

## PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, June 5, 2024, at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website [www.utah.gov](http://www.utah.gov), the Tooele City Website [www.tooelecity.gov](http://www.tooelecity.gov), and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.gov.

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

## AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
  - a. **Ordinance 2024-17** An Ordinance of Tooele City Enacting Tooele City Code Section 10-2-8 Regarding Obstruction of Streets and Sidewalks  
*Presented by Adrian Day, Police Chief*
  - b. **Resolution 2024-44** A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for U-Haul Moving and Storage  
*Presented by John Perez, Economic Development Director*
  - c. **Canyon Springs Annexation - Review of the Petition for Annexation of 61 Acres of Property Located at Approximately 750 North Droubay Road**  
*Presented by Andrew Aagard, Community Development Director*
  - d. **Lexington Greens Lot 107 - Review of a Request to Amend the Lexington Greens PUD to Permit a Reduction of Rear Yard Setbacks**  
*Presented by Andrew Aagard, Community Development Director*
  - e. **Public Comment Period Discussion**  
*Presented by Roger Baker, City Attorney*
  - f. **Fraud Risk Assessment**  
*Presented by Shannon Wimmer, Finance Director*
  - g. **Lot Line Adjustment for Par Four**  
*Presented by Paul Hansen, City Engineer*

**6. Closed Meeting**

*~ Litigation, Property Acquisition, and/or Personnel*

**7. 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 [Michelllep@Tooelecity.gov](mailto:Michelllep@Tooelecity.gov), prior to the meeting.

**TOOELE CITY CORPORATION**

**ORDINANCE 2024-17**

**AN ORDINANCE OF TOOELE CITY ENACTING TOOELE CITY CODE SECTION 10-2-8 REGARDING OBSTRUCTION OF STREETS AND SIDEWALKS.**

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

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

WHEREAS, UCA Chapter 41-6a is known as the Utah Traffic Code; and,

WHEREAS, TCC Section 10-2-1 adopts the Traffic Code "as if fully set forth in this city code"; and,

WHEREAS, UCA Section 41-6a-1009 addresses the use of roadways by pedestrians and drivers and prohibits certain pedestrian and driver activities within the roadways; and,

WHEREAS, the term "highway" as used in UCA Chapter 41-6a is defined in UCA Section 41-6a-102(30) and means "the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel" and includes local roadways; and,

WHEREAS, UCA Chapter 72-1 is known as the Utah Department of Transportation Administration Act; and,

WHEREAS, the term "highway" is further defined in UCA Section 72-1-102 to mean "any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way" and includes local roadways; and,

WHEREAS, UCA Chapters 41-6a and 72-1 give roadway regulatory authority to "highway authorities" which are defined in UCA Section 72-1-102 to mean "the legislative, executive, or governing body of a . . . municipality"; and,

WHEREAS, UCA Chapter 35A-16 is known as Office of Homeless Services; and,

WHEREAS, due to the operation of a homeless shelter within the Tooele City corporate limits, making Tooele City a shelter city, Tooele City qualifies for the reimbursement of a portion of the sales tax funds taken from Tooele City by the State of Utah to fund homeless services in other shelter cities; and,

WHEREAS, UCA Section 35A-16-403 describes the detailed eligibility requirements for fund reimbursement to shelter cities, and establishes a detailed reimbursement application and reporting process; and,

WHEREAS, UCA Section 35A-16-403(2)(g) prohibits reimbursement to shelter cities which do have and enforce the following municipal ordinances:

1. An ordinance that prohibits camping; and,
2. An ordinance prohibiting conduct that impedes or blocks traffic in violation of UCA Section 41-6a-1009(4), including conduct commonly known as panhandling. And,

WHEREAS, on October 4, 2023, the City Council passed Ordinance 2023-40, enacting and amending TCC Section 11-1-12, which regulates unlawful camping in Tooele City, as follows:

**11-1-12. Unlawful Camping.**

(1) It shall be unlawful for any person to camp on public grounds, except as follows:

(a) in cases of local emergency as declared by the Mayor; or,

(b) with a City permit or other City written authorization.

(2) For any person camping in violation of this Section, it shall be unlawful for that person to fail to remove that person's camping equipment within 30 minutes of being requested to do so by a police officer.

(3) It shall be unlawful for any person to camp on private land outside of a legal campground for more than five consecutive days or nights, or for more than five days or nights in any given calendar month.

(4) Definitions.

(a) "Camp" or "camping" means any act taken for the apparent purpose of establishing temporary or permanent living or sleeping

accommodations, and includes the following: erecting a tent or shelter of any material; using or preparing a sleeping bag or other bedding material, including a blanket; storing personal belongings; cooking or making a fire in a place that has not been authorized or established for those uses; and, parking a motor vehicle, motor home, recreational vehicle, camper, or trailer for the apparent primary purpose of sleeping.

(b) When a park is open to the public, "camp" or "camping" shall not mean periods of brief napping or the temporary use of umbrella, canopy, or other sheltering materials for picnicking, sporting events, or other temporary recreational activities in that park.

(c) "Public grounds" means any land owned or operated by Tooele City.

(5) Violations and Penalties. A violation of this section shall constitute a class C misdemeanor.

WHEREAS, TCC Section 11-1-12 is enforced by the Tooele City Police Department with class C misdemeanor citations; and,

WHEREAS, to be eligible for shelter city fund reimbursements, Tooele City must enact an ordinance prohibiting conduct that impedes or blocks traffic in violation of UCA Section 41-6a-1009(4), which reads in pertinent part as follows, with bold emphases added:

(4)

(a) An individual may not impede or block traffic within any of the following: ...

- (v) a highway, as defined in Section 72-1-102, that:
  - (A) is paved and has a speed limit of 35 miles per hour or higher; [or]
  - (B) has a median, whether elevated or flat ...
- (b) The locations described in Subsection (4)(a) include:
  - (i) shoulder areas, as defined in Section 41-6a-102;
  - (ii) on-ramps;
  - (iii) off-ramps; and
  - (iv) an area between the roadways of a divided highway, as defined in Section 41-6a-102.
- (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in Section 41-6a-102.
- (d) **Conduct that may impede or block traffic includes:**
  - (i) **while a pedestrian, accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a person within a motor vehicle** while that motor vehicle is within an area described in Subsection (4)(a); or
  - (ii) **while a driver or passenger of a motor vehicle ... accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a pedestrian.**
- (e) Conduct that impedes or blocks traffic does not include:
  - (i) the conduct described in Section 41-6a-209 or other lawful direction of a peace officer;
  - (ii) conduct or actions resulting from a traffic accident, medical emergency, or similar exigent circumstance, including:
    - (A) exchanging insurance information; or
    - (B) exchanging contact information; or
    - (iii) conduct or actions that occur while the motor vehicle is legally parked.
- (f) **A county or municipality may adopt a resolution, ordinance, or regulation prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the roadways under its jurisdiction.**

WHEREAS, reducing the amount of Tooele City sales tax taken by the State of Utah for shelter cities is in the best interest of Tooele City, and receiving reimbursement of portions of sales tax already taken by the State of Utah is likewise in the best interest of Tooele City; and,

WHEREAS, the Tooele City Police Department has examined ordinances enacted by other Utah municipalities, and has recommended the West Valley City ordinance as a useful model for adaptation to Tooele City; and,

WHEREAS, losing sales tax to shelter cities has reduced the City's financial capacity to satisfy public and other needs directly related to and made necessary by shelter activities, and retaining and being reimbursed for some or all of that sales tax will allow Tooele City's ability to focus additional resources to satisfy public and other needs directly related to and made necessary by shelter activities, thus enhancing the overall public safety of Tooele City:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that Tooele City Code Section 10-2-8 is hereby enacted as shown below:

**10-2-8. Unlawful transfer or exchange on a High-volume Roadway.**

(1) For the purpose of this Section, the term “High-volume Roadway” means any property in or within 10 feet of the right-of-way of the following roadways, including but not limited to access drives, drive approaches, or curb cuts affording access to the roadways:

- a. SR-36 (Main Street)
- b. SR-112
- c. Vine Street
- d. Utah Avenue
- e. 400 North
- f. 600 North
- g. 1000 North
- h. 1280 North
- i. 2000 North
- j. 2400 North
- k. 3100 North
- l. Droubay Road
- m. Industrial Loop Road
- n. 400 West (Franks Drive)
- o. Coleman Street
- p. Skyline Drive
- q. Broadway
- r. 520 East (7<sup>th</sup> Street)

(2) It is unlawful for any person to give, attempt to give, receive, attempt to receive, obtain, or attempt to obtain possession or control of any money, property, item, or thing from a person in a motor vehicle on a High-volume Roadway.

