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**PUBLIC NOTICE**

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, March 6, 2019 at the hour of 7:00 P.M. The meeting will be held in the Tooele City Hall Council Room, located at 90 North Main Street, Tooele, Utah.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **State of the City**  
Presented by Mayor Debbie Winn
4. **Mayor's Youth Recognition Awards**
5. **Communities That Care** Second Step Substance Abuse Prevention Essay Award  
Presented by Stacy Smart & Sandy Medina
6. **Public Comment Period**
7. **Resolution 2019-17** Regarding the Appointment of Darwin Cook to the Position of Director of Parks and Recreation  
Presented by Mayor Debbie Winn
8. **Resolution 2019-19** A Resolution of the Tooele City council Approving a Contract with the Tennis & Track Company to Install Pickelball courts at Elton Park  
Presented by Mayor Debbie Winn
9. **Resolution 2018-45** A Resolution of the Tooele City Council Approving an Interlocal Agreement with Tooele County for Solid Waste Disposal  
Presented by Mayor Debbie Winn
10. **Public Hearing and Motion on Ordinance 2019-02** An Ordinance of Tooele City Vacating Historic Public Rights-of-Way in Tooele City's Dow James Park Complex, and Reserving Easements  
Presented by Roger Baker
11. **Public Hearing and Motion on Resolution 2019-18** A Resolution of the Tooele City Council Approving Budget Adjustments to the Fiscal Year 2018-2019 Budget  
Presented by Glenn Caldwell
12. **Public Hearing & Motion on Ordinance 2018- 21** An Ordinance of the Tooele City Council Reassigning 21.66 Acres of Property Currently Zoned R1-7 to HDR High Density Residential, Creating a Planned Unit Development Zoning Overlay, and Assigning the Planned Unit Development Overlay to 36.11 Acres of Property Located at Approximately 1600 North Berra Boulevard  
Presented by Jim Bolser
13. **Public Hearing & Motion on Ordinance 2019-03** An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the MDR Medium Density Residential Zoning District for 0.58 Acres of Property Located at 350 North 50 West  
Presented by Jim Bolser

14. **Subdivision Plat Amendment** for Providence at Overlake Providence at Overlake Subdivision, Phase 2 located at approximately 400 West 1200 North in the R1-7 Residential zoning district for the purposes of adjusting the property boundaries of seven lots and a storm water detention basin parcel on 1.74 acres  
Presented by Jim Bolser
  
15. **Minor Subdivision Final Plat** for Andrew Caldwell located at 1762 North Broadway in the HDR High Density Residential zoning district for the purposes of splitting one 0.55 acre parcel into 3 lots  
Presented by Jim Bolser
  
16. **Minutes**
  
17. **Invoices**
  
18. **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 843-2110 or [michellep@tooelecity.org](mailto:michellep@tooelecity.org), Prior to the Meeting.

**TOOELE CITY CORPORATION**

**RESOLUTION 2019-17**

**A RESOLUTION OF THE TOOELE CITY COUNCIL CONSENTING TO MAYOR WINN'S APPOINTMENT OF DARWIN COOK TO THE POSITION OF DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT.**

WHEREAS, Section 2-06 of the Tooele City Charter (amended 2006) states that "The Mayor, shall, with the consent of a majority of the Council, designate a head of each department of City government"; and,

WHEREAS, under Tooele City Code §1-6-4(2), the Mayor exercises "direct supervision and responsibility over operations in the . . . Parks and Recreation Department," including the appointment of qualified employees (§1-6-4(1)); and,

WHEREAS, Mayor Winn conducted a thorough process of soliciting and evaluating applications and applicants, and desires to appoint Darwin Cook to the position of Director of the Department of Parks and Recreation; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that consent is hereby given by the City Council to Mayor Debra E. Winn's appointment of Darwin Cook to the position of Director of the Parks and Recreation Department, effective the employment start date.

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 \_\_\_\_\_, 2019.

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 2019-19**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A CONTRACT WITH THE TENNIS AND TRACK COMPANY TO INSTALL PICKLEBALL COURTS AT ELTON PARK.**

WHEREAS, the City Council and City Administration desire to use P.A.R. tax revenues to install pickleball courts at Elton Park in the place of the old tennis courts, in part in response to many public requests for pickleball courts; and,

WHEREAS, The Tennis and Track Company, Inc. ("Company") has submitted a competitive bid of \$111,086.00 to install the pickleball courts; and,

WHEREAS, the City Council finds it to be in the best interest of Tooele City to approve a Contract (see Exhibit A) with the Contractor to install the pickleball courts:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that a contract with the Company is hereby approved in the amount of \$111,086.00.

This Resolution is in the best interest of the general 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 \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Contract

**DOCUMENT 00 52 00**

**AGREEMENT**

**PART 1 GENERAL**

**1.1 CONTRACTOR**

- A. Name: THE TENNIS AND TRACK COMPANY
- B. Address: 3096 SOUTH DAVIS DRIVE, SOUTH SALT LAKE, UT 84115
- C. Telephone number: 801-269-9991
- D. Facsimile number: 801-261-4588

**1.2 OWNER**

- A. The name of the OWNER is Tooele City Corporation

**1.3 CONSTRUCTION CONTRACT**

- A. The Construction Contract is known as

**Elton Park Pickleball Courts**

**PART 2 TIME AND MONEY CONSIDERATIONS**

**2.1 CONTRACT PRICE**

- A. The Contract Price includes the cost of the Work specified in the Contract Documents, plus the cost of all bonds, insurance, permits, fees, and all charges, expenses or assessments of whatever kind or character.
  
- B. The Schedules of Prices awarded from the Bid Schedule are as follows.
  - 1. Base Bid.
  - 2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

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

D. Based upon the above awarded schedules and the Agreement Supplement (if any), the Contract Price awarded is: ONE-HUNDRED ELEVEN THOUSAND EIGHTY-SIX DOLLARS (\$111,086.00) Dollars

## 2.2 CONTRACT TIME

A. The Work shall be substantially completed by MAY 1, 2019 and fully completed by JUNE 1, 2019

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

## 2.3 PUNCH LIST TIME

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

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

## 2.4 LIQUIDATED DAMAGES

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

### 1. Late Contract Time Completion:

ONE HUNDRED dollars and 00 cents (\$100.00) for each day or part thereof that expires after the Contract Time until the Work is accepted as Substantially Complete as provided in Article 14.5 of the General Conditions.

2. **Late Punch List Time Completion:** 50% of the amount specified for Late Contract Time Completion for each day or part thereof if the Work remains incomplete after the Punch List Time. The Punch List shall be considered delivered on the date it is transmitted by facsimile, hand delivery or received by the CONTRACTOR by certified mail.
  
3. **Interruption of Public Services:** No interruption of public services shall be caused by CONTRACTOR, its agents or employees, without the ENGINEER's prior written approval. OWNER and CONTRACTOR agree that in the event OWNER suffers damages from such interruption, the amount of liquidated damages stipulated below shall not be deemed to be a limitation upon OWNER's right to recover the full amount of such damages.

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

- C. **Survey Monuments:** No land survey monument shall be disturbed or moved until ENGINEER has been properly notified and the ENGINEER's surveyor has referenced the survey monument for resetting. The parties agree that upon such an unauthorized disturbance it is difficult to determine the damages from such a disturbance, and the parties agree that CONTRACTOR will pay as liquidated damages the sum of (\$500.00) to cover such damage and expense.
  
- D. **Deduct Damages from Moneys Owed CONTRACTOR:** OWNER shall be entitled to deduct and retain liquidated damages out of any money which may be due or become due the CONTRACTOR. To the extent that the liquidated damages exceed any amounts that would otherwise be due the CONTRACTOR, the CONTRACTOR shall be liable for such amounts and shall return such excess to the OWNER.

### **PART 3 EXECUTION**

#### **3.1 EFFECTIVE DATE**

- A. OWNER and CONTRACTOR execute this Agreement and declare it in effect as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

#### **3.2 CONTRACTOR'S SUBSCRIPTION AND ACKNOWLEDGMENT**

- A. CONTRACTOR's signature: \_\_\_\_\_
  
- B. Please print name here: \_\_\_\_\_
  
- C. Title: \_\_\_\_\_
  
- D. CONTRACTOR's Utah license number: \_\_\_\_\_

**Acknowledgment**

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

\_\_\_\_\_  
Notary's signature

\_\_\_\_\_  
Residing at

\_\_\_\_\_  
My commission expires:

Notary's seal

**3.3 OWNER'S SUBSCRIPTION AND ACKNOWLEDGMENT**

A. OWNER's signature: \_\_\_\_\_

B. Please print name here: \_\_\_\_\_

C. Title: \_\_\_\_\_

ATTEST:

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

SEAL

APPROVED AS TO FORM

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

END OF DOCUMENT

**TOOELE CITY CORPORATION**

**RESOLUTION 2018-45**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH TOOELE COUNTY FOR SOLID WASTE DISPOSAL.**

WHEREAS, Tooele County owns and operates a solid waste landfill and transfer station ("Landfill"); and,

WHEREAS, Tooele City operates a refuse collection utility program and contracts with Ace Recycling and Disposal, a private hauler ("Contractor"), to collect refuse ("Refuse") from the City's residential utility customers ("City Customers"); and,

WHEREAS, the County entered into an agreement with ClearSky Environmental, Inc., a Wyoming corporation, to construct and operate a waste processing facility, to which facility the County has agreed to deliver no less than 35,000 tons of refuse per year, the majority of which refuse originates from City Customers; and,

WHEREAS, the Parties desire to establish through interlocal agreement the terms under which the County will accept the Refuse at the Landfill (see Exhibit A); and,

WHEREAS, the City will pay the initial cost of \$36.00 per ton to dispose of the Refuse at the Landfill, which cost will escalate \$1 per ton each year for the term of the agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Interlocal Agreement for Solid Waste Disposal Attached as Exhibit A is hereby approved and that the Mayor is hereby authorized to execute the same on behalf of Tooele City.

This Resolution shall become effective immediately upon passage by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



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

### Interlocal Agreement for Solid Waste Disposal

**INTERLOCAL AGREEMENT  
FOR SOLID WASTE DISPOSAL**

THIS AGREEMENT, entered into by and between TOOELE COUNTY ("County"), a Utah political subdivision, and TOOELE CITY CORPORATION ("City"), a Utah municipal corporation and charter city (individually and collectively a "Party" and the "Parties"), as of July 1, 2018 (the "Effective Date").

**RECITALS**

WHEREAS, the County owns and operates a solid waste landfill and transfer station ("Landfill"); and,

WHEREAS, the City operates a refuse collection utility program and contracts with a private hauler ("Contractor") to collect refuse ("Refuse") from the City's residential utility customers ("City Customers"); and,

WHEREAS, the County entered into an agreement with ClearSky Environmental, Inc., a Wyoming corporation, to construct and operate a waste processing facility, to which facility the County has agreed to deliver no less than 35,000 tons of refuse per year, the majority of which refuse originates from City Customers; and,

WHEREAS, the Parties desire to establish the terms under which the County will accept the Refuse at the Landfill:

NOW, THEREFORE, in exchange for the mutual promises described herein, the County and the City hereby agree as follows:

**SECTION 1. REFUSE.** The County agrees to receive at the Landfill all Refuse collected by the Contractor from City Customers.

**SECTION 2. TIPPING FEE.** The County agrees to charge, and the City agrees to pay, a tipping fee of no more than \$36.00 per ton for Refuse delivered by the Contractor. On January 1, 2019, the tipping fee will increase to \$37.00 per ton and will increase on January 1<sup>st</sup> of each year by \$1.00 per ton. Payments shall be made by the City promptly upon verifiable County invoice.

**SECTION 3. TERM.** This Interlocal Agreement shall have a term of three (3) years, expiring automatically on June 30, 2021. The Parties may thereafter enter into a new agreement if they choose.

**SECTION 4. TERMINATION.**

(a) Either party may terminate this Agreement for good cause or upon a default by the other Party not cured after 60 days' written notice.

(b) A default event includes an attempt to raise the tipping fee or a failure to pay the tipping fee.

(c) Either party may terminate this Agreement without cause upon 180 days' written notice.

**SECTION 5. NOTICES.**

(a) All notices provided under this Agreement shall be given by regular U.S. mail, certified U.S. mail, or personal delivery to:

COUNTY:  
Board of County Commissioners  
47 South Main  
Tooele, UT 84074

(with copy to County Attorney)

CITY:  
Tooele City Mayor  
90 North Main  
Tooele, Utah 84074

(with copy to City Attorney)

**SECTION 6. INDEMNIFICATION.** The Parties shall each indemnify, release, and hold each other harmless from and against any suit, claim, or liability resulting from, or otherwise arising out of, the subject matter of this Agreement. This obligation shall survive termination.

**SECTION 7. WAIVER OF JURY TRIAL.** The Parties expressly waive any and all right to trial by jury in any legal proceeding arising out of or relating to this Agreement.

**SECTION 8. NO WAIVER.** The failure by a Party to insist upon the strict performance of any obligation of this Agreement, or to exercise any right or remedy consequent upon a failure to perform thereof, shall not constitute a waiver of any such failure to perform.

**SECTION 9. AUTHORITY.** The individuals executing this Agreement represent and warrant that they possess the legal authority to execute this Agreement pursuant to its terms, such authority being granted and evidenced by duly adopted Resolutions of each Party.

**SECTION 10. NO THIRD PARTY BENEFICIARIES.** Nothing in this Agreement is intended for the benefit of any party except for the named Parties.

**SECTION 11. ATTORNEYS' FEES.** If any formal legal proceeding is brought by any Party to enforce this Agreement, the prevailing Party shall be entitled to recover its related costs and reasonable attorneys' fees.

**SECTION 12. ENTIRE AGREEMENT.** This Agreement constitutes the final expression of

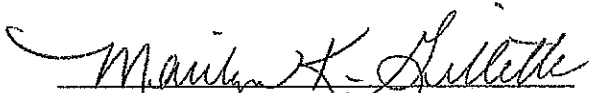
the Parties as to the terms of this Agreement and the subject matter hereof, and supersedes all prior agreements, understandings, negotiations, and discussions between the Parties and/or their respective counsel with respect to the subject matter covered hereby.

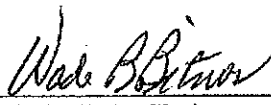
**SECTION 13. EXECUTION.** The Parties shall execute two (2) originals of this Agreement, in accordance with the requirements of applicable state law, with one original being delivered to each of the Parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the Effective Date.

ATTEST:

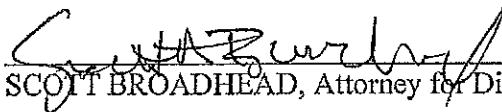
COUNTY:

  
\_\_\_\_\_  
MARILYN K. GILLESPIE, County Clerk

  
\_\_\_\_\_  
WADE BITNER, Chair  
Board of County Commissioners



APPROVED AS TO FORM:

  
\_\_\_\_\_  
SCOTT BROADHEAD, Attorney for District and County

ATTEST:

CITY:

\_\_\_\_\_  
MICHELLE Y. PITT, City Recorder

\_\_\_\_\_  
DEBRA E. WINN, Mayor

(SEAL)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ROGER EVANS BAKER, City Attorney

**TOOELE CITY CORPORATION**

**ORDINANCE 2019-02**

**AN ORDINANCE OF TOOELE CITY VACATING HISTORIC PUBLIC RIGHTS-OF-WAY IN TOOELE CITY'S DOW JAMES PARK COMPLEX, AND RESERVING EASEMENTS.**

WHEREAS, by Resolution 2019-06, approved on January 16, 2019, the City Council surplused the Dow James baseball field ("Baseball Field Parcel") and voted to sell the Field to the Tooele County School District; and,

WHEREAS, the Field and Tooele City's Dow James complex property surrounding and adjacent to the Baseball Field Parcel ("Tooele City Park Parcel") are crisscrossed with dedicated, platted, historic, unimproved public rights-of-way (Rights-of-Way) (see the highlighted survey and legal description attached as Exhibit A); and,

WHEREAS, in order to sell the Baseball Field Parcel to the School District, the Rights-of-Way must be vacated, reserving to Tooele City Corporation, however, public utility easements for Tooele City public utilities; and,

WHEREAS, the Rights-of-Way have no historic, current, or anticipated future use as transportation rights-of-way and serve no public purpose with the exception of easements for underground Tooele City public utilities, for which this Ordinance 2019-02 expressly reserves easements;

WHEREAS, this Ordinance 2019-02 affects the following Tooele County parcels:

- **02-066-0-0001**
- **02-066-0-0002**
- **02-066-0-0003**
- **02-066-0-0005**
- **02-067-0-0002**
- **02-067-0-0003**

and,

WHEREAS, all of the affected properties (the Baseball Field Parcel and the Tooele City Park Parcel) are owned by Tooele City Corporation, which possesses and maintains all information and documentation required to satisfy U.C.A. §10-9a-609.5 for the vacation of public rights-of-way; and,

WHEREAS, the Rights-of-Way contain underground public utilities, for which easements must be retained in favor of Tooele City Corporation; and,

WHEREAS, the City Council convened a duly-noticed public hearing on March 6, 2019, regarding the vacation of the Rights-of-Way; and,

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

- the Baseball Field Parcel and the Tooele City Park Parcel upon which the Rights-of-Way exist are under the single ownership of Tooele City Corporation;
- the City and the School District desire and need the Rights-of-Way to be vacated in order to convey unencumbered fee simple title of the Baseball Field Parcel to the District;
- the location of the Rights-of-Way conflicts with existing and anticipate future uses and purposes of the Baseball Field Parcel or the Tooele City Park Parcel;
- the Rights-of-Way have no historic, current, or anticipated future use as transportation rights-of-way and serve no public purpose with the exception of easements for underground Tooele City public utilities;
- the vacation of the Rights-of-Way will reserve to Tooele City Corporation utility easements for existing and future Tooele City public utilities; and,
- the public hearing identified no reason why the vacation of the Rights-of-Way should not be approved;

and,

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

1. the vacation of the Rights-of-Way, illustrated and described in Exhibit A, is hereby approved; and,
2. this Ordinance 2019-02 hereby reserves to Tooele City Corporation a public utility easement in the vacated Rights-of-Way for access to and maintenance, repair, and replacement of underground Tooele City public utilities; and,
3. because title to all of the property upon which the Rights-of-Way exist (the Baseball Field Parcel and the Tooele City Park Parcel) is owned by Tooele City Corporation, title to the vacated Rights-of-Way hereby shall vest in fee simple title with Tooele City Corporation; and,
4. this Ordinance 2019-02, together with its Exhibit A, shall be recorded 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 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 \_\_\_\_\_, 2019.

