

## PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, February 15, 2023, 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 visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel". If you are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email [cmpubliccomment@tooelecity.org](mailto: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. **Mayor's Community Recognition Award**  
*Presented by Debbie Winn, Mayor*
5. **Tooele Technical College Student of the Year & Annual Update**  
*Presented by President Paul Hacking*
6. **Public Hearing & Motion on Ordinance 2023-05** An Ordinance of the Tooele City Council Amending the Standards and Qualifications of the Planned Unit Development Zoning Overlay for 86.7 Acres of Property Located in the Area Generally at Approximately 2000 North Copper Canyon Drive, Known as Western Acres  
*Presented by Jim Bolser, Community Development Director*
7. **Public Hearing & Motion on Ordinance 2023-09** An Ordinance of the Tooele City Council Vacating a Dedicated Right-of-Way Intended as a Walkway Path West From 630 East Street at Approximately 217 North  
*Presented by Jim Bolser, Community Development Director*
8. **Resolution 2023-12** A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Ken Spence and Rebekka Peterson to the Tooele City Historic Preservation Commission  
*Presented by Jared Stewart, Economic Development Director*
9. **Resolution 2023-13** A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for the Lot 2A Top Stop Subdivision  
*Presented by Jared Stewart, Economic Development Director*



10. **Resolution 2023-14** A Resolution of the Tooele City Council Approving an Agreement with Waste Management of Utah, Inc.

*Presented by Paul Hansen, City Engineer*

11. **Resolution 2023-15** A Resolution of the Tooele City Council Approving an Agreement with JSX, LLC. for the Vine Street Sidewalk Improvement Project

*Presented by Jamie Grandpre, Public Works Director*

12. **Invoices & Purchase Orders**

*Presented by Michelle Pitt, City Recorder*

13. **Minutes**

14. **Adjourn**

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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](mailto:michellep@tooelecity.org), Prior to the Meeting.



**TOOELE CITY CORPORATION**

**ORDINANCE 2023-05**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING THE STANDARDS AND QUALIFICATIONS OF THE PLANNED UNIT DEVELOPMENT ZONING OVERLAY FOR 86.7 ACRES OF PROPERTY LOCATED IN THE AREA GENERALLY AT APPROXIMATELY 2000 NORTH COPPER CANYON DRIVE, KNOWN AS WESTERN ACRES.**

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

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

**WHEREAS**, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); 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 a “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**, Tooele City Code Chapter 7-6 constitutes Tooele City’s Planned Unit Development (PUD) overlay zoning district, the purposes of which are stated in §7-6-1, incorporated herein by this reference, and which include, among others, to create opportunities for flexible site planning, to encourage the preservation of open space areas and critical natural areas, and to encourage the



provision of special development amenities by the developer; and,

**WHEREAS**, the 86.7 acres of the Western Acres development are owned by WALH, LLC and ;  
and,

**WHEREAS**, by Rezone Petition received November 28, 2022, DR Horton, on behalf of WALH, LLC requested that the PUD (Planned Unit Development) overlay for the Western Acres development be amended to include two additional standards and qualifications regarding the exterior building materials being constructed of vinyl siding without limitation to the amount vinyl that can be used and to eliminate the covered parking requirement (see the Rezone Petition attached as Exhibit A); and,

**WHEREAS**, the Western Acres development is anticipated to contain 714 town house style residential units, 97 single-family residential units, 21 acres of open space, and numerous public amenities, including stabilization and improvement of the Middle Canyon drainage channel and floodplain according to the City's adopted Middle Canyon drainage master plan, an eight-foot wide asphalt trail running the length of the channel, a four-court pickleball complex, a 60-foot by 100-foot swimming pool, exercise equipment, pavilions, playgrounds and tot lots, terra parks and hammock parks (see the approved Western Acres development plan attached as **Exhibit B**); and,

**WHEREAS**, the properties to the west are zoned GC General Commercial and LI Light Industrial and properties to the east are zoned MR-16 Multi-Family Residential and R1-8 Residential; and,

**WHEREAS**, the properties to the north are located in unincorporated Tooele County and properties to the south are zoned RR-5 Residential; and,

**WHEREAS**, the Western Acres development will contain front loaded town house units, alley (rear loaded) town house units, garage less town house units and detached single-family units; and,

**WHEREAS**, the structures within the Western Acres Development will comply with the Tooele City Design Standards for multi-family and single-family residential structures except as otherwise listed in this ordinance (*reference Tooele City Code §7-11a, et seq. and §7-11b, et seq.*); and,

**WHEREAS**, the current requirements for the Western Acres development, and proposed Planned Unit Development standards and qualifications for the detached single-family dwelling area of Western Acres development, are as follows:

<b><i>R1-7 Residential Zone</i></b>	
<b><i>Current Requirements (minimums)</i></b>	<b><i>Proposed Changes with PUD (minimums)</i></b>
Lot size – 7,000 Square Feet	Lot Size – 3,500 Square Feet
Dwelling Size - 1,100 Square Feet	Dwelling Size – 800 Square Feet
Lot Width – 60 Feet	Lot Width – 42 Feet
Front Setback – 20' to house, 25' to garage	Front Setback – 20' to house, 20' to garage
Side Setback – 6 feet	Side Setback – 5 feet



<b><i>MR-16 Multi-Family Residential Zone</i></b>	
<b><i>Current Requirements</i></b>	<b><i>Proposed Changes with PUD</i></b>
Dwelling Size , Two Story with Double Garage – 1,100 square feet	Dwelling Size , Two Story with Double Garage – 800 square feet
Setback Between Buildings – 15 Feet	Setback Between Buildings – 12 Feet
Exterior Materials – 50% of the entire façade shall be brick or stone.	Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone.
Clubhouse – 1000 square foot interior social area	Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities.

**WHEREAS**, the following qualifications and standards for the attached single-family dwelling (e.g., town house) area of the Western Acres development are requested to be added to the existing qualifications and standards of the Western Acres PUD overlay:

<b><i>MR-16 Multi-Family Residential Zone</i></b>	
<b><i>Current Requirements</i></b>	<b><i>Proposed Changes with PUD</i></b>
Vinyl siding may be used on building exteriors once the 50% masonry requirements have been satisfied.	Remove the masonry percentages requirements and permit the use of vinyl siding on building exteriors without restriction.
1 covered parking space per unit.	Remove covered parking space requirement.

**WHEREAS**, with the exception of the development requirement changes enumerated above, development within the proposed PUD must comply with all adopted Tooele City development codes and policies; and,

**WHEREAS**, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommendations for amendments to the land use regulations and zoning map, and to approve, revise, or reject the recommended amendments; and,

**WHEREAS**, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the proposed PUD overlay rezone is consistent with the General Plan and is not adverse to the best interest of the City; and,

**WHEREAS**, because the City is under no obligation to approve a PUD, it is appropriate for the City to require DR Horton to comply with the conditions listed below; and,

**WHEREAS**, the City Administration has expressed to the Planning Commission and the City Council the appropriateness of an exchange of meaningful consideration as part of a Planned Unit Development negotiation process, in other words, that in exchange for the City's approval of developer-requested concessions, the developer should offer to provide to the City additional considerations, i.e., to improve resident quality of life; and,

**WHEREAS**, the City Administration has expressed to the Planning Commission and the City Council the concern with lessening the development standards applicable to the Western Acres



development through a Planned Unit Development when the City already approved DR Horton's rezone application with the current development standards and qualifications; and,

**WHEREAS**, the City Administration has suggested to the Planning Commission that any revised development standards and qualifications be applied only prospectively to subdivision final plats not yet approved by the City, and that the development standards and qualifications applicable to already-approved subdivision final plats be those in place at the time of their approval; and,

**WHEREAS**, on January 11, 2023, the Planning Commission convened a duly-noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

**WHEREAS**, on January 18, 2023, the City Council convened a duly-noticed public hearing:

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

**Section 1.      Amendment.** The PUD standards and qualifications of the Western Acres PUD Development are hereby amended to include the two additional qualifications and standards as included in this ordinance, set forth in Section 3, below; and,

**Section 2.      Rational Basis.** The City Council finds that approving this ordinance amending the standards and qualifications of the Western Acres PUD is in the best interest of Tooele City and its residents because it will provide increased housing options in the lower price-point range, helping to address the housing gap in Utah.

**Section 3.      Development Standards.** The Western Acres Planned Unit Development standards and qualifications shall be as follows. All standards not expressly set forth addressed herein shall default to Tooele City standards and specifications contained in City-adopted codes, policies, and ordinances, including the original Western Acres rezone ordinance, existing at the time of complete land use application (e.g., zoning, subdivision, site plan, building permit).

<b><i>R1-7 Standards with PUD - minimums</i></b>
Lot Size – 3,500 Square Feet
Dwelling Size – 800 Square Feet
Lot Width – 42 Feet
Front Setback – 20' to house, 20' to garage
Side Setback – 5 feet

<b><i>MR-16 Standards with PUD - minimums</i></b>
Dwelling Size , Two Story with Double Garage – 800 square feet
Setback Between Buildings – 12 Feet
Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone.
Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities.



Vinyl siding may be used without restriction on the building exteriors thus eliminating the requirement for masonry products.
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Two uncovered parking stalls per unit. No covered parking stalls required.
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**Section 4.      No Vesting.** Approval of this Ordinance 2023-05, together with its exhibits, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, units, roads).

**Section 5.      Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 6.      Effective Date.** 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 \_\_\_\_\_, 2023



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y Pitt, City

Recorder S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Baker, Tooele City Attorney



# **EXHIBIT A**

## **ZONING MAP**



## Current Zoning



## **EXHIBIT B**

### **REZONE PETITION**



# 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](http://www.tooelecity.org)



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

Project Information				22-1350	
Date of Submission: 11/28/22	Current Map Designation: MR-16	Proposed Map Designation: MR-16	Parcel #(s): 02-123-0-0043		
Project Name: Western Acres			Acres: 85.4		
Project Address: 2000 N Copper Canyon Dr					
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: 1. Propose change to exterior siding to include new premium vinyl siding product that eliminates the negative aspects of traditional vinyl (including cracking, fading and wind). It is a tough, durable and beautiful siding composed of materials that prevent ultraviolet degradation, chemical stabilizers to help prevent heat degradation and impact resistance to prevent denting and dinging. The color is the same throughout. So, it will NOT need to be painted in the future like fiber cement board. 2. Propose eliminating the covered parking for our carport product.					
Property Owner(s): DR Horton			Applicant(s): DR Horton		
Address: 12351 Gateway Park Place, Suite D-100			Address: 12351 Gateway Park Place, Suite D-100		
City: Draper	State: UT	Zip: 84020	City: Draper	State: UT	Zip: 84020
Phone: 801-571-7101			Phone: 801-571-7101		
Contact Person: Mike De Carlo			Address: 12351 Gateway Park Place, Suite D-100		
Phone: 801-571-7101			City: Draper	State: UT	Zip: 84020
Cellular: 801-631-2305	Fax:	Email: mrdecarlo@drhorton.com			

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

## Note to Applicant:

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

For Office Use Only			
Received By: KSS	Date Received: 12/7/22	Fees: \$6,000.00	App. #: 2221369

Receipt  
524337



## STAFF REPORT

January 4, 2023

**To:** Tooele City Planning Commission  
Business Date: January 11, 2023

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, City Planner / Zoning Administrator

**Re: Western Acres PUD – Zoning Map Amendment Request**

Application No.: P22-1350  
Applicant: Mike DeCarlo, representing DR Horton  
Project Location: Approximately 2000 North Copper Canyon Drive  
Zoning: MR-16 PUD Multi-Family Residential Zone & R1-7 Residential Zone  
Acreage: 85.4 Acres (Approximately 3,720,024 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the MR-16 and R1-7 PUD Multi-Family Residential zone regarding amendments to the PUD overlay qualifications.

### **BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately 85.4 acres located at approximately 2000 North Copper Canyon Drive. The property is currently zoned R1-7 Residential and MR-16 PUD Multi-Family Residential. The property currently has a PUD overlay that changes some of the conditions of the development from standard multi-family residential design guidelines and criteria. The application is a request by DR Horton to amend one of the PUD criteria and include a new PUD criteria not included in the original PUD request.

### **ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. The 85 acre development is surrounded by various zoning districts. On the east side of the property adjacent developments are zoned NC Neighborhood Commercial (built out as single-family residential), MR-16 Multi-Family Residential (built out as single-family residential during the time that the MR-16 zoning district permitted single-family residential) and R1-8 Residential. Properties to the west are zoned LI Light Industrial and GC General Commercial (built out as a legally non-conforming mobile home park). To the south of the proposed development properties are zoned R1-8 Residential and RR-5 Residential and are largely undeveloped. Properties to the north are zoned LI Light Industrial or are located in unincorporated Tooele County. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

On December 16, 2020 the Tooele City Council, upon recommendation from the Planning Commission, approved a Zoning Map Amendment encompassing the entire 85 acre development. The zoning at the time was changed to MR-16 but also included a PUD (Planned Unit Development) overlay. The PUD overlay is a tool offered by City ordinances that permits the developer changes to certain design and



configuration criteria such as building setbacks, building height, lot sizes, architectural standards and so forth in exchange for a tangible public benefit for Tooele City at large. A PUD does not allow for additional density or dwelling units. Some of these benefits, as an example, could be increased open space in exchange for smaller lot sizes. One of the greatest benefits to establishing a PUD, aside from the alterations to the configuration of a development to create some uniqueness, is that the expectation for the development project is established right from the start so that the City and the community as a whole know exactly what the project will look and feel like.

In this situation, there is the large middle canyon drainage corridor that runs southeast to northwest through the properties. The developer offered to improve the drainage corridor to enable greater flood control measures and install a trail running the entire distance of the drainage corridor as it runs through the property. During that approval process the developer also proposed to create a development that included the installation of 22 amenities for use by the development such as tot lots, pickle ball courts, and so forth, in addition to the trail improvements proposed in the Middle Canyon Drainage. It was determined at that time that the improvements proposed were substantial enough to qualify for the PUD overlay.

In exchange for these improvements proposed by the developer the City Council approved the PUD that included the following conditions, or, deviations from normal multi-family residential design and configuration guidelines:

1. Reduced lot sizes to 3,500 square feet for R1-7 portions of the development.
2. Reduced dwelling sizes to 800 square feet for R1-7 portions of the development.
3. Reduced lot width to 42 feet for R1-7 portions of the development.
4. Reduced front setback to 20 feet to house for R1-7 portions of the development.
5. Reduced side yard setbacks to 5 feet for R1-7 portions of the development.
6. Reduced dwelling sizes to 800 square feet for two story double garage townhomes in the multi-family portions of the development.
7. Reduced setbacks between buildings to 12 feet in the multi-family residential portions of the development.
8. Removed the 50% exterior brick and stone requirement for multi-family residential buildings.
9. Eliminated the requirement for a 1000 square foot interior social gathering area in favor of the additional site amenities.

This application proposed by the applicant is requesting the following amendments and additions to the PUD overlay:

1. Adding vinyl to the allowed list so they can use that too and then without the percentage requirements already removed they could potentially do nothing but vinyl.
2. Eliminating the requirement for 1 covered parking stall per multi-family residential unit.

Proposed amendment #1 will amend existing PUD criteria #8. When the PUD was originally approved DR Horton requested criteria #8 to remove the standard requirement that 50% of a buildings front façade be either brick or stone veneer. The applicant presented building elevations composed of fiber cement siding that, although not brick or stone, is still considered a masonry product. Some of their building elevations were also proposed to be stucco on side and rear facades with some stucco highlights on the front facades. The vinyl siding request will be a deviation from all masonry requirements as found in the Tooele City Multi-Family Residential design guidelines as well as a departure from what the applicant proposed for their PUD. A copy of the applicant's approved PUD proposal, which includes proposed product types, aesthetics, and desired materials, can be found in Exhibit "C" to this report.

Proposed amendment #2 will be a new PUD criteria and will increase the list to 10 total design criteria but will apply only to the multi-family residential portions of the development, particularly to the town



homes that do not include garages. Current ordinances require two parking spaces per unit. When a town home or apartment building do not include garages the two parking spaces must be included in adjacent parking areas. Of those two parking spaces one parking space is required to be covered by a garage, canopy structure or other form of covered parking. The proposed PUD criteria will eliminate the covered parking requirement and thus result in the two parking stalls required for each unit to be uncovered parking leaving both vehicles exposed to the elements.

When approving a PUD the purpose of the allowance is that there is a demonstrated tangible benefit returned to the community above and beyond what is considered a tangible benefit such as the provision of additional housing units for residents to live in or what would otherwise be created through the basic design standards in the ordinance. The original PUD was approved based upon the tangible benefit of the addition of the trail and improvements to the Middle Canyon drainage as well as the addition of 22 site amenities. As such the question must be asked regarding what additional benefits does the City receive for these new additional PUD qualifications that didn't exist when the original PUD qualifications were approved back in December of 2020? According to the application for this amendment, the applicant has not identified any additional feature, amenity, or benefit for the development. The applicant has stated that the intent behind this request for an amendment to the approved PUD is a cost saving measure in the vein of making housing units more affordable. However, little to no information has been provided as to the degree to which these changes could create housing that is affordable.