(3) It is unlawful for any driver, passenger, or person in a motor vehicle on a High-volume Roadway to give, attempt to give, receive, attempt to receive, obtain, or attempt to obtain possession or control of any money, property, item, or thing to any person, or to exit a motor vehicle while the motor vehicle remains on a High-volume Roadway in order to do the same.

(4) Actions described in subsections (2) and (3) are deemed to constitute an obstruction of High-volume Roadways and to create a serious public safety hazard.

(5) Actions that would otherwise violate this Section do not violate this Section if they are done as a result of a medical emergency, a traffic accident, or at the direction of a peace officer or other traffic control official in the course of performing his or her duties.

(6) Violation of this Section is a class “C” misdemeanor.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

## TOOELE CITY CORPORATION

### RESOLUTION 2024-44

#### **A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE IN LIEU OF WATER RIGHTS CONVEYANCE FOR U-HAUL MOVING & STORAGE.**

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 November 1, 2023, the City Council approved Resolution 2023-93, adopting an updated fee-in-lieu of water rights conveyance policy referred to in TCC 7-26-2(2), with an effective date of November 1, 2023 (with the original policy being adopted in 2007) (see the November 1 policy attached as Exhibit B); and,

WHEREAS, the November 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 Cliff Lackman with U-Haul Moving & Storage requesting the request for allocation of 3.08 acre-feet of City-owned municipal



water rights to the Project, or, in other words, requesting to pay the fee-in-lieu rather than convey water rights for the Project (see the letter attached as Exhibit A); and,

WHEREAS, the Project will consist of approximately 133,950 square feet of new commercial construction; and,

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

- The Project requests 3.08 acre-feet of water.
- An estimated capital investment of \$20.8 million in acquisition, improvements, and building costs.
- The creation of an estimated 2 full-time jobs, with annual wages ranging from \$50,000 to \$55,000.
- The generation of new sales tax and commercial activity with annual expected retail sales of approximately \$2 million.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby authorizes the payment of the fee-in-lieu of water rights for the Project, for up to 3.08 acre-feet of municipal water rights, for the fee amount established in the November 1 policy of \$35,000 per acre-foot.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

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

TOOELE CITY MAYOR

(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

### Fee in Lieu Analysis for U-Haul

May 13, 2024

Hello Roger,

Please see the below contact information from the U-Haul representative as well as the capital investment, expected taxable sales, number of jobs created, and average wage.

U-Haul Moving & Storage  
Cliff Lackman  
Owners Representative  
(801) 368 8798  
Cliff\_Lackman@UHaul.com

Capital Investment:  
Acquisition - \$1.56 Million  
Initial Civil Improvements - \$1.24 Million  
Expected Building Costs - \$18 Million

Expected Taxable Retail Sales:  
Moving Supplies - \$500K  
Equipment Rentals - \$1.5 Million

Full Time Positions: 2 Managers Avg Wage \$50 to \$55K  
Part Time Positions: Up to 4 Avg rate \$17 to \$19 per Hour

Regards,

**John Perez, MPA | Tooele City Corporation**

Economic Development Director  
90 North Main Street | Tooele, UT | 84074  
Ph: (435) 843-2169 | Cell: (480) 667-9015  
[johnp@tooelecity.gov](mailto:johnp@tooelecity.gov) | <https://tooelecity.gov> | [LinkedIn](#)

## Exhibit B

November 1, 2023, Fee-in-lieu Policy



### City Council Policy

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

Effective Date: November 1, 2023

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 legislative authority embodied in §7-26-3(2).

**Residential Development.** Beginning on the Effective Date, Tooele City will allow the owner(s) of an existing single-family parcel of record that, as of the Effective Date, is not part of a recorded subdivision, and the owner(s) of a single-family lot that is part of a recorded subdivision, either of which parcel or lot is subdivided through a two-lot subdivision (e.g., a lot split), to pay a fee (the "Fee") for the new lot in lieu of the residential water right requirement established in TCC §7-26-2(1). The administrative departments are authorized to determine eligibility and to approve payment of the Fee for such a two-lot residential subdivision. The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Persons who are eligible under this Policy may purchase Credits by paying the Fee. Credits will be purchased 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. A person who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building permit application and may again request to 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 a non-residential development project ("Project") to request to pay the Fee if the Project 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 Economic Development Director, and with written approval of the Mayor. A Request shall be in

writing from the property owner or agent and addressed to the City Council or Mayor. Approval of a request may be granted only after full consideration of the following criteria in relation to the amount of water used for the Project:

- The number of jobs the Project 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 Project is anticipated to generate.
- The amount of property tax the Project is anticipated to generate.
- The anticipated environmental and social benefits and impacts of the Project.

The Council may consider additional criteria as it thinks appropriate. Persons who are eligible under this Policy and approved by the City Council may purchase Credits by paying the Fee. Credits will be purchased 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. A person who previously paid the Fee and received a Fee refund due to an expired building permit, or due to the approval sunsetting, may submit a new building permit application and may again request to pay the Fee. If authorized by the City Council, the Credits may be purchased on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid. The City Council may partially approve a request, for example, by authorizing 10 Credits out of 20 Credits requested.

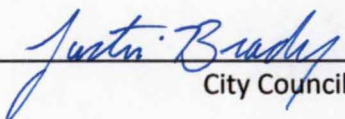
#### Sunset for Non-residential Projects.

The City Council's authorization to pay the Fee for one or more buildings in a non-residential development Project containing more than one primary structure (e.g., more than one restaurant or store) is conditioned upon the Project obtaining City approval of a building permit for a first primary structure in the Project, and commencing vertical construction of the permitted structure, within two years of the date of approval of the Resolution authorizing payment of the Fee. Thereafter, the Project shall obtain a building permit for at least one additional primary structure, and commence vertical construction, within each successive twelve months following the commencement of construction of the prior building. By way of example, if a Resolution is approved on January 1, 2024, a first building permit must be obtained, and vertical construction commenced, prior to December 31, 2025; the next building must be permitted and construction commenced prior to December 31, 2026; and so on. Should any of these events not occur before the applicable sunset date, the City Council approval shall lapse and the remaining Credits shall revert to the City. The City Council, in its sole discretion, may extend these sunset deadlines or modify these conditions in a public meeting.

#### General.

1. **Fee Cost.** The Fee shall be established at \$35,000 per 1.0 acre-foot of depletion of municipal water rights. This Fee amount is not intended or calculated to reflect market value. The Fee applicable to any Request shall be the Fee in effect on the date of the Request, provided the

- building permit application for which the Fee is paid is filed with the City within one year of the Request, and otherwise shall be the Fee in effect on the date of the building permit application.
2. Annual Limit. The number of Credits purchased pursuant to this Policy shall not exceed a total of 50 in any calendar year or in any period of 12 consecutive months without the approval of the City Council, in its discretion.
  3. Acceptance of Credits. Upon payment of the Fee, the City will indicate the payment on the approved building permit. Payment of the Fee to the City constitutes surrender of the Credits to the City. No Credit certificate is required.
  4. Integration. This Policy shall supersede any prior oral or written policies, practices, and understandings on the subject of this Policy.
  5. Use of Revenues. Revenues derived from payment of the Fee shall be utilized for the protection of existing water rights and/or the acquisition of additional water rights, except that the City Council may authorize the use of the revenues for other Tooele City water-related projects and needs upon a finding of good cause. The water rights revenue fund is a fund in the City's General Fund and is not an enterprise fund.
  6. Limited Availability. The payment of the Fee under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.
  7. Resolution Required. The City Council's authorization to pay the Fee for a non-residential Project shall be pursuant to approved City Council Resolution.
  8. No Entitlement or Security. Approval of a Resolution for a Project containing multiple lots or buildings (e.g., subdivision, site plan) shall be a temporary reservation of Credits for the Project's building permit applicants. Approval of a Resolution shall not constitute a vested development right or a land use entitlement, or the creation of a marketable security. The City will accept the Fee only from building owners, the authorized agents of building owners, or building permit applicants for buildings in a Project.
  9. No Assignment or Transfer. Credits shall not be assignable or transferrable but are reserved by the City in the City's sole discretion for specific Projects and sold for specific buildings.
  10. No Pre-payment. Project owners may not pre-purchase Credits for their Project or any Project building in advance of building permit application.
  11. No Precedent. City Council authorization to pay the Fee for one Project, at whatever Fee amount per Credit, shall not be considered a precedent in any way in reference to any other Project.
  12. Refunds. If water usage projection for a building are reduced by the City after payment of the Fee for that building, the City will reimburse the difference between the Fee paid and the Fee that would have been paid under the reduced usage projection. If a Fee payor withdraws a building permit application prior to its approval, the City will reimburse the Fee, with a \$100 administrative charge.

