting to Salt Lake.

Council Member McCall addressed the public. Tooele City has a volunteer Fire Department. By providing safety gear and proper buildings, the department can do a good job. It is the Council's job to look at the best interest of all citizens in Tooele.

The vote is not happening in this meeting. The vote will be in two weeks at the next Council meeting.

6. Public Hearing & Motion on Ordinance 2022-26 an Ordinance of Tooele City Reassigning the Zoning from GC General Commercial and RR-5 Residential to Light Industrial LI and Industrial for Approximately 167 Acres Located at Approximately 2000 North 1400 West
Presented by Jim Bolser, Community Development Director

Mr. Bolser presented a rezone application for the property located near 2000 North and highway 112. The existing land use map shows LI, Light Industrial and Base Industrial. The Zoning Map shows GC, General Commercial and RR-5. If it is approved, the Zoning Map will be changed to Industrial and Light Industrial. The Planning Commission has heard this item and forwarded a positive recommendation.

The Council asked the following questions:
By changing RR-5 to LI, can businesses come in and build?
Will the County trail be maintained?

Mr. Bolser addressed the Council. That is the exact intent, to have businesses come in. The County trail will be maintained.

The public hearing was opened. The public shared concern for water and the businesses taxes. The public hearing was closed.

The Council addressed the public's concerns. Businesses are always required to bring water. Part of the use of taxes is to find more water sources. They have done their best to bring businesses that require less water. More businesses create more revenue and one less dollar they have to add to taxes for the citizens. The trail is a part of the County system and not something the City will maintain. Tax incentives have been given by past Council, but this current Council has not.

Council Member Manzione motioned to approve Ordinance 2022-26, Reassigning the Zoning from GC General Commercial and RR-5 Residential to Light Industrial LI and Industrial for Approximately 167 Acres Located at Approximately 2000 North 1400 West. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

7. Resolution 2022-70 a Resolution of the Tooele City Council Approving and Ratifying a Real Estate Purchase Contract for the Purchase of Undeveloped Property Located on Skyline Drive
Presented by Roger Baker, City Attorney

Mr. Baker presented a real estate purchase contract for Council approval. The City owns and preserves about 2,000 acres of sensitive space. The Council has used some creative mechanisms to obtain these properties and maintain some of these areas, including purchase, trade, litigation settlement, and zoning. The City has an opportunity to acquire an additional 7.36 acres. The cost is $299,000. Part of the packet is a list of ordinances and resolutions approved by past City Councils showing a long-standing policy to acquire, protect, and leave undeveloped critical open space. In the future, the City may provide passive recreational opportunity, such as foot trails. No structures will be built, with the exception of items like pavilions, picnic tables, and benches, and no motorized vehicles will be allowed.

The Council wants to preserve that property by not allowing any building or additional traffic on Skyline Drive. The funds come from other lands sold to purchase additional land. Developers wanted to put apartment buildings on the strip of land and the Council did not agree.

Council Member Graf motioned to approve Resolution 2022-70, a Resolution of the Tooele City Council Approving and Ratifying a Real Estate Purchase Contract for the Purchase of Undeveloped Property Located on Skyline Drive. 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," Council Member McCall, "Aye." The motion passed.

8. Ordinance 2022-27 an Ordinance of Tooele City Adopting an Updated Purchasing Policy and Procedure
Presented by Michelle Pitt, City Recorder

Ms. Pitt presented the updated purchasing policy and procedure. This item was discussed during the work meeting on July 20. Ms. Pitt pointed out that since the July 20th meeting, one additional change was made. She is now able to approve purchase orders up to $3000. This was a change the Mayor requested, that the Mayor approve requests for POs $3,000 and above. In the purchasing policy, purchases can't be broken in to smaller purchases to avoid waiting for approval.

The Council has discussed this item for multiple years, maintaining transparency.

Council Member Hansen motioned to approve Ordinance 2022-27 an Ordinance of Tooele City Adopting an Updated Purchasing Policy and Procedure. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

9. Ordinance 2022-28 an Ordinance of Tooele City Amending Tooele City Code Chapters 1-5, 1-6, 1-14, 1-22 Regarding Authority to Approve Claims
Presented by Roger Baker, City Attorney

Mr. Baker presented an amendment to the City Code chapters 1-5, 1-6, 1-14, 1-22 regarding the authority to approve claims. The Mayor, as the executive branch of government, has the authority to spend money within the budget approved by the Council, the legislative branch of government. But the City Code gives the Council a check on the Mayor's spending authority: all claims (including contracts and invoices) of $20,000 or above must be approved by the Council. When Mr. Baker began his city employment, the Mayor's authority was limited to $8,000. In 2012, the amount was raised to $20,000 due to inflation. With continuing inflation, the $20,000 limit hinders the Mayor from efficiently conducting the City's day to day operations, having to come to the Council for all claims of $20,000 or more. The City Administration recommends raising the Mayor's authority to $30,000. It is being raised to help make the day to day jobs go smoother and carry on the City's operations.