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

SEAL

Approved as to Form:

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



# Exhibit A

## Rights-of-Way Survey and Legal Description

## EXHIBIT "A"

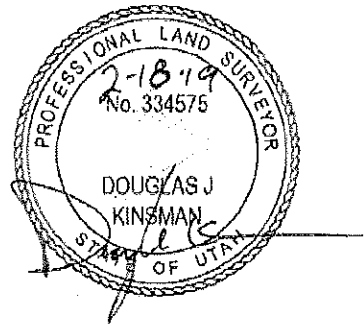
### BOUNDARY DESCRIPTIONS Road Vacation Dow James Park

A parcel of land, situate in the Southwest Quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

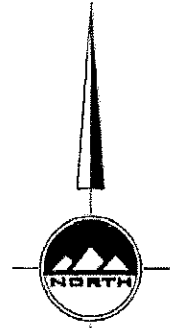
Beginning at the intersection of the west line of the record position of 450 West Street, with the north line of 400 North Street which is located North  $0^{\circ}08'31''$  West 824.61 feet along the measured Section line, and East 263.08 feet from the Southwest Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence North  $0^{\circ}15'04''$  East 873.40 feet along the west line of Tooele City Park Parcel and existing chainlink fence to the northwest corner of the Baseball Field Parcel;  
thence South  $89^{\circ}32'55''$  East 33.00 feet to the east line of 450 West Street;  
thence South  $0^{\circ}15'04''$  West 135.46 feet along said line to the north line of 500 North Street;  
thence South  $88^{\circ}57'08''$  East 323.57 feet along said line to the west line of 400 West Street;  
thence North  $0^{\circ}49'05''$  East 138.83 feet along said line to the northern line of the Tooele City Park Parcel;  
thence South  $89^{\circ}32'55''$  East 66.00 feet along said line to the east line of 400 West Street;  
thence South  $0^{\circ}49'05''$  West 139.52 feet along said line to the north line of 500 North Street;  
thence South  $88^{\circ}57'08''$  East 323.56 feet along said line to the west line of 350 West Street;  
thence South  $01^{\circ}23'16''$  West 66.00 feet along said line to the south line of 500 North Street;  
thence North  $88^{\circ}57'08''$  West 322.91 feet along said line to the east line of 400 West Street;  
thence South  $0^{\circ}49'05''$  West 670.32 feet along said line to the north line of 400 North Street and the south line of the Tooele City Park Parcel;  
thence North  $89^{\circ}07'16''$  West 66.00 feet along said lines to the west line of 400 West Street;  
thence North  $0^{\circ}49'05''$  East 670.51 feet along said line to the south line of 500 North Street;  
thence North  $88^{\circ}57'08''$  West 322.91 feet along said line to the east line of 450 West Street;  
thence South  $0^{\circ}15'04''$  West 672.11 feet along said line to the north line of 400 North Street and southern line of Tooele City Park Parcel;  
thence North  $89^{\circ}13'55''$  West 33.00 feet along said lines to the west line of 450 West Street, to the Point of Beginning;

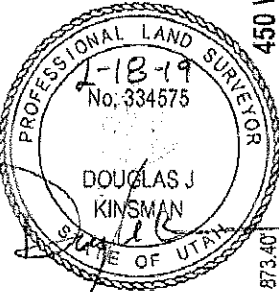
Parcel contains: 129,282 square feet, or 2.97 acres.



WEST QUARTER CORNER  
OF SECTION 21, T3S, R4W,  
SLB&M (FOUND 3" BRASS  
TOOELE COUNTY  
SURVEY MONUMENT  
RING AND LID, NO DATE)

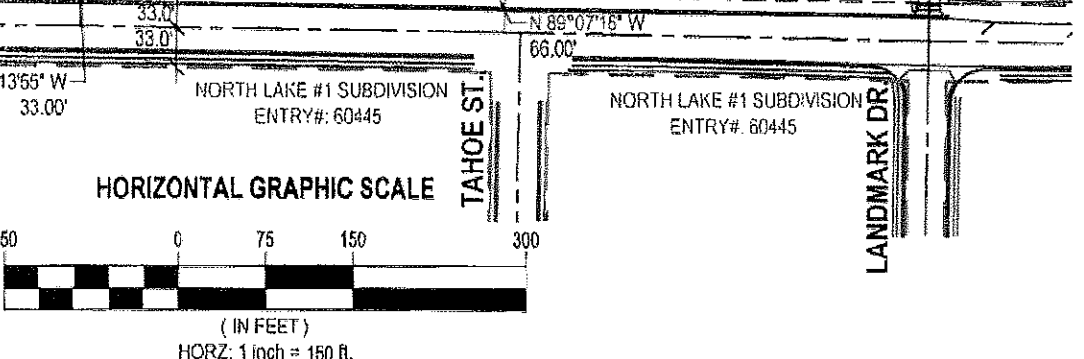
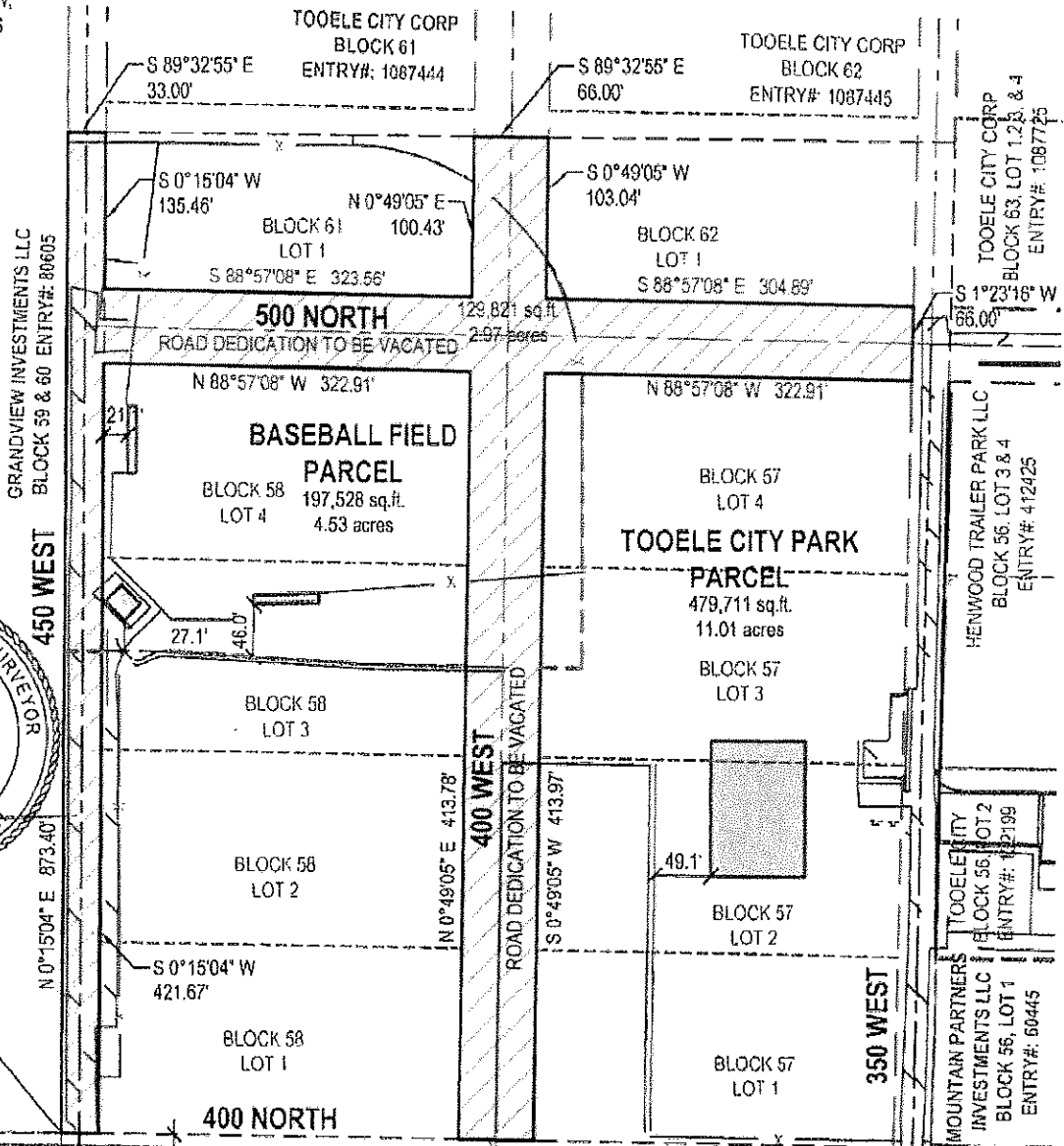


BASIS OF BEARING N 0°08'31" W 2645.21'



POINT OF  
BEGINNING  
ROAD VACATION  
EAST 263.08'

SOUTHWEST CORNER OF  
SECTION 21, T3S, R4W,  
SLB&M (FOUND 3" BRASS  
TOOELE COUNTY  
SURVEY MONUMENT  
RING AND LID, DATED  
1982)



PROJECT# 8800  <b>1 OF 1</b> FILE	DATE 02/11/2019  <b>ROAD VACATION</b>  400 NORTH 450 WEST TOOELE, UTAH 84074 <b>EXHIBIT "B"</b>	FOR TOOELE CITY ENGINEERING DEPT. 90 N MAIN STREET TOOELE, UTAH 84074 435-843-2137	169 N. Main Street, Unit 1 Tooele, Utah 84074 Phone: 435.843.3590 Fax: 435.578.0108 <a href="http://www.ensignutah.com">www.ensignutah.com</a>
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**TOOELE CITY CORPORATION**

**RESOLUTION 2019-18**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING BUDGET ADJUSTMENTS TO THE FISCAL YEAR 2018-2019 BUDGET.**

WHEREAS, the City Council finds it necessary and prudent to re-open the 2018-2019 fiscal year budget to make adjustments in order to more efficiently utilize funds to be received, said adjustments described in Exhibit 1, attached, pursuant to U.C.A. §§10-6-124-128; and,

WHEREAS, the City Council convened a duly-noticed public hearing on March 6, 2019, pursuant to the requirements of U.C.A. §§10-6-113-114:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the budget adjustments for fiscal year 2018-2019 as shown on Exhibit 1, which is attached hereto and made a part hereof, are hereby approved.

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

Passed this \_\_\_\_ day of \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(For)

(Against)

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ATTEST:

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

S E A L

Fiscal Approval: \_\_\_\_\_  
Glenn Caldwell, Director of Finance

Approved as to Form: \_\_\_\_\_  
Roger Evans Baker, City Attorney

# Exhibit 1

## Budget Adjustments

**TOOELE CITY CORPORATION**

**ORDINANCE 2018-21**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING 21.66 ACRES OF PROPERTY CURRENTLY ZONED R1-7 RESIDENTIAL TO HDR HIGH DENSITY RESIDENTIAL, CREATING A PLANNED UNIT DEVELOPMENT ZONING OVERLAY, AND ASSIGNING THE PLANNED UNIT DEVELOPMENT OVERLAY TO 36.11 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1600 NORTH BERRA BOULEVARD .**

**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 R1-7 zoning district is currently assigned to approximately 57.78 acres of land located on the north side of the Union Pacific Railroad along Berra Boulevard at approximately 1600 North (see map attached as **Exhibit A**); and,

**WHEREAS**, the 55.79 acres of land is currently owned by Metro West Developers, LLC; and,

**WHEREAS**, the 1.99 acres of land which is landlocked by the remaining acreage is currently owned by Tooele City; and,

**WHEREAS**, by Rezone Petition received September 28, 2018 (see Exhibit B), Metro West Developers, LLC requested that 31.88 acres of the subject property be reassigned to the HDR High Density Residential zoning district and the remaining 23.90 acres receive a Planned Unit Development (“PUD”) zoning overlay designation with its current R1-7 zoning assignment for the purpose of decreasing lot size, lot width and lot setbacks to provide flexibility in site and building design, placement of buildings, product type, and use of open space; and,

**WHEREAS**, by a revision to the September 28, 2018 Rezone Petition received February 1, 2019 (see Exhibit C), Metro West Developers, LLC requested that 21.66 acres of the subject property be reassigned to the HDR High Density Residential zoning district and the remaining 36.11 acres receive a Planned Unit Development (“PUD”) zoning overlay designation with its current R1-7 zoning assignment for the purpose of decreasing lot size, lot width and lot setbacks to provide flexibility in site and building design, placement of buildings, product type, and use of open space; and,

**WHEREAS**, the Planned Unit Development portion is anticipated to contain single-family detached homes on individual lots; and,

**WHEREAS**, the surrounding properties to the west are assigned the R1-7 Residential zoning designation and properties to the north are assigned to the P Planned Development zoning designation; and,

**WHEREAS**, the surrounding properties to the east and south across the Union Pacific Railroad line are assigned the HDR High Density Residential and GC General commercial zoning districts; and,

**WHEREAS**, the development will contain a variety of housing types ranging from apartments and townhomes in the HDR High Density Residential portion to single-family detached and small lot cluster style homes in the PUD Planned Unit Development portion; and,

**WHEREAS**, density within the PUD Planned Unit Development portion of the proposed development shall be determined only by the underlying R1-7 zoning district, (Tooele City Code §7-6-2); and,

**WHEREAS**, the subject properties' design and development shall maintain all of the standards and requirements of the City Code for its zoning designation including those standards established herein for the portion of the properties assigned to the Planned Unit Development zoning overlay; and,

**WHEREAS**, all roads within the 21.66 acre HDR High Density Residential development shall be privately owned and maintained roads; and,

**WHEREAS**, all open space within the development shall be privately owned and maintained; 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 ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

**WHEREAS**, on October 24, 2018, 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 D); and,

**WHEREAS**, on \_\_\_\_\_, the City Council convened a duly-advertised public hearing; and,

**WHEREAS**, the property subject to the original and revised rezone petitions is subject to that certain Settlement Agreement dated August 6, 2014, which provided, in relevant part, that the property owners and Tooele City would work together to develop an amendment to the Land Use Element of the Tooele City General Plan to designate areas intended for residential and other uses, which amendment would be the basis for approval of land use applications, including rezone petitions, for the property (see Section 9); and,

**WHEREAS**, on February 4, 2015, the City Council approved Ordinance 2015-04, an ordinance of the Tooele City Council amending the Tooele City General Plan Lane Use Element and Land Use Map, and assigning base zoning for the Overlake properties, which ordinance identified an Area A comprised of approximately 1,696 acres of residential property in which a broad range of zoning districts could be considered, from the highest density residential zoning district (HDR, allowing up to 16 dwelling units to the acre) to the lowest-density residential district (MU-160, requiring a 160-acre lot), and anything in between, and in which the base zoning or holding zone for the residential areas was established to be the R1-7 single-family zoning district; and,

**WHEREAS**, Ordinance 2015-04 contemplated that the City would work with property owners to approve appropriate zoning classifications to accommodate the specific land uses requested by owners as contemplated in the Land Use Plan amendment approved by the ordinance; and,

**WHEREAS**, by the Tooele City Charter (Section 2-02), Utah Code (Chapter 10-3b Part 2), and the Tooele City Code (Section 1-5-2), the City Council exercises all legislative policy-making powers and functions of the City, which include land use policy, both in the General Plan and Zoning

ordinances, under which the authority the City Council exercises the exclusive prerogative of deciding which land use decisions are in the best interest of Tooele City, utilizing the reasonably debatable legal standard established for legislative decision-making; and,

**WHEREAS**, this Ordinance establishes the legislative land use policy of the City Council regarding the zoning designations for the subject property as being in the best interest of Tooele City because it affords a reasonable, flexible, and generous use of residential land while minimizing, to the extent possible, the adverse impacts of relatively high density development on transportation, water distribution, and sewer collection systems; 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 Metro West Developers, LLC to comply with the conditions listed below:

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

**Section 1. Amendment.** The Tooele City Zoning Map is hereby amended (see Exhibit A) to indicate that 21.66 acres of the subject property is reassigned to the HDR High Density Residential zoning district and 36.11 acres of the subject property is assigned a PUD Planned Unit Development according to the terms established herein, the underlying zone of which shall be the R1-7 Residential zoning district; and,

**Section 2. Conditions.** As express conditions to the City's approval of this Ordinance 2018-21 and the Zoning Map Amendment approved thereby, Metro West Developers, LLC is hereby required to do all of the following within the 36.11 acres of the subject property assigned the PUD Planned Unit Development designation:

1. A minimum of 50 lots within the PUD Planned Unit Development shall conform to the following standards:
  - a. Lot Size: 5000 square foot minimum.
  - b. Lot width and Frontage: 50 feet at front setback line, 35 feet of frontage.
  - c. Front Setback: 20 feet to the home and garage from property line.
  - d. Rear Setback: 20 feet from property line, 15 feet on corner lots.
  - e. Side Setback: 6 feet from property line, 15 feet on corner lots.
  - f. Building Height: 35 feet, 1 story minimum.
  - g. Lot coverage: 45% of the lot may be covered with buildings.
2. All remaining lots within the PUD Planned Unit Development shall conform to the following standards:
  1. Lot Setbacks: minimum setbacks shall be in accordance with the R1-7 zoning district except as expressly outlined as follows:
    - A. Front-loaded single-family dwellings facing a public right-of-way.

- I. Front yard setback of 15 feet to right-of-way to dwelling and 18 feet from right-of-way to garage.
    - II. Side yard setback of 3 feet from any shared interior lot line and 10 feet on corner lots.
    - III. Rear yard setback of 10 feet for interior lots and 5 feet for corner lots.
  - B. Front-loaded single-family dwellings facing a private right-of-way.
    - I. Front yard setback of 5 feet from private road or shared driveway to dwelling and garage.
    - II. Side yard setback of 3 feet from any shared interior lot line and 10 feet on corner lots.
    - III. Rear yard setback of 5 feet from any shared interior lot line, and 10 feet from a right-of-way.
  - C. Rear loaded single-family dwellings face a public or private right-of-way or open space.
    - I. Front yard setback of 10 feet from public right-of-way.
    - II. Side yard setback of 3 feet from any shared interior lot line and 10 feet on corner lots.
    - III. Rear yard setback of 5 feet from private road or shared driveway to dwellings and garages.
- 2. Lot Size: each lot shall be a minimum of 2,500 square feet per unit.
- 3. Lot Width and Frontage: 30 foot lot width at front setback line for single-family dwellings and all other uses. Lot frontage of 30 feet.
- 4. Lot Coverage: Total lot coverage of 70% for all buildings.
- 5. Building Height: Maximum height of 35 feet or 3 stories. Minimum height of 1 story.
- 6. Open Space: A minimum of 21,780 Square Feet of improved open space with one 700 square foot minimum playground area and one 100 square foot minimum covered sitting area.
- 7. Roads: All roads within the PUD shall be public rights-of-way, with an exception to the private driveways providing access to cluster home type development.
- 8. Water Rights: developer shall convey to the Tooele City Water Special Service District, by water rights deed or approved water rights certificates, municipal water rights pursuant to Tooele City Code 7-26, as amended.
- 9. Connecting Streets: developer shall accommodate and provide connecting public streets to and through the development for properties to the east and to the west.
- 10. Design Standards: developer shall comply with the residential design standards, established in Tooele City Code Chapters 7-11a and 7-11b, as amended.
- 11. Tooele City Regulations: the developer shall comply with all other Tooele City regulations, whether established by ordinance or policy, including, but not limited to the development and design standards, processes, application requirements, and payment of fees, including impact fees. All public improvements shall be designed and constructed to standards and specifications established by the City.

12. Double-Frontage Lots or Units: Lots on public rights-of-way the developer shall provide for the installation and perpetual maintenance, by a duly-organized homeowner's association, of the public improvements (e.g., fencing, sidewalks, park strip landscaping, etc.) associated with double-frontage lots or units as required by Tooele City Code §7-19-17.1.
13. Fencing: Solid barrier type masonry fencing shall be installed by the developer where lots and open space front on the Union Pacific Railroad right-of-way.

**Section 3. Rational Basis.** The City Council hereby finds that the above-described expressed conditions to the approval of this Ordinance 2018-21 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the subject property.

**Section 4. No Vesting.** Approval of this Ordinance 2018-21, 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 \_\_\_\_\_, 2019.