  
\_\_\_\_\_  
City Council Chair



## MEMORANDUM

**To:** Tooele City Council  
**Cc:** Mayor Debbie Winn  
**From:** Andrew Aagard, AICP, Director  
**Date:** May 29, 2024  
**Re:** Canyon Springs Annexation Petition

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### **Subject:**

Howard Schmidt has submitted an application for a petition for annexation. The application was submitted on April 25, 2024. The property that is being considered is one that is well known to members of the City Council as the same property had a petition for annexation that was submitted in 2021 and ultimately did not pass the City Council with a super majority vote. This petition for annexation request involves the same property as the previous application with no changes to the boundaries or configuration of the property being considered from the original petition for annexation.

The property proposed for annexation is located on the east side of Droubay Road at about 750 North and totals a little more than 61 acres. The property is current located within the Pine Canyon Township of unincorporated Tooele County. The applicant desires to have the City annex the property into the City's incorporated boundaries and receive connections to City utilities including water and sewer and receive the necessary services such as public safety.

Given that the property is located within unincorporated Tooele County there is no Tooele City zoning district attached. The zoning will need to be assigned during the annexation process by the Tooele City Council. Currently the property is surrounded by properties on the north and west that are currently zoned R1-7 Residential, a zone that permits single family residential and duplexes and requires a minimum lot size of 7,000 square feet.

The applicant's intended use for the property once it has been annexed into the City is to create a single-family residential development consisting of 172 lots with an average lot size of 11,000 square feet with some lots smaller and some lots larger than 11,000 square feet. The requested zoning for this development will be the R1-7 Residential zone.

The applicant's petition for annexation application was also submitted with various studies regarding impacts of the annexation and potential addition of 172 new homes to Tooele City's utility systems, public safety and finance services. Those studies include a culinary water impact study, a fiscal impact study, a storm water drainage study, a utility impact study, a sewer impact study and a traffic impact study.

Notices of intent to annex were also submitted to the North Tooele Fire District, Tooele County, Tooele City, the Tooele County Board of Health and the Tooele Valley Mosquito District.

The Tooele City Annexation Policy Plan, an element of the Tooele City General Plan authorizes consideration of annexation of this property by the City Council. This agenda item is a presentation and discussion of the annexation petition to the City Council. The City Council will now need to pass a resolution to continue the consideration of the annexation petition and that resolution will be presented on the June 5<sup>th</sup> City Council business meeting.

It should be noted and emphasized that there is nothing obligating the City Council to approve the annexation. Annexations are entirely a legislative matter. The determination that needs to be made by the City Council is whether this annexation is a benefit to the City. Does the addition of 172 new residential homes benefit Tooele City. Do the trails being proposed by the applicant bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? Do the property taxes generated bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? The applicant has provided the studies compiled by professional engineers and accountants but ultimately the decision comes down to the City Council.

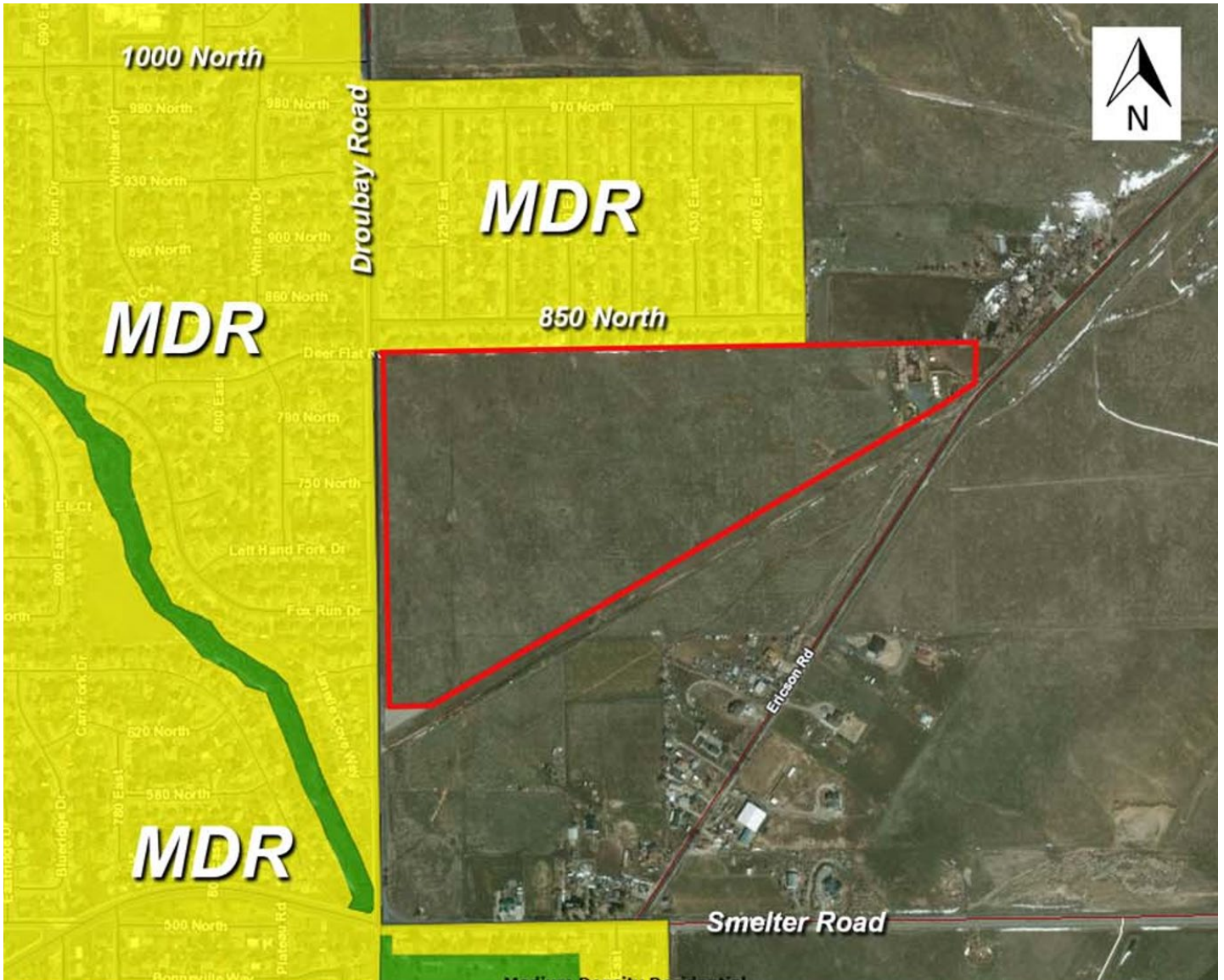
It should also be emphasized that it is appropriate during the annexation process to require additional performance standards of the applicant as a condition of annexation. For example, the City Council could require additional park space within the development, or, the City Council could require greater architectural standards for the structures proposed within the development. Lot sizes, specific fencing, landscaping requirements and many other performance standards can be required as a condition of annexation. If the City Council wants something extra in exchange for annexation and provision of services, now is the time to get it. Don't be shy.

Attached to this memo are images of the annexation plat, the zoning map, the land use map and a concept subdivision plan showing a proposed lay out. The individual studies are also available for review but are not included in this memo due to size constraints and limitations. Staff is more than happy to forward those studies to each City Council member upon request.