It should also be emphasized that PUD permits changes only to design guidelines. A PUD does not permit uses that are not permitted in the underlying zoning district nor does it grant an increase above and beyond what the underlying zoning district permits.

It should also be noted that two phases in the Western Acres development, Phase 1 and Phase 2A have already been approved under the existing qualifications of the PUD overlay. If the changes are accepted and approved by the City will those changes apply retroactively to the two phases that have already received approval? The existing approval of these two phases present an expectation for the City and the community as a whole regarding what the development and the housing units in those phases will be. Applying a lesser standard after those approvals and expectations are established presents the possibility of an even greater difficult perceptions of the development and the process that may not be necessary.

*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. Should the City ultimately approve the requested amendment to the approved PUD, where Phases 1 and 2A have already been approved under the existing PUD overlay qualifications, it would be recommended that the revised PUD terms only apply to future phase applications and not Phases 1 and 2A.
2. Are there additional tangible benefits to the City in exchange for additional PUD overlay qualifications?

*Engineering & Public Works Review.* The Tooele City Engineering and Public Works Divisions have not issued any comments regarding the proposed changes to the Western Acres PUD overlay qualifications.

*Tooele City Fire Department Review.* The Tooele City Fire Department has not issued any comments regarding the proposed changes to the Western Acres PUD overlay qualifications.

*Noticing.* The applicant has expressed their desire to amend the zoning 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 Western Acres PUD Zoning Map Amendment Request by Mike DeCarlo representing DR Horton to amend the qualifications of the PUD overlay as requested by the applicant, application number P22-1350, based on the findings and subject to the conditions listed in the Staff Report dated January 4, 2023:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Western Acres PUD Zoning Map Amendment Request by Mike DeCarlo representing DR Horton to amend the qualifications of the PUD overlay as requested by the applicant, application number P22-1350, based on the following findings:”

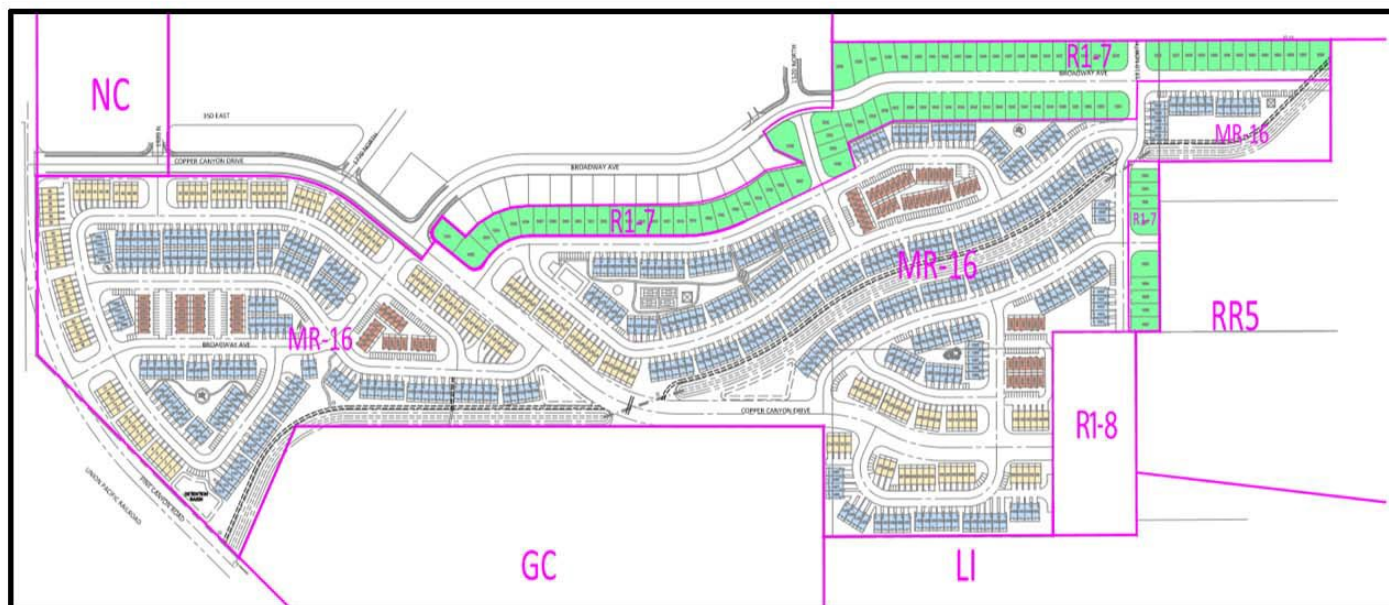
1. List any additional findings...



### ***Western Acres Planned Unit Development***



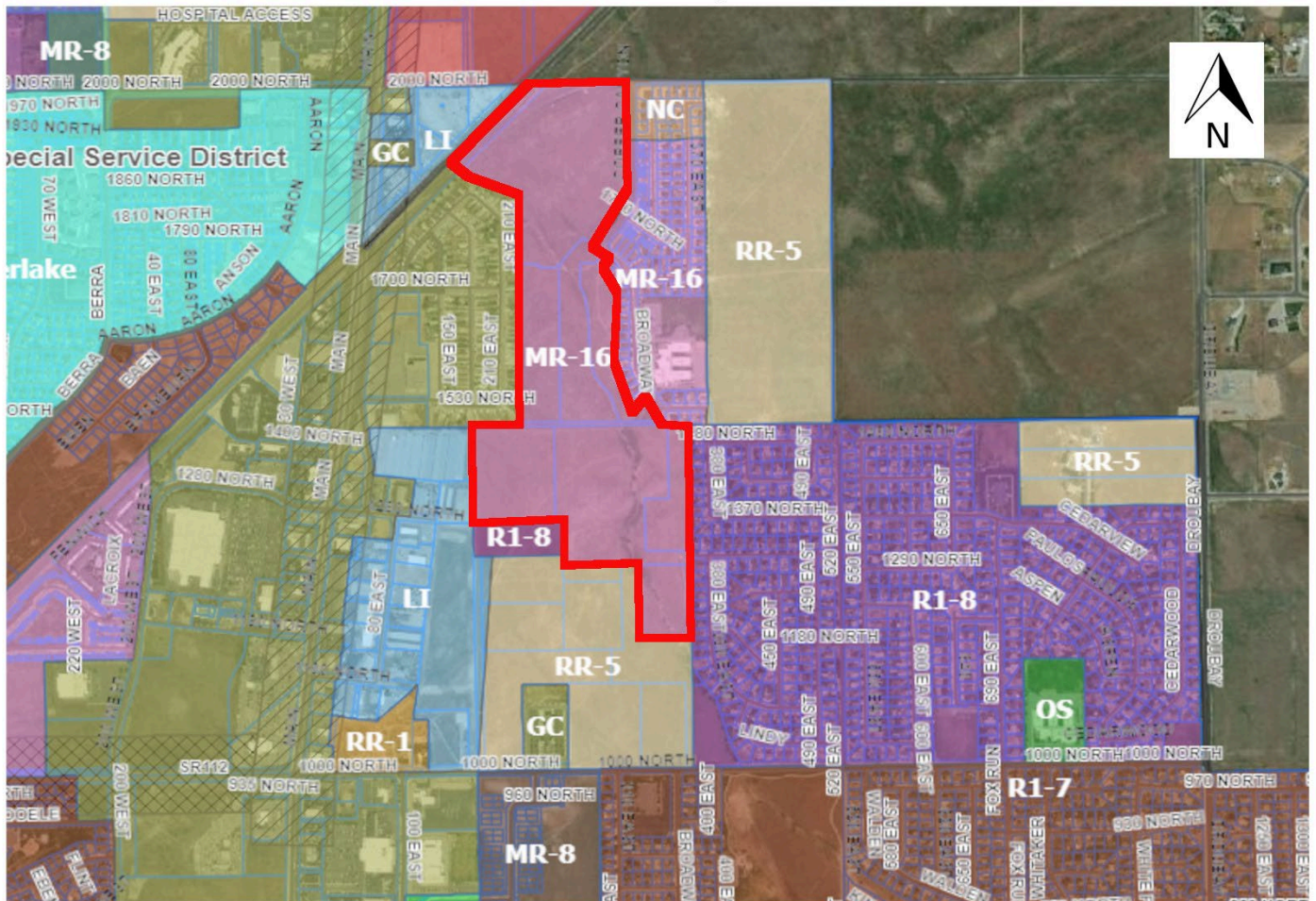




***Proposed Zoning***



## Western Acres Plan Unit Development



**Current Zoning**



**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**



# Zoning, General Plan, & Master Plan Map Amendment Application

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



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

Project Information			
Date of Submission: 11/28/22	Current Map Designation: MR-16	Proposed Map Designation: MR-16	Parcel #(s): 02-123-0-0043
Project Name: Western Acres			Acres: 85.4
Project Address: 2000 N Copper Canyon Dr			
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: 1. Propose change to exterior siding to include new premium vinyl siding product that eliminates the negative aspects of traditional vinyl (including cracking, fading and wind). It is a tough, durable and beautiful siding composed of materials that prevent ultraviolet degradation, chemical stabilizers to help prevent heat degradation and impact resistance to prevent denting and dinging. The color is the same throughout. So, it will NOT need to be painted in the future like fiber cement board. 2. Propose eliminating the covered parking for our carport product.			
Property Owner(s): DR Horton		Applicant(s): DR Horton	
Address: 12351 Gateway Park Place, Suite D-100		Address: 12351 Gateway Park Place, Suite D-100	
City: Draper	State: UT	Zip: 84020	City: Draper   State: UT   Zip: 84020
Phone: 801-571-7101		Phone: 801-571-7101	
Contact Person: Mike De Carlo		Address: 12351 Gateway Park Place, Suite D-100	
Phone: 801-571-7101		City: Draper	State: UT   Zip: 84020
Cellular: 801-631-2305	Fax:	Email: mrdecarlo@drhorton.com	

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

## Note to Applicant:

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

For Office Use Only			
Received By: KSS	Date Received: 12/7/22	Fees: \$6,000.00	App. #: 2221369

Receipt  
524337



**EXHIBIT C**

**ADOPTED ORDINANCE 2020-50 WITH PUD PROPOSAL**



**TOOELE CITY CORPORATION**

**ORDINANCE 2020-50**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE MR-16 MULTI-FAMILY RESIDENTIAL AND R1-7 RESIDENTIAL ZONING DISTRICT AND CREATING A PLANNED UNIT DEVELOPMENT ZONING OVERLAY ON 86.7 ACRES OF PROPERTY LOCATED IN THE AREA GENERALLY AT 1600 NORTH 300 EAST**

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

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

**WHEREAS**, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); 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 a “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**, Tooele City Code Chapter 7-6 constitutes Tooele City’s Planned Unit Development (PUD) overlay zoning district, the purposes of which are stated in §7-6-1, incorporated herein by this reference, and which include, among others, to create opportunities for flexible site planning, to encourage the preservation of open space areas and critical natural areas, and to encourage the



provision of special development amenities by the developer; and,

**WHEREAS**, the 86.7 acres are owned by various individuals and corporations consisting of Sean Hogan, Western Acres LLC, Mark Gressman, Robin Parsons, Mario Cruz and Mountain Vista Development Incorporated; and,

**WHEREAS**, by Rezone Petition received March 4, 2020, DR Horton requested that the Western Acres development be reassigned to the MR-16 Multi-Family Residential and R1-7 Residential zoning districts and receive a Planned Unit Development (“PUD”) overlay zone designation for the purpose of decreasing lot sizes for the single-family sections, reducing minimum required dwelling unit sizes, reducing lot width, reducing building setbacks, decreasing exterior material requirements and reducing clubhouse social area requirements; and,

**WHEREAS**, the properties bear a mix of zoning districts starting with NC Neighborhood Commercial in the north east corner, LI Light Industrial near the south west corner, RR-5 Residential in the southern properties and R1-8 Residential towards the south east of the proposed development (see map attached as **Exhibit A**); and,

**WHEREAS**, the Western Acres development is anticipated to contain 714 town house style residential units, 97 single-family residential units, 21 acres of open space, and numerous public amenities, including stabilization and improvement of the Middle Canyon drainage channel and floodplain, an eight-foot wide asphalt trail running the length of the channel, a four-court pickleball complex, a 60-foot by 100-foot swimming pool, exercise equipment, pavilions, playgrounds and to lots, terra parks and hammock parks (see **Exhibit B**); and,

**WHEREAS**, the properties to the west are zoned GC General Commercial and LI Light Industrial and properties to the east are zoned MR-16 Multi-Family Residential and R1-8 Residential; and,

**WHEREAS**, the properties to the north are located in unincorporated Tooele County and properties to the south are zoned RR-5 Residential; and,

**WHEREAS**, the Western Acres Development will contain front loaded town house units, alley (rear loaded) town house units, garage less town house units and detached single-family units; and,

**WHEREAS**, the structures within the Western Acres Development will comply with the Tooele City Design Guidelines for multi-family and single-family residential structures except as otherwise listed in this ordinance (*reference* Tooele City Code §7-11a, *et seq.* and §7-11b, *et seq.*); and,

**WHEREAS**, the Planned Unit Development standards and qualifications requested by DR Horton for the PUD, are as follows:

<b><i>R1-7 Residential Zone</i></b>	
<b><i>Current Requirements</i></b>	<b><i>Proposed Changes with PUD</i></b>
Lot size – 7,000 Square Feet	Lot Size – 3,500 Square Feet
Dwelling Size - 1,100 Square Feet	Dwelling Size – 800 Square Feet



Lot Width – 60 Feet	Lot Width – 42 Feet
Front Setback – 20’ to house, 25’ to garage	Front Setback – 20’ to house, 20’ to garage
Side Setback – 6 feet	Side Setback – 5 feet

<b><i>MR-16 Multi-Family Residential Zone</i></b>	
<b><i>Current Requirements</i></b>	<b><i>Proposed Changes with PUD</i></b>
Dwelling Size , Two Story with Double Garage – 1,100 square feet	Dwelling Size , Two Story with Double Garage – 800 square feet
Setback Between Buildings – 15 Feet	Setback Between Buildings – 12 Feet
Exterior Materials – 50% of the entire façade shall be brick or stone.	Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone.
Clubhouse – 1000 square foot interior social area	Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities.

**WHEREAS**, with the exception of the development requirement changes enumerated above, development within the proposed PUD must comply with all adopted Tooele City development codes and policies; and,

**WHEREAS**, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommends for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

**WHEREAS**, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the proposed PUD overlay rezone is consistent with the General Plan and is not adverse to the best interest of the City; and,

**WHEREAS**, because the City is under no obligation to approve a PUD, it is appropriate for the City to require DR Horton to comply with the conditions listed below; and,

**WHEREAS**, on December 9, 2020, the Planning Commission convened a duly-noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

**WHEREAS**, on December 16, 2020, the City Council convened a duly-noticed public hearing:

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

**Section 1.     Amendment.** The Tooele City Zoning Map is hereby amended to indicate that the Western Acres development is a Planned Unit Development, the underlying zone of which shall be reassigned to the MR-16 Multi-Family and R1-7 Residential zoning districts; and,

**Section 2.     Rational Basis.** The City Council finds that approving this ordinance and the Western Acres PUD is in the best interest of Tooele City and its residents because it will provide



increased housing options in the lower price-point range, helping to address the housing gap in Utah, will provide important health- and safety-related improvements to the Middle Canyon drainage channel, and will provide numerous amenities for the increased quality of life of PUD residents and others.

**Section 3.      Development Standards.** The Western Acres Planned Unit Development standards and qualifications shall be as follows. All standards not expressly addressed herein shall default to Tooele City standards and specifications contained in City-adopted codes and policies existing at the time of complete land use application (e.g., subdivision, site plan, building permit).

<b><i>R1-7 Standards with PUD</i></b>
Lot Size – 3,500 Square Feet
Dwelling Size – 800 Square Feet
Lot Width – 42 Feet
Front Setback – 20’ to house, 20’ to garage
Side Setback – 5 feet

<b><i>MR-16 Standards with PUD</i></b>
Dwelling Size , Two Story with Double Garage – 800 square feet
Setback Between Buildings – 12 Feet
Exterior Materials – Eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, brick, and stone.
Clubhouse – Substitute 1000 square foot interior social area requirement with additional site amenities.

**Section 4.      No Vesting.** Approval of this Ordinance 2020-50, together with its exhibits, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, units, roads).