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

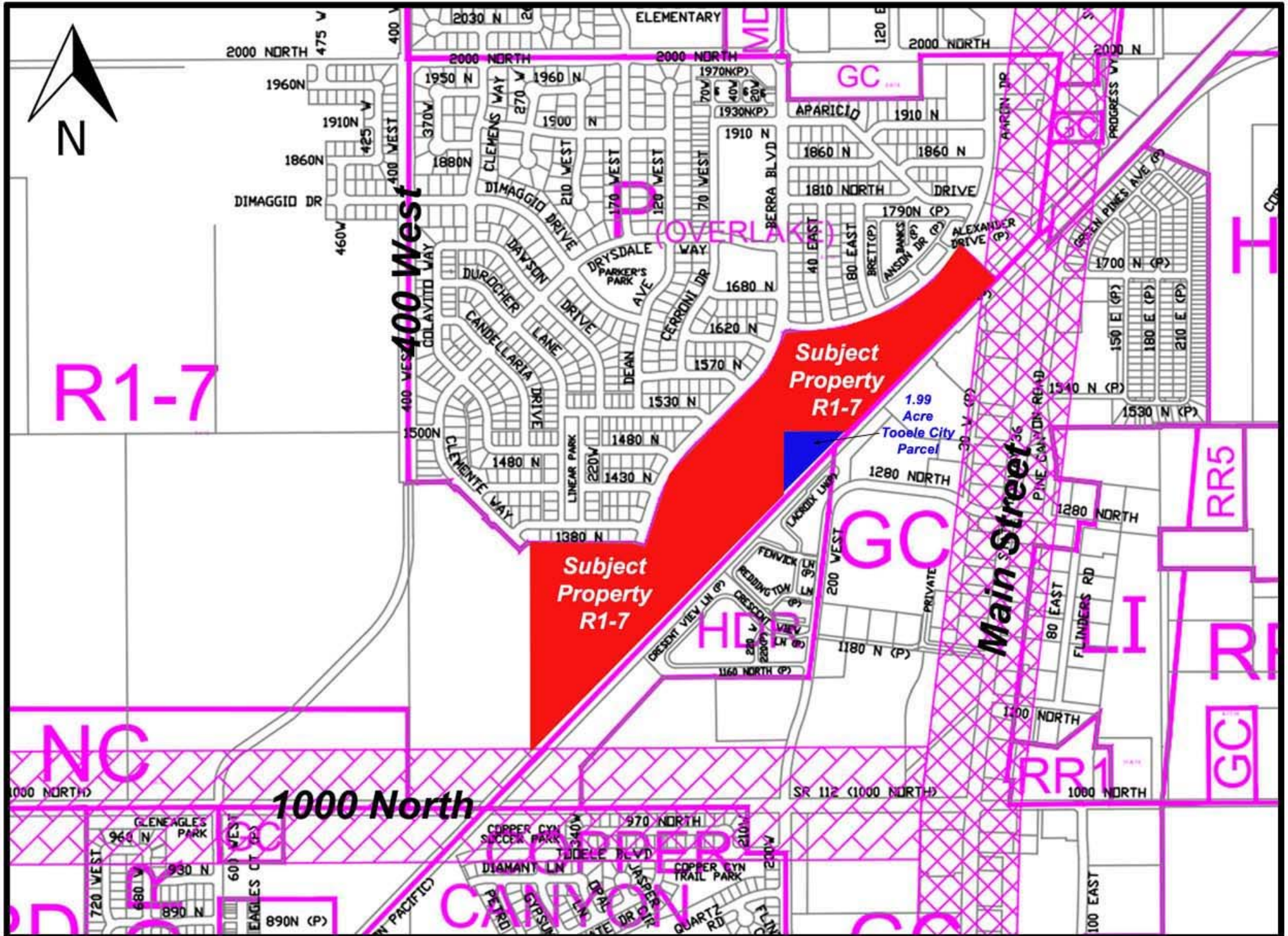
Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

# **EXHIBIT A**

## **ZONING MAP**



# Berra Boulevard Development Zoning Map Amendment



Aerial View



# **EXHIBIT B**

## **ORIGINAL REZONE PETITION**

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

Community Development Department  
90 North Main Street, Tooele, UT 84074  
(435) 843-2130 Fax (435) 843-2139  
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.

P18-713

Project Information			
Date of Submission:	09/28/18	Current Map Designation:	Medium Density Res.
		Proposed Map Designation:	MDR and HDR
Project Name:	Berra Boulevard Development		Parcel #(s): 02-126-0-0001 02-126-0-0025 & 02-126-0-0006
			Acres: 55.78 + 1.99
Project Address:	South of Aaron Dr., east of Berra Blvd., northwest of Union Pacific Railroad		
Proposed for Amendment:	<input checked="" type="checkbox"/> Zoning Map <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan:		
Brief Project Summary:	We are requesting a zoning and general plan amendment for the parcel numbers listed above. The subject properties are being planned for future residential development.		
Property Owner(s):	METRO WEST DEVELOPERS, LLC		
Applicant(s):	METRO WEST DEVELOPERS, LLC		
Address:	116 B HANLINS CIRCLE		
City:	Kaysville	State:	UT
Zip:	84037	City:	SARAS
Phone:	(801) 550-5499	State:	UT
		Zip:	84037
Contact Person:	JACK ANDREWS	Phone:	Tom 801-403-5281
Address:	116 B HANLINS CIRCLE		
City:	Kaysville	State:	UT
Zip:	84037	City:	Kaysville
State:	UT	Zip:	84037
Cell/Link:	(801) 550 5499	Fax:	
Email:	JACK@RADIOCLUB.COM		

\*This 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:** [tromney@focusutah.com](mailto:tromney@focusutah.com)  
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.

2180721 CA 9/28/18 60323520

For Office Use Only			
Received By:	Date Received:	Fees:	App. #:
<i>JB</i>	9-28-18	\$6,600	

# **EXHIBIT C**

## **REVISED REZONE PETITION**

**METRO WEST DEVELOPERS**  
A LIMITED LIABILITY COMPANY

February 1, 2019

Tooele City  
Community Development Department  
90 North Main Street  
Tooele, Utah 84074  
Attention: Director Bolser

VIA: Email

Dear Director Bolser,

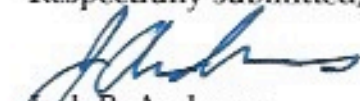
We are requesting to amend our existing application (P18-713, a copy of such application is attached) submitted to your department on September 28, 2018. This amendment was communicated to you by email yesterday by Mr. Romney of Focus Engineering.

This amendment is a result of our most current market research and discussions with prospective partners in meeting the needs for more affordable housing.

This will result in a very significant reduction of density for our development and with the wastewater, water, traffic and all other required analysis required of us, we are requesting that with the cooperation of the City Council that we be placed on the February 6, 2019 agenda for their decision on our application.

On behalf of our partners, Focus Engineering and all the stakeholders involved we look forward to continuing to work with the city of Tooele to build something that benefits as many people as possible.

Respectfully submitted,

  
Jack R. Andrews,  
Managing Director



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

Community Development Department  
90 North Main Street, Tooele, UT 84074  
(435) 843-2130 Fax (435) 843-2139  
www.tooelecity.org



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P18-713

Project Information			
Date of Submission:	09/28/18	Current Map Designation:	Medium Density Res.
		Proposed Map Designation:	MDR and HDR
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			Acres: 55.78 + 1.99
Project Address:	South of Aaron Dr., east of Berra Blvd., northwest of Union Pacific Railroad		
Proposed for Amendment:	<input checked="" type="checkbox"/> Zoning Map <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan:		
Brief Project Summary:	We are requesting a zoning and general plan amendment for the parcel numbers listed above. The subject properties are being planned for future residential development.		
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City:	Kaysville	State:	UT
Zip:	84037	City:	SARNS
Phone:	(801) 550-5499	State:	UT
		Zip:	84037
Contact Person:	JACK ANDREWS	Address:	116 B HANLINS CIRCLE
Phone:	(801) 550-5499	City:	KAYSVILLE
Cell/Link:	(801) 550 5499	State:	UT
Fax:		Zip:	84037
		Email:	JACK@RADIOCLUB.COM

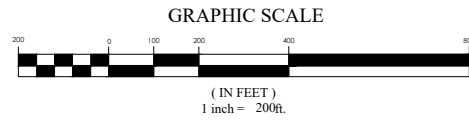
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**Note to Applicant:** [tromney@focusutah.com](mailto:tromney@focusutah.com)  
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2180721 CA 9/28/18 60323520

For Office Use Only			
Received By:	DRB	Date Received:	9-28-18
		Fees:	\$6,600
		App. #:	



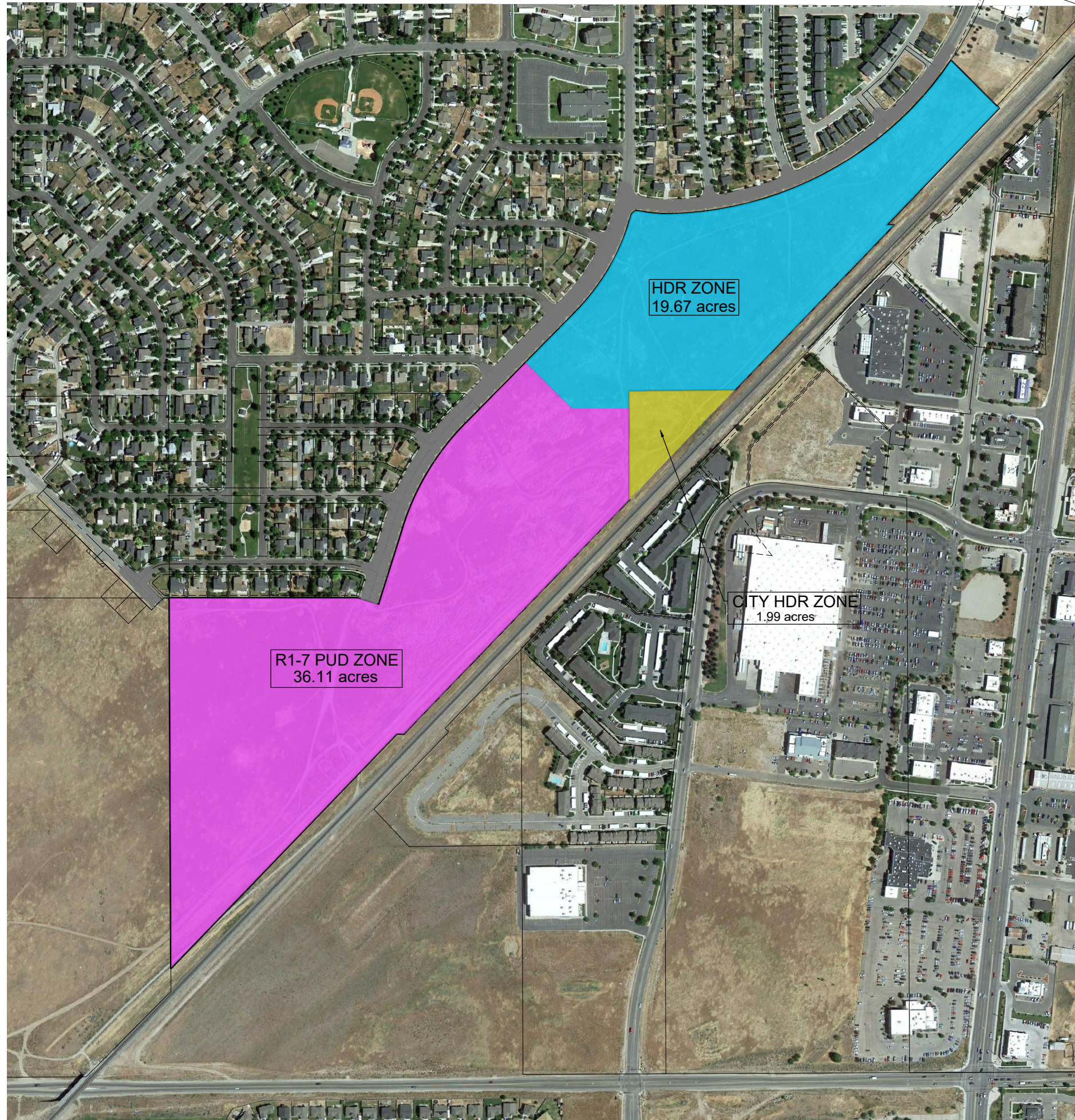


**LEGEND**

- PROPOSED R1-7 PUD ZONE (36.11 AC)
- PROPOSED HDR ZONE PRIVATELY-OWNED (19.67 AC)
- PROPOSED HDR ZONE CITY-OWNED (1.99 AC)

**ZONING MAP**

1. THE PRESENT ZONING OF THE PROPERTY IS R1-7.
2. THE PROPOSED R1-7 PUD ZONING (SHOWN IN PINK) WOULD MAINTAIN THE CURRENT MEDIUM DENSITY LAND USE DESIGNATION. THE PROPOSED HDR ZONING (SHOWN IN BLUE AND YELLOW) WOULD BE PART OF A NEW HIGH DENSITY RESIDENTIAL DESIGNATION THAT WOULD PROVIDE APARTMENTS INTENDED TO MIX WELL WITH CURRENTLY EXISTING TOWNHOMES AND APARTMENTS IN ADJACENT AREAS.
3. THE PROPOSED R1-7 PUD ZONING WOULD ALLOW FOR A GREATER VARIETY OF HOME PRODUCTS AND OPEN SPACE WHILE MAINTAINING A DENSITY OF APPROXIMATELY 5.0 UNITS PER ACRE AS INSTITUTED IN THE UNDERLYING R1-7 ZONE. THE PROPOSED HDR ZONING WOULD ALLOW FOR GREATER VARIETY OF HOUSING SUCH AS TOWNHOMES AND APARTMENTS SIMILAR TO EXISTING DEVELOPMENTS TO THE NORTH AND SOUTH OF THE SUBJECT PROPERTY. THE PROPOSED HDR ZONE WOULD ALSO CREATE A BUFFER BETWEEN RESIDENTIAL ON THE WEST AND THE COMMERCIAL ON THE EAST, CREATING A SMOOTH TRANSITION BETWEEN BOTH ZONES.
4. THE PROPOSED ZONING WOULD IMPROVE OVERALL VISIBILITY TO THE NEARBY OVERLAKE DEVELOPMENT AND PROVIDE HOUSING PRODUCTS THAT COMPLIMENT THE CURRENTLY EXISTING COMMUNITIES. THE PROPOSED LAND USES WOULD BRING DEVELOPMENT AND HELP GENERATE BUSINESS IN TOOELE.
5. THE PROPOSED ZONING WOULD FOLLOW TOOELE'S COMMUNITY DEVELOPMENT MISSION BY CREATING A QUALITY SINGLE-FAMILY, TOWNHOME, AND APARTMENT NEIGHBORHOOD DESIGN THAT WOULD BOOST NEIGHBORHOOD LIVABILITY AND APPEARANCE, FACILITATE REDEVELOPMENT, ATTRACT BUSINESS, AND RETAIN BUSINESS.



**BERRA BLVD DEV.**  
TOOELE, UTAH  
**REZONE EXHIBIT**

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

**ZONING MAP**

Scale: 1"=200' Drawn: CJG  
Date: 1/8/19 Job #: 18-263  
Sheet:



# **EXHIBIT D**

**OCTOBER 24, 2018 PLANNING COMMISSION MINUTES**

**TOOELE CITY PLANNING COMMISSION MINUTES**  
**October 24, 2018**

**Date:** Wednesday, October 24, 2018

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

**Commission Members Present:**

Tony Graf  
Tyson Hamilton  
Shauna Bevan  
Chris Sloan  
Matt Robinson  
Phil Montano  
Melanie Hammer

**Commissioner Members Excused:**

Bucky Whitehouse

**City Employees Present**

Mayor Debbie Wynn  
Jim Bolser, Community Development Director  
Andrew Aagard, City Planner  
Roger Baker, City Attorney  
Paul Hansen, City Engineer

**Council Member Present:**

Council Member McCall  
Council Member Gochis

Minutes prepared by Kelly Odermott

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Hamilton

**2. Roll Call**

Phil Montano, Present  
Tyson Hamilton, Present  
Chris Sloan, Present  
Tony Graf, Present  
Shauna Bevan, Present  
Melanie Hammer, Present



Matt Robinson, Present

Mr. Jim Bolser notified the Commissioners that the public notice for agenda items 3 and 4 listed a start time of 7:30 pm. Those two items could not be discussed until the public notice time of 7:30 pm. He provided the Commissioners with two options; one to move the agenda items 5, 6, 7, and 8 to 7:00 p.m. because they had a public notice of 7:00 p.m. or hold off on all agenda items until 7:30 p.m.

**Commissioner Sloan moved to move agenda items 3 and 4 to the bottom of the agenda to meet the 7:30 public notice time.** Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

**3. Recommendation on a Subdivision Preliminary Plan request by Howard Schimdt for the 48-lot Providence at Overlake Subdivision, Phases 3-6 in the R1-7 Residential zoning district on approximately 31.4 acres located at approximately 1200 North 400 West.**

Presented by Andrew Aagard

This item tonight is a preliminary plan for Providence at Overlake Subdivision phases 3 through 6. The zoning is R1-7 as are the properties located to the West and East of the property. There is an existing road connection at Clemente Way. As part of the proposal road connections will be made at Berra Boulevard to the existing Berra Boulevard and to Zenith Properties which is currently under review as a subdivision. There will be a temporary turn around at the end of Clemente Way until it is continued to Berra Boulevard. All lots have been reviewed for compliance with lot standards under the R1-7 code. Staff is recommending approval with the staff conditions listed in the Staff Report.

Chairman Robinson asked the Commission if there were questions or comments in regard to the project; there were none.

**Commissioner Bevan moved to forward a positive recommendation to the City Council for the Providence at Overlake Subdivision, Phases 3-6, preliminary plan request by Howard Schmidt for the purpose of creating approximately 48 single family residential lots at approximately 1200 North 400 West, application number P18-526 based on the findings and subject to the conditions listed in the Staff Report dated October 11, 2018 .** Commissioner Sloan seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

**4. Recommendation on a Subdivision Final Plat request by Joseph Earnest of Lone Star Builders for the 2 lot Quick Quack Tooele Subdivision in the GC General Commercial zoning district on approximately 1.01 acres located at 1262 North Main Street.**

**Presented by Andrew Aagard**

A map was shown on the screen. There is an existing car wash on the property. The car wash will be removed for the new development. The zoning of the property is general commercial. This is really a lot line adjustment done through a plat amendment, but because there was a prior plot line in place it is being processed as a typical final plat subdivision. This is the final plats being proposed and shifts the plot line a little to the East. This provides a little more room for the development. There is a sewer line in the center of the property that is being vacated and will be brought to the City Council. Staff is recommending a positive recommendation based on the conditions listed in the Staff Report.

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

**Commissioner Hammer moved to forward a positive recommendation to the City Council for the Quick Quack Tooele final plat request by Joseph Earnest representing Lone Star Builders for the purpose of redeveloping a 2-lot commercial subdivision, application number P18-294, based on the findings and subject to the conditions listed in the Staff Report dated October 11, 2018 .** Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye" Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

**5. Public Hearing and Recommendation on a Zoning Ordinance Text Amendment request by Tooele City regarding amendments to Table 1 of Section 7-14-3 of the Tooele City Coded dealing with the minimum project size for multi-family residential developments.**

Presented by Jim Bolser

This is a text amendment proposal. The City staff and City administration routinely look for areas of complication or inefficiencies in the City ordinance and look for ways to correct those. One that has been identified is a notation in the provisions of Section 7-14-3 that addresses residential zoning. In the land use table for that section, Table 1, there is a small notation under the listing for permissibility of multi-family residential developments that puts an acreage requirement on projects. The City's proposal is to strike that note. It does not change the permissibility of any land use. It simply removes the minimum project area requirement and lets the market do what it needs to do.

Chairman Robinson asked the Commission if there were any questions or comments; there were none.

Chairman Robinson opened the public hearing and asked if there were any members of the public that would like to step forward and comment.

Andrew Aston asked why it is necessary to eliminate the text from the Table. It eliminates the areas that are predetermined zone for housing, that sounds like it is a good thing.

Kristine Jackson asked what the minimum lot size is currently for multi-family residential units. Why would we want to change that because I feel like for multi-family units you wouldn't want to cram a bunch of people in and have no parking or facilities.

Andrea Cahoon stepped forward and stated that from the real estate side there are parcels that may be able to have multi-family units but are four acres and fall below the minimum of 5 acres. If a developer must have 5 acres, it may not be the best use of the property. With property rights, owners do not want the government dictating what a property owner can do with their property. There are reasons to have zoning requirements. Ms. Cahoon stated that she is aware of a 3-acre parcel that a developer is looking at putting multi-family units on, but with current code they are limited to the type of unit they can build. The code dictates what they can do there but does not change the nature of what they are doing.

Ben Sandgern stated obviously the notation was put into the text originally for a purpose. He is curious as to why it was put in and why the City needs to change that purpose now.

Howard Schmidt was not aware that there was a minimum size requirement. It does make sense for some of the smaller infill areas. With multifamily there is code that needs to be met for a multi-family residential unit request. He thinks it sounds like a reasonable text adjustment.

Alan Snarr stated that he gets nervous when he hears the comment, "let the market take care of it." Because the people have a right to shape their communities as well, not just the market, not just the developer, not just the cash. And for some reason in the past, this was coded a certain way by people who had an idea of what they wanted their community to look like. And now we let the market solve our problem or do we ask the people what is in their interest and why the notation was put in the table in the first place.