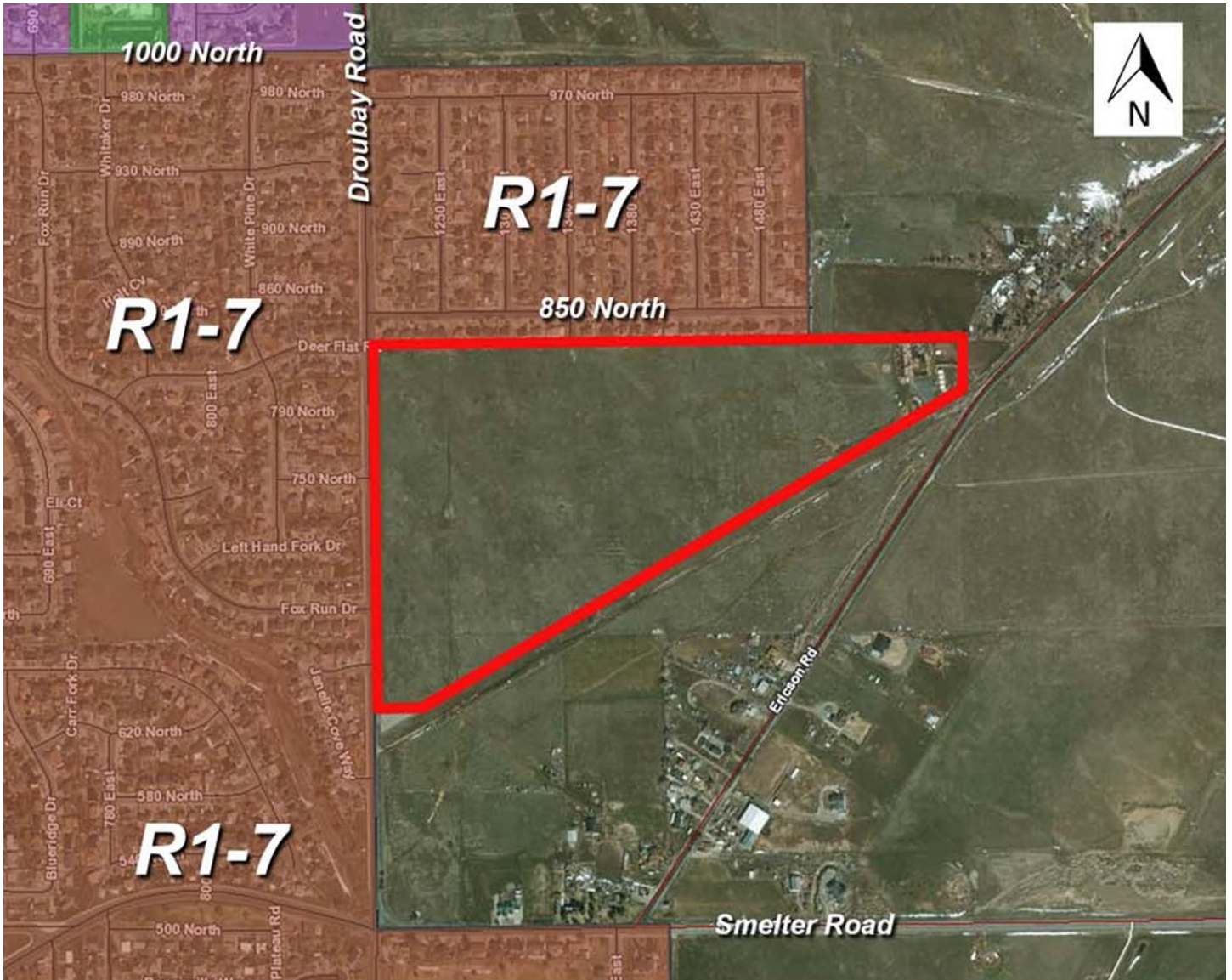
Aerial View



Current Land Use in Surrounding Areas



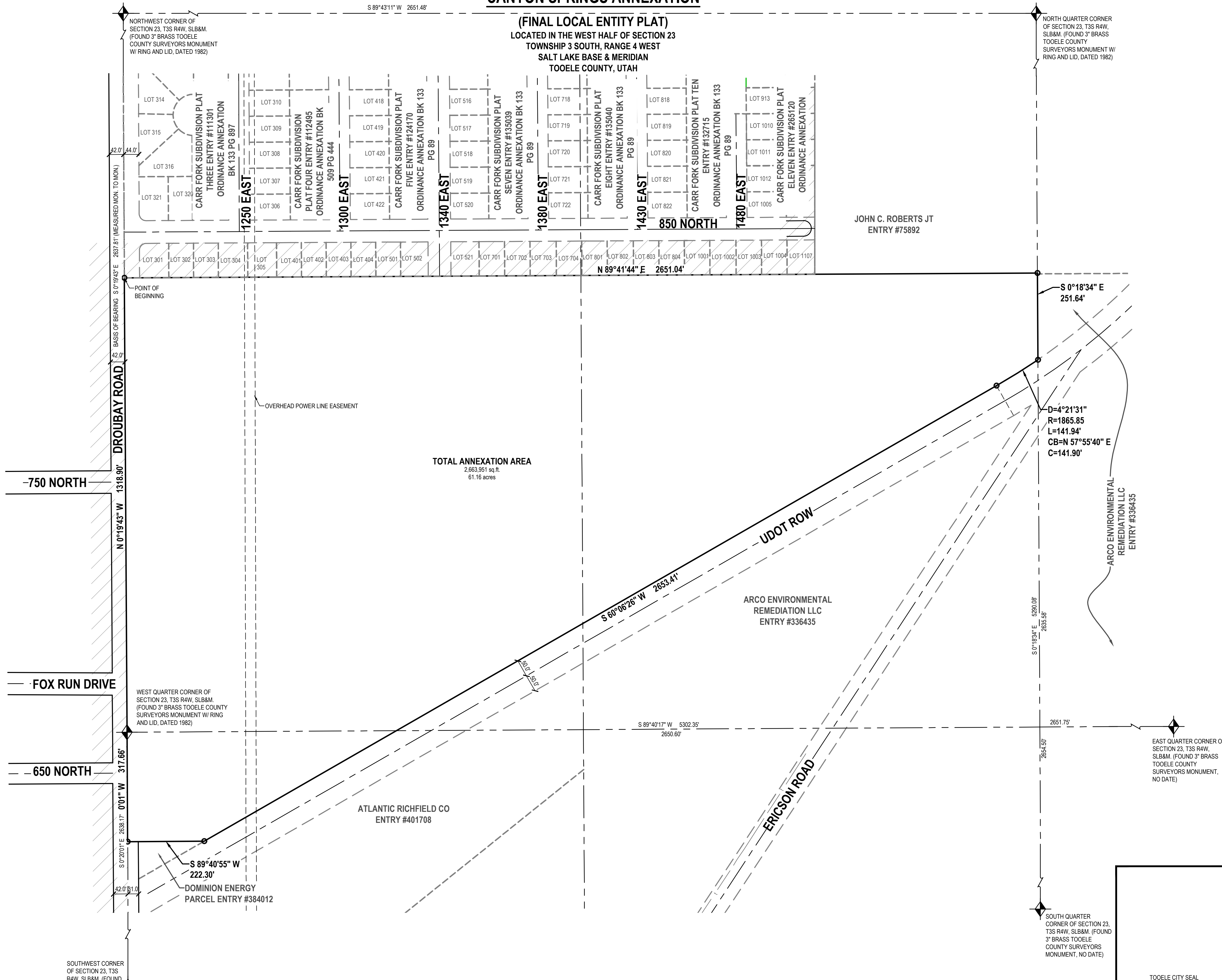
Current Zoning in Surrounding Areas





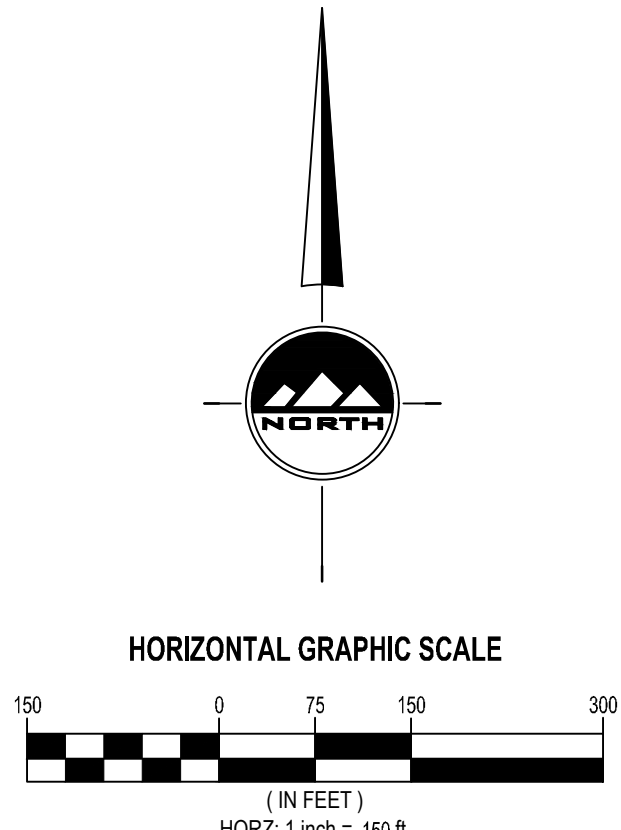
# CANYON SPRINGS ANNEXATION

(FINAL LOCAL ENTITY PLAT)  
 LOCATED IN THE WEST HALF OF SECTION 23  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST  
 SALT LAKE BASE & MERIDIAN  
 TOOELE COUNTY, UTAH