**Section 5.      Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 6.      Effective Date.** 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 \_\_\_\_\_, 2020.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y Pitt, City

Recorder S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Baker, Tooele City Attorney

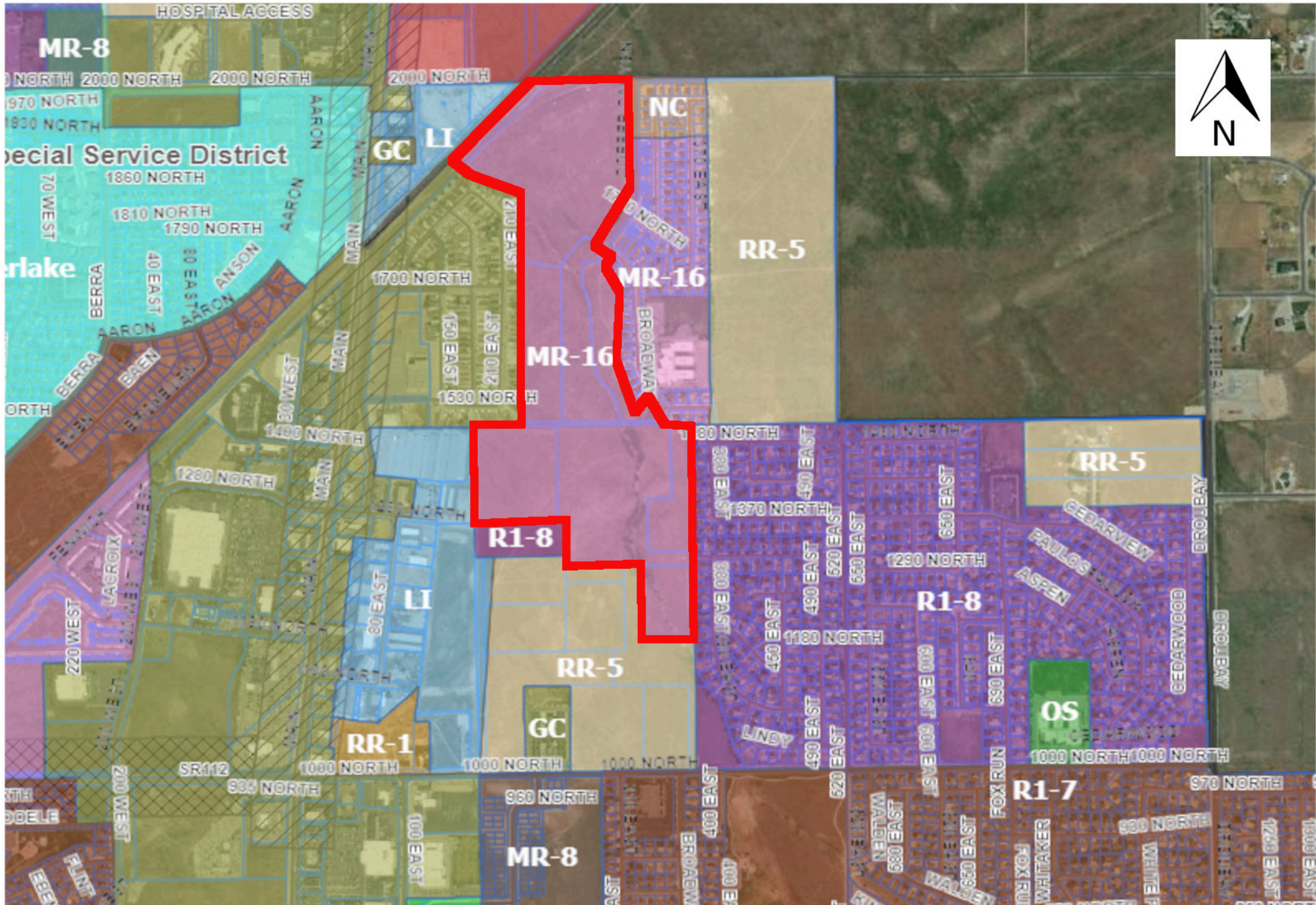


# **EXHIBIT A**

## **ZONING MAP**



# Western Acres Plan Unit Development



## Current Zoning



# **EXHIBIT B**

## **REZONE PETITION**



# 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](http://www.tooelecity.org)



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Project Information			
Date of Submission: <b>3/4/2020</b>	Current Map Designation: <b>MR-16, R1-1/2, RR-5, LI</b>	Proposed Map Designation: <b>PUD</b>	Parcel #(s):
Project Name: <b>Western Acres</b>			Acre: <b>86.05</b>
Project Address: <b>Pine Canyon Road and Copper Canyon Dr.</b>			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: <b>Residential Development to include single-family detached and townhomes.</b>			
Property Owner(s): <b>Mountain Vista Development</b>		Applicant(s): <b>DR Horton</b>	
Address: <b>668 E. 12225 S. Ste 201</b>		Address: <b>12351 S. Gateway Park Place Suite D-100</b>	
City: <b>Draper</b>	State: <b>UT</b>	City: <b>Draper</b>	State: <b>UT</b>
Zip: <b>84020</b>		Zip: <b>84020</b>	
Phone: <b>(801) 523-0400</b>		Phone: <b>(801) 571-7101</b>	
Contact Person: <b>Don Bean</b>		Address: <b>12351 S. Gateway Park Place, Suite D-100</b>	
Phone: <b>(385) 226-8859</b>		City: <b>Draper</b>	State: <b>UT</b>
Cellular: <b>(385) 226-6859</b>		Zip: <b>84020</b>	
Fax: <b>(801) 571-7102</b>		Email: <b>djbean@drhorton.com</b>	

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

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For Office Use Only			
Received By: <b>CNT</b>	Date Received: <b>3/4/20</b>	Fees: <b>\$1,600.00</b>	App. #:

0037389C1

P20-24  
02-123-0-0033  
02-125-0-0036  
02-125-0-0037  
02-123-0-0040  
02-123-0-0032  
02-123-0-0018  
02-123-0-0031  
02-123-0-0028  
02-125-0-0017  
02-125-0-0038  
02-126-0-0027



# WESTERN ACRES TOWNHOMES - REZONE AND PUD APPLICATION

UTAH DIVISION  
**D·R·HORTON®**  
*America's Builder*





**D.R. HORTON IS PROPOSING A PLANNED UNIT DEVELOPMENT (PUD)  
OF 86.7 ACRES, WITH 811 HOMES, AND A REZONE OF THE  
UNDERLYING ZONES TO ALLOW FOR OUR PROPOSED SITE PLAN.**





**PROJECT OVERVIEW:** Middle Canyon Creek has been a long-term problem in the area, with occasional flooding throughout the neighborhood during serious rain storms. D.R. Horton is proposing an engineered alteration of the creek's path to protect the development and the surrounding property.

The Western Acres community will have private and public amenities. The private pavilions, tot lots, terra parks, hammock grottoes and pickle ball courts will be attractive assets to its residents. The trail along Middle Canyon Creek will give the public an option to take walks along the banks with several exercise apparatus along the way.

The community will offer five townhome plans and five single-family detached plans.

Common areas and amenities will be professionally managed by a homeowner's association.





## PURPOSE OF THIS APPLICATION

As America's number one homebuilder and one of the top builders in Utah, D.R. Horton will deliver excellent product selections and a beautiful new community.

D.R. Horton is asking for approximately 50 acres of property to be rezoned according to the included zoning map. We believe the plan gives the community a logical transition between single-family detached (SFD) homes, townhomes and the existing mobile homes. D.R. Horton does not propose an increase in the current overall density, rather spreading the density in a way that makes sense for the neighborhood and gives options to Tooele City residents.

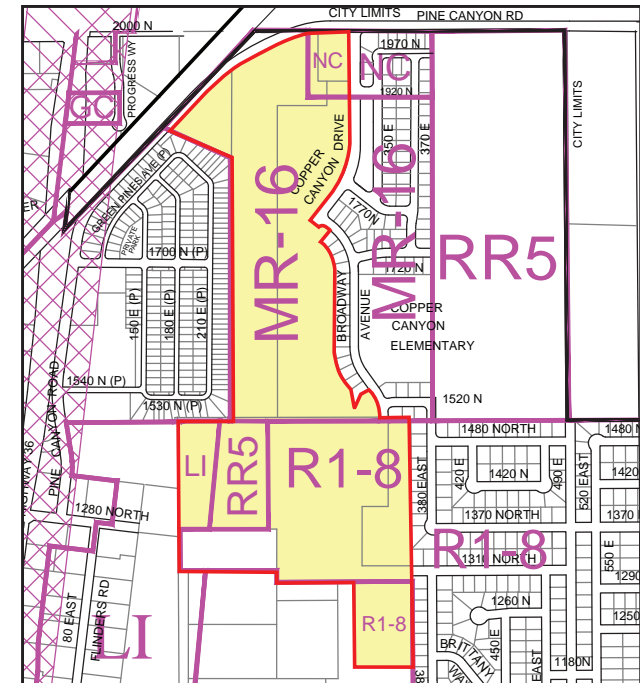


## PRESENT ZONING

The present zoning designation of the 86.7 acres can be seen below:

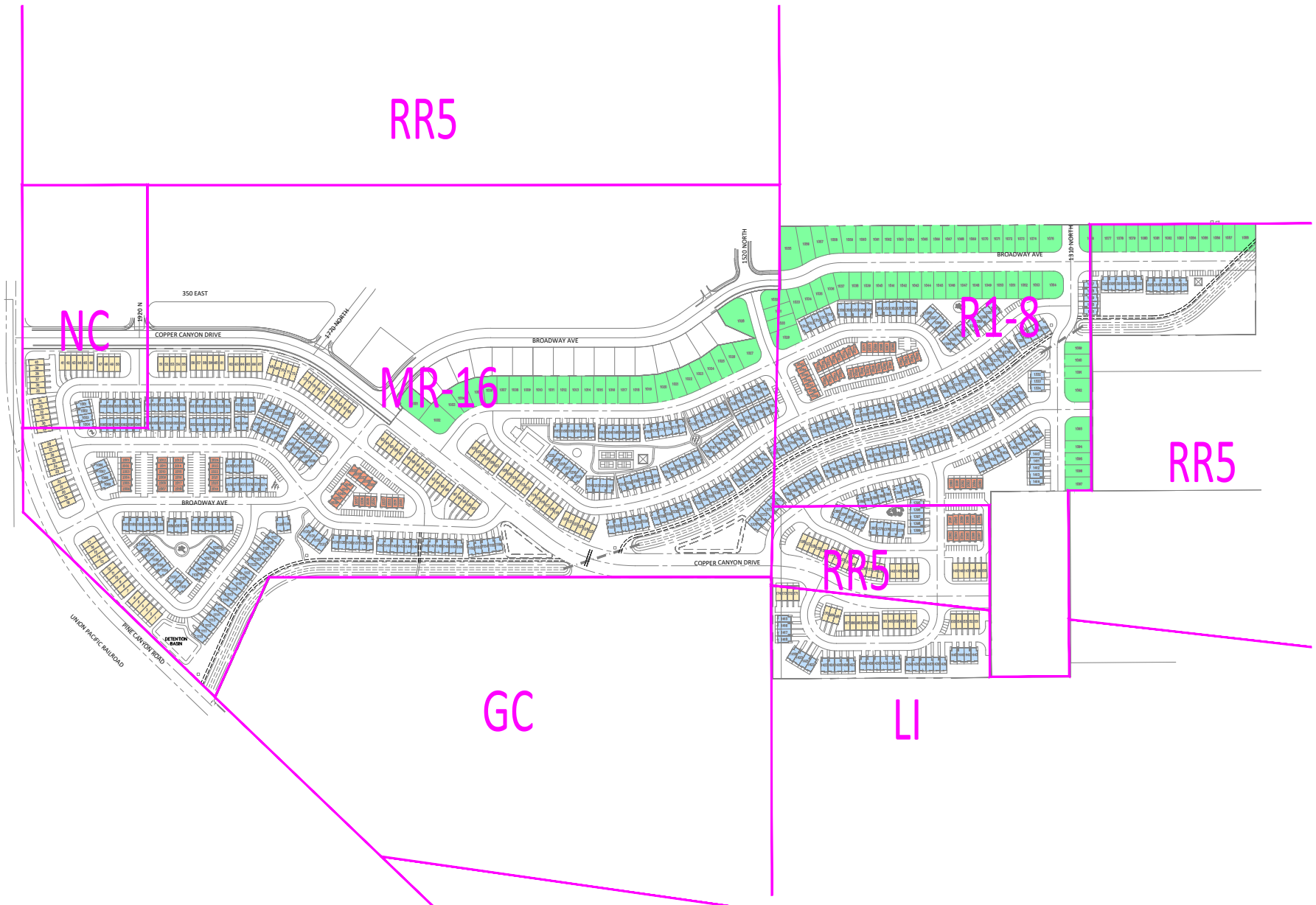
UNITS PER ZONE			
ZONING	ACRES	RESIDENTIAL UNITS/AC	RESIDENTIAL UNITS
LI	4.8	0	0
NC	1.7	0	0
MR-16	45.7	16	731
RR5	10.2	0.2	2
R1-8	23.6	4	94
Drainage Area	.7	0	0
<b>TOTALS</b>	<b>86.7</b>	<b>N/A</b>	<b>827</b>

The total density allowed with current zoning is 827 units, which is a higher density than we are requesting within the site plan after the rezone.