Chairman Robinson asked if there were any other members of the public that would like to come forward; there were none. Chairman Robinson closed the public hearing.

Mr. Bolser stepped forward to address questions made during the public hearing. Currently the notation that is proposed to be stricken is a minimum of 5 acres needed for multi-family units. The rationale behind it, is twofold. Speaking to historical rationale, the City employees present do not know the reason it was put in place. Any explanation they would have would be speculative as to why the notation was placed on the table. The reason the City feels comfortable in bringing this amendment to the Planning Commission and City Council is that there is already a twostep check and balance on projects of this nature. Number one the actions of the Planning Commission and the City Council can control that on a case by case basis through public meetings and voting. There are already design standards and development requirements in the City Code that specify additional amenities, such as parking and green space based on lot size. Those factors determine the property size or conversely how many units to put on a property. There are multiply levels of review to ensure this requirement is in place that serve this purpose. The proposal is to allow those checks and balances to occur and allow property owners to exhibit the rights they have, not only to request zoning but to develop their property according to the zoning applied to a piece of property.

**Commissioner Sloan moved to forward a positive recommendation to the City Council for the Multi-Family Project Area City Code Text Amendment Request by Tooele City to address minimum project size requirements for multi-family residential developments, application P18-750 based on the findings and subject to the conditions listed in the Staff Report dated October 18, 2018.** Commissioner Hamilton seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye" Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

**6. Review and Approval of Planning Commission minutes for meeting held October 10, 2018.**

Chairman Robinson asked the Commission if they had any questions or concerns; there were none.

**Commissioner Hammer moved to approve minutes from the meeting held on October 10, 2018.** Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye" Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

Mr. Bolser addressed the Commission and recommended that the Planning Commission recess until 7:30 p.m. for the remaining items on the agenda.

**Commissioner Sloan moved recess the meeting until 7:30 p.m.** Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye" Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

The meeting was recessed until 7:30 p.m.

Chairman Robinson opened the meeting at 7:30 p.m.

**7. Public Hearing and Recommendation on a Zoning Map Amendment request by Jack Andrews representing Metro West Developers, LLC, to reassign the zoning designation from the R1-7 Residential zoning district to the HDR High Density Residential zoning district for 31.88 acres, creating PUD provisions, and assigning the PUD zoning overlay designation for 23.9 acres currently assigned the R1-7 Residential zoning district located for the Berra Boulevard Development located at approximately 1600 North along Aaron Drive and Berra Boulevard.**

Presented by Andrew Aagard

A map of the property was shown on screen. The property is a total of approximately 57 acres. The zoning of the property currently is R1-7. There is a small parcel of property in the surrounded by the 57 acres that does belong to Tooele City. The R1-7 zoning is a medium density code that allows single family lots of 7000 square feet, in a density of five lots per acre.

The developer is proposing to rezone the property into two separate zoning districts. The northeastern parcel 31.88 acres is proposed at the HDR high density residential zone. The HDR zone allows for 16 units per acre. The types of units that can be constructed in this zone are single family detached, single family attached, townhomes, condominium, apartments. It is the City's most liberal zone in regard to the types of properties that can be constructed. It provides a wide variety of housing types to be constructed. The Tooele City parcel, the City would also like to see that rezoned to HDR for uniformity in zoning and allow for greater ability for development in future regardless of who owns the property. The southern portion of property, which is 23.9 acres, is being requested for a PUD designation. A PUD is a planned unit development. It provides flexibility in the development standards for lots. It can reduce lot sizes, setbacks, and widths. The PUD does not increase density. The density is determined by the underlining zone, which is R1-7 and allows for five units per acre. The applicant submitted some standards for what they would like to see in the PUD development. A minimum of 50 lots shall be 5000 square feet, 50 feet wide. That is slightly smaller than what is currently allowed in the R1-7 zone. The other lots remaining in the PUD the developer is proposing the lots go down to 2500 square feet, 30 feet wide. That is smaller still, but they wanted some flexibility in the development of the lots and provide for open space. A conceptual map was shown on the screen. This is what the developer would like to do and not what is approved. This area was intended to be part of Overlake and be a park. Due to recent settlement agreements resulting from litigation this area is no longer part of the Overlake Development. Its development will be determined by the City.

There have been many comments received from the public concerning this item. Most comments had been forwarded to the Commission. A few comments were received just prior to the meeting and had not been forwarded. They were pretty similar to all the comments already received.

Staff is recommending approval for this rezone request. There are some conditions that staff would like for Planning Commission to forward to the City Council. One of those conditions is to include the Tooele City parcel in the rezone request for HDR zoning. The City would like to include that the developer provides for access to the Tooele City parcel, so it does not become land locked. Another condition requiring the cost and planning of utility upgrades resulting from the change in use of the property from potential park space to HDR residential development shall be born and conducted by the developer, not the City. The developer shall provide and maintain provisions to route all storm water through the property per City Code and shall maintain their own storm water run-off site. That condition was requested by the City Engineer.

Mr. Aagard added one additional condition for the Planning Commission to consider. This was not included in the Staff Report. Require a six-foot solid masonry fencing along the railroad. That requirement may be in the ordinance, but Mr. Aagard was not familiar if it was in the City ordinance.

Chairman Robinson asked if the Commission had any questions or comments.

Commissioner Hammer asked what areas in Tooele City are already zoned HDR high density residential. Mr. Aagard stated there are areas located East of Albertsons and Macey's that have HDR zoning designations. He thought there was a senior residential development that had just been zoned as HDR PUD. Commissioner Hammer asked how much each of these lots were in acreage. Mr. Aagard stated he did not know off the top of his head. Commissioner Montano stated he thought the senior development was 14 acres off 1000 N. Mr. Aagard stated he believed the parcel behind Albertsons was approximately 5.5 acres. There is an HDR parcel at the southern part of the City that is approximately 5.5 to 6 acres. Mr. Aagard stated he is still new as an employee of the City and is not familiar with all the areas of the City that may have these zones. He could come back with that information.

Commissioner Bevan stated she is concerned that if this property gets rezoned to an HDR there is a bottleneck of traffic at SR36. She is concerned already about the traffic situation and if we add more homes and more cars it will create more congestion, which is already an issue. Mr. Aagard stated that the development would bring more traffic. The City can require a traffic study be conducted by the applicant with recommendations on how to deal with the increased traffic. Development is occurring to the west which will provide additional access to 1000N through Berra Boulevard. Future connections are coming. The Planning Commission can require a traffic study.

Commissioner Graf asked regarding the traffic study. Is this just a recommendation that the developer look into the traffic study as informational or would there be something binding in the traffic study. Mr. Aagard stated that the Planning Commission could make a recommendation that the approval is based on the recommendations of the traffic study. That would make it binding if the City Council approves.

Commissioner Montano wanted to make the conditions of the Staff Report clear. Item number 5 in the Staff Report is the two-acre City parcel. Item 6 is the utility upgrades for the development. Item 8 is the developer shall provide for storm water and the Planning Commission could add 9 for the railroad fence. Commissioner Montano stated that he had read and gone through the emails from the public and he understands and appreciates everything that everyone wrote. He understands their concerns and he would like Paul Hansen to get up and address those concerns related to the research done on the traffic, water, and sewer.

Chairman Robinson asked Paul Hansen, City Engineer to address Commissioner Montana's comments. Mr. Paul Hansen stepped forward. He stated any time the City considers a new development the city does a traffic study and reviews water and sewer. This costs the City money and he didn't want to imply that they didn't do them because they cost money. But in this case the tax payer's money would be used because there was no plan for final approval. Typically, the City looks at it from a general standpoint and then a detailed water modeling, detailed sewer modeling, and required traffic modeling is done. The conditions that the Commission is considering tonight would be required by the City on the developer. The City uses it's the modeling to ensure that nothing is inappropriate or doesn't significantly impact. He can't say that no one's water pressure would drop based on development, but the City makes every reasonable effort that they can as part of any development approval to make sure the



impact is as minimal as possible and as allowed by law. Should the Planning Commission recommendation include each of the conditions, the City will follow up on those conditions.

Chairman Robinson asked Commissioner Montano if that answered his questions. Commissioner Montano stated it did and thanked Mr. Hansen.

Commissioner Graf asked a question. The map that the Commission received is conceptual, but one the outside of the development on the street, does this allow for street parking. Mr. Aagard asked if he was referring to Berra Boulevard. He stated he was referring to the entirety of the HDR section. Mr. Aagard stated that it is a public street and therefore there could be parking there, but that it is in place currently. Mr. Baker addressed Commissioner Graf. The City Code does have specific code requirements for parking. The City Code intends for parking to be on the interior of the project. Parking on public streets is allowed, but the City Code development requirements intend to require sufficient parking onsite. That has not been the case with all previous projects including one in Overlake, but that was part of an old development agreement. This new development would have to follow the new City Code. Commissioner Montano made the comment that the developer would be required to provide parking for all dwellings. They have to supply enough parking for all units. Anyone can use the street, but the development must provide what is required by code. Mr. Aagard stated that the code requires two spaces per unit. Commissioner Hammer commented that the developer has to supply the two spaces for each unit, but in the case with The Cove at Overlake the residents are charged for use of those two spaces. A lot of them do not use their two spots and park on the street because the fee is in addition to their rent. So, these conceptual apartments could very well do the same thing. We again have the same traffic and parking issues along Berra Boulevard and Aaron Drive that is currently in place, effectively making it a one way road.

Commissioner Sloan wanted to clarify, is it appropriate in the conceptual phase of the project to put conditions in, such as the masonry six-foot fence and a traffic study, which would normally be required in an actual application for a specific project. The Commission does not have that here. Is now the time for that or do those conditions, if we assign those things to the rezone and an applicant comes in with R1-7 lots, would they be affected with the conditions? Mr. Baker stated that it is appropriate at this stage of the process. The conditions the Commission is being asked to impose would apply regardless of the final layout proposed; the traffic study, the requirement to pay for water, sewer, and storm water modeling, and infrastructure to make sure there is adequate utility capacity to serve the development. The masonry wall to have sound and safety barriers against the railroad would need to be in place no matter what the development is.

Chairman Robinson asked Mr. Baker how the settlement with Tooele Associates affects what happens with this property. He recognizes that the land now falls under City Code and the park that was originally planned has gone away. Are there binding factors that the City now needs to deal with? Mr. Baker stated that it is a complex question. The park went away not because of the settlement agreement. The park went away because the development agreement went away. That was a direct result of the result in court. There is nothing the City can do to change or alter that result. The Settlement agreement did not establish the zoning for this property because the Planning Commission gets to make land use policy recommendations to the City

Council and the City Council determine land use policy with input from the public. The City cannot sign a contract regarding zoning that does not have public input. The settlement agreement did not establish zoning. The Settlement agreement does provide however that the City and Planning Commission would go through a process to establish new zoning for these properties that were formally part of the Overlake plan, that were not developed. The City did go through a public process in February of 2015 to amend the land use plan, the general plan, and establish zoning districts for the area. Almost four years ago the City went through the process and the City did establish the medium density residential land use designation and in that it identified the uses that would be allowed in that area for this rezone request. The HDR is one of those zoning districts that is allowed for this property and other former Overlake properties.

Commissioner Graf had an additional question directed towards City employees. Is the City aware of any other HDR applicants or proposals at this time? Is this the only one? Mr. Aagard stated there was one in the following agenda item and he was not aware of any other than the two on the agenda. Commissioner Graf clarified if there were any other HDR zones in the City. Mr. Baker stated that there is one five to 6 acre lot in South Tooele that is zoned and development is in the process.

Chairman Robinson asked if the Commissioners had any other comments or questions for City staff.

Commissioner Bevan stated she was a little concerned about the recommendations based on the findings in the Staff Report state these will meet the general requirements of the general plan, master plan. Who decides what the general master plan would be for this development? Does the City? Mr. Baker stated that the City Council determined in 2015 that HDR was an appropriate zoning district for this property.

Chairman Robinson asked if the Commissioners had any other comments or questions; there were none.

Chairman Robinson opened the public hearing. Chairman Robinson stated the comments were limited to three minutes. The Commission will take down all questions and at the end after all comments City staff will address all questions. He stated that the emails were received by the Commissioners and the Commissioners were aware of the concerns stated in the emails.

Katie Carlie who is the chair of the Overlake HOA. First this parcel of land, the residents express concerns over the land. The residents of Overlake thought this would be a park and now they understand that agreement is gone. She wanted the Commissioners to consider and understand that the park is what the residents were anticipating and expecting when they purchased their homes. She wanted to address the apartment in Overlake, The Cove. She stated that she wanted to have a good attitude about them, but there has been harassment, vandalism, two cases of arson, and an accidental fire in the two years since it was developed. Drysdale Street has become a one-way street due to parking. It has been a burden and hardship to have The Cove. She wanted the Commissioners to understand and consider the expectations that the residents of Overlake had when they bought their homes.



Ryan Olson thanked the Commissioners for being able to share his family's thoughts tonight. Nearly 20 years ago after finishing university studies, he, his wife, and two small children began looking for a home, a place to lay down their roots. They were exhausted from the constant congestion and noise that accompanied their life in the big city. They had lived many years in high density housing. They were eager to purchase their first home in a stable, family friendly community. Their search for a home ranged over Utah. After months of research they had money down on two lots, one in Eagle Mountain, Utah and one in Overlake. After weeks of consideration their hearts were set on Overlake in Tooele. They love this community. They knew that Tooele offered the kind of neighborhood they had been looking for. We were seeking a community neighborhood free of congestion, noise, and traffic. Overlake is and was perfect for them. Mr. Olson stated there were three factors that moved them to Overlake. They loved the idea of a Homeowners Association. While expensive, an HOA requires all members to respect and care for their properties. Second the park. They are deeply saddened that the funds they spent when they built their home are no longer going to be used for that purpose. Green space was very important to the Olson family and that was one of the major reasons they chose Overlake. Three they love the residents they have met. When looking for a home they would stop and visit with residents of Overlake and ask what they liked and didn't like. They asked about schools and crime. Each answer satisfied their needs for a community. As the years have passed they have been blessed. In the years since living in Overlake they have stayed because they love their neighborhood. They plead with the Commission and the City Council to leave the zoning designation as is. They strongly oppose the HDR zoning. It will change their quality of life by adding congestion and traffic. Less green space will place strain on already strained sources, especially water. He further stated that their water pressure was already very difficult.

Jayson Stenquist stated he appreciated the time to come before the Commissioners. He is a resident of Overlake and one who lives directly across the street from The Cove. He wanted to share some of his concerns with additional high-density zoning. He brought a laptop with pictures from the neighborhood. He approached the Council to share the pictures. He showed a picture of the corner of Drysdale and Berra Boulevard. A picture of Drysdale and the cars parked on the street. He had several pictures of the cars on Berra Boulevard. He showed a picture of the portion of the street that is on the undeveloped road. It had RVs parked there. With the concerns with the parking on the road and the small green space at the apartments and Parkers Park which is just a short distance away; he stated there are always children in the road running back in forth. He is concerned that residents of The Cove use his parking strip to shoot off fireworks. This has been a concern because he hears sparks hitting his roof on July 4, 24, and the neighboring days. He has had to deal pet droppings in his yard, due to The Cove being pet friendly. For the safety of his community he asks that he Commission do not rezone the land.

Andrea Rawlings stated she is an educator at Overlake Elementary and a resident of Overlake. She loves the kids at the school. She wants to make sure a safe environment is provided at the school. She stated they had already talked about the traffic report in the meeting and she is so happy with that. She wonders if the traffic report will consider the new builds that will be coming, including a new high school that is proposed to be on the other side of Overlake. That is going to add traffic that will affect the neighborhood. Some of the other concerns are the traffic that

crosses the train tracks. She lives right across from the train tracks and has seen from the other side of the wall that people have jumped the tracks. She knows there have been accidental people on the tracks and even with a wall there are people getting to the tracks. Another concern is fire danger. If there is a fire and those two roads are blocked how can a firetruck come in. She stated getting access for a firetruck to the new apartments will be pretty hard. She knows that the seconds count in an emergency. She stated there is not enough green space. As more bodies are added there needs to be a place to be active. She stated Tooele County does not have the best record with obesity so there needs to be places for people to go to be active. Currently the lot under question is used for people to walk and run and they will be losing that as the development comes in. Ms. Rawlings stated that she is fine with growth. As a staff member of Overlake Elementary she is excited to see the new kids come to Overlake. But she hopes the safety concerns are done responsibly and not injected with steroids to make this faster than what the infrastructure can handle. She wants Overlake to be a beautiful community. She wants people to come and feel how awesome Tooele is. As the Commission looks at the zoning she wants the Commission to ask if it is responsible.

Malory Sandgren and she is a resident of Overlake. She wants to address the high-density residences proposed and others already designated as high-density areas in Tooele. If you look at the Tooele City Map the general land plan that there are three places currently zoned for high density in Tooele. There are two that were talked about the five acres south of town and east of Macey's and Albertsons. The big one that is a huge concern for the residents of Overlake is the big one that is already zoned and south of 1000 North. It is bigger than the 58 acres in Overlake. So, if we add another huge section of high-density housing in Tooele, in a small area, the infrastructure will already be taxed. There is no reason to have more high-density housing if we already have a large chunk already zoned for that. It was mentioned that the lot count is determined by the City. Well we as residents are the voice of the City and you represent us. We are hoping that you will help us keep the zoning as is and keep the medium density residential housing. The proposed plan has 600 units on 58 acres. That is huge. On the west side of Overlake, the lots that already designated for development is 70 lots on 30 acres. There is a big difference. It is high density, but really high density in one parcel of land. The residents of Overlake propose that the Commissioners consider keeping it as a medium density and not high density residential.

Kari Scribner stated she appreciates the time to talk to the Commissioners. She is a resident of the Overlake development. She takes what the Commissioners do seriously. She wants to discuss the building that is already going on. She provided a map for the Commissioners. She stated that she got the information from the Planning Commission. The Providence has 30 acres and 70 lots. The Overlake Phase two has 150 acres and 122 lots. The Lexington Green has 85 acres and 164 lots. She asked Mr. Aagard the size of those and states that he stated over 365 new developments on 270 acres. What the developer for this project is saying is 711 dwellings on 59 acres. That is not responsible building. That will make changes for everyone. She doesn't see how there will be water for everyone. She has to water in the middle of the day because she has no water pressure at night because of everyone watering. She is told not to water during the day, but she has to keep her lawn green. Please think about 611 units in less than 59 acres compared to 356 on 270 acres. Already you are looking at another 700 new cars in what has already been approved. The new development would add an additional 1200 cars. Please keep that in mind. She understands they are not getting a big park. She is asking that the Commission restrict the builder

to a responsible pace. Please remember that the residents love living in Overlake. She loves Tooele and cares about the community. Please take the recommendation seriously.

Andrew Aston, he is a resident of Overlake and a full-time fire fighter in Salt Lake. He stated that this size of apartment complex rivals any complexes in Salt Lake. Tooele City does not have full time fire department. There is one fire station right next door to the City offices. How are we going to protect the people in the apartments? A multi family dwelling is one of the scariest apartments fires that he goes on. It is one of the most labor intensive. They need lots and lots of people to fight them; to save people and property. How are we going to protect these people? We cannot change the zone until we have a way to protect these people. Tooele should have had a full-time fire department long ago. Eagle Mountain has less people than Tooele City and has two full time stations. That is irresponsible of Tooele, that is not adequate and is not adequate to support a high-density apartment complex. His question for the City is how they are going to protect these people?