TOTAL ANNEXATION AREA  
 2,663,951 sq. ft.  
 61.16 acres

- LEGEND**
- ANNEXATION BOUNDARY
  - SECTION QUARTER LINE
  - CENTER LINE
  - EASEMENT
  - ADJACENT PROPERTY LINE
  - TOOELE CITY LIMITS



**SURVEYOR'S CERTIFICATE**  
 I, DOUGLAS J. KINSMAN, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 334575 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyor's Act. Do hereby certify that a Final Local Entity Plat, in accordance with Section 17-23-20 of Utah State Code, has been prepared under my direction and is a true and correct representation of said Final Local Entity Plat. I further certify that by authority of Tooele City, I have prepared this Plat for the purpose of adjusting the municipal boundaries of Tooele city and to be hereafter known as CANYON SPRINGS ANNEXATION.

**BOUNDARY DESCRIPTION**  
 A parcel of land, situate in the West half of Section 23, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:  
 Beginning at a point on the Section line, which is located South 0°19'43" East 1318.90 feet from the found Northwest Corner of Section 23, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
 thence North 89°41'44" East 2,651.04 feet to the Quarter Section line;  
 thence South 0°18'34" East 251.64 feet along said Section line;  
 thence southwesterly 141.94 feet along the arc of a 1865.85 foot radius curve to the right (center bears North 34°15'05" West and the long chord bears South 57°55'40" West through a central angle of 4°21'31");  
 thence South 57°55'40" West 2653.41 feet;  
 thence South 89°40'55" West 222.30 feet to a point on the Section line;  
 thence North 0°20'01" West 317.66 feet along said Section line to the West Quarter Corner of said Section;  
 thence North 0°19'43" West 1,318.90 feet along said Section line, to the Point of Beginning.

Contains 2,663,951 square feet or 61.16 acres.  
 Date: APRIL 25, 2024  
 Douglas J. Kinsman  
 License no. 334575

**CITY PLANNING COMMISSION APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY COUNCIL

**CITY COUNCIL APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY COUNCIL

CHAIRMAN TOOELE CITY COUNCIL \_\_\_\_\_ ATTESTED BY \_\_\_\_\_

**CITY ATTORNEY'S APPROVAL**  
 APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY ATTORNEY.

TOOELE CITY ATTORNEY \_\_\_\_\_

**COMMUNITY DEVELOPMENT APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY COMMUNITY DEVELOPMENT

TOOELE CITY COMMUNITY DEVELOPMENT \_\_\_\_\_

**CITY ENGINEER'S APPROVAL**  
 APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY ENGINEER

TOOELE CITY ENGINEER \_\_\_\_\_

**CITY RECORDER'S APPROVAL**  
 APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE CITY RECORDER

TOOELE CITY RECORDER \_\_\_\_\_

**DEVELOPER / CLIENT**  
 LOVELL DEVELOPMENT GROUP  
 9463 SOUTH KIRKSIDE DR.  
 SOUTH JORDAN, UTAH 84009  
 CONTACT: BRETT LOVELL  
 PHONE: 801-706-4693

**SHEET 1 OF 1**  
 PROJECT NUMBER: 9602  
 MANAGER: D. KINSMAN  
 DRAWN BY: J. HOWLAND  
 CHECKED BY: D. KINSMAN  
 DATE: NOVEMBER 2020

**COUNTY SURVEYOR APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE COUNTY SURVEYOR.

TOOELE COUNTY SURVEYOR \_\_\_\_\_

**TOOELE COUNTY RECORDER**  
 RECORDED # \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE \_\_\_\_\_  
 REQUEST OF: \_\_\_\_\_

FEES \_\_\_\_\_ TOOELE COUNTY RECORDER \_\_\_\_\_

**ENSIGN**  
 TOOELE  
 169 North Main Street Unit 1  
 Tooele, Utah 84074  
 Phone: 435.843.3590  
 Fax: 435.578.0108  
 RICHFIELD  
 Phone: 435.886.2883  
 www.ensigneng.com

SALT LAKE CITY  
 Phone: 801.253.0529  
 LAYTON  
 Phone: 801.847.1100  
 CEDAR CITY  
 Phone: 801.883.1433  
 RICHFIELD  
 Phone: 435.886.2883

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Marshall Buck Peck

North Tooele Fire District

Dear Marshall Peck,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

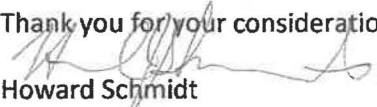
Per state code all affected entities are to be notified.

In as much as this parcel (03-031-0-00014) is currently included in the service area of the North Tooele Fire District, we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC  
ATTN Howard Schmidt  
PO Box 95410  
South Jordan UT 84095  
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.  
90 No. Main  
Tooele, UT 84074

Thank you for your consideration,  
  
Howard Schmidt  
Manager

Received

Signed

Date

4/29/2024



NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Andy Welch  
Tooele County Manager  
47 South Main  
Tooele, UT 84074

Dear Mr. Welch,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

In as much as this parcel (03-031-0-00014) is currently included in Tooele County as an unincorporated parcel we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC  
ATTN Howard Schmidt  
PO Box 95410  
South Jordan UT 84095  
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.  
90 No. Main  
Tooele, UT 84074

Thank you for your consideration,



Howard Schmidt  
Manager

Received Jan A. Welch 4/26/24  
Signed Date  
County Manager

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN Mayor Debbie Winn

Dear Mayor Winn,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.


In as much as this parcel (03-031-0-00014) is currently included in Tooele County we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC  
ATTN Howard Schmidt  
PO Box 95410  
South Jordan UT 84095  
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.  
90 No. Main  
Tooele, UT 84074

Thank you for your consideration,

  
Howard Schmidt  
Manager

Received \_\_\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_\_\_


NOTICE OF INTENT TO ANNEX

April 25, 2024  
Tooele County Board of Health  
Attn: Jeff Coombs  
151 No. Main  
Tooele, UT 84074

Dear Mr. Coombs,  
We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.  
Per state code all affected entities are to be notified.  
In as much as this parcel (03-031-0-00014) is currently included in Tooele Board of Health District, we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:  
Tooele East LLC  
ATTN Howard Schmidt  
PO Box 95410  
South Jordan UT 84095  
801-859-9449

Or you may also contact  
Andrew Aagard, Community Development Director for Tooele City.  
90 No. Main  
Tooele, UT 84074

Thank you for your consideration,

Howard Schmidt  
Manager  
  
\_\_\_\_\_  
Date 4-29-24

Received   
Signed 4-29-24

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Scott Bradshaw  
Tooele Valley Mosquito Abatement Manager  
Lakepoint, UT 84074

Dear Mr. Bradshaw,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

In as much as this parcel (03-031-0-00014) is currently included in Tooele Valley Mosquito Abatement District we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC  
ATTN Howard Schmidt  
PO Box 95410  
South Jordan UT 84095  
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.  
90 No. Main  
Tooele, UT 84074

Thank you for your consideration,

  
Howard Schmidt  
Manager

Received

Signed

Date


  
4/26/24

# Petition for Annexation

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 pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission: April 25, 2024	Total Acres: 61.16	Expansion Option Area:	
Project Name: Canyon Cove Development			
General Address: 750 North Droubay Road			
Current Use of Property: Vacant and horse boarding and pasture			
Sponsor: Howard Schmidt		Address: PO Box 95410	
Phone: 801-859-9449 or 801-706-4693	City: South Jordan	State: UT	Zip: 84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor: 		Date: 4/25/24	

\*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, except as required by GRAMA.