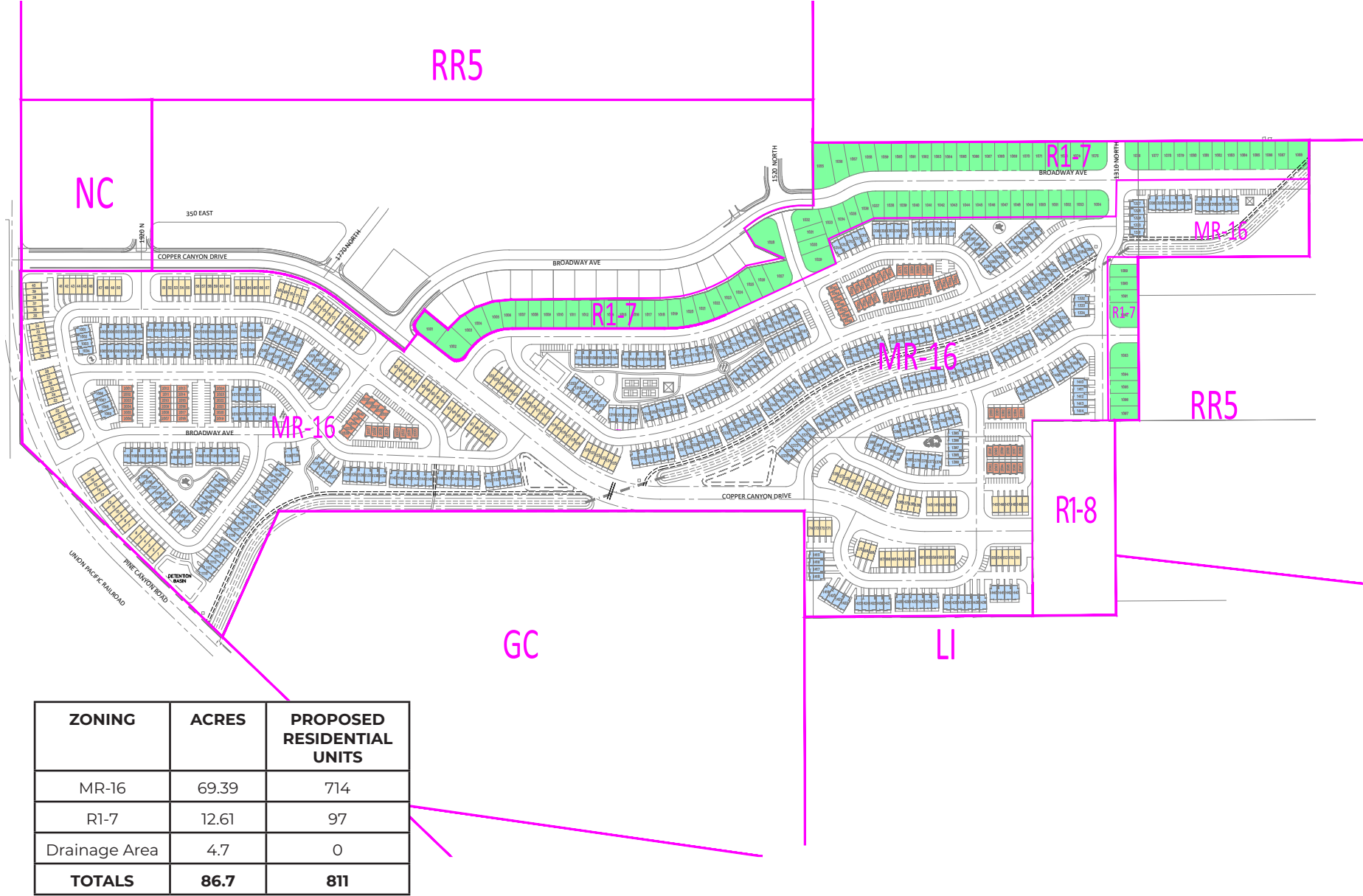


## CURRENT ZONING



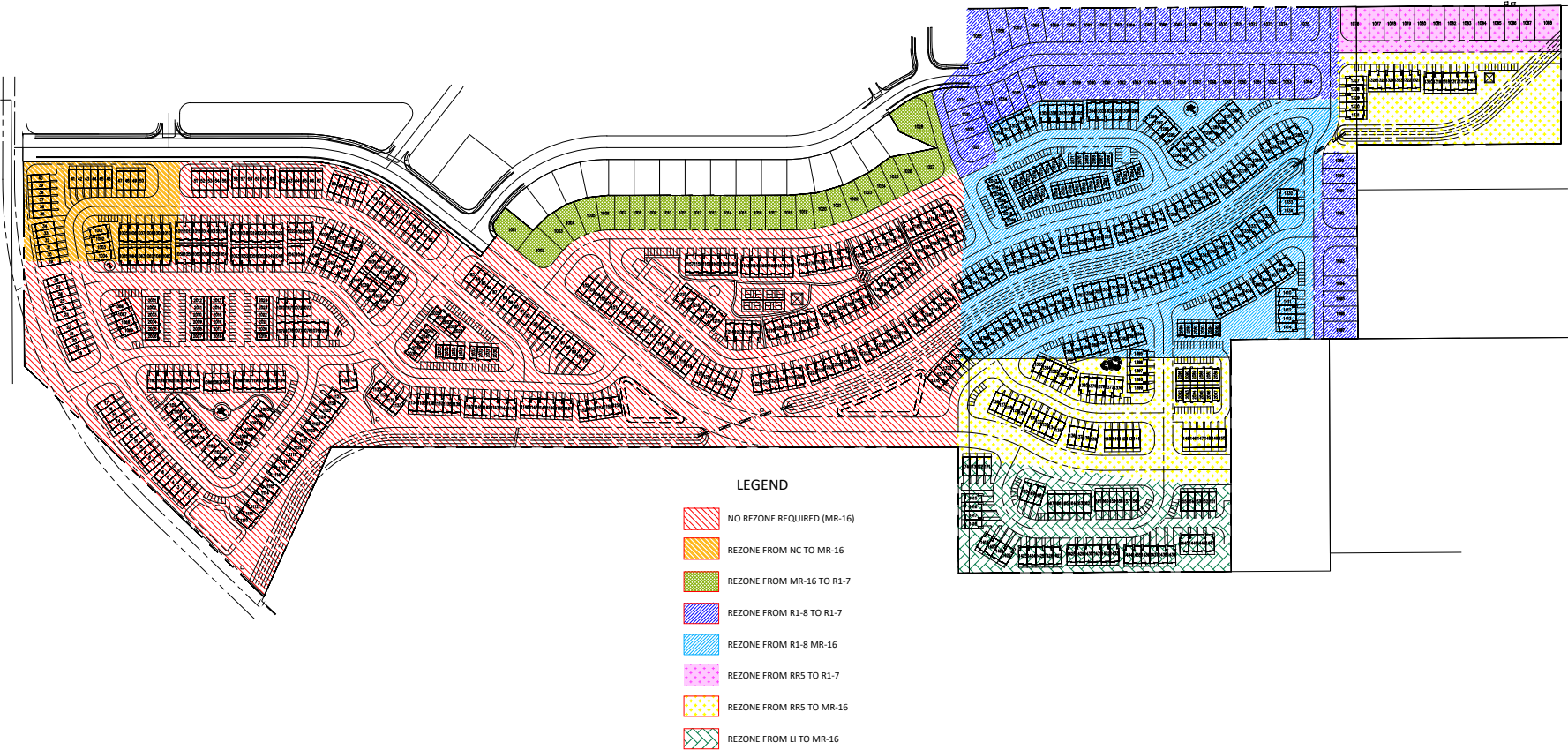


PROPOSED ZONING





CURRENT ZONING AND PROPOSED ZONING





## WHY THE PUD DESIGNATION IS APPROPRIATE

The Middle Canyon Creek divides the property of the entire proposed rezone and PUD. A coordinated plan to address the creek is needed to fix some sections drainage issues; this will add value to the community by taking some existing homes out of the flood plain. D.R. Horton will build a public trail along the newly constructed creek bed.

In addition, Tooele City's Transportation Master Plan has a collector road designed to bisect the property north and south. Our design would aid in the progress of Tooele City's long-term traffic plan.



In 7-6-1 of the Tooele City code, it states that “the purpose of the Planned Unit Development Overlay District, when used in conjunction with the requirements of the base, or underlying zoning district is to permit flexibility in subdivision and site planning, to promote the efficient utilization of resources, and to preserve and protect valuable site features and to add desired amenities for the neighborhood or area”.

Under 7-6-2 the definition of a Planned Unit Development (PUD) is “a site plan or subdivision

layout technique allowing building and structures with some or all the lots reduced below the minimum lot sizes and/or differing setback standards than required by the base zoning district, but where the overall project or site area meets the density standard of the zoning district”. Again, our plan conforms to the current density. To reiterate, D.R. Horton does not propose an increase in the current overall density, rather spreading the density in a way that makes sense for the neighborhood and gives options to Tooele City residents.





## PROPOSED PROVISIONS

- Replace 7-11a-10 (6) with, “All multi-family dwelling units that include front-facing attached garage shall have the garage door a minimum of two feet differential from the front façade.” (Eliminates requiring the garage door to be **recessed** five feet from the front façade.)
- Replace 7-11a-18 (1) with, “Exterior Finishes. Exterior building materials shall be the following materials brick, stone, stucco, cementitious fiber siding, wood, or block/masonry, or any combination.” (The 50% minimum of natural or cultured brick or stone of the entire building façade requirement eliminated.)

- The setback between multi-family buildings reduced from 15’ to 12 feet.
- Exception to 7-11a-22 6(c) Substitution of inside social area with increased amenities. D.R. Horton has found that the utilization of clubhouses create challenges with holiday use in high demand, but empty much of the time. Clubhouses are expensive to maintain and become a burden on the homeowners. We propose the money we would have used to construct a clubhouse be reallocated to a variety of amenities. D.R. Horton will construct bathrooms and pool equipment facilities which will be ideal for outdoor gatherings.



## **HOW THE PROPOSED ZONE IS CONSISTENT WITH THE GENERAL PLAN**

The current zoning would allow **827** homes to be built on the subject property. The proposed plan decreases the density from 827 to **811** homes, which would allow the community a better flow through the different housing types.

## **WHY THE PROPOSED ZONE IS COMPATIBLE WITH THE SURROUNDING AREA**

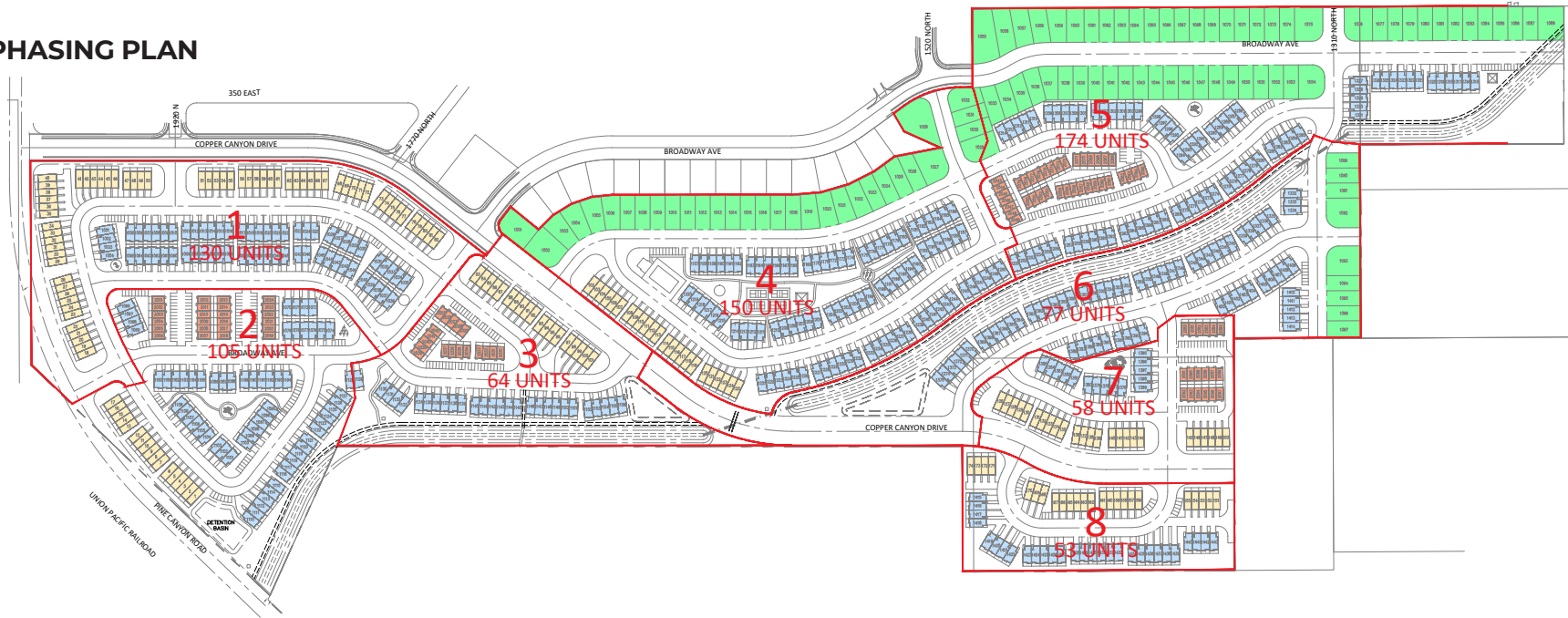
The west side of the subject property is adjacent to a mobile home park, with townhome and single-family detached developments to the east. There is an asphalt path across the subject property used by children in the mobile home park to walk to school. We will maintain a path as pedestrian access to and from the school.

The planning and development of the Middle Canyon Creek channel will take some of the subject property and the mobile home park out of the flood plain, providing added safety to the existing community and allowing most of subject property to be developed.





## PHASING PLAN



### HOW THE PROPOSED ZONE IS SUITABLE FOR THE EXISTING USE OF SUBJECT PROPERTY

This development would be a natural transition in housing from the mobile home park to townhomes to single-family detached homes.

### HOW THE PROPOSED ZONE PROMOTES THE GOALS AND OBJECTIVES OF TOOEE CITY

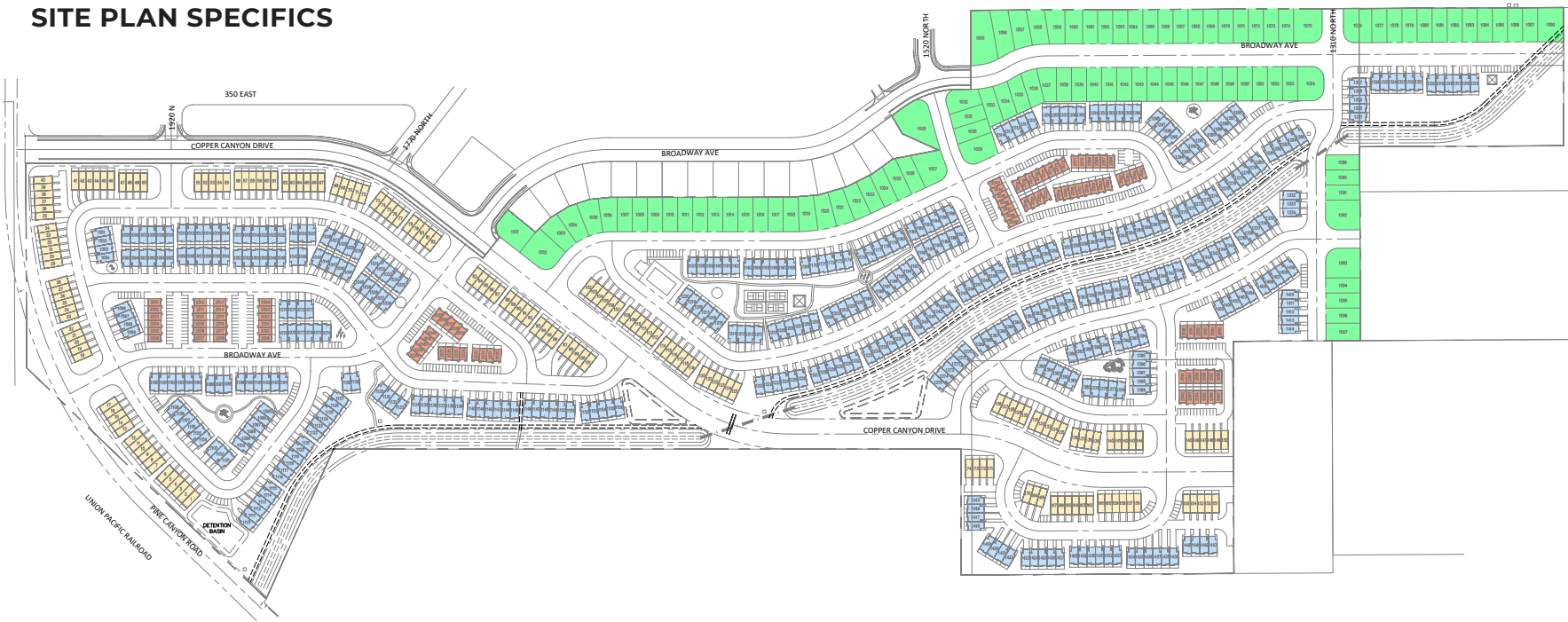
Article 1, Section 1-01 of the Tooele City charter states that the city exists to “promote the general health, welfare, and protection of its citizens”. This is done by anticipating the needs of current and future residents of Tooele, then providing for those needs in an organized, thoughtful manner.

As leaders planning for Tooele City’s future, it is important to anticipate and allow for the development of a variety of housing alternatives. As lifestyles and housing needs change, the city will have the options needed to add new residents and retain the citizens that helped build the community.

This project will also provide new housing options for those who may otherwise rent, buy existing homes or move to another city. The development will also attract families and individuals looking to live in a safe, affordable and active community.



## SITE PLAN SPECIFICS



Total Acres: **86.9**  
Total Number of Units **811**

### Townhomes

- 443 FL 2-story
- 174 2-Story Alley
- 97 Pioneer
- 97 Single Family Detached

Townhome Parking Requirement:  
2 for each unit, satisfied by the  
driveway, (20' min.) Plus 1 for every  
4 units.

**TOTAL ACREAGE:** 86.7 acres

**DENSITY:** 9.2 units per acres

**PRIVATE AMENITIES:** Pavilions, tot lots, pickle ball courts, hammock grottoes & terra parks

**PUBLIC AMENITIES:** Paved trail north and south along riverbed with apparatus along the trail and a path from the mobile home park over the channel to Copper Canyon Elementary School

**OPEN SPACE:** Over 21 acres, 26.54% of project is open space

**GARAGES:** Two-car garage on each unit, other than Pioneer Units, which have carports

**SETBACKS:** Following Tooele City Code for R1-7, and provisional MR-16 to 12'.

**DETENTION PONDS:** Two detention basins are incorporated in the drainage plan

Design and relocation of channel done by Hansen, Allen and Lase, submitted to Tooele City







## AMENITIES PLAN









UTAH DIVISION

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**D·R·HORTON®**  
*America's Builder*



## Exhibit C

### Planning Commission Minutes



**TOOELE CITY CORPORATION  
ORDINANCE 2023-09**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL VACATING A DEDICATED RIGHT-OF-WAY INTENDED AS A WALKWAY PATH WEST FROM 630 EAST STREET AT APPROXIMATELY 217 NORTH.**

**WHEREAS**, Tooele City desires to vacate the dedicated ROW which adjoins the side boundaries of Lots 303 and 304 of the Oquirrh Meadows Subdivision, Phase 3 (see the Recorded Plat attached hereto as **Exhibit A**); and,

**WHEREAS**, the ROW contains 1,000 square-feet (0.023 acres); and,

**WHEREAS**, the ROW runs east and west, and is bounded by 630 East Street on the east, vacant property on the west, the side boundary of residential Lot 304 on the north, and the side boundary of 303 residential lots on the south; and,

**WHEREAS**, the Affected Parcels are listed as follows:

- Oquirrh Meadows Subdivision, Phase 3, Lot 303, Parcel Number 12-039-0-0303
- Oquirrh Meadows Subdivision, Phase 3, Lot 304, Parcel Number 12-039-0-0304

**WHEREAS**, Oquirrh Meadows Subdivision, Phase 3, Book 12, Page 39 shows the ROW and the adjoining property owners and is attached hereto as **Exhibit A**; and,

**WHEREAS**, a legal description has been prepared to describe the ROW to be vacated (see the right-of-way legal description attached hereto as **Exhibit B**); and,

**WHEREAS**, pursuant to UCA Section 72-5-107, "title to the vacated [ROW] . . . shall vest to the adjoining record owners, with one-half of the width of the [ROW] assessed to each of the adjoining owners"; and,

**WHEREAS**, the City does not anticipate developing the ROW as an improved walking path because its intent was to connect the neighborhood to an anticipated school site; and,

**WHEREAS**, the anticipated school site has been sold and will no longer be developed for a school or other public purpose; and,

**WHEREAS**, the ROW way in its present condition poses an unwanted maintenance burden for the City; and,

**WHEREAS**, the ROW has no historic, current, or anticipated future use or value as a pedestrian transportation right-of-way, and serves no public purpose;

**WHEREAS**, the right-of-way contains no underground utilities or infrastructure located in and under the ROW; and,

**WHEREAS**, if the ROW is vacated, the City and other entities responsible for the maintenance of public utilities will not need access to utility infrastructure located in and under the ROW; and,



**WHEREAS**, the City has notified the owners and operators of all known utility facilities, if any, in and under the ROW, and those owners, if any, have given their consent to the vacation of the ROW; and,

**WHEREAS**, the public hearing notice requirements of Utah Code Ann. §10-9a-208 have been met; and,

**WHEREAS**, as required by UCA Sections 10-9a-609.5 and 72-5-107, this ordinance and its exhibits are to be recorded in the office of the Tooele County Recorder to accomplish the vacation of the ROW; and,

**WHEREAS**, a public hearing was held before the City Council on the Petition on February 15, 2023, during which the City Council considered (1) whether there were good cause to vacate the ROW, and (2) whether the public interest or any person would be materially injured by the vacation of the ROW:

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

1. Good cause exists to vacate the ROW, as follows:
  - a. the public use this right-of-way was intended to provide access for has been sold and will no longer be developed for public purposes; and,
  - b. the ROW has no current, or anticipated future use as a pedestrian right-of-way and serves no public purpose; and;
  - c. the public hearing identified no reason why the ROW vacation should not be approved.
2. Neither the public interest nor any person is anticipated to be materially injured by the vacation of the ROW, as follows:
  - a. the public use this right-of-way was intended to provide access for has been sold and will no longer be developed for public purposes; and,
  - b. the ROW has no current, or anticipated future use as a pedestrian right-of-way and serves no public purpose; and;
  - c. the public hearing identified no reason why the ROW vacation should not be approved.
3. The ROW, as described above and as depicted and described in Exhibits A and B, is hereby vacated.
4. Title to the vacated ROW shall vest to the adjoining record owners, with one-half of the width of the ROW assessed to each of the adjoining owners.
5. The City Recorder shall record this ordinance, together with its exhibits, in the office of the Tooele County Recorder.