Whitey Sivill stated she is a resident of the Overlake development and a mother of three. She stated that one of the biggest draws was the fact that she had two small children and there was a park across the street from her house. In the preceding weeks that they lived in their house they discovered that because 1000 North had not been taken out to the state road, that their street was used by speeding cars. Now that 1000 North has gone in, it has gotten better, but not fixed. It is hard for her to send her kids out to the place spaces, when she is concerned they will get hit by a car. The reason she has a problem with the high density is that if the cars don't go out to 2000 North, the cars will be going down her street. That's a big problem for her. Another big problem is that Tooele has been notoriously slow at building schools to adequately service the children that the community has already. If the Commissioner's put in high density housing where are the children going to go. They could go to Overlake Elementary, but when her kids went to Overlake the teachers had 30 kid in a class. That's a lot of kids for a teacher to deal with. Ms. Sivill stated that if the Commissioners bring in the high-density development there is nowhere for the kids to go. As far as she knew there were no new schools planned. The builder will build as fast as he can and get people in as fast as he can, then Tooele will be in an education crisis.

Brandon Ushio thanked the Commissioners for their time. He stated public service is important. He stated that he had not lived in Overlake for as long as some of the other residents who had spoken. He had been in Overlake for four years. It had been a five-year plan, but it has become a 20 year plan. The community is great. He loves that he can send his kids out on bikes, which is something you can't do in Salt Lake. He works for Granite School District. He stated that there are schools that he has overseen that have 10 relocatable classrooms behind them. He stated students don't get the same experience when in one. If there is not adequate space, there will not be adequate education. He stated that there needs to be more housing in Tooele, but he doesn't believe that this is the way to do it. He urges the Commission to deny the application. He states that the City needs to add infrastructure to be able to have buildings like this. He stated that Tooele is a commuter City. A large chunk of resident's travel into Salt Lake to work. He does this for his family. If we add that many cars to the road a big chunk of them will be driving into Salt Lake to work. He stated that Tooele is not an island, we are part of a larger community. Overlake is part of Tooele and Tooele City is part of Tooele County. We need to make sure that there is infrastructure to support residents. SR 36 and proposed UDOT improvements are only

band aids in outgrowing community. Tooele is the best kept secret in Utah. He tells people he lives in Tooele and they raise their brow. He doesn't want Tooele to become the dumping ground for the states problem. Please vote no.

Julie Watson and she would like to address some of the concerns about the fire department. The city needs a fire department. We all love Tooele and we love our beautiful places. We don't want higher taxes, but in order to get the revenue in Tooele, we need to have commercial business. We can't get commercial business without higher density in certain areas. I'm not saying it has to be Overlake, but it has to come from somewhere. That is how most cities get their fire department. Everybody wants a quant little city but we can't build our fire department, or police department without some high density and commercial buildings coming because of the high density. Everyone says they want an Olive Garde or a Texas Road House, but that's why they don't come out here because there isn't high density in certain areas. We would love to have commercial, but commercial won't come out here without more high density. She would like to thank the City for what they do and the new Police Department coming in.

Ed Rasmussen wanted to tell the Commissioners something that happened when he moved out to Overlake 18 years ago. They had rented and had a condo previously, but this was the first house they had owned. The first night he is laying in bed. Sometime during the night he awoke to something and he realized it was the train. There was a train going by. He can see the train tracks from his front porch. He can feel the train going by. Nobody is going to want to live next to these train tracks. If you develop this area the people won't want to live there, stay there and this will become a low income area. If you put a wall in there it will give another wall for the graffiti artists to work on. Along Maverick gas station if you look during the winter, you will see that deer come down and follow the tracks down into that area. If you build a wall in that area, you force the deer up into SR36 and it will be a traffic hazard along the road This development is looking at 1200 cars, if you put that many cars there and deny access to the hospital because there is only one way to get into the hospital. You could have some major problems with people trying to get there. He stated to the Commissioners to please consider these things. This is for the safety of the people and future of property development. If he was to come into your home and build a railroad track from your home, you would state that your home would lose property value. This area will not maintain property value. It needs to be considered a park again. Maybe go back to thinking about a park, everyone in the city will benefit from a park.

Dave Quist stated he as a resident of Overlake for 18 years. He came from a small community in Payson and Spanish Fork area. Worked changed and he was brought up to Tooele. During the winter there is a City ordinance that limits on the street parking. He doesn't know if that has ever been enforced. He knows that residents park there all the time. He wants to know what will happen with all these people. If what happened at The Cove with parking he thinks the owners of The Cove, should know their residents shouldn't park on the street. He stated economic development has been mentioned already. Where are these people going to go? He stated the people will be working in Salt Lake. The City needs to get on the ball and start going. He has heard about water. Who owns the water rights? He had heard that Kennecott owned the water rights. There is limited water on this side of the mountain. The development, we need to work with the county to develop access. He states there has been talk about the Midvalley Highway for years

and work might start in 2022. He mentioned speed control before the timer sounded for the end of his three minutes.

Melissa Brimhall thank the Commissioner for letting her speak and express her concerns. She stated several people have mentioned schools, safety, and green spaces. She wanted to put some numbers on those things. The schools have an ideal capacity and a stretched capacity. Clark and Jonson Middle School can accommodate 942 bodies, including children, staff, people, they are currently at 820. They are 122 away from stretched capacity. There are already planned building happening that will increase numbers by next year. Overlake Elementary can accommodate 675 and the school is currently at 579. It is only 96 bodies away from stretched capacity. By the time the medium density is developed and moved into the schools will be full. She asked a question. How do the City Council or Planning Commission regulate these things? When people want to come in and build where is the accountability to determine if there is room for the students that come to the schools. Who is planning for elementary and junior highs to accommodate for the influx of students? There is a high school planned but the new developments won't just have high school students. Where are the children supposed to be put and where are the children supposed to be put and when is that decision raised?

Allen Snarr has been a resident of Overlake for 18 years. When his family moved to Overlake, they couldn't believe such a place existed. They liked the idea of a planned community. The plan has gone askew. The two-diamond baseball park was supposed to be four and there were supposed to be more green zones. It was all zoned R1-7. There was a challenge to the R1-7 zone to the north before and it seems that we are fighting this battle every decade. Mr. Snarr asked why they have to change? Why do we have to high density housing in an area that was zoned for single family homes. Why the constant need? He realizes that the City was in a lawsuit and has a lot of debt, but that is not Overlake residents' fault. Overlake residents bought homes in Overlake, they did not cause the lawsuit. They do not need to be punished for the lawsuit. He wanted to talk about the aesthetic concerns of the development. He stated that there was a certain artistry to Overlake. He would like to preserve what they have and instead of thinking about higher density zoning in this area. Maybe we need to be thinking about even less than R1-7. Maybe we need to be thinking about zoning for parks and green space and things that will benefit the residents of Overlake. He is a tax payer of the community. He expects his taxes to go up, especially if we have less contributors. He likes where he lives, the beauty of it, the shape of it, and he doesn't want that to change. He sees no reason to rezone this unless he has a better one than this. He held up his wallet for the public record.

Narda Emmitt is a resident of Overlake. She has lived there for 20 years. She has six children. They moved to Overlake because it was so family friendly. They love it and can't think of a reason to leave. As far as looking at the map, she sees the need for people to need high density housing. Not everyone can afford a house. There is a need for it. There is a benefit for it. She understands that it would benefit the City to have more people paying into the tax base. There is a place for it too. When looking at the map the whole backside of acreage is lined by a railroad track. There is no way to get in or out of that part of the neighborhood. The only exits are through the neighborhood, where the kids are playing and riding their bikes. There is a safety concern. The only way you could have exit points is to build overpasses over the train tracks, to the Walmart area. There are only two exit points. It's a problem. If there are already areas zoned for high

density lets encourage people to build there. Do they have better access points to accommodate the sheer numbers of cars that live there?

Jimmy Clayton has lived in Tooele for four years. He grew up in rural Riverton and spent a good number of years in Logan. As he has been looking at the map. The development is right up against the train tracks. You would be taking some of the most densely populated areas of Overlake and cornering them back against the wall and the tracks. He stated that the Council room is a similar layout and if we densely packed the people into the corner behind the Commissioners, it would be hard for people to make their way out and hard for people to make their way in.

Ben Clayton stated that he is an Environmental Professional. He is pro-growth, pro-development, but he thinks it should be regulated. He considers himself a groundwater specialist. The point has been made over and over again on water. The only way we are going to overcome this is to put in more wells and more infrastructure. He comments on the water report every year. To do that, the development with the amount of water we have is irresponsible. He is a father and he is concerned about traffic safety. He is concerned that the traffic study has not been done already. He strongly encourages the Commission that a traffic study with modeling occurs. What also has not been talked about yet is the risk of high-density housing next to the railroad. There are buffer zones and risks associated with that. Mr. Clayton stated that the company he works for wouldn't build that close to a railroad at all. Now there are already apartments close to the railroad in Tooele, but you need to think about what would happen if you had an incident there. Also, he is a certified safety professional and the six-foot wall is adequate for pedestrian isolation, but that won't do anything for hearing and noise. You can overcome that by landscaping and a higher wall.

Jeremy Bastao thanked the Commissioners for their time. He has only lived in Overlake for about five years. He is an architect and designer. He deals with this process often. There is a reason that the land was a park. It was designed, planned as a park because no one wants to live next to railroad tracks. He thinks R1-7 is a poor zone to be right there. He stated that as a designer that creates low income, blight and value is not put by the people living in those houses. It creates problems. It is budding up technically against an industrial activity. He wanted to read one thing, because it gets noted many times. From the general purpose plan, " This Title is designed and enacted for the purpose of promoting health, safety, morals, convivence, order, prosperity, and welfare the present and future inhabitants of Tooele City, including among other things, the lessoning of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy and other expenditures. He stated that he though the only thing being protected was the tax base. He thinks it is poor zoning ad he thinks it should be mixed use. Either a park or daytime activities as office spaces. Not residences.

Ben Sandford asked a couple of questions. Is there potential or Section 8 housing or subsidized housing? He stated the question had been asked if there were high density areas that are being developed or planned. He wants to know if there is land that is already zoned for high density? Are the Commissioner's considering high density zoning if they already have high density land sitting in Tooele? Also, he thought he saw in documentation, that the park that would be placed in the development would be privately owned. Who would own that and if it would fall to ruin, what recourse would the residents have? Linear park became unsafe and the playground was



pulled from the park. The park then became a plot of grass. Several years later the park did get four swing sets which was wonderful, but that is not exactly a park. He believed that at that time it was privately owned, and it took some negotiations between the HOA and City. He is worried that if we put in a park and it is privately owned the residents of Overlake would have no recourse if it was to happen again. What is already zoned presently when we have other HDR? Documentation that the park, would be privately own, what recourse would happen?

Heather Herriman, she wanted to give the Commissioners her view point as a parent who used to live in the apartments directly across the rail road tracks from Overlake. She stated she didn't know how many times her children and their friends wanted to jump the fence to the railroad tracks. She saw eight-year old's jumping the fence. She caught her eight-year-old jumping the fence. She doesn't think that even a fence is safe with an apartment complex. She knows the parents at her complex were not watching their kids. How many parents did not know her kids were jumping the tracks? She confronted several parents and was told their kids couldn't climb the fence. She told them the children could. She thinks that it is an important thing to analyze. When looking at high density housing, the parents aren't out watching the kids all the time. They won't know their kids are climbing the fences. Her kids are always asking to walk to Walmart and she says no because you can't walk along the highway and you can't jump the tracks. Another concern is the traffic. Her son was hit by a car when he was 20 months old. She lived by a stop sign. People don't watch and if you look around Overlake there are plenty of intersections that have traffic going both ways and no stop sign. She stated that it is already unsafe to teach her 15-year-old how to drive in Overlake. Then add in more young people who are renting an apartment and don't have a care in the world because they don't have a house and are not paying for something that has equity . She can see how that will cause a lot of problems. Ms. Herriman stated she is a teacher. She teaches a class of 30 six graders. Her classroom is wall to wall desks. She has taught in a portable and it is not ideal. There are distractions and safety issues with portable classrooms. She doesn't want a portable Overlake Elementary. She urges the Commissioners to look at the aspects that have been brought up tonight and it is not a good idea.

John Slaugh, he thanked the Commissioners for their time. He is new to Tooele. One of the reasons he came to Tooele was because of the those, he pointed to the concept design on the screen. He was in safety for 34 years. He stated that the development will become a ghetto. You will not have enough law enforcement to protect the people who live there or the surrounding communities, unless you hire more. That type of a development goes downhill rapidly. Within five years he stated it will not be the same.

Chris Devry is a resident of Overlake. He stated he has a few questions. A traffic study was discussed, but from everything has heard there are still only going to be two roads in and out of Overlake. He hasn't heard a proposal for more. Doesn't really matter if you only have two roads, you are only going to have bottlenecks. Are there any current plans for additional roads out to the main roads? The other question, since the City owns the land are there any stipulations in the ordinances for green spaces in any of the zones discussed tonight? The third question is, that he agrees with planned and managed growth, but are there alternatives? Just because one developer wants to have high density doesn't mean it is the right decision for the City. If we have alternatives or can make alternatives that would make the whole City better.

Heidi Snarr stated she concurred with what had been already stated. She has been commuting for 20 years. She stated that Tooele does not have the capacity to move people in and out of the County and there are no plans to change that. Ms. Snarr stated that if she wants to go to Olive Garden, it is a special event for her family. They get ready and drive into Salt Lake and there are a lot of them to choose from. And if she doesn't want to do that, if she is running an errand in Salt Lake she can stop in and grab a pint of their sauce and breadsticks and do it at home. When she goes out to eat, they eat at Kraver's. They support Casas Del Ray in Grantsville. She doesn't complain about taxes going up because she appreciates the privilege it is to live in Toole. It costs a little bit more and she must drive to Salt Lake to go to Costco and Olive Garden. She is okay with that. They support local businesses, such as Kraver's, American Burger. They employ people in the community and support the community. She appreciates that there is a need for this type of housing. Let's spread it around. We don't need everybody all in one spot. She sees that this will spiral out of control as the safety managers, the professionals have stated that it is not a good thing. When they purchased this was not what they saw on the map. She appreciates that there needs to be high density housing, but you don't need it all in one place and spread it around to be responsible. This seems irresponsible. She is frustrated to see this knowing there is no access out of there. If you drive by the Maverick in the morning when all the busses are driving in, it's not a good thing. All those apartments are going to have two cars. They will drive down in the morning. It's not safe to have all those cars on the road. Please be wise.

Gene Jackson lives across the street from Clarke Johnson Junior High. He stated he has seen the traffic getting worse and worse. And the hosing is getting worse and worse. Don't build it.

Heather Roy she is a home owner in Overlake. She has a rule in her household that you can't complain unless you help with what you are complaining about, which is why she is in attendance. She has heard the concerns. The traffic, the safety, the firefighters the policeman, the green spaces the schools, those are all important. She asked the Commissioners that if they are voting yes tonight, she would like to hear the reason why, they think it would help the community. She wants to hear the reason why and how that will cancel out these concerns.

Kara Wood has been in Overlake for four years. She is grateful that she gets to speak at the meeting. She moved to Tooele to get away from a bad neighborhood, bad allergies. She likes to tell people that she moved to get away from the sirens every day. The high school from the prospective of having high schoolers. This last year the bus for the schools, after the first couple of stops there wouldn't be room for the students. The School District got a second bus, but the point is that was this year. Crime has increased with The Cove apartments. Her kids' backpacks were stolen out of the car in her driveway. People walk up and down the street casing the properties. Residents of The Cove peer into her neighbor's window and they have them looking into the car twice. She knows that there is a need for high density housing.

Kim Young has lived in Overlake for 12 years. She is the crossing guard for Overlake Elementary. She has seen a large increase in traffic since the new homes have gone in. The cars do not pay attention to the speed limits. She doesn't believe they are aware they are in a school zone, even if she has flashing lights. Cars speed. We need more speed limits posted in Overlake.



Bob Wood asked the question, that if this is already zoned residential, shouldn't the train be going through at a much slower speed? It seems it goes through fast considering it is a residential area.

Kristine Jackson was raised in Tooele. She saw the first stop light. She doesn't want to see this. It took 33 years to find their dream home. She doesn't want it in the community.

Travis Brady is a resident of Overlake. He has a question because he believes that the only people benefiting from this are the developers. Everyone who has come has opposed this as high-density housing. He asked what is the property tax revenue for the City for this high-density housing as compared to homes? If it doesn't really make that much of a difference to the City, the Commissioners should do what the residents want. He knows that a park isn't going to provide any revenue. What is the difference in tax revenue? And second what type of people will this attract. Will these be people who come to Tooele to live here a year or two while their house in Salt Lake is being built? The whole point of having housing in Tooele is to have people shop and live in Tooele and if this is not going to bring in that benefit, he doesn't see the point in having it. The only people benefitting here are the developers.

Ken Mitchell stated that his home sits directly across from Parkers Park. From his back yard he could throw a ball and hit The Cove, hit the park. In looking at the map, the corner that it peaks and the distance to The Cove is about a 30 second walk. Mr. Mitchell stated that we are not talking about adding high density to a mixed zone area, we are talking about adding more high density to an area. This is increasing what has already been done. If you want to do a study look at what has already happened with The Cove and do the math. He believes in mixed area housing. It is good for families, people and neighborhoods. But what we are doing is throwing the entire balance out. Mr. Mitchell stated that the cost of The Cove on the church welfare system has not been in the hundreds or the thousands, but hundreds of thousands of dollars. That is how much money that has been absorbed by an apartment complex and the size it is. Take that number and multiply it by the new development. Speaking to the Commissioners, you cannot throw that much housing on one neighborhood, in that tight of space. We can't absorb this in one space, it has to be spread out. We love our neighbors in The Cove, but there are only so many resources and this is beyond what we can handle.

Paki Olive stated that she works with the homeless community. She is a resident of Overlake. Housing is a challenge for the homeless people.; She would love to keep the homeless in the community. She asked if this development would ever be turned into a subsidized development?

Chairman Robinson asked if there were any more comments or questions from the public; there weren't. Chairman Robinson closed the public hearing.

Chairman Robinson asked staff to address the questions.

Mr. Jim Bolser stated he would take the first efforts on answering the questions. There were a number of comments made that were personal perspectives on the matter and he will not be addressing those. He will address the questions specifically. He wanted to thank all that had spoken and all that attended for their participation in this process.

There were a number of questions in regard to traffic and access points. There was testimony prior to the public hearing about traffic studies and the requirements. Those traffic studies are what determines what the applicant has to do with development. That includes access points. If additional access points are required in order maintain a level of service on roads, that would be a condition on the amount of construction until roads are built or a requirement to build additional roads. The City does have a Master Transportation Plan that identifies those corridors, but often those corridors are built with development. A lot of that is determined and constructed with development and determined with traffic studies.

Mr. Bolser stated that there was a question in regard to who owns water and water rights. All the water in the City system is owned by the City. There is a water special service district operated by the City under the guidance of the Mayor and Council. The City does own all the water in the system. As new developments come online, they are required to provide additional water to address the impact of that development specifically. As with all developments, regardless of their development type, they are obligated to provide additional water into the City's system in the form of water right transmission to accommodate their impact.

There was a question regarding additional developments beyond what this traffic study would address. Those projects require their own traffic study. Those are being addressed. There are accommodations in traffic studies that address other developments that are under way or developed. What the City cannot require is to say there is another project that is coming over there and now add that to yours. If something is under construction or has been built, the City can require and does require that it is included in the traffic studies.

Mr. Bolser stated in regard to schools. There were questions about who is responsible in the planning of schools. That is the State and the School District. By State law, Cities are removed in large part from planning and construction for schools; including site design. The only thing the City can say when a school is built is utilities, water and sewer. The City is prevented from addressing them by State law. He encouraged the audience to speak with their local school board representative.

Mr. Bolser stated that here was a question about accountability for how many people come into an area and who is responsible for that. That is why we are here this evening. The Planning Commission and following the recommendation, the Council. The Council will be charged with that duty. The Commission has that ability through zoning decisions to address that concern. There were a couple questions in regard to subsidized housing. That is a private determination. That is something the developer would determine on his own through his own do diligence. That is not something the City can dictate, and City cannot dictate that point.

Mr. Bolser addressed the question about who owns the park. That is something that is determined during the development process. There was also question about if the City has regulations requiring parks, Mr. Bolser stated, "yes we do." In those circumstances there are different aspects that need to be taken into consideration, one being is that park or open space area going to be dedicated to the City, thereby maintain by City open space. Or is there going to be a development with an HOA, that will be responsible for the development of the park if it stays

privately. The question on who determines who owns the park is done during the development process with developers working with the Planning Commission and City Council.