\*\* By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

**\*\*\* NOTE \*\*\***

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee: (213)	Received By:	Date Received:	Receipt #:

## **Statement of intended us for Canyon Springs Development**

Canyon Springs is a proposed subdivision to be zoned in accordance with the surrounding area as R-7 zone which allows for 7000 square foot minimum lots sizes but in accordance with the input from the planning commission and city council we are limiting the development to 172 lots with an average size of 11,000 sq. ft. Some will be as large as ½ acre lots.

In addition, the developer has agreed to work with Tooele County to provide a trail boarding the annexation parcel to the south on the existing 100' UDOT right of way. Also, there will be trails from the subdivision accessing the new trail and some detention ponds along Drubay Road that will be landscaped to provide play areas for the residents and neighbors of the development.

Since there has recently been an annexation agreement penned by the city attorney and staff, approved by the required majority of the city council and agreed to by the developer, we would like to review that document and make it the framework to complete this annexation.

A handwritten signature in blue ink, appearing to read "Hal G. Smith", is centered on the page below the text.

Conceptual Subdivision Layout



## MEMORANDUM

**To:** Tooele City Council  
**Cc:** Mayor Debbie Winn  
**From:** Andrew Aagard, AICP, Director  
**Date:** May 29, 2024  
**Re:** Lexington Greens PUD Amendment

---

### **Subject:**

Westates Construction Company has submitted an application requesting a change to the Lexington Greens PUD to facilitate new development on a longer, narrower property formally known as Lot 107.

The Lexington Greens PUD was established in May of 2022. The PUD was created to permit the unequal exchanges of densities through all of the parcels included within the PUD. The zoning of the entire PUD is MR-16 Multi-Family Residential and the MR-16 zone prohibits a density of greater than 16 units per acre. The original developer submitted the PUD request to enable densities on individual parcels within the Lexington Greens PUD to exceed the 16 units per acre density limitation as long as the over-all density of the entire Lexington Greens PUD does not exceed the 16 unit per acre density. The Lexington Greens PUD does not provide any changes or exceptions to building setbacks, lot sizes, lot widths or architectural standards. It was created only for the dispersion of density.

Lot 107 of the PUD is a long narrow property resting just north of Carole's way and east of 680 West. The City has received, reviewed and approved previous a site plan application for this property. The original site plan application proposed the construction of 18 three story style townhomes. The reason the townhomes were proposed for three stories was to permit a town home of sufficient square footages and still meet the 20 foot rear yard setbacks as required by the MR-16 zoning district. The rear yard setbacks on the approved site plan are shown at 33 feet.

The applicant wishes to reduce the height of the town homes and construct a two story town house instead of a three story townhouse. By reducing the height of the town house the footprint of the town house now needs to increase in order to maintain finished living space greater than what the ordinance requires. A greater building foot print size then creates an issue with the setbacks from the north property line. To facilitate the construction of two story townhomes with larger footprints the applicant would need a 12 foot setback as shown on the proposed site plan.

There are two ways that setbacks can be adjusted:

1. Change the MR-16 zoning district to permit a 12 foot rear yard setback. By changing the ordinance all properties with an MR-16 zoning district would then be permitted with a 12 foot rear yard setback. This option will affect all other properties of the same zoning in the City and would not be limited to just this property.



- 2. Change the PUD ordinance. The PUD does provide an opportunity to propose a change that only affects this property and does not impact the entire City or all properties that are zone MR-16 Multi-Family Residential. The language in the PUD could be amended to simply say “rear yard setbacks for Lot 107 shall be reduced to 12 feet.”**

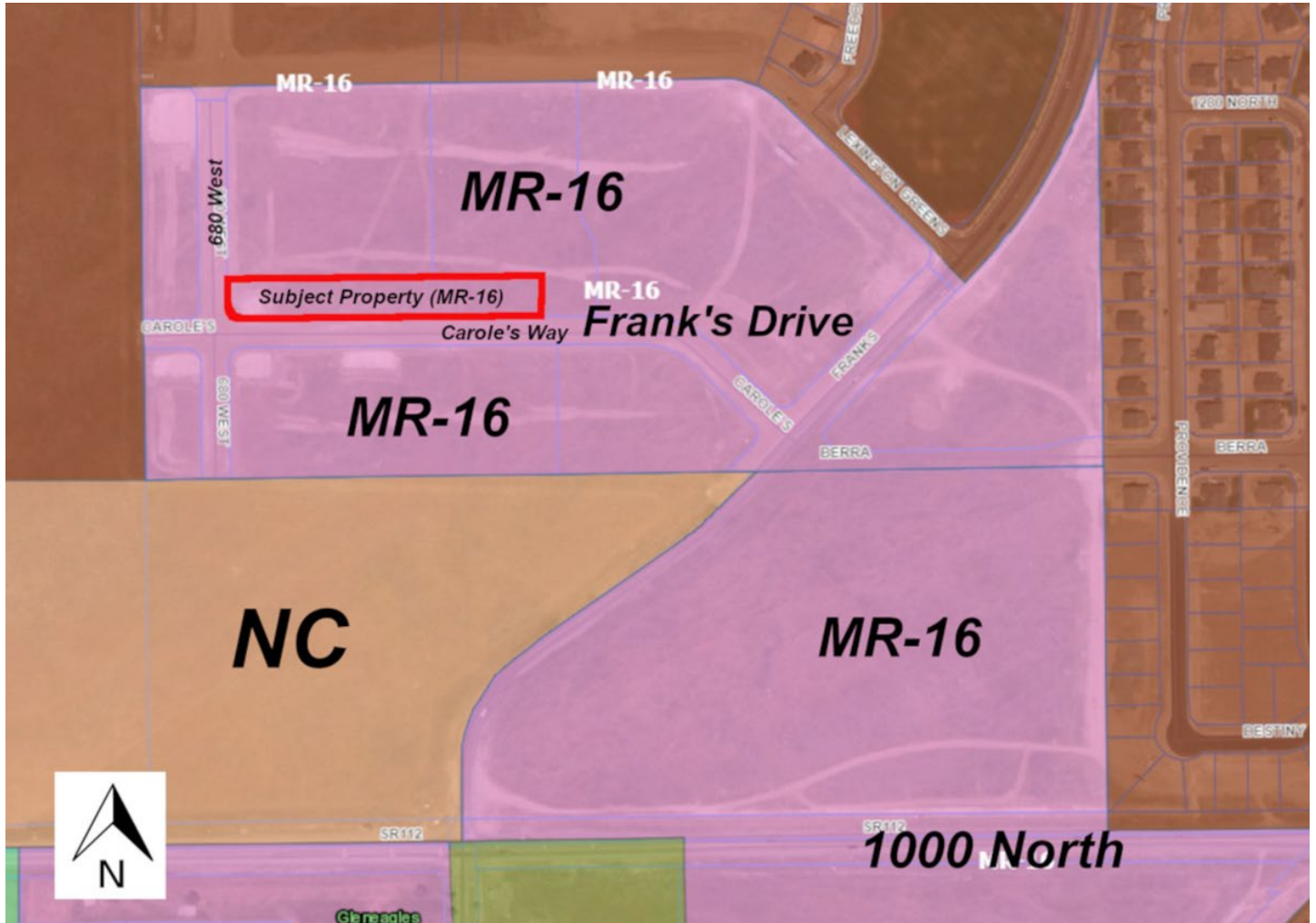
**What lies to the north and what could be impacted by this reduction in rear yard setback? To the north lie two approved developments. There is town home development proposed to the north that will be known as the Slatewood Townhomes. This development has not begun construction. To the north east there is the Lex Apartments Phase 2 which is under construction and will be soon completed.**

**Staff doesn't immediately detect any serious detrimental impacts to the City or surrounding properties by reducing the rear yard setback to 12 feet for Lot 107 other than closer proximity for the buildings in Slatewood Towhomes. One building in particular where the side yard is 6 feet away from the property line could ultimately be 18 feet from a building in Lot 107. However, ordinance does require a minimum spacing of 15 feet between buildings on the same lot so 18 feet would still be an acceptable building separation.**