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

**IN WITNESS WHEREOF**, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.



TOOELE CITY COUNCIL

(For)

(Against)

\_\_\_\_\_  
Justin Brady

\_\_\_\_\_  
Justin Brady

\_\_\_\_\_  
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. UCA 10-3-704(11).)

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Michelle Pitt, City Recorder

\_\_\_\_\_  
Roger Baker, Tooele City Attorney

S E A L

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF TOOELE            )

Before me, a notary public, appeared Debra E. Winn, who did affirm to me that she is the Mayor of Tooele City Corporation, and that she did execute the foregoing ordinance with due authority this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
Residing in Tooele County, Utah



## EXHIBIT A

Oquirrh Meadows Phase 3 Recorded Plat



# OQUIRRH MEADOWS SUBDIVISION PHASE 3

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	90°01'30"	15.000	23.568	15.007	21.218	N 45°00'45" E
C2	90°01'30"	15.000	23.568	15.007	21.218	N 45°00'45" E
C3	90°01'30"	15.000	23.568	15.007	21.218	N 45°00'45" E
C4	89°58'30"	15.000	23.555	14.993	21.209	N 44°59'15" W
C5	90°01'30"	15.000	23.568	15.007	21.218	N 45°00'45" E
C6	31°32'08"	80.000	33.024	16.942	32.609	S 15°48'50" W
C7	36°28'48"	9.500	6.375	3.113	6.256	S 12°21'30" W
C8	06°51'54"	100.000	11.982	5.996	11.975	S 03°25'57" E
C9	89°58'30"	40.000	62.814	39.983	36.556	N 44°59'15" W
C10	40°23'55"	60.000	42.305	22.075	41.434	S 20°09'11" E
C11	41°48'36"	60.000	43.748	22.898	42.786	S 61°14'27" E
C12	06°51'54"	100.000	11.982	5.996	11.975	S 03°25'57" E
C13	36°28'48"	9.500	6.375	3.113	6.256	N 77°40'00" E
C14	39°25'35"	60.000	41.288	21.499	40.479	N 78°09'25" E
C15	20°02'12"	60.000	20.982	10.999	20.878	S 68°10'39" E
C16	39°25'35"	9.500	6.385	3.118	6.265	S 77°24'48" E
C17	06°41'54"	100.000	11.681	5.847	11.674	N 86°40'43" E
C18	48°23'54"	60.000	48.588	25.715	47.272	N 78°36'18" E
C19	43°08'48"	60.000	45.183	23.723	44.123	N 33°49'57" E
C20	43°34'21"	60.000	45.629	23.982	44.537	N 09°31'38" W
C21	06°38'48"	100.000	11.601	5.807	11.594	N 03°48'36" E
C22	36°28'48"	9.500	6.375	3.113	6.256	N 12°05'24" W
C23	89°58'18"	40.000	62.510	39.679	36.340	S 45°19'21" W
C24	90°27'42"	15.000	23.683	15.121	21.298	S 44°44'39" E
C25	89°32'18"	15.000	23.441	14.880	21.128	S 45°15'21" W
C26	89°32'18"	15.000	23.683	15.121	21.298	S 44°44'39" E
C27	89°32'18"	15.000	23.441	14.880	21.128	S 45°15'21" W
C28	89°58'30"	15.000	23.555	14.993	21.209	N 44°59'15" W
C29	89°58'30"	70.000	109.392	69.438	98.995	N 45°15'21" E
C30	89°58'30"	70.000	109.925	69.969	98.973	S 44°59'15" E
C31	153°09'18"	60.000	160.383	251.409	116.722	S 45°15'50" W
C32	153°09'18"	60.000	160.386	251.254	116.718	N 44°59'15" W

NUMBER	DIRECTION	DISTANCE
L1	NORTH	22.554'
L2	N 89°58'30" W	10.802'
L3	S 00°29'12" W	3.608'
L4	S 00°29'12" W	10.000'
L5	S 00°29'12" W	10.000'
L13	S 89°58'30" E	0.725'

TOOELE SCHOOL  
BOARD PROPERTY

GRAPHIC SCALE



( IN FEET )  
1 inch = 80 ft.

COUNTY HEALTH DEPT.

APPROVED THIS 20<sup>th</sup> DAY  
OF AUGUST A.D. 1977

COUNTY HEALTH

ENGINEER/SURVEYOR

OWNER/DEVELOPER

CITY ATTORNEY

APPROVED THIS 15<sup>th</sup> DAY  
OF SEPTEMBER A.D. 1977

TOOELE CITY ATTORNEY

TOOELE CITY ENGINEER

APPROVED THIS 10<sup>th</sup> DAY  
OF SEPTEMBER A.D. 1977

CITY ENGINEER

TOOELE CITY PLANNER

APPROVED THIS 11<sup>th</sup> DAY  
OF AUGUST A.D. 1977

CITY PLANNING DIRECTOR

TOOELE CITY PLANNING COMMISSION

APPROVED THIS 14<sup>th</sup> DAY  
OF AUGUST A.D. 1977

CHAIRMAN, PLANNING COMMISSION

TOOELE CITY COUNCIL

APPROVED THIS 15<sup>th</sup> DAY  
OF AUGUST A.D. 1977

ATTEST CLERK  
CHAIRMAN CITY COUNCIL

SURVEYOR'S CERTIFICATE

I, WALLACE FRANCE, do hereby certify that I am a Registered Civil Engineer, and or Land Surveyor, and that I hold certificate No. 150763 as prescribed under laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as OQUIRRH MEADOWS SUBDIVISION PHASE 3, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS N89°58'31"W ALONG THE NORTH SECTION LINE 1362.18 FEET AND SOUTH 6.71 FEET FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 92.55 FEET; THENCE N89°57'14"W 100.00 FEET; THENCE S52°37'20"W 75.51 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 89°58'30" (CENTER BEARS N89°00'00") A DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY; THENCE N89°58'30"W 87.57 FEET; THENCE S00°29'12"W 85.25 FEET; THENCE N89°58'30"W 96.11 FEET; THENCE S89°58'30"W 64.12 FEET; THENCE N89°58'30"W 100.00 FEET; THENCE N00°29'12"E 84.55 FEET; THENCE S89°48'06"E 654.05 FEET TO THE POINT OF BEGINNING.

CONTAINS 13.09 ACRES

WALLACE FRANCE  
LS 150763



OWNER'S DEDICATION

Know all men by these presents that W.E., the undersigned owner (s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as the

OQUIRRH MEADOWS SUBDIVISION PHASE 3

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.

In witness whereof I have hereunto set my hand and seal this 10<sup>th</sup> day of SEPTEMBER A.D. 1977.

Bruce W. Wilson  
BRUCE WILSON CONSTRUCTION LLC

ACKNOWLEDGMENT

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

On the 10<sup>th</sup> day of SEPTEMBER A.D. 1977, personally appeared before me, the undersigned Notary Public, in and for said County of Tooele in said State of Utah, the signer( ) of the above Owner's dedication, in number, who duly acknowledged to me that BRUCE WILSON as MANAGER OF BRUCE WILSON CONSTRUCTION LLC signed it freely and voluntarily and for the uses and purposes therein mentioned.



COMMISSION EXPIRES: 6-17-01

NOTARY PUBLIC  
RESIDING IN TOOELE COUNTY

FINAL PLAT  
OQUIRRH MEADOWS SUBDIVISION  
PHASE 3

TOOELE COUNTY RECORDER

ENTRY NO. 100790  
FEE PAID \$3.50 FILED FOR RECORD AND RECORDED THIS 15<sup>th</sup> DAY OF SEPTEMBER 1998, AT 11:31 IN BOOK 170 NO. 291 OF THE OFFICIAL RECORDS Recorded at the Request of Bruce Wilson Construction LLC  
Phyllis A. Blay  
DEPUTY  
James A. Matheson  
CITY RECORDER







## EXHIBIT B

Legal Description of Vacated ROW



A Right of Way located within the Oquirrh Meadows Subdivision Phase 3, situate in the NE Corner of Section 27, Township 3 South, Range 4 West of the Salt Lake Base and Meridian, said Right of Way located in Tooele City, Tooele County, Utah, and more particularly described as follows and as more particularly described and/or shown on Exhibit "A" attached hereto and by this reference made a part hereof:

Beginning at a point which is North 89°58'31" West along the North Section Line 1362.18 feet and South 6.71 feet from the Northeast Corner of Section 27, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence North 89°48'06" West 654.05 feet; thence South 00°29'12" West a distance of 554.38 feet to the Southwest Corner of Lot 304 of the Oquirrh Meadows Subdivision Phase 3, which is the Point of Beginning of the Right of Way to be abandoned and vacated:

thence South 89°30'48" East 100.00 feet to the westerly right of way of 630 East;

thence South 00°29'12" West 10.00 feet along the westerly right of way of 630 East to the Northeast Corner of Lot 303;

thence North 89°30'48" West 100.00 feet to the Northwest Corner of Lot 303 of the Oquirrh Meadows Subdivision Phase 3;

thence North 00°29'12" East 10.00 feet, to the Point of Beginning.

Right of Way contains 1,000 square feet, or 0.023 acres.



## **TOOELE CITY CORPORATION**

### **RESOLUTION 2023-12**

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO THE MAYOR'S APPOINTMENT OF KEN SPENCE AND REBEKKA PETERSON TO THE TOOELE CITY HISTORIC PRESERVATION COMMISSION.**

WHEREAS, the Historic Preservation Commission ("Commission") was established by Ordinance 1985-02 on February 28, 1985 (see Ordinance 1985-02 attached as Exhibit A); and,

WHEREAS, Ordinance 1985-02 enacted TCC Chapter 2-7 (attached as Exhibit B); and,

WHEREAS, the duties of the Commission include the following:

1. Survey and inventory the community's historic resources
2. Review proposed nominations to the National Register of Historic Places
3. Provide advice and information to city officials
4. Enforce state of Utah historic preservation laws (see TCC Section 2-7-3); and,

WHEREAS, the Commission is composed of at least five members appointed by the Mayor, with the consent of the City Council, which members must be residents of Tooele City, must have a demonstrated interest in, compliance with, or knowledge of historical preservation, and two of whom must be professionals from the disciplines of history and architecture or architectural history (see TCC Section 2-7-1); and,

WHEREAS, Commission members serve an indeterminate term; and,

WHEREAS, the Commission must meet at least twice each year, and Commission meetings are subject to the Utah Open Meetings Act; and,

WHEREAS, Commission members Macy Wellman and Jeffery Saunders have resigned and are unable to serve, creating vacancies on the Commission; and,

WHEREAS, the Mayor seeks the City Council's consent to appoint Ken Spence and Rebekka Peterson to the Commission to fill the Commission vacancy; and,

WHEREAS, the table attached as Exhibit C lists the Mayor's appointments to the Commission, all of whom are Tooele City residents, and their required interest, knowledge, and experience:

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

1. the City Council hereby consents to Mayor Winn's appointments of Ken Spence and Rebekka Peterson to the Historic Preservation Commission (see Exhibit C); and,
2. the City Recorder is hereby directed to follow the appointment notification procedures contained in TCC Section 2-7-1.



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 \_\_\_\_\_, 2023.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney



## EXHIBIT A

Ordinance 1985-02



ORDINANCE  
85 - 02

AN ORDINANCE ESTABLISHING AN HISTORICAL PRESERVATION COMMISSION

WHEREAS, authority is given by the State to local municipalities under Utah Code Annotated §11-18-2, which recognizes that the historical heritage of this State is among its most valued and important assets; and,

WHEREAS, it is the intent of the State Legislature that the counties, cities and towns of this State shall have the power to identify, preserve, protect and enhance historic and prehistoric areas and sites lying within their respective jurisdictions; and,

WHEREAS, Tooele City is hereby empowered to expend public funds for the purpose of identifying, preserving, protecting or enhancing historical areas and sites; and,

WHEREAS, the purpose of the local preservation commission is to undertake specified historic preservation duties including survey, inventory, review of nominations to the National Register, preservation education, advice and enforcement of local and state preservation laws; and,

WHEREAS, the Tooele City Council deems it appropriate to implement this Ordinance and to establish an Historic Preservation Commission in Tooele City; and,

WHEREAS, this Council feels it is in the best interests of the citizens of Tooele City for this Ordinance to become effective upon passage.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF TOOELE that an Historic Review Commission be formed and charged with these duties.

CHAPTER 7

HISTORICAL PRESERVATION COMMISSION

2-7-1: HISTORICAL PRESERVATION COMMISSION:

There is hereby created an Historical Preservation Commission of five (5) members with a demonstrated interest, compliance or knowledge in historical preservation. At least two (2) of these members shall be



professionals from the disciplines of history and architecture or architectural history. The members shall be appointed by the Mayor with the consent of the Council. Said members shall be residents of Tooele City. The Recorder shall notify such appointees and request a written acceptance from them on their appointment. All such designated appointees shall within thirty (30) days file with the Recorder his or her acceptance of appointment. Should the same not be filed within the said period, the person shall be considered to have declined the appointment, and the Mayor shall, with the consent of the Council, designate another party for such appointment. The designated appointees upon filing acceptance of appointment, shall automatically be members of the Historical Preservation Commission. The Historical Preservation Commission shall meet at least twice each year and shall appoint a Chairperson from among its members. Business shall be conducted in open public meetings with written minutes of each Commission meeting, prepared and available for public inspection. All vacancies on the Commission occasioned by removal, resignation or otherwise shall be reported to the Mayor, who shall fill such vacancy pursuant to the manner of appointment provided herein.

2-7-2: DUTIES OF THE COMMISSION:

It shall be the duty of the Commission to:

1. Survey and Inventory Community Historic Resources.

The Historic Preservation Commission shall conduct or cause to be conducted a survey of historic, architectural and archeological resources within Tooele City. The survey shall be compatible with the Utah Inventory of Historic and Archeological Sites. Survey and Inventory documents shall be maintained and open to the public. The survey will be updated at least every ten (10) years.

2. Review Proposed Nominations to the National Register of Historic Places.

The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for the properties within the boundaries of Tooele City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission will seek expertise in this area before rendering its decision.

3. Provide Advice and Information.

a. The Historic Preservation Commission shall act in an advisory role to other officials and departments of Tooele City regarding the identification and protection of local historic and archeological resources.

b. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and Tooele City's



history.

4. Enforcement of State Historic Preservation Laws.

The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to the following Utah Code Sections: Utah Code Annotated §11-18-2, "The Historic District Act"; Utah Code Annotated §63-18-25, 27 and 30 regarding the protection of Utah antiquities; and Utah Code Annotated §63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which would destroy or effect a site, building or object owned by the State of Utah and included on or eligible for the State of National Registers.

DATED THIS 20th day of February, 1985.

TOOELE CITY COUNCIL

[For]

[Against]

*J. David Fadden*

*William J. Moore*

*Robert E. Smith*

*Raymond Johnson*

*Marion Peters*

MAYOR OF TOOELE CITY

[For]

[Against]

*George W. Diehl*

ABSTAINING

Approved as to Form:

*Donna G. Draughon*  
Donna G. Draughon, Tooele City Attorney



# EXHIBIT B

## CHAPTER 7. HISTORICAL PRESERVATION COMMISSION

### 2-7-1. Historical preservation commission.

#### 2-7-2. Duties.

### 2-7-1. Historical preservation commission.

There is hereby created an Historical Preservation Commission of five (5) members with a demonstrated interest, compliance or knowledge in historical preservation. At least two (2) of these members shall be professionals from the disciplines of history and architecture or architectural history. The members shall be appointed by the Mayor with the consent of the Council. Said members shall be residents of Tooele City. The Recorder shall notify such appointees and request a written acceptance from them on their appointment. All such designated appointees shall within thirty (30) days file with the Recorder his or her acceptance of appointment. Should the same not be filed within the said period, the person shall be considered to have declined the appointment, and the Mayor shall, with the consent of the Council, designate another party for such appointment. The designated appointees upon filing acceptance of appointment, shall automatically be members of the Historical Preservation Commission. The Historical Preservation Commission shall meet at least twice each year and shall appoint a Chairperson from among its members. Business shall be conducted in open public meetings with written minutes of each Commission meeting, prepared and available for public inspection. All vacancies on the Commission occasioned by removal, resignation or otherwise shall be reported to the Mayor, who shall fill such vacancy pursuant to the manner of appointment provided herein. (Ord. 85-02, 02-28-85)

### 2-7-2. Duties of the commission.

It shall be the duty of the Commission to:

(1) Survey and inventory community historic resources.