Are there alternative solutions? Mr. Bolser stated that is why we are here this evening. There are a whole range of zoning classifications that are available. This is an applicant driven application, so the City is obligated to respond to their specific request. The Council and Planning Commission do have a whole range of classifications in the ordinance to choose. There was question regarding, that is for the Planning Commission to answer, how you are voting and if you will explain your vote. That is for the Commissioners to determine.

Mr. Bolser stated that there was a question about the speed of the trains. All rail traffic is federally regulated. The City has no input and cannot influence that process in determining what the speed limits are. The question about the property tax revenue. That is a question for the City Finance Department. Mr. Bolser stated that he could not answer that question.

Chairman Robinson asked the Commission if there was any other questions that need to be addressed. An individual in the public stated their question had not been addressed about green space. Mr. Bolser stated that there are requirements in the City Code that require open spaces based on the type of development. If there was a standard subdivision such as R1-7, there are not requirements beyond impact fees on the individual homes for open space or parks. Projects with a PUD consideration or high density multi family there are performance standards in City ordinance that require open spaces and park space. They are specific to certain types of development. What is being proposed would have those requirements on it.

Commissioner Graf stated he had a comment. He wanted to thank all for coming out. He disclosed that he lives in the Sunset Estates and the schools that were talked about are the schools his children attend. He recognizes friends and neighbors in the audience. He wanted to recognize staff and their time to make this meeting possible. He stated that he took the time to visit the three largest apartment complexes and they are at the 98% capacity. There is not a whole lot room. He spent time looking at research and looking at things such as property values when high density comes into neighborhoods. He stated that it was interesting that it didn't affect it too much. Notwithstanding that there were areas where Section 8 housing could affect. He has benefited from lived in an apartment. He stated that if his kids were 18 or 19 where would they live He recognizes that there isn't much that is affordable. Commissioner Graf stated that this is a request for a zoning change and he respects property rights. He has taken that all into consideration for when he votes.

Commissioner Montano wanted to make a few comments. He wanted to say one thing on the fire fighters. Tooele City has the finest fire department probably in the State of Utah. We have more than two fire departments, we have as quick or quicker response time as Salt Lake City. We have a great fire department. Addressing Paul, Mr. Montano stated that he has been in predevelopment with this project. Paul has done all the modeling on it, he is the Engineer and we need to put our faith in him and Roger. He asked about the water and they met all the requirements. They will have to meet all the requirements. Mr. Paul Hansen stated that the modeling is yet to be finalized, but they will have to meet will all aspects of City policy. The only other comment he wanted to make about green space. A member of the public had asked if there

was another alternative to this, he state he didn't think there was. We have to allow high density apartment buildings to serve the community. When this was done in 2015, this was part of the plan. This is what we do here. Mr. Roger Baker stated that his statement is one of the allowable zoning districts for residential developments in this area. It is one of about 10 different districts allowed and it is the highest density residential allowed. It is on the high-density spectrum for this property.

Commisioner Hammer stated she had a comment. On Monday October 15, she did have a conversation about this item on the agenda. It was before she received her planning packet for this meeting. It will not in fact sway how she will vote tonight. She would like to talk about things she thinks are important. There are alternatives to this rezone tonight. She does not believe that it is in the best interest of the city or the residents in Overlake. There are other areas in Tooele where they can build. She thinks that apartments are good. This is too much in one area. When she came to the rezone for The Cove apartments and Mr. Sivill sat on the Commission and stated that he wanted to see the growth rate be a comparable rate not higher than the single families. If this is the highest density possible there are other things that we can do. Mrs. Hammer stated that she does not think that much high density on that size of acreage is what we need to do. She stated that she lives in Overlake and it is troublesome now and she can't imagine adding 365 residents, 700 cars. It can't withstand that much traffic. She believes we need more green space, and although we lost the park and we can't get back but putting in that much housing is not the smart thing to do.

Chairman Robinson asked if there were any other comments from the Commission.

Commisioner Sloan stated he would be reticent if he did not comment. He wanted to talk about a little bigger issue, whether this project moves forward, or zoning moves forward, but it is something we need to talk about. What does the number 80,000 mean to you? That's your population at 2040, projected. We have talked a little bit tonight about infrastructure out in the County. That is obviosity a hot topic Highway 36 is not adequate and it's at 105% capacity now. It's not safe. Companies would like to relocate but are hesitant to do so. There are a lot of reasons for that. There is nowhere else to go. Tooele City is our little corner of heaven. His wife was born and raised in Stockton. The reality is the things that drew most of us here are still in play to the rest of the world. We all started out somewhere, in a apartment, a single wide trailer. We all aspire to be wherever we are right now. Again, I don't know if this is necessarily the right place for this, but from an affordability stand point. Commisioner Graf mentioned the 98% occupancy rate in places, that is probably light. He is in the real estate business ad he does this every day. He loves this community. All your comments tonight, well not all of them, were wonderfully thought out at the Overlake level. Fortunately, unfortunately the Commissioners must view things with what is best for our City. We are not always going to be perfect. We do the best we can . We have heard a lot about infrastructure tonight; water, sewer, traffic, schools. The debacle that is Highway 36 has taught us anything, until there is a tragic or need, infrastructure never comes before the growth. That said schools are the same way. Those are valid. Again, the school district, who indecently the property taxes 70% goes to the School district. We can't afford new schools with the tax base we have now. The legislature gave us some equalization last year, but that is still not going to get it done. Schools are million of dollars a piece. When we talk about this nasty circle that is growth. We all want commercial because they pay taxes at 100%, but those

commercial people don't come until there are 70,000 rooftops. The tax revenue does not come around to help us until it passed the time we need them. Whether we pass this particular rezone tonight or subsequent ones, understand that all commissioners have heard you. People will live where they can afford to live. We are \$70,000 to \$90,000 dollars cheaper than Salt Lake County. I appreciate your time, but understand that we will have to have these tough conversations whether it is tonight, next week, or next year. We also seem to agree we want high density, but we all seem to agree we don't want it here, in our backyard. I urge you to look at it but understand that there is some context that we the Commission and your elected officials will have to do from a long-term stand point. We have to do what we believe is best for the Community. We are not going to agree with each other. Mr. Sloan once again thank each of the public for being in attendance and for their input.

Chairman Robinson commented that the Planning Commission is not passing anything tonight. The role of the Planning Commission is to make recommendations. Those recommendations go to the City Council. Some mentioned that you are voters, you didn't vote for us. What we do tonight will be a recommendation that goes to City Council and then they will take it on their agenda. It's a zoning map amendment. There is a whole lot of things that have to happen before anything goes in that spot. So tonight, the Planning Commission is going to make a recommendation based on what we have studied and what we have observed and that goes to the City Council, which is the legislative body of the City. The Planning Commission is community-based recommendation body. Regardless of how you feel about what we do, this is not passing.

Council Member McCall wanted to comment quickly. In the event that the Commission does pass this, he would like to make a recommendation that you add to the conditions that the parking, the parking that is required for the developer; two parking spots per dwelling; that those two spots are free. They cannot fair for The Cove in Overlake to be charging people to park in those spots. Commissioner Hammer asked how they could do that? The Commission can dictate what someone can do on their land? Mr. Baker stated that it is not a legal question he has researched before, but the two onsite spaces per unit are a required City development standard. He is concerned that a developer can discourage tenant use of the parking lot that the City requires for them. He stated that there is a good likelihood that it is a legal condition to impose. Council Member McCall also stated that the Planning Commission should require the wall by the train tracks be bigger than six feet.

Mr. Bolser added a follow up to Chairman Robinson's comment; that for the public's general knowledge and the Planning Commissions as well. Regardless of the Planning Commission's decision this evening, whether in favor or opposed, it will go on to the City Council. The City Council will be holding their own public hearing. Essentially the process that would happen, following a decision this evening, the information collected this evening would be provided to the Council Chair. They will assign a meeting for this to be heard again. The public will not be receiving a specific letter stating when the hearing is. Please keep an eye on the agendas and information in the newspaper to be aware of when that will occur. Mr. Bolser did not know if that will be the next City Council meeting, which is on November 7<sup>th</sup>, 2018, simply because the City wants to make sure they have the record and minutes, even in draft form, to make sure the Council has a complete picture of all the public's testimony. As quickly as it can be completed, it will be provided to the Administration and Council Chair for scheduling. Understand it may not be the next

meeting, so we can provide them as complete record this evening so that they have your views and opinions from this evening. Commissioner Hammer addressed the audience and reminded them that they could sign up on the City's website for email alerts when agendas are posted for City Council and Planning Commission meetings.

Chairman Robinson encouraged the audience to return to a Planning Commission meeting.

Commissioner Graf stated he would like to modify the recommendation for tonight. Commissioner Graf moved that we forward a recommendation to the City Council for the Berra Boulevard zoning map amendment, requested by Jake Andrews, representing Metro West Developers, for the purpose, of reassigning the zoning districts of the northern 32 acres, including the 1.99 acres City owned parcel to R1-7 PUD, Planned Unit Development, and the southern 24 acres to R1-7 PUD, Planned Unit Development, application number P18-713, and including the conditions of a binding traffic study as well as a six foot masonry wall.

Commissioner Graf stated he was not sure he should include the Staff Report conditions and then did not include them in his motion.

Commissioner Montano asked if they wanted to include the requirement on the parking.

Chairman Robinson asked Commissioner Graf to explain his motion.

Commissioner Graf stated that the smaller development is reflected in the larger development. He is not asking for HDR in the second parcel 31.88 acres. He is saying that both zones are R1-7 PUD zone or both 23.9 acres, Tooele City parcel of 1.99 acres, and what's listed as HDR zone of 31.88 acres. Chairman Robinson stated with the PUD development subject to those conditions listed for that one are listed for the entire parcel. Commissioner Graf stated that is correct.

Commissioner Hammer asked Commissioner Graf to specify what R1-7 PUD zone is? Commissioner Graf stated that that is R1-7 zone requires 7000 square foot lots for single family residence. The applicant is requesting that the PUD overlay reduce the lot size to 2500 square feet. Essentially, it's taking what is zoned right now, medium density, and adopting the R1-7 PUD zone and allowing for smaller lot sizes but not allowing for HDR, high density residence.

Mr. Baker commented that he needs to answer the question on if the conditions in the Staff Report are still appropriate for the motion that Commissioner Graf has made. Yes, they are, so I urge you to consider whether you want to include those or not; instead of passing over them as part of your motion. Commissioner Graf stated that he did want to include the conditions in the Staff Report as relating to R1-7 PUD, in addition he is not sure if the six-foot masonry wall was part of R1-7 PUD conditions. If it is not he would like to include that. He would also like to include the traffic study in addition that is binding and also addressing the verbiage on the parking. Commissioner Montano stated that the parking wouldn't apply because it is no longer high density.

Chairman Robinson stated that this motion is completely different than what the applicant requested. He wanted to make sure everyone understood.



Commissioner Graf moved that we forward a recommendation to the City Council for the Berra Boulevard zoning map amendment, requested by Jake Andrews, representing Metro West Developers, for the purpose, of reassigning the zoning districts of the northern 32 acres, including the 1.99 acres City owned parcel to R1-7 PUD, Planned Unit Development, and the southern 24 acres to R1-7 PUD, Planned Unit Development, application number P18-713, based on the findings and subject to the conditions listed in the Staff Report dated October 15, 2018 and including the conditions of a binding traffic study as well as a six foot masonry wall.

Commissioner Hammer seconded the motion. The vote as follows: Commissioner Montano, "No," Commissioner Hamilton, "Aye," Commissioner Sloan, "No," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "No." The motion passed four to three.

Commissioner Sloan stated during the vote that he had spent a week and half studying this application and he is pretty comfortable with it. He doesn't disagree on the space with Commissioner Graf's suggestion, he just hasn't had time to look at it and see what is substantially changes. At this point he has to vote no. Chairman Robinson also stated he voted no for the reasons Commissioner Sloan stated.

Chairman Robinson stated the Commission would forward that recommendation with that verbiage on to the City Council.

Commissioner Hammer and Sloan thanked everyone for coming and for their time.

Chairman Robinson stated that the Planning Commission would take a short recess and return at 10:00 p.m.

8. **Public Hearing and Recommendation on a Zoning Map Amendment request by Doug Kinsman of Ensign Engineering to reassign the zoning designation from the GC General Commercial zoning district to the HDR High Density Residential zoning district for Brady Townhome Development on approximately 5.26 acres located at approximately 750 North 100 East.**

Presented by Andrew Aagard

A map of the property was shown on the screen. This property is east of Albertsons. To the North there is an existing high-density residential property. The property is currently zoned general commercial. The property to the North is also zoned general commercial. That exists as a non-conforming situation. Applicant is requesting to rezone as HDR, high density residential. Staff is recommending approval of the rezone request. This property is not highly served as a commercial property. It doesn't receive much visibility due to the Albertsons store directly in front of it.

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

Mr. Aagard asked if he could add that the City would like to see the property to the North also zoned HDR while we are doing this rezone. Mr. Baker stated that they should have a discussion with the applicant of that property before rezoning the non-conforming property.

Chairman Robinson stated he would rather not do it tonight.

Commissioner Hammer asked the GC non-conforming that is where the apartments are right now. How did it get there? Mr. Aagard stated he had no idea. It predates his time at the City. Mr. Baker stated he has been at the City 25 years and did not know. Commissioner Hammer asked if those apartments are 25 years old. Mr. Baker stated they were.

Chairman Robinson asked about the google map that was shown on screen. There are little house right there, what does this do to the homes? A member of the audience stated he would address the question in public hearing.

Chairman Robinson opened the public hearing.

Arthur Brady stepped forward. He stated that he owned the property, the one home on the subject property he owns. He bought it 18 years ago. In the years since then he acquired the surrounding properties. He originally owned a half acre originally. He acquired them so there wouldn't be more apartments built right in his back yard and originally, he wanted to put in an orchard. He was told by a prior City employee told him that wouldn't be allowed. It wouldn't conform with general commercial zoning. The only reason Mr. Brady believed high density was required was to allow the possibility that one of the townhome units can have more than four units. The intent is to build townhomes, that will be individually sold as opposed to apartments that will be rented.

Chairman Robinson asked if there were any other comments in the public hearing; there were none. Chairman Robinson closed the public hearing.

**Commissioner Sloan moved forward a positive recommendation to the City Council for the Brady Townhome zoning map amendment request, by Doug Kinsman, representing Ensign Engineering, to reassign the subject property to the HDR, high density residential zoning district, application number P18-724 and based on the findings and subject to the conditions listed in the Staff Report dated October 12, 2018.** Chairman Robinson seconded the motion. Robinson seconded the motion. The votes was as follows, Commissioner Montano, "Aye," Commissioner Hamilton, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Graf, "Aye," Commissioner Hammer, "Aye," Chairman Robinson, "Aye." The motion passed.

9. **Adjourn**

Commissioner Bevan move to adjourn the meeting. The meeting adjourned at 10:07 p.m.

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



*Approved this 14<sup>th</sup> Day of November, 2018*

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*Chris Sloan, Chairman, Tooele City Planning Commission*

**TOOELE CITY CORPORATION**

**ORDINANCE 2019-03**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE MDR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT FOR 0.58 ACRES OF PROPERTY LOCATED AT 350 NORTH 50 WEST**

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

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

**WHEREAS**, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); 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**, the R1-7 Residential zoning district is currently assigned to approximately .58 acres of land located 350 North 50 West (see map attached as **Exhibit A**); and,

**WHEREAS**, the .58 acres are currently owned by 495 Country Club, LLC; and,

**WHEREAS**, by Rezone Petition received February 7, 2019, 495 Country Club, LLC requested that the subject property be reassigned to the MDR Medium Density Residential zoning district (see Rezone Petition attached as Exhibit B); and,

**WHEREAS**, the surrounding properties to the north, west and south are assigned the R1-7 Residential zoning districts; and,

**WHEREAS**, the surrounding properties to the east are assigned the GC General Commercial zoning districts; 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 ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

**WHEREAS**, on February 27, 2019, 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**, the City Council convened a duly-noticed public hearing on March 6, 2019; and,

**WHEREAS**, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the requested Zoning Map amendment is not adverse to the best interest of the City; and,

**WHEREAS**, the City is under no obligation to approve a Zoning Map amendment, but may do so upon finding a rational basis.

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

**Section 1. Amendment.** The Tooele City Zoning Map is hereby amended to indicate that the zoning district assigned to the subject property shall be reassigned to the MDR Medium Density Residential zoning district; and,

**Section 2. Rational Basis.** The City Council hereby finds that the above-described expressed conditions to the approval of this Ordinance 2019-03 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the subject property.

**Section 4. No Vesting.** Approval of this Ordinance 2019-03, 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 \_\_\_\_\_, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

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

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

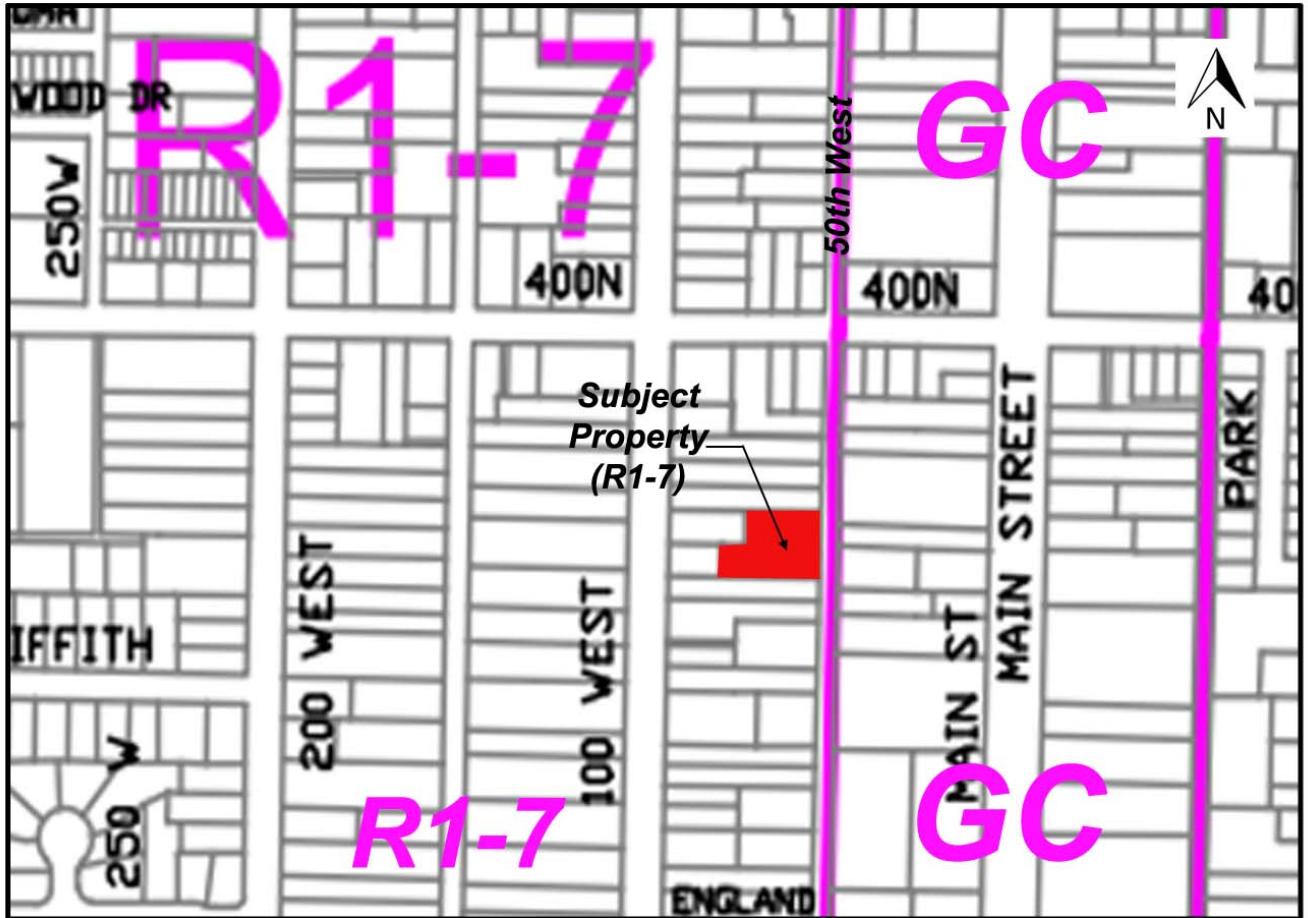
\_\_\_\_\_  
Michelle Y Pitt, City Recorder