Aerial View



Current Zoning

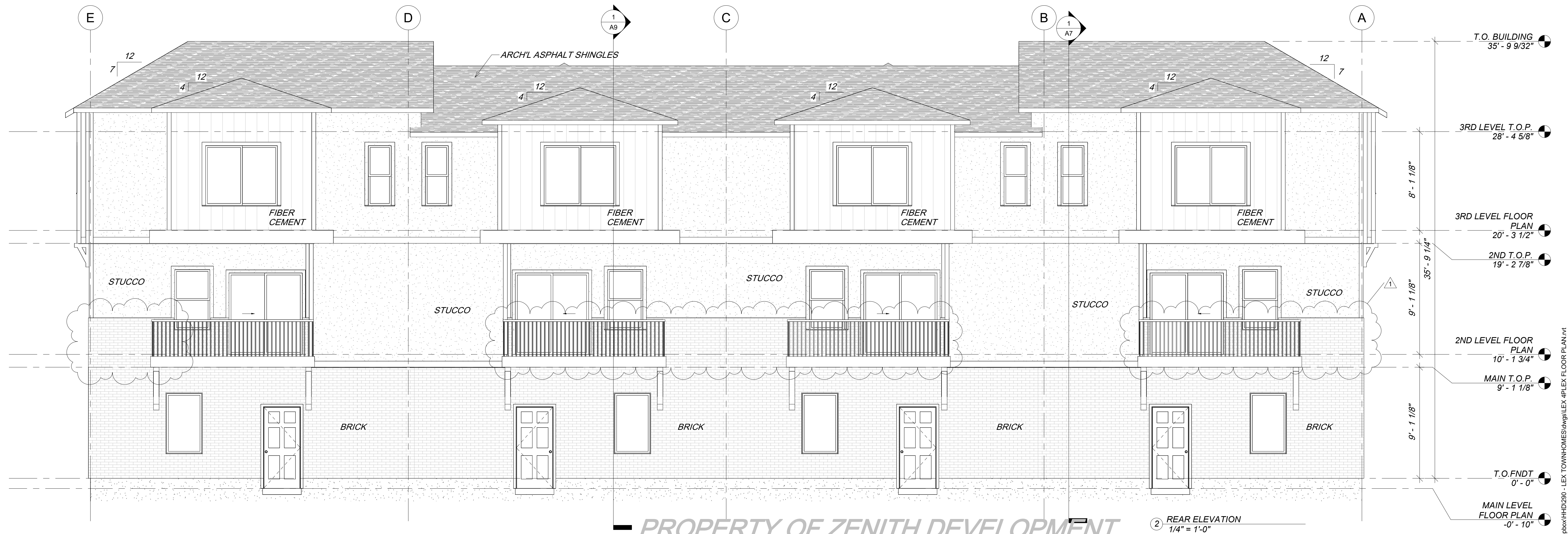




**Current Approved Development Plan**



1 FRONT ELEVATION  
1/4" = 1'-0"



2 REAR ELEVATION  
1/4" = 1'-0"

NO	DESCRIPTION	BY	DATE
1	ADD BRICK	RWH	5-24-22

**HARRIS HOME DESIGN**  
 Phone: (435) 324-0006 Rick Harris  
 email: harris@homedesign1@gmail.com

FRONT & REAR ELEVATIONS  
**LEX TOWNHOMES, 4PLEX**

DATE: 4/20/22  
 SCALE: 1/4" = 1'-0"  
 JOB NO. 229  
 SHEET NO. **A5**

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

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

**BENCHMARK**

EAST QUARTER CORNER OF SECTION 17,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST  
SALT LAKE BASE AND MERIDIAN.  
ELEV = 4735.78'

**GENERAL NOTES**

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

**SCOPE OF WORK:**

- PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
1. ASPHALT PAVEMENT PER DETAIL 71C-500.
  2. 4" THICK CONCRETE SIDEWALK PER APWA STANDARD PLAN NO. 231.
  3. 24" TYPE "E" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN 205R.
  4. DRIVEWAY APPROACH PER APWA STANDARD PLAN NO. 221.1.
  5. 4" WIDE SOLID YELLOW PAVEMENT MARKING PER M.U.T.C.D. STANDARD PLANS, (TYP)
  6. FENCE WITH CONCRETE MOW CURB, INSTALL PER MANUFACTURER STANDARDS AND SPECIFICATIONS. FENCE STYLE PER TOOELE CITY STANDARDS AND SPECIFICATIONS FENCING REQUIREMENTS. SEE DETAIL 91C-500.
  7. SAWCUT TBC AND INSTALL 3" WIDE 4" THICK CONCRETE SCUPPER FOR UNOBSTRUCTED FLOW OUT OF PARKING LOT INTO LANDSCAPED AREA OR INSTALL 6" RIP RAP EROSION PROTECTION, 12" THICK OVER WEED BARRIER.
  8. EXISTING STORM DRAIN SYSTEM, CONTRACTOR TO FIELD VERIFY SIZE, SLOPE, AND DEPTH OF STORM DRAIN SYSTEM.
  9. TRANSITION TO FULL HEIGHT CURB.
  10. SITE LIGHTING PER TOOELE CITY RESIDENTIAL STANDARDS. SEE ARCHITECT PLANS FOR DESIGN DETAILS.



**TOOELE**  
169 N. Main Street, Unit 1  
Tooele, UT, 84074  
Phone: 435.843.3590

**SALT LAKE CITY**  
Phone: 801.255.0529

**LAYTON**  
Phone: 801.547.1100

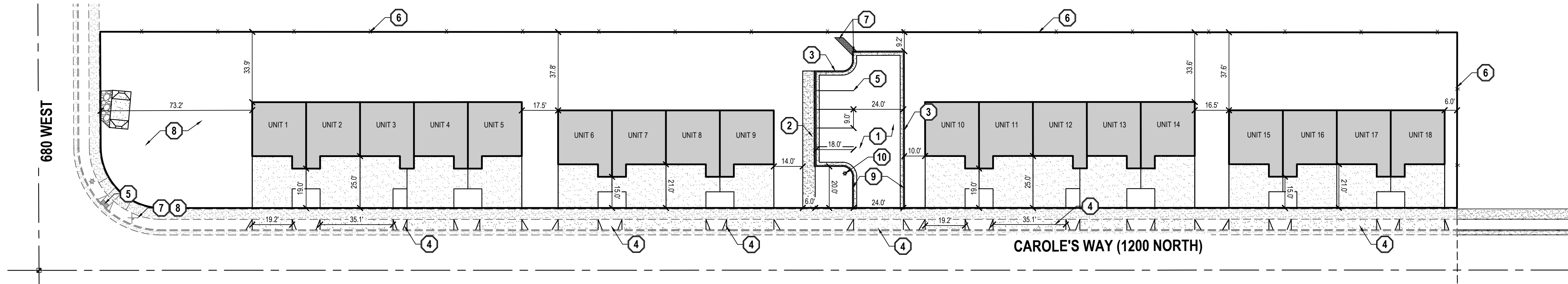
**CEDAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

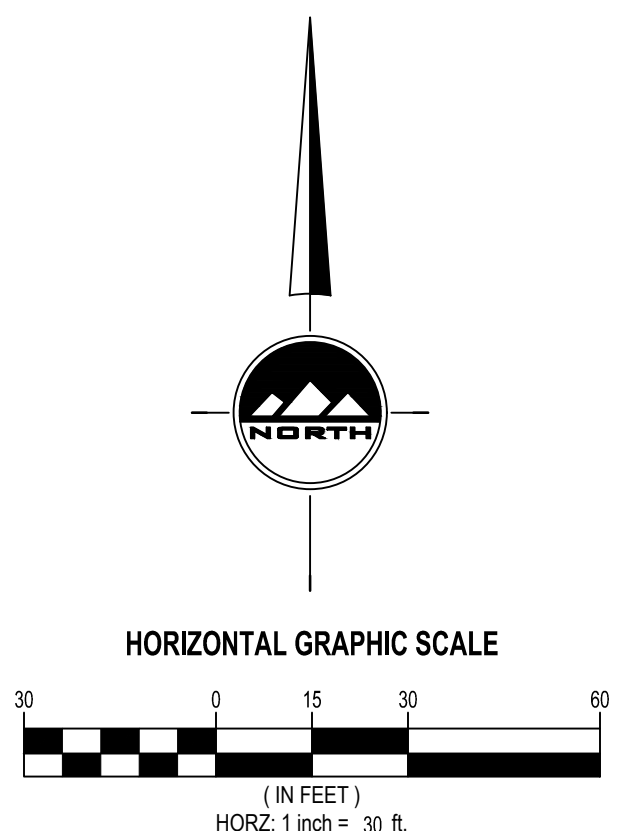
FOR:  
LEX TOWNHOMES, LLC  
8371 SOUTH STATE ST #202  
SANDY, UTAH 84070