The Historic Preservation Commission shall conduct or cause to be conducted a survey of historic,

architectural and archeological resources within Tooele City. The survey shall be compatible with the Utah Inventory of Historic and Archeological Sites. Survey and Inventory documents shall be maintained and open to the public. The survey will be updated at least every ten (10) years.

(2) Review Proposed Nominations to the National Register of Historic Places.

The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for the properties within the boundaries of Tooele City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission will seek expertise in this area before rendering its decision.

(3) Provide advice and information.

(a) The Historic Preservation Commission shall act in an advisory role to other officials and departments of Tooele City regarding the identification and protection of local historic and archeological resources.

(b) The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and Tooele City's history.

(4) Enforcement of State Historic Preservation Laws.

The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to the following Utah Code Sections: Utah Code Annotated Section 11-18-2, "The Historic District Act"; Utah Code Annotated Sections 63-18-25, 27, and 30 regarding the protection of Utah antiquities; and Utah Code Annotated Section 63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which would destroy or effect a site, building or object owned by the State of Utah and included on or eligible for the State of National Registers. (Ord. 85-02, 02-20-85)



# EXHIBIT C

## Mayor Winn's Current Historic Preservation Commission

Name	Date Appointed	Interest/Knowledge in Historic Preservation	Professional Discipline in History
Richard Trujillo*	October 24, 2017	Administrator for Tooele History Facebook page; Compiled history of Deseret Chemical Depot.	
Paul Smart*	December 15, 2021	5 <sup>th</sup> generation Tooele resident; Interest in genealogy and history; Former manager of a Family History Center	Bachelors in Genealogical Research; Masters in History
Albert Bottema*	December 15, 2021	Interest in documenting historic structures within Tooele City; Involved with the Pioneer Museum and the Sons/Daughters of the Utah Pioneers	
Ken Spence	February 15, 2023	Long term resident of Tooele City; past member of the National Trust for Historic Preservation; worked approx. 40 years as an architect and maintains an active license.	Architect
Rebekka Peterson	February 15, 2023	Interest and experience in traditional pioneer crafts; Storytelling of historic persons and direct ancestry; Preservation of historic artifacts and documents; Strong appreciation of history and architecture.	Bachelors in History

\*Already serving on the commission—not a new appointment



## **TOOELE CITY CORPORATION**

### **RESOLUTION 2023-13**

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR THE LOT 2A TOP STOP SUBDIVISION.**

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

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

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

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

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

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

WHEREAS, Tooele City received from Conner Atkin representing the Lot 2A Top Stop Subdivision (“the Project”) a letter dated January 20, 2023, requesting the allocation of 3.38 acre-feet of City-owned municipal water rights to the Project, or, in other words,



requesting to pay the fee-in-lieu rather than convey water rights (see the letter attached as Exhibit A; and,

WHEREAS, the City Council's authorization reserving water rights for building sites in the Project, and allowing building permit applicants for buildings in the Project to pay to Tooele City a fee in lieu of conveying up to 3.38 acre-feet of municipal rights, is conditioned upon the Project obtaining City approval of a site plan, City approval of a first building permit, and commencement of vertical construction of a first building within two years of the date of approval of this Resolution, unless the City Council, in its sole discretion, decides in a public meeting to extend this two-year deadline or modify these conditions; and,

WHEREAS, the Project will construct 2-3 new retail/commercial structures including: one restaurant, one fast food restaurant, or one automobile service station; and,

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

- The Project requests 3.38 acre-feet of water.
- The creation of a potential 120 new jobs, with a mix of management level, full time, and part time employees.
- The generation of \$4-12 Million in new taxable sales
- An estimated capital investment of \$5-8 Million.
- A decrease in the sales and employment leakage from Tooele City to out-of-city businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby finds that the request of the Project complies fully with the City Council's June 1, 2022, policy, and hereby authorizes the reservation of 3.38 acre-feet of municipal water rights for the Project, as well as the payment of the fee-in-lieu of water rights, made at the time of building permit application for Project buildings, for up to 3.38 acre-feet of municipal water rights, for the fee amount established in the June 1 policy of \$35,000 per acre-foot, conditioned upon the Project obtaining City approval of a site plan, City approval of a first building permit, and commencement of vertical construction of a first building within two years of the date of approval of this Resolution, unless the City Council, in its sole discretion, decides in a public meeting to extend this two-year deadline or modify these conditions.

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



IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this  
\_\_\_\_ day of \_\_\_\_\_, 2023.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

TOOELE CITY MAYOR

(Approved)

(Disapproved)

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney



## Exhibit A

January 20, 2023, Letter  
Lot 2A Top Stop Subdivision



To the Tooele City Council and Mayor,

We are the developers of the 3.8 acres in front of Home Depot generally known as Lot 2 of the Top Stop Subdivision. We are requesting a fee-in-lieu of water rights for our remaining 2.56 acres which could be divided up into 2 or 3 lots depending on the size needed for individual users. This would exclude the lot for a future car wash. Our goal is to get these sites PAD ready to sell or lease to potential end commercial users. We would like to request a total of up to 3.38 acre feet of water.

This would consist of 1 restaurant, 1 fast food, and one service station. We are looking at bringing in at least 2 of these users, and hoping to fit a 3rd. These would consist of a fast food place, a sit down restaurant and a potential oil change shop. To summarize

- 3.38 acre feet of potential water used
- Depending on the end user, a busy sit down restaurant could have upwards of 70 total employees, a Quick serve restaurant would have on average 30-40, and an oil change shop would be 15-20, equaling a potential total of over 120 jobs. A portion of these would be part-time, however there would be a large percentage of these positions that would be full-time and would be a great asset to the growing economy of Tooele City.
- It is anticipated 2 of these users would produce gross sales of between \$4-6 million annually. If that number increased to 3 users, gross sales would be \$10-12 million. With a sales tax rate in Tooele City of 7%, this would be a potential increase of between \$280,000 and \$840,000 of sales tax income.
- With the proposed 3 additional lots, it is anticipated that the land value would be worth approximately \$3 Million. Additionally the proposed buildings would have a value of between \$5-8 million dollars and would produce \$22,000 to \$30,000 in additional property taxes to the City annually.
- We believe that the social, environmental and community impacts of this development would be a benefit to Tooele City. By bringing additional food users, automotive shops and other users to the City you decrease the amount of leakage to other areas for these services.

Conner Atkin  
Developer of Lot 2A



## Exhibit B

June 1, 2022, Fee-in-lieu Policy



## City Council Policy

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

Effective Date: June 1, 2022

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

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

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

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

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

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

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


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



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

General.

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

  
Chairman



**TOOELE CITY CORPORATION**

**RESOLUTION 2023-14**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH WASTE MANAGEMENT OF UTAH, INC.**

WHEREAS, Tooele City has instituted an opt-in curbside recycling program, utilizing the services of Ace Disposal company; and,

WHEREAS, as part of the recycling program, it is necessary to contract directly with a third-party recycler to receive the recyclables from Ace; and,

WHEREAS, pursuant to Tooele City's procurement policies and procedures, the City solicited responses to a Request for Proposal (RFP), evaluated the responses received, and found Waste Management of Utah, Inc., to be the lowest responsible responsive bidder; and,

WHEREAS, the proposed three-year agreement with Waste Management of Utah, Inc. is attached as Exhibit A, including Waste Management's cost schedule and a cost comparison with the other bidder; and,

WHEREAS, the recycling program and the agreement are in the best interests of Tooele City and its residents and businesses:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the agreement attached as Exhibit A is hereby approved, and that the Mayor is hereby authorized to sign the same.

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 \_\_\_\_\_, 2023.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

\_\_\_\_\_  
Debra E. Winn, Mayor

\_\_\_\_\_  
Debra E. Winn, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney



## Exhibit A

Waste Management of Utah, Inc.



# SCHEDULE "A"

## BID SCHEDULE

**Waste Management (Note, this information was pulled from the RFP. We discussed cost difference with Blake Leonelli and he agreed that our calculations appeared correct.)**

Tooele City Residential Single Stream Pricing

Publication	Grade	22-Jan Price	22-Feb Price	22-Mar Price	22-Apr Price	22-May Price	22-Jun Price	22-Jul Price	22-Aug Price	22-Sep Price	22-Oct Price	22-Nov Price	22-Dec Price	12 mo price avg Price (Average)	Stream %
Pulp & Paper (OBM)	OCC #11	\$165.00	\$160.00	\$160.00	\$155.00	\$150.00	\$150.00	\$150.00	\$140.00	\$110.00	\$65.00	\$45.00	\$35.00	\$123.75	45%
Pulp & Paper (OBM)	Mixed Paper #54	\$85.00	\$52.00	\$65.00	\$58.00	\$55.00	\$52.00	\$49.00	\$28.00	-\$1.00	\$0.00	\$0.00	\$0.00	\$36.92	25%
Recyclingmarkets.net (SMP)	Natural HDPE	\$950.00	\$940.00	\$850.00	\$850.00	\$960.00	\$1,080.00	\$1,000.00	\$910.00	\$730.00	\$750.00	\$920.00	\$1,020.00	\$913.33	2%
Recyclingmarkets.net (SMP)	Colored HDPE	\$300.00	\$220.00	\$280.00	\$290.00	\$320.00	\$400.00	\$280.00	\$180.00	\$90.00	\$90.00	\$90.00	\$90.00	\$219.17	2%
Recyclingmarkets.net (SMP)	PET	\$250.00	\$270.00	\$290.00	\$400.00	\$460.00	\$460.00	\$460.00	\$190.00	\$110.00	\$110.00	\$120.00	\$160.00	\$273.33	4%
Recyclingmarkets.net (SMP)	Steel/Tin Cans	\$180.00	\$180.00	\$183.00	\$225.00	\$225.00	\$215.00	\$205.00	\$156.00	\$152.00	\$103.00	\$84.00	\$58.00	\$163.83	2%
Recyclingmarkets.net (SMP)	Aluminum Cans	\$1,510.00	\$1,790.00	\$2,060.00	\$2,150.00	\$2,150.00	\$1,750.00	\$1,650.00	\$1,350.00	\$1,350.00	\$1,250.00	\$1,150.00	\$1,150.00	\$1,609.17	1%
Recyclingmarkets.net (SMP)	Plastics 4 & 5	\$210.00	\$230.00	\$310.00	\$390.00	\$410.00	\$420.00	\$350.00	\$300.00	\$130.00	\$100.00	\$100.00	\$100.00	\$254.17	1%
	Other Plastic	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	4%
	Residue	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	-\$55.00	14%
															100%

Publication	Grade	22-Jan Price	22-Feb Price	22-Mar Price	22-Apr Price	22-May Price	22-Jun Price	22-Jul Price	22-Aug Price	22-Sep Price	22-Oct Price	22-Nov Price	22-Dec Price
Pulp & Paper (OBM)	OCC #11	\$74.25	\$72.00	\$72.00	\$69.75	\$67.50	\$67.50	\$67.50	\$63.00	\$49.50	\$29.25	\$20.25	\$15.75
Pulp & Paper (OBM)	Mixed Paper #54	\$21.25	\$13.00	\$16.25	\$14.50	\$13.75	\$13.00	\$12.25	\$7.00	-\$0.25	\$0.00	\$0.00	\$0.00
Recyclingmarkets.net (SMP)	Natural HDPE	\$19.00	\$18.80	\$17.00	\$17.00	\$19.20	\$21.60	\$20.00	\$18.20	\$14.60	\$15.00	\$18.40	\$20.40
Recyclingmarkets.net (SMP)	Colored HDPE	\$6.00	\$4.40	\$5.60	\$5.80	\$6.40	\$8.00	\$5.60	\$3.60	\$1.80	\$1.80	\$1.80	\$1.80
Recyclingmarkets.net (SMP)	PET	\$10.00	\$10.80	\$11.60	\$16.00	\$18.40	\$18.40	\$18.40	\$7.60	\$4.40	\$4.40	\$4.80	\$6.40
Recyclingmarkets.net (SMP)	Steel/Tin Cans	\$3.60	\$3.60	\$3.66	\$4.50	\$4.50	\$4.30	\$4.10	\$3.12	\$3.04	\$2.06	\$1.68	\$1.16
Recyclingmarkets.net (SMP)	Aluminum Cans	\$15.10	\$17.90	\$20.60	\$21.50	\$21.50	\$17.50	\$16.50	\$13.50	\$13.50	\$12.50	\$11.50	\$11.50
Recyclingmarkets.net (SMP)	Plastics 4 & 5	\$2.10	\$2.30	\$3.10	\$3.90	\$4.10	\$4.20	\$3.50	\$3.00	\$1.30	\$1.00	\$1.00	\$1.00
	Other Plastic	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20	-\$2.20
	Residue	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70	-\$7.70
<b>Average Sales Value</b>		<b>\$141.40</b>	<b>\$132.90</b>	<b>\$139.91</b>	<b>\$143.05</b>	<b>\$145.45</b>	<b>\$144.60</b>	<b>\$137.95</b>	<b>\$109.12</b>	<b>\$77.99</b>	<b>\$56.11</b>	<b>\$49.53</b>	<b>\$48.11</b>
Processing Fee/Ton		(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)	(\$123.00)
<b>Available Commodity Value</b>		<b>\$18.40</b>	<b>\$9.90</b>	<b>\$16.91</b>	<b>\$20.05</b>	<b>\$22.45</b>	<b>\$21.60</b>	<b>\$14.95</b>	<b>-\$13.88</b>	<b>-\$45.01</b>	<b>-\$66.89</b>	<b>-\$73.47</b>	<b>-\$74.89</b>
Customer Rebate %		50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Customer Rebate / Fee		\$9.20	\$4.95	\$8.46	\$10.03	\$11.23	\$10.80	\$7.48	\$6.94	\$22.51	\$33.45	\$36.74	\$37.45
Tons Received per Month		43	43	43	43	43	43	43	43	43	43	43	43
<b>Total Customer Rebate / (Fee)</b>		<b>\$395.60</b>	<b>\$212.85</b>	<b>\$363.57</b>	<b>\$431.08</b>	<b>\$482.68</b>	<b>\$464.40</b>	<b>\$321.43</b>	<b>\$298.42</b>	<b>\$967.72</b>	<b>\$1,438.14</b>	<b>\$1,579.61</b>	<b>\$1,610.14</b>



Monthly Cost Comparison for Recycle Receiving Center  
8-Feb-23

Publication	22-Jan Price	22-Feb Price	22-Mar Price	22-Apr Price	22-May Price	22-Jun Price	22-Jul Price	22-Aug Price	22-Sep Price	22-Oct Price	22-Nov Price	22-Dec Price	Annual Net Cost
Rocky Mountain Recycling	\$1,160.57	\$1,043.48	\$893.28	\$1,014.74	\$722.16	\$876.13	\$1,026.32	\$1,390.38	\$2,277.28	\$3,055.37	\$3,044.83	\$2,954.23	\$19,458.77
Waste Management	\$395.60	\$212.85	\$363.57	\$431.08	\$482.68	\$464.40	\$321.43	\$298.42	\$967.72	\$1,438.14	\$1,579.61	\$1,610.14	\$3,222.42



## TOOELE CITY CORPORATION

### RESOLUTION 2023-15

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH JSX, LLC. FOR THE VINE STREET SIDEWALK IMPROVEMENT PROJECT.**

WHEREAS, there is a portion of sidewalk along Vine Street, located between 450 West and 550 West, where the sidewalk is missing and there is a need to have it installed; and,

WHEREAS, having this portion of the sidewalk installed completes the sidewalk from Tooele High School to Coleman Avenue; and,

WHEREAS, Tooele City has received grant funding through the Utah Department of Transportation Safe Routes to School Program for infrastructure improvements; and,

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

WHEREAS, JSX, LLC. has submitted a cost proposal for the Vine Street Sidewalk Improvement Project of one hundred forty thousand, nine hundred eighty-five and 90/100 Dollars (\$140,985.90), and is the lowest responsible responsive bidder. A copy of the Bid Tabulation is attached as Exhibit A; and,

WHEREAS, the City Administration requests an additional appropriation of 5% in the amount of seven thousand fifty Dollars (\$7,050.00) as contingency for change orders for changed conditions which may arise during the project, as reviewed and approved by the Mayor:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby approves an agreement (attached as Exhibit B) with JSX, LLC., in the amount of one hundred forty thousand, nine hundred eighty-five and 90/100 Dollars (\$140,985.90) for completion of the Vine Street Sidewalk Improvement Project, and hereby allocates an additional seven thousand fifty Dollars (\$7,050.00) contingency which may be used for changed conditions, as reviewed and approved by the Mayor.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, Tooele City Attorney