S E A L

Approved as to Form: \_\_\_\_\_  
Roger Baker, Tooele City Attorney

EXHIBIT A  
ZONING MAP

*Andersen 50th West Zoning Map Amendment*



*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 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: <i>2-7-19</i>	Current Map Designation: <i>R-1-7</i>	Proposed Map Designation: <i>MDR</i>	Parcel #(s): <i>02-077-0-0031</i> <i>02-077-0-0032</i>
Project Name: <i>50 West</i>			Acres: <i>0.58</i>
Project Address: <i>350 North, 50 West</i>			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Master Plan: _____			
Brief Project Summary: <i>See attached</i>			
<i>495 Country Club, LLC</i>			
Property Owner(s): <i>Derald Anderson</i>		Applicant(s): <i>Derald Anderson</i>	
Address: <i>3586 Campbell Rd</i> <i>321 E. Coventry Way</i>		Address: <i>321 E. Coventry Way</i>	
City: <i>Ende</i>	State: <i>UT</i>	Zip: <i>84074</i>	City: <i>Ende</i> State: <i>UT</i> Zip: <i>84074</i>
Phone: <i>801-845-5214</i>		Phone: <i>801-845-5214</i>	
Contact Person: <i>Derald Anderson</i>		Address: <i>321 E. Coventry Way</i>	
Phone: _____		City: <i>Ende</i>	State: <i>UT</i> Zip: <i>84074</i>
Cellular: <i>801-845-5214</i>	Fax: _____	Email: <i>deraldanderson@aol.com</i>	

\*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: <i>CA</i>	Date Received: <i>2/7/19</i>	Fees: <i>10.50<sup>00</sup></i>	App #: <i>00337360</i>

**Exhibit C**

**Planning Commission Minutes**



**STAFF REPORT**

February 20, 2019

**To:** Tooele City Planning Commission  
Business Date: February 27, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Anderson 50th West Zoning Map Amendment – Zoning Map Amendment Request**

Application No.: P19-68  
Applicant: Derald Anderson, representing 495 Country Club, LLC  
Project Location: Approximately 350 North 50 West  
Zoning: R1-7 Residential Zone  
Acreage: .58 Acres (Approximately 25264 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone regarding reassignment of the subject properties to the MDR (Medium Density Residential) zoning district.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately .58 acres at approximately 350 North 50 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Zoning Map Amendment to the MDR Medium Density Residential zone be approved to facilitate the construction of two 2-family dwellings (duplexes) on the properties.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 and MDR zones is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The R1-7 Residential and MDR Medium Density Residential zoning designations are identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the north, west and south are all zoned R1-7 Residential. Properties to the east are zoned GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is requesting the MDR zone to facilitate the construction of two duplexes on the properties. There are currently two properties involved with this application. The northern property is 10,890 square feet and the southern property is 14,451 square feet. In the R1-7 zone duplexes are permitted but each duplex must have a lot size of 14,000 square feet. That would require 28,000 total square feet between both lots to accommodate two duplexes. The MDR zone permits duplexes or two family dwellings on

lots of 12,000 square feet. Therefore, total lot area to accommodate two duplexes would be 24,000 square feet which the two properties do exceed. In order to accomplish the developer's intentions on these properties the MDR Medium Density Residential zone is necessary.

The R1-7 zone allows a maximum density of five units per acre. The MDR zone allows a maximum density of eight units per acre. Both zones are considered medium density residential, however, the MDR zone allows three-family, four family and multi-family dwellings where the R1-7 does not. The properties in total are 25,341 and if the MDR zone were assigned the maximum number of units permissible on the property (if combined into one) would be four.

It should be noted that the subject property is located within Area "A" of the in-fill area overlay. The in-fill overlay was created to encourage development of existing vacant lots and the re-development of existing structures. The in-fill area overlay provides relaxed building setback requirements, lot coverage requirements, water rights, and so forth but does not change density requirements.

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

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

## **REVIEWS**

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

1. Rezoning this property from R1-7 Residential to MDR Medium Density Residential yields one additional unit that could be constructed on the property increasing total unit yield from three units to four.
2. Both zones are considered medium density.
3. Both zones allow duplexes or two-family dwellings as a permitted use.
4. There are minimal differences in the building setback requirements of each zone.
5. This property is in the "In-fill" area overlay which was created to encourage infill style development exactly as proposed by the applicant.

Noticing. The applicant has expressed their desire to rezone the subject property and do so in a manner

which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

### **STAFF RECOMMENDATION**

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

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

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

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Anderson 50th West Zoning Map Amendment request by Derald Anderson, representing 495 Country Club, LLC to reassign the subject properties to the MDR Medium Density Residential zoning district, application number P19-68, based on the findings listed in the staff report dated February 20, 2019:”

1. List any additional findings and conditions...

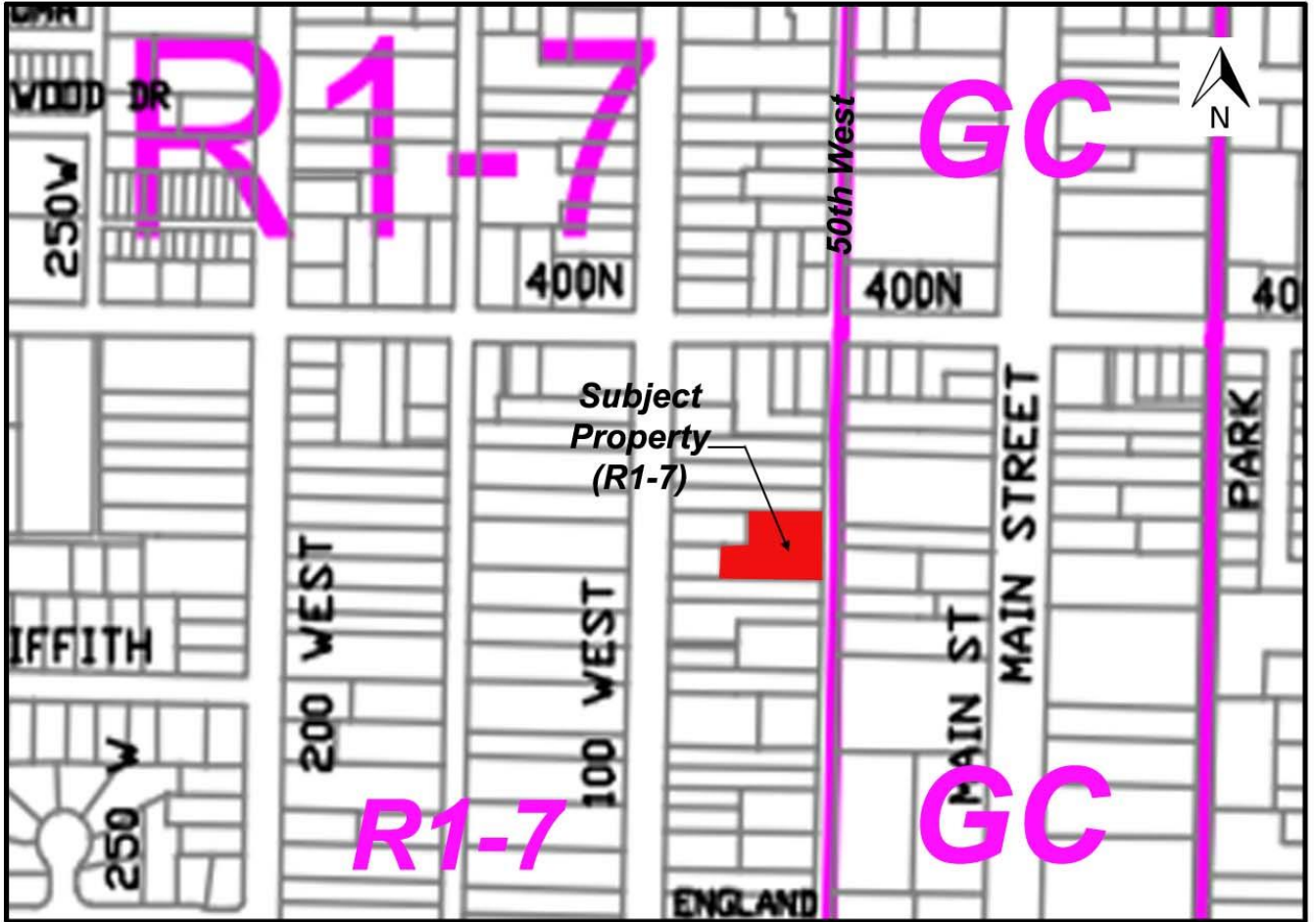
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Anderson 50th West Zoning Map Amendment request by Derald Anderson, representing 495 Country Club, LLC to reassign the subject properties to the MDR Medium Density Residential zoning district, application number P19-68, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE ANDERSON 50TH WEST ZONING MAP  
AMENDMENT ZONING MAP AMENDMENT

*Andersen 50th West Zoning Map Amendment*



*Current Zoning*



**Andersen 50th West Zoning Map Amendment**



**Aerial View**

**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**

## Master Plan

1. What is the present land use designation of the subject property(s)?

The property is currently zoned R-1-7 and is undeveloped at this time.

2. Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.

The subject property is on 50 West and has GC (General Commercial) zoning to the east. There is also legal non-conforming higher density housing a few lots to the south.

3. What do you anticipate the land being used for?

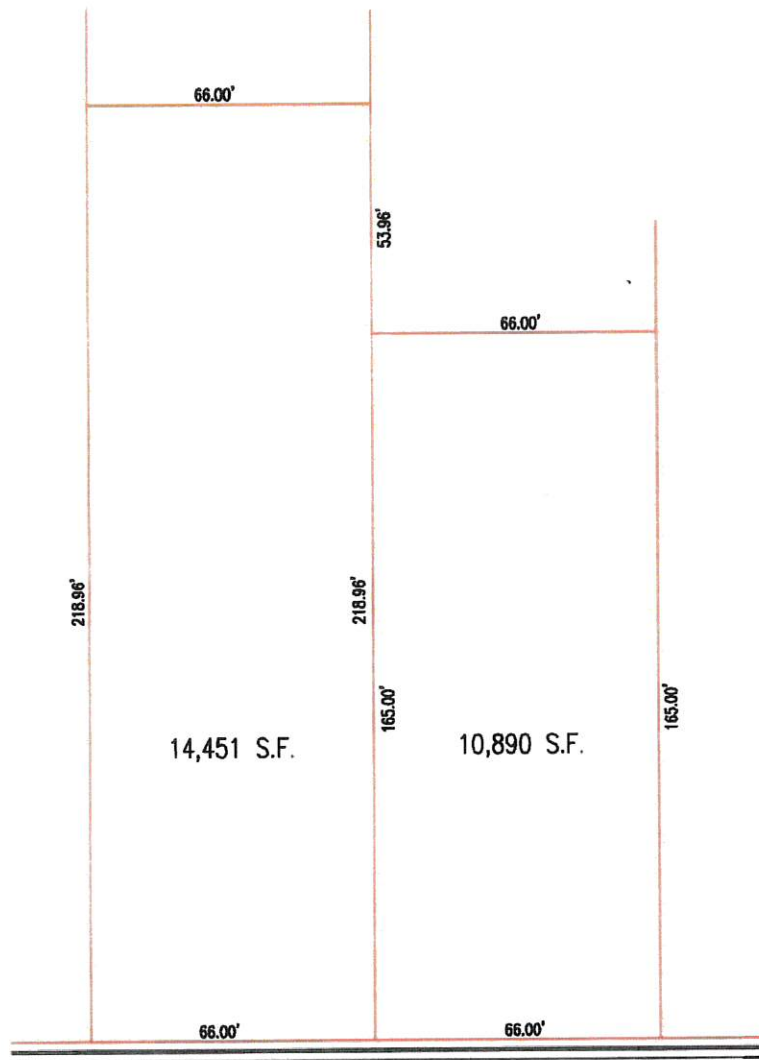
We anticipate building two duplexes on this property.

4. Explain how the proposed land use designation would affect property, surrounding properties, and Tooele City.

The current zoning will allow for one duplex and one single family to be built on this property. We feel that two duplexes balances the property and is a better use of the property in general. The rezone to MDR would provide a buffer moving from the commercial zoning on Main Street to the single family to the west.

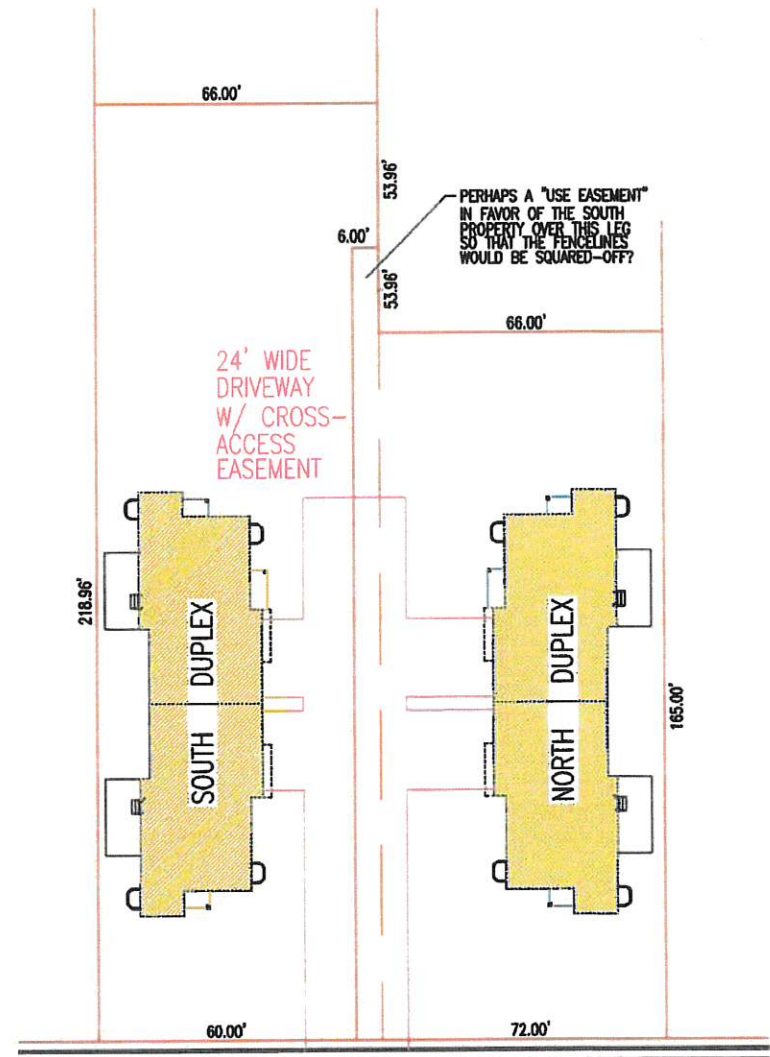
5. Explain how the proposed land use designation promotes the goals and objectives of Tooele City.

This property is in the In-fill Area A and developing this property will support the City's desire to develop vacant lots in the core of the city. This also support the City's desire to add additional affordable housing. Building additional housing in the southern part of the city supports businesses along the older part of Main Street. 50 West is also sparsely developed and bring new attractive development to this area will be positive for the city.



50 WEST ST.

AS EXISTS



50 WEST ST.

PROPOSED USE  
(OVER PROPOSAL 'B')



**STAFF REPORT**

February 21, 2019

**To:** Tooele City Planning Commission  
Business Date: February 27, 2019

**From:** Planning Division  
Community Development Department

**Prepared By:** Jim Bolser, Director

**Re: Providence at Overlake Phase 2 – Subdivision Plat Amedment Request**

Application No.: P18-550  
Applicant: Howard Schmidt, representing H & K Schmidt Investments  
Project Location: Approximately 400 West 1200 North  
Zoning: R1-7 Residential Zone  
Acreage: Approximately 1.74 Acres (Approximately 75,689 ft<sup>2</sup>)  
Request: Request for approval of a Subdivision Plat Amedment in the R1-7 Residential zone regarding amendment of an existing subdivision plat to address improvements to the 400 West right-of-way.

**BACKGROUND**

This application is a request for approval of a Subdivision Plat Amedment for approximately 1.74 acres located on the east side of 400 West at approximately 1200 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Subdivision Plat Amedment be approved to allow for the adjustment to the property lines of seven platted lots and a storm water detention basin parcel to address the right-of-way improvements for 400 West.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling unit units per acre. The purpose of the R1-7 zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. [This district is] intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” Properties assigned the P Overlake special zoning classification abut the subject property on the north, and properties assigned the same R1-7 zoning classification abut the subject property on the south, east and west. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The proposed plat amendment affects seven lots of the approved Providence at Overlake Subdivision Phase 2 as well as the storm water detention basin parcel within the subdivision. The seven lots, Lots 250 through 256, are those that back onto the 400 West right-of-way. Through the approval of the Providence at Overlake Subdivision Phase 2 there was discussion regarding the possibility of this subdivision being annexed into the North Tooele City Special Service District (NTCSSD) for

ongoing maintenance of the detention basin parcel and 400 West right-of-way improvements. Through discussions between the applicant, the NTCSSD and the City Council, it was negotiated that the applicant would dedicate an additional five feet in right-of-way width for 400 West in order to address landscaping and right-of-way design that provides a transition between the NTCSSD right-of-way established to the north of the site and the standard City right-of-way cross section. This plat amendment is intended to provide that five feet of additional right-of-way width. Although this plat amendment proposes to take the five feet for the extra right-of-way from the adjacent lots, the effect on those lots does not render any of those lots in violation of minimum standards for lots within the R1-7 zoning district.

*Criteria For Approval.* The procedure for approval or denial of a Subdivision Plat Amendment request, follows the same as that for a final plat request which can be found in Sections 7-19-10 and 11 of the Tooele City Code.

## **REVIEWS**

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

*Engineering Review.* The Tooele City Engineering Division has completed their review of the Subdivision Plat Amedment submission and have issued a recommendation for approval for the request:

*Noticing.* The applicant has expressed their desire to amend the subdivision plat on 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 approval of the request for a Subdivision Plat Amedment by Howard Schmidt, representing the H & K Schmidt Investments, application number P18-550, subject to the following conditions:

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

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Master Plan.
2. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.