Council Member Manzione motioned to approve Ordinance 2022-28 an Ordinance of Tooele City Amending Tooele City Code Chapters 1-5, 1-6, 1-14, 1-22 Regarding Authority to Approve Claims. Chairman 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," Council Member McCall, "Aye." The motion passed.

10. Subdivision Plat Amendment Request by Lex Apartments, LLC, to Subdivide Lot 102 of the Existing Lexington at Overlake Subdivision into Two Lots Located at Approximately 1202 North Franks Drive in the MR-16 Multi-Family Residential Zone on 10.6 Acres
Presented by Jim Bolser, Community Development Director

Mr. Bolser presented a Subdivision Plat Amendment. The lot is an existing lot apart of Lexington Greens. The intent is to subdivide the property into two lots for ownership purposes. The property on the west is 3 acres. The Planning Commission has heard and forwarded a positive recommendation.

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

11. Preliminary Subdivision Plan Request by Hallmark Homes to Subdivide Approximately 4.6 Acres Located at the Northwest Corner of 2000 North Berra Boulevard into Townhome Lots, Limited Common Areas and Common Areas in the MR-8 Multi-Family Residential Zoning District
Presented by Jim Bolser, Community Development Director

Mr. Bolser presented a subdivision plan request for the Hallmark Homes near Overlake Elementary and Berra Boulevard. It is currently zoned MR-8. The intent is to subdivide the property and develop it into townhomes. The Planning Commission has forwarded a positive recommendation.

The Council asked the following questions:

Has there been a traffic study for the round-about, with a plan to address updating it?
Will there be parking on 2000 North?
The Developer does pay for the cost of infrastructure including gutter and sidewalk. The maintaining does come back to the City.

Mr. Bolser addressed the Council's questions. There have been studies, with no increase to the round-about. The plan is designed to accommodate the parking requirements the City Code has. This project will have double garages and double driveways.

Mr. Baker explained the land use laws. The developer is made to put the improvements in, but they are not made to maintain them.

Council Member McCall motioned to approve Preliminary Subdivision Plan Request by Hallmark Homes. 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, "Nay," Council Member McCall, "Aye." The motion passed.

12. Minutes

~Wednesday, July 20, 2022, City Council & RDA Work Meeting Minutes
~Wednesday, July 20, 2022, City Council Business Meeting Minutes

There are no changes to the minutes.

Council Member Hansen motioned to approve Minutes from July 20th. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

16. Invoices

Ms. Pitt presented the following invoices:
Tooele City Arts Council for the 4th of July expenses in the amount of $33,105.12
Coor & Main for water meters in the amount of $85,551.

Mr. Baker addressed the question. The developer pays the initial water meter fee but the City needs to control the quality of what goes in and uses the fee to purchase the meters the City wants.

Ms. Wimmer addressed the question. In the water bill, there is a section that pays for the water meter. There is a difficulty to get them in and the City is losing revenue of the broken meters.

Council Member Graf motioned to approve the 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," Council Member McCall, "Aye." The motion passed.

17. Adjourn
Chairman Brady adjourned the meeting at 9:50pm.

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 August, 2022

_____
Justin Brady, City Council Chair

TOOELE CITY CORPORATION
FISCAL NOTE TO PROPOSED EXPENDITURE

08/11/22

DESCRIPTION OF EXPENDITURE:

VENDOR: TOOELE COUNTY SHERIFF'S OFFICE 01881

3RD QTR 2022 DISPATCH FEES

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

EXPENDITURE LINE ITEM	ACCOUNT NUMBER	ADJUSTED BUDGET	Y. T. D. EXPENSES	PROPOSED EXPENSE	BUDGET BALANCE
DISPATCH SERVICES	10 4211 313000	321,459.00	0.00	80,364.75	241,094.25
TOTAL:				80,364.75	

REQUESTED_____
DEPARTMENT HEAD

REVIEWED_____
FINANCE DIRECTOR

APPROVED_____
MAYOR

APPROVED_____
COUNCIL CHAIRMAN

TOOELE COUNTY SHERIFF'S OFFICE

INVOICE

1960 South Main Street
Tooele, Utah 84074

DATE: August 10, 2022
INVOICE # 293

Bill To:
Tooele City Corporation
Attn: Shannon Wimmer
90 N. Main St.
Tooele, Utah 84074
shannonw@tooelecity.org

DESCRIPTION	AMOUNT
2022-2023 Tooele County Dispatch Fees	
July, August, September 2022 Dispatch Fees	$80,364.75
Previous Balance	$0.00
TOTAL	$80,364.75

Please make all checks payable to the *Tooele County Sheriff's Office*
Attn: Sabrina Fawson, 1960 S. Main St., Tooele, Utah 84074
Please include a copy of this invoice with your check.
If you have any questions concerning this invoice, please contact:
Sabrina Fawson 435-277-4258 / Email:sabrina.fawson@tooeleco.org

THANK YOU FOR YOUR BUSINESS!