## EXHIBIT A

### Bid Tabulation





Bid Date: **Thursday, February 9, 2023**  
 Bid Place: **Tooele City Hall**  
 Bid Time: **2:00 PM**

Item No.	Item Description	Unit	Estimated Quantity	Bidders:		No. 1		No. 2		No. 3	
						JSX, LLC		RC Enterprise Paving and Construction		Beck Construction & Excavation, Inc.	
						PO Box 159 Pleasant Grove, UT 84062		1700 S State Street Springville, UT 84663		1194 West South Jordan Pkwy, Ste A South Jordan, UT 84095	
				Engineer's Probable Cost:		Liberty Mutual Surety Co		Granite Re, Inc.		Atlantic Specialty Insurance Company	
				Unit Price	Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1-1	Mobilization	L.S.	1	\$ 8,130.00	\$8,130.00	\$9,500.00	\$9,500.00	\$15,000.00	\$15,000.00	\$23,350.00	\$23,350.00
1-2	Construction Staking	L.S.	1	\$ 1,950.00	\$1,950.00	\$2,160.00	\$2,160.00	\$2,760.00	\$2,760.00	\$3,900.00	\$3,900.00
1-3	Quality Control	L.S.	1	\$ 2,280.00	\$2,280.00	\$10,200.00	\$10,200.00	\$7,000.00	\$7,000.00	\$4,335.00	\$4,335.00
1-4	Sawcut Asphalt	L.F.	385	\$ 4.00	\$1,540.00	\$5.20	\$2,002.00	\$3.00	\$1,155.00	\$2.00	\$770.00
1-5	Demo and Haul-off Existing Asphalt	S.Y.	350	\$ 22.00	\$7,700.00	\$20.25	\$7,087.50	\$18.50	\$6,475.00	\$19.00	\$6,650.00
1-6	Site Clearing and Excavation	S.F.	8,250	\$ 2.00	\$16,500.00	\$1.15	\$9,487.50	\$1.75	\$14,437.50	\$2.36	\$19,470.00
1-7	Final Site Grading	S.F.	8,600	\$ 2.00	\$17,200.00	\$0.95	\$8,170.00	\$0.75	\$6,450.00	\$0.75	\$6,450.00
1-8	Relocate Mailboxes	Each	2	\$ 200.00	\$400.00	\$250.00	\$500.00	\$455.00	\$910.00	\$450.00	\$900.00
1-9	Relocate Existing Rebar with Cap	Each	1	\$ 200.00	\$200.00	\$1,200.00	\$1,200.00	\$1,100.00	\$1,100.00	\$920.00	\$920.00
1-10	Install 2 Piece Cast Iron Valve Box	Each	1	\$ 1,200.00	\$1,200.00	\$900.00	\$900.00	\$2,700.00	\$2,700.00	\$1,375.00	\$1,375.00
1-11	Remove and Relocate Fence	L.F.	5	\$ 72.00	\$360.00	\$300.00	\$1,500.00	\$180.00	\$900.00	\$80.00	\$400.00
1-12	Untreated Base Course	C.Y.	235	\$ 85.00	\$19,975.00	\$59.00	\$13,865.00	\$83.25	\$19,563.75	\$105.00	\$24,675.00
1-13	Type A Curb & Gutter	L.F.	360	\$ 34.00	\$12,240.00	\$35.94	\$12,938.40	\$31.45	\$11,322.00	\$41.00	\$14,760.00
1-14	5.5' wide 6" Thick Concrete Sidewalk	S.F.	1,975	\$ 12.50	\$24,687.50	\$7.00	\$13,825.00	\$7.60	\$15,010.00	\$9.00	\$17,775.00
1-15	5" Thick Asphalt	Ton	185	\$ 300.00	\$55,500.00	\$177.30	\$32,800.50	\$130.65	\$24,170.25	\$150.00	\$27,750.00
1-16	4:1 Fill Slope	C.Y.	270	\$ 20.00	\$5,400.00	\$55.00	\$14,850.00	\$73.00	\$19,710.00	\$76.00	\$20,520.00
1-17	Contingency	0	0								
TOTAL					\$191,738.25	Accepted Total:	\$140,985.90	Accepted Total:	\$148,663.50	Accepted Total:	\$174,000.00
						Submitted:	\$140,985.00	Submitted:	\$149,163.50	Submitted:	\$174,000.00
						Correction:	\$0.90	Correction:	-\$500.00	Correction:	\$0.00

Project Manager: \_\_\_\_\_  
Ted Mickelsen

Correction Notes	Correction Notes	Correction Notes
Corrected Bid Item:	Corrected Bid Item:	Corrected Bid Item:



## EXHIBIT B

### Agreement





February 9, 2023

Subject: Contractor recommendation for the Vine Street Sidewalk Project

Dear Jamie,

A bid opening was held for the Vine Street Sidewalk Project on February 9, 2023 at 2:00 P.M. at the Tooele City offices. We have completed our review of the bid information submitted for the Vine Street Sidewalk Project. Three contractors submitted bids as follows:

Bids Summary:

CONTRACTOR	BID PRICE
<b>JSX, LLC</b>	\$140,985.00
<b>RC Enterprise Paving &amp; Construction</b>	\$149,163.50
<b>Beck Construction &amp; Excavation</b>	\$174,000.00

After reviewing the provided bid information, the following information and conclusions are being provided.

- JSX, LLC is the low bidder.
- A bid tab has been created summarizing the contractor submitted bids and is attached to the end of this letter.
- The bid schedule was reviewed for accuracy. There is a \$0.90 discrepancy in JSX bid and a \$500 discrepancy in RC Enterprise Paving & Construction. Costs were compared with the Engineering Opinion of Probable Costs with no concerns with the unit costs. See the attached bid tab for specific items that a discrepancy was noted.
- JSX provided references that have been checked, as well as a references that we are familiar with that were not provided by JSX. The following general feedback from the references was provided:
  - Good contractor to work with.
  - They are responsive and do good work.
  - Most projects for references have been utility connections and basement excavations.
  - Fair pricing.
  - References would use them for a similar project to the Vine Street Project.
- They have a valid contractors license in the State of Utah (License #7639947-5501) with no reported disciplinary actions.

1535 South 100 West  
Richfield, UT 84701  
435.896.8266

30 South Main Street  
Manti, UT 84642  
435.835.4540

38 West 100 North  
Vernal, UT 84078  
435.781.1988

1675 South Highway 10  
Price, UT 84501  
435.637.8266

520 West Highway 40  
Roosevelt, UT 84066  
435.722.8267

775 West 1200 North  
Suite 200A  
Springville, UT 84663  
801.692.0219

1664 South Dixie Drive  
Building G  
St. George, UT 84770  
435.986.3622

7 South Main Street  
Suite 107/109  
Tooele, UT 84074  
435.268.8089

696 North Main Street  
PO Box 577  
Monticello, UT 84535  
435.587.9100

545 East Cheyenne Drive  
Suite C  
Evanston, WY 82930  
307.288.2005



The noted \$0.90 rounding discrepancy is in favor of the contractor but they have indicated that they are willing to honor the published bid price. Based on this information we find no cause that prohibits the City from contracting with JSX, LLC for this project and therefore recommend the project be awarded to JSX. LLC for a total of \$140,985.00.

Please contact me if you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Mickelsen".

Ted Mickelsen, PE  
Project Manager  
JONES & DEMILLE ENGINEERING





TOOELE CITY CORPORATION  
FISCAL NOTE TO PROPOSED EXPENDITURE

02/02/23

**DESCRIPTION OF EXPENDITURE:**

**VENDOR:** CHRISTENSEN & GRIFFITH V# 07074

REPAIR TO GOLF COURSE PAVILLION FOR DAMAGE FROM VEHICLE ACCIDENT. REPAIR HAS BEEN REIMBURSED  
BY INSURANCE COMPANY OF THE VEHICLE OWNER.

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
OPERATION & MAINTENANCE	141 4565 252000	75,000.00	46,220.00	35,233.00	(6,453.00)
<b>TOTAL:</b>				35,233.00	

\*Budget adjustment will be done for insurance received

REQUESTED Isi Darwin Cook  
DEPARTMENT HEAD

REVIEWED Shannon Winner  
FINANCE DIRECTOR

APPROVED \_\_\_\_\_  
MAYOR

APPROVED \_\_\_\_\_  
COUNCIL CHAIRMAN





CONSTRUCTION COMPANY

P.O. Box 147 \* Tooele, Utah 84074 \* Fax (435) 882-0062 \* Phone (435) 882-1529

COMMERCIAL AND INDUSTRIAL

VENDOR # 07074

September 15, 2022

Tooele City Golf Course

10-4565-25200

P.O. # \_\_\_\_\_

DEPT. # 21-4565-7320151

DATE 01/25/23

AMOUNT \$35,233.00

SIGNATURE [Signature]

Attn: **Darwin Cook**

Subject: **Golf Course Pavillion Repair.**

Bid Includes All Labor/Equipment/Materials to Repair/Replaced damaged items listed in Bid Breakdown.

***Bid Items:***

SE Column Steel Work

1	Temp Bracing Support	1	Equipment	@	\$ 500.00	\$	500.00
1	Welder	1	Equipment	@	\$ 500.00	\$	500.00
1	Scissor Lift	1	Equipment	@	\$ 500.00	\$	500.00
1	HSS 6x6x3/16	10	Material	@	\$ 37.00	\$	370.00
1	HSS 4x4x3/16	10	Material	@	\$ 35.00	\$	350.00
1	RSS 6x12x3/16	10	Material	@	\$ 56.00	\$	560.00
1	Plate 1-1/4"	1	Material	@	\$ 160.00	\$	160.00
1	Anchor Bolts 1"	4	Material	@	\$ 15.00	\$	60.00
3	Removal of Damage	20	Labor	@	\$ 85.00	\$	5,100.00
3	Fabrication Install New	30	Labor	@	\$ 85.00	\$	7,650.00

**TOTAL** **\$ 15,750.00**

SE Column Concrete Work

1	Mini Excavator	2	Equipment	@	\$ 500.00	\$	1,000.00
1	Hammer Attachment	1	Equipment	@	\$ 250.00	\$	250.00
1	Dump Trailer	1	Equipment	@	\$ 250.00	\$	250.00
1	FS 4x9 (Concrete/Rebar)	1	Material	@	\$ 600.00	\$	600.00
1	CP-1 12x16 (Concrete/Rebar)	1	Material	@	\$ 400.00	\$	400.00
1	Concrete / Patch	1	Material	@	\$ 50.00	\$	50.00
2	Removal of Damage	10	Labor	@	\$ 85.00	\$	1,700.00
2	Install of New	10	Labor	@	\$ 85.00	\$	1,700.00

**TOTAL** **\$ 5,950.00**

SE Column Frame Work

1	Scissor Lift	1	Equipment	@	\$ 500.00	\$	500.00
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1	Roof 2x4s	10	Material	@	\$	15.00	\$	150.00
1	Plywood sheets	2	Material	@	\$	70.00	\$	140.00
1	Gutter (10')/Soffit (10')	1	Material	@	\$	100.00	\$	100.00
3	Removol of Damage	8	Labor	@	\$	85.00	\$	2,040.00
3	Install of New	10	Labor	@	\$	85.00	\$	2,550.00

***TOTAL*** **\$ 5,480.00**

***SE Column Damage Repair Wk*** **\$ 27,180.00**

*Center Column Steel Work*

1	Bracing	1	Equipment	@	\$	500.00	\$	500.00
1	Welder	1	Equipment	@	\$	500.00	\$	500.00
1	Scissor Lift	1	Equipment	@	\$	500.00	\$	500.00
1	HSS 6x6x3/16	10	Material	@	\$	37.00	\$	370.00
1	HSS 4x4x3/16	10	Material	@	\$	35.00	\$	350.00
1	RSS 6x12x3/16	10	Material	@	\$	56.00	\$	560.00
1	Plate 3/4"	1	Material	@	\$	125.00	\$	125.00
1	Anchor Bolts 7/8"	4	Material	@	\$	12.00	\$	48.00
3	Removol of Damage	10	Labor	@	\$	85.00	\$	2,550.00
3	Fabrication Install New	10	Labor	@	\$	85.00	\$	2,550.00

***TOTAL*** **\$ 8,053.00**

***Center Column Damage Repair Wk*** **\$ 8,053.00**

***TOTAL BID AMOUNT*** **\$ 35,233.00**

***Bid Clarifications:***

1. Owner is to verify that all repairs have been done to their satisfaction.
2. Any permits, special inspections, or other 3rd party requirments if requested can be added at cost + 10%.
3. Any change in original design will require drawings or direction by the owner.
4. Payment Terms are NET 30 upon completion of work.
5. Any Change Order work will be approved by owner prior to starting.
6. Bid is Good for 30 days unless material pricing increases more than 10%.
7. At this time we are anticipating that no structural damage has occurred to Roof Trusses (this is subject to change upon further investigation).
8. NO Winter Conditions are included in proposal (Temperatures below 32 deg. Or Snow.



TOOELE CITY CORPORATION  
FISCAL NOTE TO PROPOSED EXPENDITURE

02/09/23

**DESCRIPTION OF EXPENDITURE:**

**VENDOR:** REHRIG PACIFIC COMPANY V# 07249

702 95 GALLON GARBAGE CONTAINERS

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
SPECIAL DEPARTMENT SUPPLIES	153 5300 481000	115,000.00	80,830.00	47,076.64	(12,906.64)
TOTAL:				47,076.64	

\*Will need budget adjustment for additional funds

REQUESTED

  
DEPARTMENT HEAD

REVIEWED

  
FINANCE DIRECTOR

APPROVED

MAYOR

APPROVED

COUNCIL CHAIRMAN







**TOOELE CITY CORPORATION**  
**FISCAL NOTE TO PROPOSED EXPENDITURE**

02/08/23

**DESCRIPTION OF EXPENDITURE:**

**VENDOR:** SUMMIT ENERGY

**V#** 09465

MONTHLY GAS SERVICE FOR PRATT AQUATIC CENTER

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
QUESTAR GAS (SUMMIT ENERGY)	110 4562 282000	38,000.00	64,630.00	94,369.42	(120,999.42)
<b>TOTAL:</b>				94,369.42	

\*Budget adjustment will be needed for overage in line item budget

REQUESTED

DEPARTMENT HEAD

REVIEWED

FINANCE DIRECTOR

APPROVED

MAYOR

APPROVED

COUNCIL CHAIRMAN





# INVOICE

Parks?

201 SOUTH MAIN STREET SUITE 2025 • SALT LAKE CITY, UT 84111 • (801) 869-1700 • FAX (435) 940-9002

Tooele City Corporation  
90 North Main  
Tooele, UT 84074

Attn: Accounts Payable  
Phone: (435) 843-2122  
Fax:  
[crystalh@tooelecit.org](mailto:crystalh@tooelecit.org)  
[accounting@utilitem.com](mailto:accounting@utilitem.com)

Billing Month	Invoice Number	Invoice Date	Payment Due
January 2023	0123TCC	February 2, 2023	February 22, 2023

Delivery Point	Agreement	Price	MMBtu	Extension
55 North 200 West Tooele, UT 84074				
Gas Supplied	9910177	\$50.1800	1,836	\$92,130.48
Transportation & Distribution Fuel		\$50.0000	45	\$2,250.00
Imbalance Reimbursement				(\$11.06)
Totals				\$94,369.42

VENDOR # 09405  
P.O. # \_\_\_\_\_  
DEPT. # 10-4562-282000  
DATE 2/3/23  
AMOUNT \$94,369.42  
SIGNATURE [Signature]

REMIT BY WIRE/ACH:  
Summit Energy, LLC  
Zions Bank  
ABA Routing No. 124000054  
Account No. 002277093

REMIT BY CHECK TO:  
Summit Energy, LLC  
201 South Main Street, Suite 2025  
Salt Lake City, UT 84111

FOR QUESTIONS CONCERNING THIS BILLING PLEASE CONTACT SAM BREWER AT (801) 869-1700  
FOR QUESTIONS CONCERNING GAS OPERATIONS PLEASE CONTACT SCOTT DEGERING AT (801) 869-1707



TOOELE CITY CORPORATION  
FISCAL NOTE TO PROPOSED EXPENDITURE

02/08/23

**DESCRIPTION OF EXPENDITURE:**

**VENDOR:** WEIDNER

**V#** 08538

BUNKER GEAR, GLOVES, HOOD, BOOTS FOR FIRE DEPARTMENT

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
MISCELLANEOUS EQUIPMENT	110 4222 610000	49,000.00	7,743.00	35,245.50	6,011.50
<b>TOTAL:</b>				35,245.50	

REQUESTED IS Chief McCoy  
DEPARTMENT HEAD

REVIEWED Shannon Wimmer  
FINANCE DIRECTOR

APPROVED \_\_\_\_\_  
MAYOR

APPROVED \_\_\_\_\_  
COUNCIL CHAIRMAN





## Quotation

135 West 7065 South  
Midvale, UT 84047  
Phone: 801-565-9595  
Email: sales@weidnerpro.com

V# 08538

Order #	Date
548845	02/02/2023

Bill To:	Ship To:
Tooele City Fire Department 90 N Main Street Tooele, UT 84074	Tooele City Fire Department 90 N MAIN St. Tooele, UT 84074
Contact: Tooele City Fire Department	

Sales Rep	Payment Terms	FOB Point	Shipping Terms	Carrier	Ship Service
Justin Colligan	NET 30 DAYS	Origin	Prepaid & Billed	UPS	Ground

Item #	Number	Description	Unit Price	Qty Ordered	Total Price
1	5-Alarm Premium Spec, TecGen 71 (Tooele)	Fire Dex 5-Alarm TecGen 71 Spec (Tooele City Fire Department) Outershell: 6.5 oz. TECGEN71, Gold, Thermal Liner: 5.6 oz CoreXXP 1 - Layer, Moisture Barrier: 4.7oz CROSSTECH® Black, 2F	\$3,150.00	7 ea	\$ 22,050.00
2	G2LLG	FireDex Dex-Pro 3D leather glove, gauntlet cuff - Size Large	\$115.00	75 Pair	\$ 8,625.00
3	H61NLNB	FireDex True Fit Hood - Nomex/Lenzing Standard	\$40.00	50 ea	\$ 2,000.00
4	TG51-DELUXE-SET- (Tooele FD)	Fire Dex TecGen51 Dual Certified Fatigues	\$910.50	1 ea	\$ 910.50
5	FDXL-200-SIZE	FireDex Red Leather Structure Boot Sizes: 4-16 (Std. Width) 6-16 (Wide Width) 8-14 (X-Wide Width)	\$415.00	4 ea	\$ 1,660.00

10-4222-610000

PRICE QUOTATION IS VALID FOR 30 DAYS FROM ISSUE DATE. THE QUOTE NUMBER MUST BE REFERENCED WHEN SUBMITTING AN ORDER TO GUARANTEE PRICING

Freight charges and sales tax will be added to your invoice where applicable. If this purchase is tax exempt, please provide a certificate with your purchase order. All returns are subject to restocking fees based on Weidner's suppliers' return policies. A 3% convenience fee is added to all credit card transaction. Weidner accepts all major credit cards.