CONTACT:  
CHARLES AKERLOW  
PHONE: 801-428-3755



**LOT 107 TOWNHOMES OF LEXINGTON  
AT OVERLAKE SUBDIVISION  
641 WEST CAROLE'S WAY  
TOOELE, UTAH 84074**

For Review  
 05/19/2022 11:24:30 AM



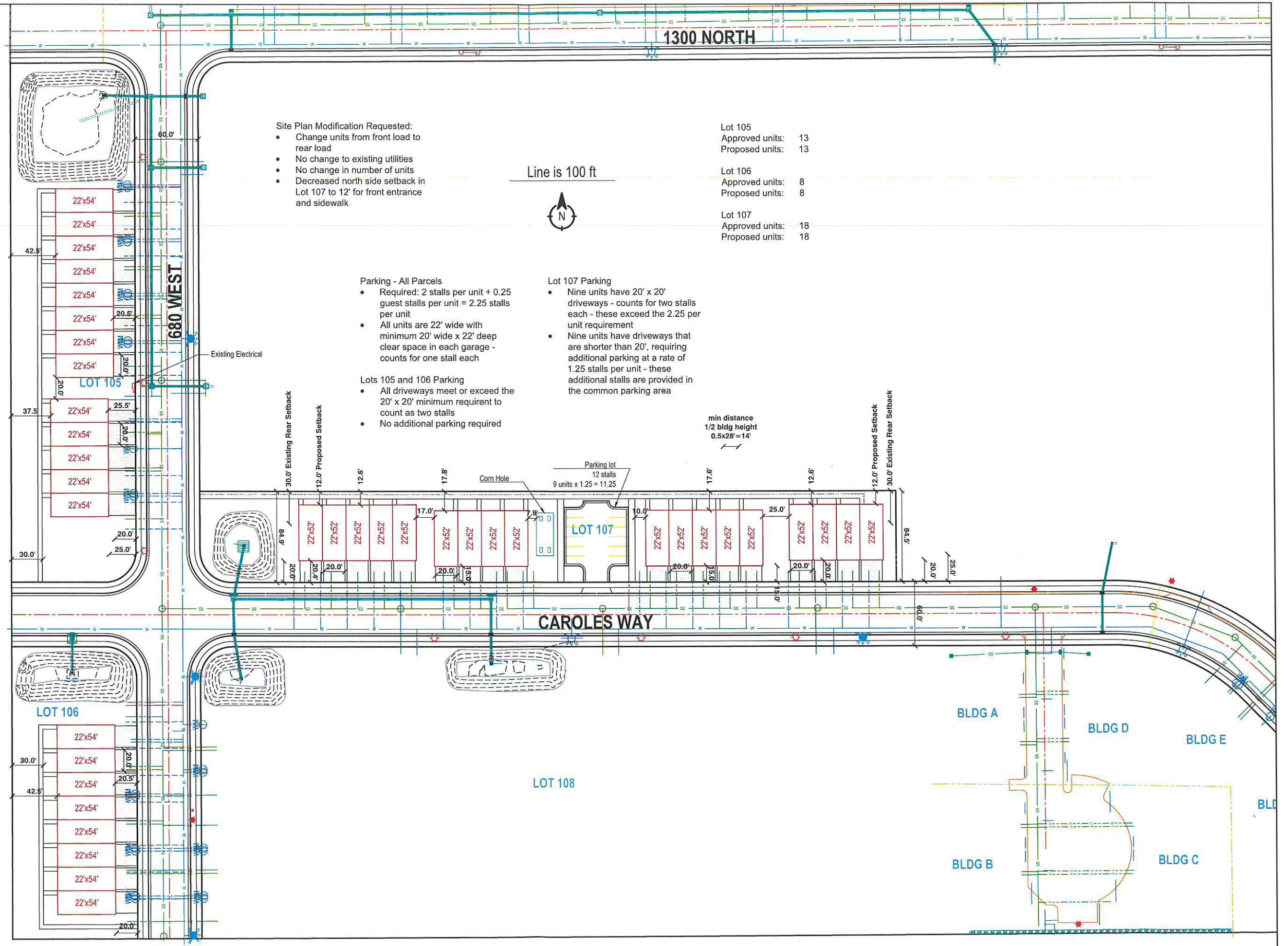
**SITE PLAN**

PROJECT NUMBER: 82600  
PRINT DATE: 2022-05-19  
DRAWN BY: H. CARTER  
CHECKED BY: C. CHILD  
PROJECT MANAGER: C. CHILD

**C-100**

**Changes Proposed by Applicant**

# Amended Site Plan for Lots 105, 106 and 107 of the Lexington Green PUD



- Site Plan Modification Requested:
- Change units from front load to rear load
  - No change to existing utilities
  - No change in number of units
  - Decreased north side setback in Lot 107 to 12' for front entrance and sidewalk

Lot 105	Approved units:	13
	Proposed units:	13
Lot 106	Approved units:	8
	Proposed units:	8
Lot 107	Approved units:	18
	Proposed units:	18

Line is 100 ft



- Parking - All Parcels
- Required: 2 stalls per unit + 0.25 guest stalls per unit = 2.25 stalls per unit
  - All units are 22' wide with minimum 20' wide x 22' deep clear space in each garage - counts for one stall each
- Lots 105 and 106 Parking
- All driveways meet or exceed the 20' x 20' minimum required to count as two stalls
  - No additional parking required

- Lot 107 Parking
- Nine units have 20' x 20' driveways - counts for two stalls each - these exceed the 2.25 per unit requirement
  - Nine units have driveways that are shorter than 20', requiring additional parking at a rate of 1.25 stalls per unit - these additional stalls are provided in the common parking area

min distance  
1/2 bldg height  
0.5x28' = 14'

CAROLES WAY

LOT 106

LOT 107

LOT 108

BLDG A

BLDG D

BLDG E

BLDG B

BLDG C

BLDG





Current PUD Language

✓ **7-6j-1 PUD: Lexington Greens**

Enacted by Ordinance 2022-18 (May 4, 2022)

Location: 1200 North and Franks Drive (33.82 acres).

Underlying zoning district: MR-16.

ZONING REGULATIONS OF THE PUD:

Maximum DU per Lot:

- Lot 101: 72
- Lot 102: 204
- Lot 103: 25
- Lot 104: 56
- Lot 105: 13
- Lot 106: 8
- Lot 107: 18
- Lot 108: 53

(Ord. 2024-06, 03-20-2024)



# Fraud Risk Assessment

Continued

\*Total Points Earned: \_\_\_/395 \*Risk Level: > 355 316-355 Low Moderate High  
 > 355      316-355      276-315      200-275      < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	✓	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	✓	5
b. Procurement?	✓	5
c. Ethical behavior?	✓	5
d. Reporting fraud and abuse?	✓	5
e. Travel?	✓	5
f. Credit/Purchasing cards (where applicable)?	✓	5
g. Personal use of entity assets?	✓	5
h. IT and computer security?	✓	5
i. Cash receipting and deposits?	✓	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20
a. Do any members of the management team have at least a bachelor's degree in accounting?	✓	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	✓	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training ( <a href="http://training.auditor.utah.gov">training.auditor.utah.gov</a> ) within four years of term appointment/election date?	✓	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	✓	20
7. Does the entity have or promote a fraud hotline?	✓	20
8. Does the entity have a formal internal audit function?	✓	20
9. Does the entity have a formal audit committee?		20

\*Entity Name: Towle City Corporation 355

\*Completed for Fiscal Year Ending: 6/30/24 \*Completion Date: 5/22/24

\*CAO Name: Debra E. Win \*CFO Name: Shannon Wimmer

\*CAO Signature: Debra E. Win \*CFO Signature: Shannon Wimmer

\*Required