Subtotal:	\$35,245.50
Sales Tax:	\$0.00
Total:	\$35,245.50



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

**Date:** Wednesday, February 1, 2023

**Time:** 5:30 p.m.

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

**City Council Members Present:**

Justin Brady

Maresa Manzione

David McCall

Tony Graf

Ed Hansen

**City Employees Present:**

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jamie Grandpre, Public Works Director

Paul Hansen, City Engineer

Darwin Cook, Parks and Recreation Director

Jared Stewart, Economic Development Director

Minutes prepared by Katherin Yei

**1. Open City Council Meeting**

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

**2. Roll Call**

Justin Brady, Present

Maresa Manzione, Present

David McCall, Present

Tony Graf, Present via phone

Ed Hansen, Present

**3. Mayor's Report**

Mayor Winn reported on the following:

She attended the Chamber of Commerce installation banquet where they awarded the Community Service Award to the Boys and Girls Club. Tooele City turns 170 years old this year. There is a celebration being hosted at the Dow James on February 25, where they can purchase the Tooele City puzzle.



#### **4. Council Member's Report**

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

#### **5. Discussion Items**

##### **A. Payment of a Fee-in-Lieu of Water Rights Conveyance Request for Tag N Go Carwash**

*Presented by Jared Stewart, Economic Development Director*

Mr. Stewart presented a fee-in-lieu of water rights to reconsider the decision from Tag N Go Carwash. They have looked for water rights, but have not found enough to fulfill their needs. They are requesting 5 additional acre-feet of water.

The Council asked the following questions:

If the Council is not in favor, do they still need to see a resolution?

What are the total acre-feet they are asking for?

The Council shared concerns about the water usage, efficiency, and the benefits for the community.

Mr. Stewart addressed the Council. Staff will not create a resolution if the Council is not in favor of this item. They have found 12-acre feet in the private market and are seeking 5-acre feet from the City. The City has a reclamation plant that has a state mandated 100% depletion which cuts the water rights in half.

Due to the Council not being in favor, this item will not be moved forward into a resolution.

##### **B. Payment of a Fee-in-Lieu of Water Rights Conveyance Request for Lot 2 Top Stop Subdivision**

*Presented by Jared Stewart, Economic Development Director*

Mr. Stewart presented a fee-in-lieu of water rights for lot 2 of the Top Stop subdivision. This request would help develop the other portion of the parcel of the Tag N Go Carwash. There will be one restaurant, fast food location, and a gas station. They are requesting 3.3 acre-feet.

The Council asked the following questions:

Does the applicant know the end user?

Is 3.3. is the max number?

The Council would like to see a time limit added.

Mr. Stewart addressed the Council. They don't know the end user but this gives them the confidence enough to move forward. 3.3 acre-feet is the 'up to' number. If the applicant needs more, they can come back and request more. They have used the time limit of 2 years on other applications.



Mr. Baker addressed the Council. They have developed two templates, one where the end user is known and one where the end user has been forecasted and not known.

A resolution will be drafted and brought back in a future business meeting.

**C. An Application for a City Code Text Amendment to Table 1 Chapter 7-16 to Include the Residential Treatment Facilities and Programs as Conditional Use in the GC General Commercial Zoning District**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented a City Code text amendment to Table 1 of Chapter 7-16. A land use category was adopted into Table 1, Chapter 7-16 in recent meetings. Staff is now looking at an application to add that use into the GC zones. There has been an application to include residential treatment facilities and programs into the land use GC, General Commercial zone. The updated table would simply add a C to make it a conditional use. Staff and the applicant have discussed multiple options to move forward. The request is adding it as a conditional use using an existing land category.

The Council asked the following:

What is the downside of approving this?

Is a Conditional Use Permit required?

The other option is to have the property rezoned?

Mr. Bolser addressed the Council's questions. This is probably not a use that will be prevalent within the zone districts. A Conditional Use Permit will be required, but cannot be denied unless there are identified impacts that cannot be mitigated. The second option would be to pursue a Zoning Map Amendment to a zone that allows it. It is currently zoned GC.

Mr. Baker addressed the Council. The property the applicant wants to do this is about a ½ block from where it is currently allowed.

Mayor Winn addressed the Council. The location is in the downtown area. There are apartments above the businesses. They would like to utilize those apartments again.

The Council is not in favor of a text amendment, but in favor to a rezone application.

**D. Resolution 2023-09 A Resolution of the Tooele City Council Approving and Adopting the Water System Amendment to the APWA Manual of Standard Specifications and Plans (2017 Edition) for Installation of Water Transmission and Distribution Lines**

*Presented by Paul Hansen, City Engineer*

Mr. Hansen presented the Water System Amendment to the APWA Manual of Standard Specification and Plans. By state code, any new water installation or upgrade to a water system is required to submit plans to the State Division of Drinking Water for review and approval prior



to their construction. However, the State has added a provision that allows municipalities to assume this review and approval responsibility for the installation of new lines, or the replacement of existing water pipelines, up to and including 16" in diameter as outlined in Section R 309 500-7 of the Utah Administrative code. In order to retain this administrative review right, the City must update its current approved water system standards and plans by Council Resolution. Since 1995, the City code has been modified several times as it continues to update its Standards. The current proposed Water System Amendment includes seventeen (17) Specifications and twenty-four (24) Plans which have been updated to meet current State and Federal regulations, as well as to clarify and update the City Standards. Once approved by the Council, the updated Water System Amendment and signed copy of the Resolution will be submitted to the State Division of Drinking Water, which will allow the City to efficiently manage the construction of new culinary water lines and replace / up size existing water lines.

Mr. Baker addressed the Council with a change in verbiage to reference the Utah Administrative Code instead of the Utah State Code.

**E. Resolution 2023-10 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Animal Shelter Fees**

*Presented by Darwin Cook, Parks & Recreation Director*

Mr. Cook presented an updated fee schedule for the Animal Shelter. The fee updates are proposed as the following:

Impounding tiered system, \$40 first time, \$80 second time, \$160 third time

Boarding fees, \$10 per day

Vaccinations, \$15

Micro-chipping, \$25

Pet licensing, \$35 for both dogs & cats

Sterilization, \$150

Quarantine, \$15

Animal surrender fees, \$100 for dogs, cats \$20, history of viciousness is \$150

The Council asked the following questions:

Is the surrender fee for cats & dogs the same?

Will this increase the number of animals loose in the City?

Is there a reason Tooele does not do a tiered licensing system?

Is the City the only shelter in the County?

Mr. Cook addressed the Council's questions. It is the same fee. Cats are easier to put with other rescue groups. Dogs are variable. The reason that the animal has to be marketed to be adopted as well as the care. There has been an increase in surrenders. Most of the time when the shelter gets surrenders, it is because they want it to go to a good home. Staff can look into making a tiered licensing system. If a non-resident brings an animal in, they are sent away.

Mayor Winn spoke on other animal shelters within the county. Grantsville has a very small shelter. Staff only goes in to feed and clean. There has been discussion to do a regional shelter.



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

There is no closed meeting.

**7. Adjourn**

**Chairman Brady adjourned the meeting at 6:23 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 February, 2023

\_\_\_\_\_  
Justin Brady, City Council Chair



## Tooele City Council Business Meeting Minutes

**Date:** Wednesday, February 1, 2023

**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

Dave McCall

### City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Michelle Pitt, City Recorder

Holly Potter, Deputy City Recorder

Jamie Grandpre, Public Works Director

Paul Hansen, City Engineer

Darwin Cook, Parks and Recreation Director

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**

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

### **4. Public Hearing & Motion on Ordinance 2023-03 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-16 Table 1: Table of Uses to Remove the "Group Home" Use**

*Presented by Roger Baker, City Attorney*



Mr. Baker presented an Ordinance to amend Chapter 7-16. Currently, the verbiage allows a group home in General-Commercial zoning district. With the recently approved ordinance permitting residential facilities for persons with a disability, there is a conflict in the Table of Uses. Ordinance 2023-01 removes the group home use from the table.

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

**Council Member Graf motioned to approve Ordinance 2023-03; An Ordinance of Tooele City Amending Tooele City Code Chapter 7-16 Table 1: Table of Uses to Remove the “Group Home” Use.** 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.

**5. Public Hearing & Motion on Ordinance 2023-04 An Ordinance of the Tooele City Council Making Technical Revisions to the Amended (2022) Moderate Income Housing Element of the Tooele City General Plan**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented a technical revision to the amended Moderate-Income Housing Element of the General Plan. When House Bill 462 was passed, the City Council had adopted the updated Moderate-Income Housing Element of the Tooele City General Plan. The City received a non-compliance notice from the State. They have 90 days to make the plan into compliance and resubmit. The City has been making amendments and working with the State. The only amendments were two deficiencies that were identified by the state. One was a requirement that was outlined from the state code, they asked for a citation and verbatim references to the state code. A further discussion that included specific benchmarks and reporting to follow up on each of the strategies. The Planning Commission has forwarded a unanimous positive recommendation.

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

**Council Member Manzione motioned to approve Ordinance 2023-04; An Ordinance of the Tooele City Council Making Technical Revisions to the Amended (2022) Moderate Income Housing Element of the Tooele City General Plan.** 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.

**6. Public Hearing & Motion on Ordinance 2023-07 An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 97 Acres of Property Located at Approximately 1825 South 11<sup>th</sup> Avenue from Regional Commercial (RC) to Industrial (I)**

*Presented by Jim Bolser, Community Development Director*



Mr. Bolser presented a Land Use Map amendment for the property located at 1825 South 11<sup>th</sup> Avenue, near the Tooele County Jail. Currently, the property's land use designation is RC, Regional Commercial. It is zoned RR-1 and a small portion of OS, Open Space. The applicant is requesting I, Industrial. They would like to expand the existing RV park and possibly add personal storage units and create an industrial park in the future. The water service to the RV facility is provided by the Army. The Army has indicated a reserved interest to providing water service. There is a line that does go to the detention facility, that is solely to the detention facility. There is a condition that does not allow service until the line is looped. The remainder of the property is expansive. The Planning Commission has forwarded a negative recommendation as a 6:1 vote.

Mr. Baker addressed the Council. The Council has allowed fire service line and very limited culinary use, e.g., a single restroom, for the National Guard. The City has indicated it would not allow additional connections, especially for residential uses. By zoning the land Industrial, it allows the full range of industrial uses, including sexually oriented businesses. Mr. Baker was not speaking for or against sexually-oriented businesses, but simply informing the Council of one controversial use that would be allowed on this property if the rezone were to be approved. The City has ample other property zoned Industrial that allows sexually-oriented businesses.

The Council had a discussion on the following:

The applicant would need to front the entire cost to fully be a part of the water system. There is a lot of land with no concrete plan. There are a lot of unknown variables that cause unease.

Mr. Bolser addressed the Council. It would be expensive to loop into the system. Any point that would be looped would be further west and still less accessible.

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

**Council Member Manzione motioned to deny Ordinance 2023-07; An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 97 Acres of Property Located at Approximately 1825 South 11<sup>th</sup> Avenue from Regional Commercial (RC) to Industrial (I) for the reasons discussed.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

#### **7. Resolution 2023-08 A Resolution of the Tooele City Council Approving a Financial Consulting Services Agreement with Lewis Young Robertson & Birmingham**

*Presented by Roger Baker, City Attorney*

Mr. Baker presented a financial agreement with Lewis Young Robertson & Birmingham. They have provided consulting services for the City for many years. This agreement is for 5 years with an automatic one-year renewals at the end of the term. The addendum specifies consulting services for bonds for the construction of the fire station and the fee for that project. The basic



concept is to renew the current consulting arrangement, with addenda entered into later for specific projects.

**Council Member Hansen motioned to approve Resolution 2023-08; A Resolution of the Tooele City Council Approving a Financial Consulting Services Agreement with Lewis Young Robertson & Birmingham.** 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.

**8. Resolution 2023-09 A Resolution of the Tooele City Council Approving and Adopting the Water System Amendment to the APWA Manual of Standard Specifications and Plans (2017 Edition) for Installation of Water Transmission and Distribution Lines**

*Presented by Paul Hansen, City Engineer*

Mr. Hansen presented the Water System Amendment to the APWA Manual of Standard Specification and Plans. By state code, any new water installation or upgrade to a water system is required to submit plans to the State Division of Drinking Water for review and approval prior to their construction. However, the State has added a provision that allows municipalities to assume this review and approval responsibility for the installation of new lines, or the replacement of existing water pipelines, up to and including 16" in diameter as outlined in Section R 309 500-7 of the Utah Administrative code. In order to retain this administrative review right, the City must update its current approved water system standards and plans by Council Resolution. Since 1995, the City code has been modified several times as it continues to update its Standards. The current proposed Water System Amendment includes seventeen (17) Specifications and twenty-four (24) Plans which have been updated to meet current State and Federal regulations, as well as to clarify and update the City Standards. Once approved by the Council, the updated Water System Amendment and signed copy of the Resolution will be submitted to the State Division of Drinking Water, which will allow the City to efficiently manage the construction of new culinary water lines and replace / up size existing water lines.

**Council Member McCall motioned to approve Resolution 2023-09; A Resolution of the Tooele City Council Approving and Adopting the Water System Amendment to the APWA Manual of Standard Specifications and Plans (2017 Edition) for Installation of Water Transmission and Distribution Lines.** Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

**9. Resolution 2023-10 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Animal Shelter Fees**

*Presented by Darwin Cook, Parks & Recreation Director*

Mr. Cook presented an updated fee schedule for the Animal Shelter. The fee updates are proposed as the following:



Impounding tiered system, \$40 first time, \$80 second time, \$160 third time  
Boarding fees, \$10 per day  
Vaccinations, \$15  
Micro-chipping, \$25  
Pet licensing, \$35 for both dogs & cats  
Sterilization, \$150  
Quarantine, \$15  
Animal surrender fees, \$100 for dogs, cats \$20, history of viciousness is \$150

**Council Member Manzione motioned to approve Resolution 2023-10; A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Animal Shelter Fees.** Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

The Council would like to revisit tiered licensing.

**10. Resolution 2023-11 A Resolution of the Tooele City Council Reappointing Amanda Graf to the Administrative Control Board of the North Tooele City Special Service District**  
*Presented by Justin Brady, City Council Chair*

Chairman Brady presented the reappoint of Amanda Graf to the Administrative Control Board of the North Tooele City Special Service District. Her term would 1/1/23 to 12/2026.

**Council Member Graf motioned to approve Resolution 2023-11; A Resolution of the Tooele City Council Reappointing Amanda Graf to the Administrative Control Board of the North Tooele City Special Service District.** 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. Invoices & Purchase Orders**

There are no invoices and purchase orders to be approved.

**12. Minutes**

There are no changes to the minutes.

**Council Member Manzione motioned to approve Minutes.** 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.

**13. Adjourn**

Chairman Brady adjourned the meeting at 7:38pm.



*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 February, 2023

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Justin Brady, City Council Chair

DRAFT