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

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Providence at Overlake Phase 2 Subdivision Plat Amedment Request by Howard Schmidt, representing H & K Schmidt Investments, application number P18-550, based on the findings and subject to the conditions listed in the Staff Report dated February 21, 2019:”

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 Providence at Overlake Phase 2 Subdivision Plat Amedment Request by Howard Schmidt, representing H & K Schmidt Investments, application number P18-550, based on the following findings:”

1. List findings...

**EXHIBIT A**

**MAPPING PERTINENT TO THE  
PROVIDENCE AT OVERLAKE PHASE 2 SUBDIVISION PLAT AMEDMENT**

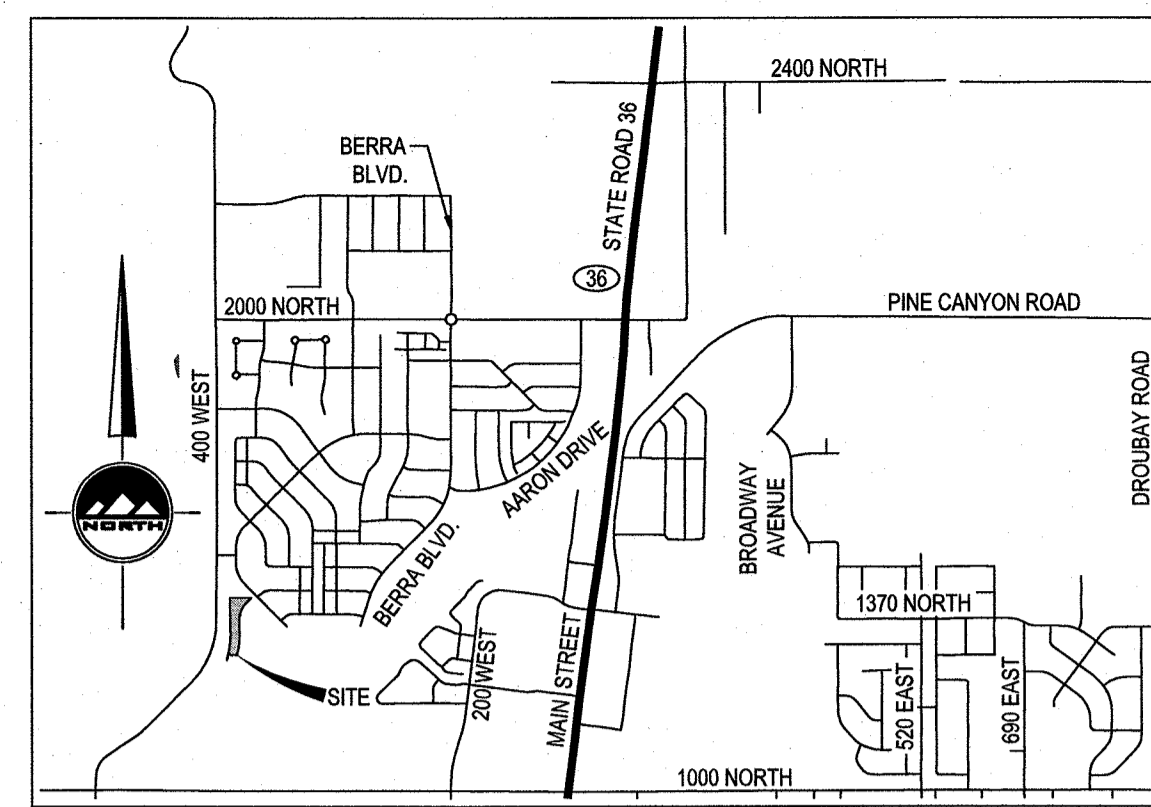


**EXHIBIT B**

**PROPOSED PLAT AMENDMENT PLANS**



**FINAL PLAT**  
**PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2 AMENDED**  
 (AMENDING AND EXTENDING LOTS 216-222, AND PARCEL A OF PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2)  
 LOCATED IN THE SOUTHWEST QUARTER  
 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH



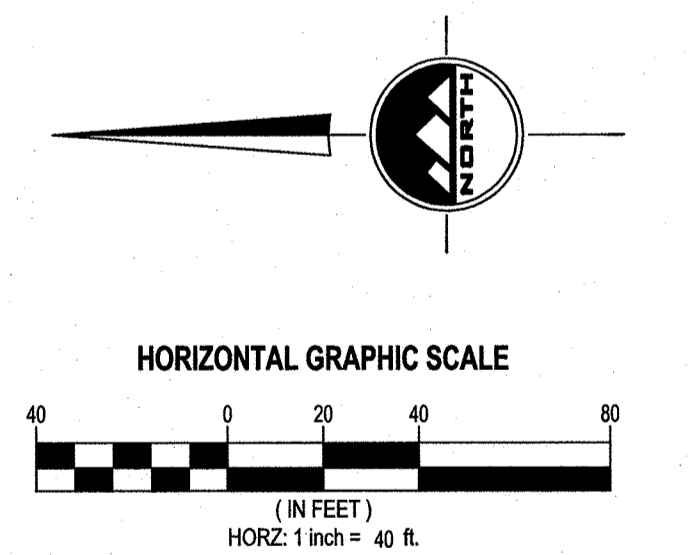
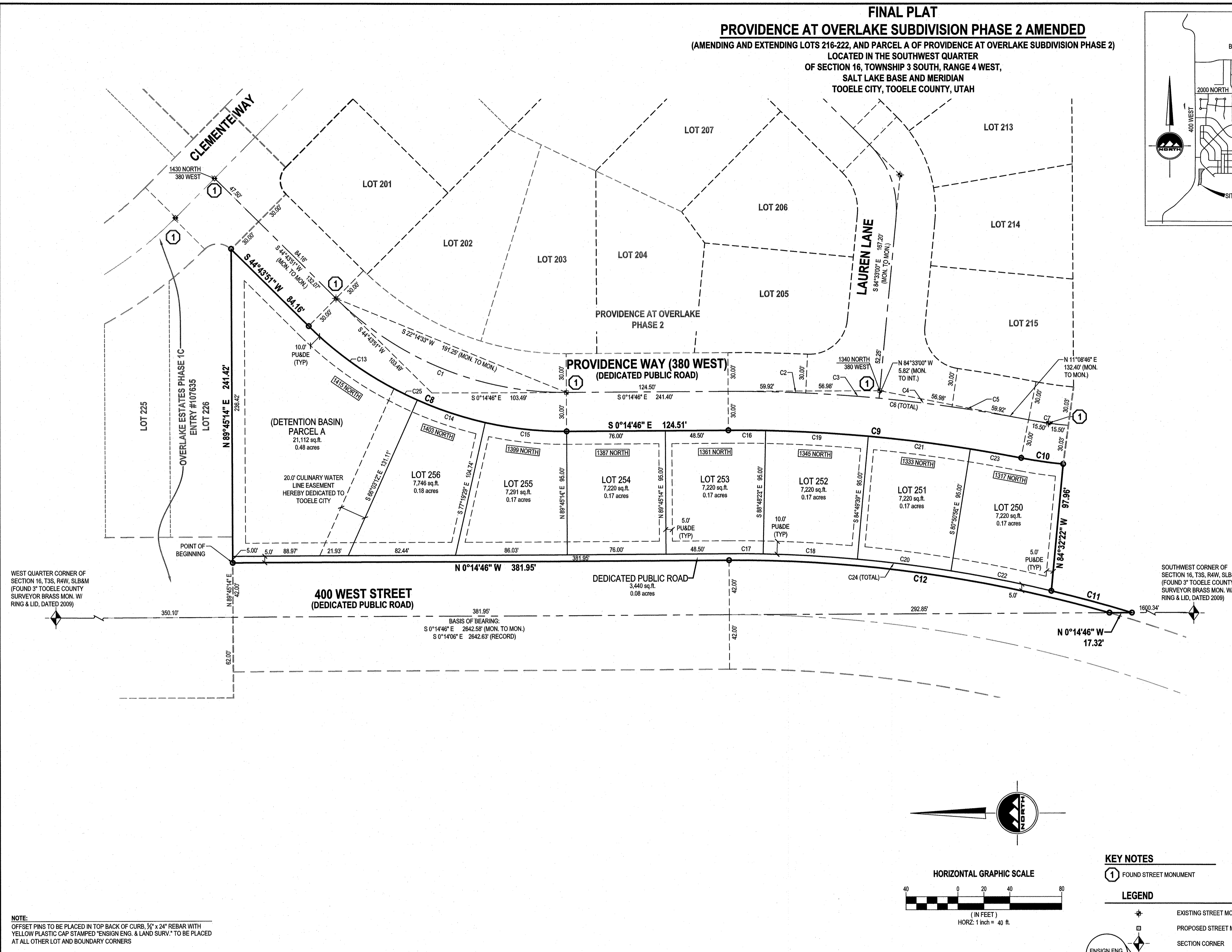
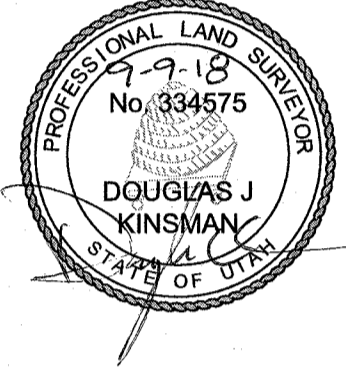
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	250.00	196.25	44°58'37"	S22°14'33"W	191.25
C2	1172.00	59.87	2°55'36"	N1°13'02"E	59.86
C3	1172.00	56.65	2°46'10"	N4°03'55"E	56.64
C4	1172.00	56.65	2°46'10"	N6°50'05"E	56.64
C5	1172.00	59.87	2°55'36"	N9°40'58"E	59.86
C6 (TOTAL)	1172.00	233.03	11°23'31"	N5°27'00"E	232.64
C7	300.00	30.98	5°54'59"	S8°11'16"W	30.99
C8	280.00	219.80	44°58'37"	S22°14'33"W	214.20
C9	1142.00	227.06	11°23'31"	S5°27'00"W	226.69
C10	330.00	32.75	5°41'07"	S8°18'12"W	32.73
C11	1047.00	64.32	3°31'12"	S15°13'36"W	64.31
C12	1042.00	296.85	16°19'23"	N7°54'50"E	295.85
C13	280.00	81.55	16°41'18"	S36°23'12"W	81.27
C14	280.00	55.08	11°18'17"	N18°18'39"E	54.99
C15	280.00	63.15	12°56'16"	N6°12'53"E	63.01
C16	1142.00	28.70	1°26'23"	N0°28'26"E	28.69
C17	1047.00	26.31	1°26'23"	S0°28'26"W	26.31
C18	1047.00	72.71	3°58'43"	S3°10'59"W	72.69
C19	1142.00	79.30	3°58'43"	N3°10'59"E	79.29
C20	1047.00	72.71	3°58'43"	S7°09'42"W	72.69
C21	1142.00	79.30	3°58'43"	N7°09'42"E	79.29
C22	1047.00	78.86	4°18'56"	S11°18'32"W	78.84
C23	1142.00	39.76	1°59'41"	N10°08'55"E	39.76
C24 (TOTAL)	1047.00	314.90	17°13'57"	N8°22'15"E	313.72
C25	292.04	20.02	3°55'38"	S25°59'40"W	20.01

**SURVEYOR'S CERTIFICATE**  
 I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and have subdivided said tract of land into lots, and streets, hereafter to be known as **PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2 AMENDED**, 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**  
 A parcel of land, situate in the Southwest Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel is also located in Tooele City, Tooele County, Utah, more particularly described as follows:  
 Beginning at a point on southerly line of Overlake Estates Phase 1C, recorded as Entry No. 107635, in the Tooele County Recorder's Office, which is located South 0°14'46" East 350.10 feet along the Section line and North 89°45'14" East 42.00 feet from the West Quarter Corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
 thence North 89°45'14" East 241.42 feet along the southerly line of said Overlake Estates Phase 1C, to the southwesternly line of Clemente Way;  
 thence South 44°43'51" West 84.16 feet;  
 thence Southwesterly 219.80 feet along the arc of a 280.00-foot radius tangent curve to the left (center bears South 45°16'09" East, and the long chord bears South 22°14'33" West 214.20 feet, through a central angle of 44°58'37");  
 thence South 0°14'46" East 124.51 feet;  
 thence Southwesterly 227.06 feet along the arc of an 1142.00-foot radius tangent curve to the right (center bears South 89°45'14" West, and the long chord bears South 5°27'00" West 226.69 feet, through a central angle of 11°23'31");  
 thence Southwesterly 32.75 feet along the arc of a 330.00-foot radius tangent reverse curve to the left (center bears South 78°51'15" East, and the long chord bears South 8°18'12" West 32.73 feet, through a central angle of 5°41'07");  
 thence North 84°32'22" West 97.96 feet;  
 thence Southwesterly 64.32 feet along the arc of a 1047.00-foot radius non-tangent curve to the right (center bears North 78°32'01" West, and the long chord bears South 15°13'36" West 64.31 feet, through a central angle of 3°31'12"); to the Section line;  
 thence North 0°14'46" West 17.32 feet along the Section line, to the proposed Easterly right-of-way line of 400 West Street;  
 thence Northwesterly 256.85 feet along the arc of a 1042.00-foot radius non-tangent curve to the left (center bears North 73°55'23" West, and the long chord bears North 7°54'50" East 295.85 feet, through a central angle of 16°19'23"); along said right-of-way line;  
 thence North 0°14'46" West 381.95 feet along said right-of-way line, to the Point of Beginning.

Parcel contains: 75,689 square feet or 1.74 acres, 7 Lots and Parcel A.

Aug 9, 2018  
 Douglas J. Kinsman  
 License no. 334575



**KEY NOTES**

1 FOUND STREET MONUMENT

**LEGEND**

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT TO BE SET
- SECTION CORNER
- 5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
- PUE PUBLIC UTILITY EASEMENT
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- ADJACENT RIGHT OF WAY LINE
- TANGENT LINE

**DOMINION ENERGY**  
 DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-368-8332.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

DOMINION ENERGY  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_

**ROCKY MOUNTAIN POWER**  
 ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

ROCKY MOUNTAIN POWER  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_

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

ATTEST: CITY RECORDER

**COUNTY SURVEY DEPARTMENT APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-0019

TOOELE COUNTY SURVEY DIRECTOR

**COUNTY HEALTH DEPARTMENT APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOOELE COUNTY HEALTH DEPARTMENT

TOOELE COUNTY HEALTH DEPT.

**DEVELOPER**  
 HOWARD SCHMIDT  
 PO BOX 95410  
 SOUTH JORDAN, UTAH  
 801-859-9449

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

**COUNTY TREASURER APPROVAL**  
 APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

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

TOOELE CITY ATTORNEY

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

TOOELE CITY ENGINEER

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

TOOELE CITY COMMUNITY DEVELOPMENT

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

CHAIRMAN TOOELE CITY PLANNING COMMISSION

**PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2 AMENDED**  
 (AMENDING AND EXTENDING LOTS 216-222, AND PARCEL A OF PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 2) LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN TOOELE CITY, TOOELE COUNTY, UTAH

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



**STAFF REPORT**

February 21, 2019

**To:** Tooele City Planning Commission  
Business Date: February 27, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Caldwell Subdivision – Minor Subdivision Request**

Application No.: P18-798  
Applicant: Andrew Caldwell  
Project Location: 1762 N Broadway Ave  
Zoning: HDR High Density Residential Zone  
Acreage: .55 Acres (Approximately 23,958 ft<sup>2</sup>)  
Request: Request for approval of a Minor Subdivision in the HDR High Density Residential zone regarding dividing one .55 acre parcel into 3 single-family residential lots.

**BACKGROUND**

This application is a request for approval of a Minor Subdivision for approximately .55 acres located at approximately 1762 N Broadway Ave at the intersection of Broadway and Copper Canyon Drive. The property is currently zoned HDR High Density Residential. The applicant is requesting that a Minor Subdivision be approved to allow the subdivision of one .55 acre lot into three single-family residential lots.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the HDR High Density Residential zoning classification, supporting approximately 16 dwelling units per acre. The purpose of the HDR zone is to “provide an environment and opportunities for high density residential uses, including single family detached and attached residential units, apartments, condominiums and townhouses.” The HDR High Density Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. The subject property is surrounded on all sides by HDR High Density Residential zoning. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The subdivision proposes to subdivide an existing .55 acre parcel into three single-family residential lots. Single-family dwellings are permitted uses within the HDR zone and each lot ranges in size from 7500 square feet up to 8600 square feet. Each lot meets or exceeds minimum lots standards for lot size, lot width and lot frontages as required by the HDR zoning ordinance. All lots will access Broadway Avenue.

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

## **REVIEWS**

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

1. This is a standard, straight-forward minor subdivision application that fits in well with the surrounding land use, lot sizes, etc.
2. Subdivision as proposed meets all requirements of the HDR zoning district regarding lot size, widths, frontages and so forth.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Minor Subdivision of property located at 1762 North Broadway Avenue by Andrew Caldwell, application number P18-798, subject to the following conditions:

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

This recommendation is based on the following findings:

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

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Caldwell Subdivision Minor Subdivision Request by Andrew Caldwell, for the purpose of subdividing property into 3 single-family residential lots at 1762 N Broadway Avenue, application number P18-798, based on the findings and subject to the conditions listed in the Staff Report

dated February 21, 2019:”

1. List any findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Caldwell Subdivision Minor Subdivision Request by Andrew Caldwell, for the purpose of subdividing property into 3 single-family residential lots at 1762 N Broadway Avenue, application number P18-798, based on the following findings:”

1. List any findings...

**EXHIBIT A**

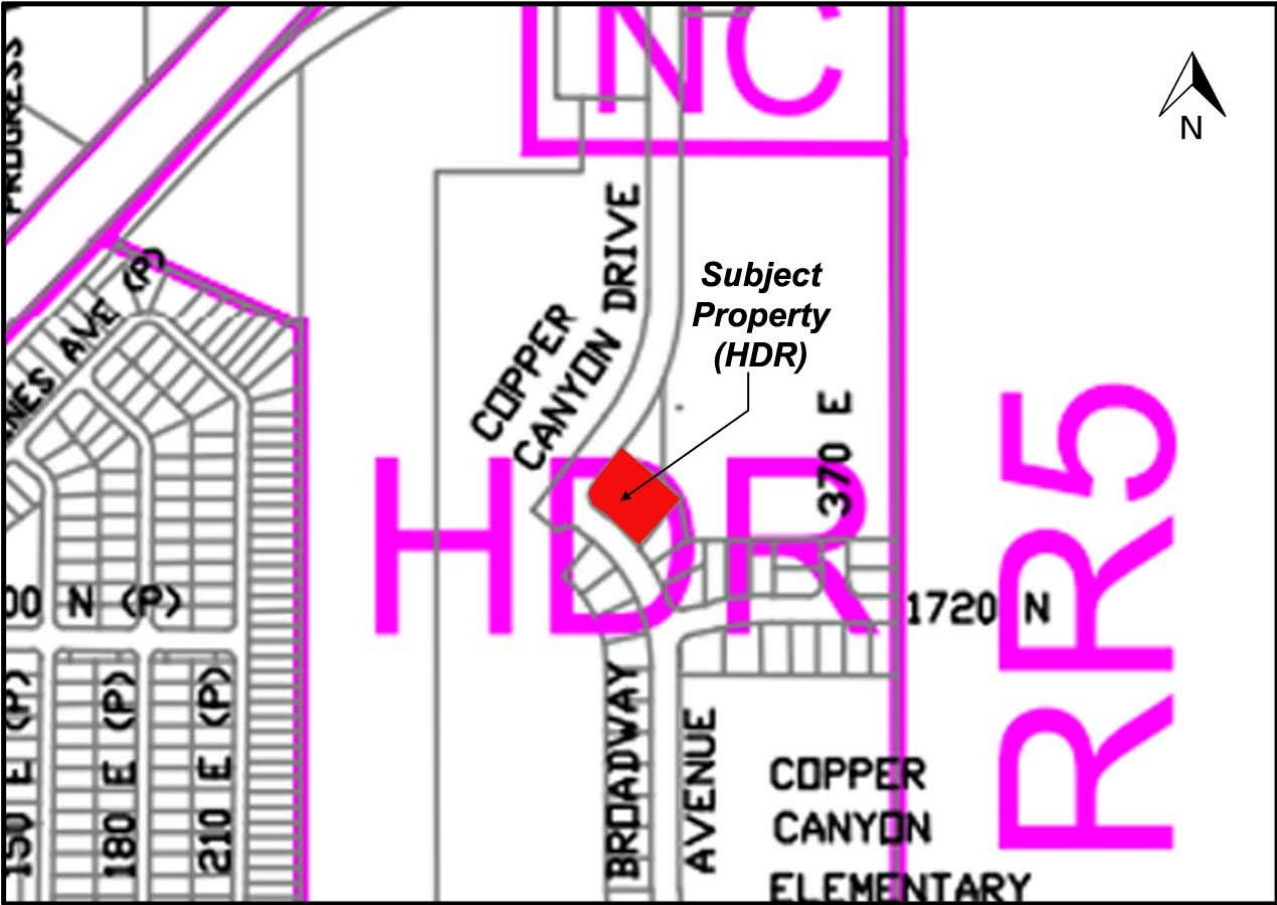
**MAPPING PERTINENT TO THE CALDWELL SUBDIVISION MINOR SUBDIVISION**

***Caldwell Minor Subdivision (Final Plat)***



***Aerial View***

**Caldwell Minor Subdivision (Final Plat)**



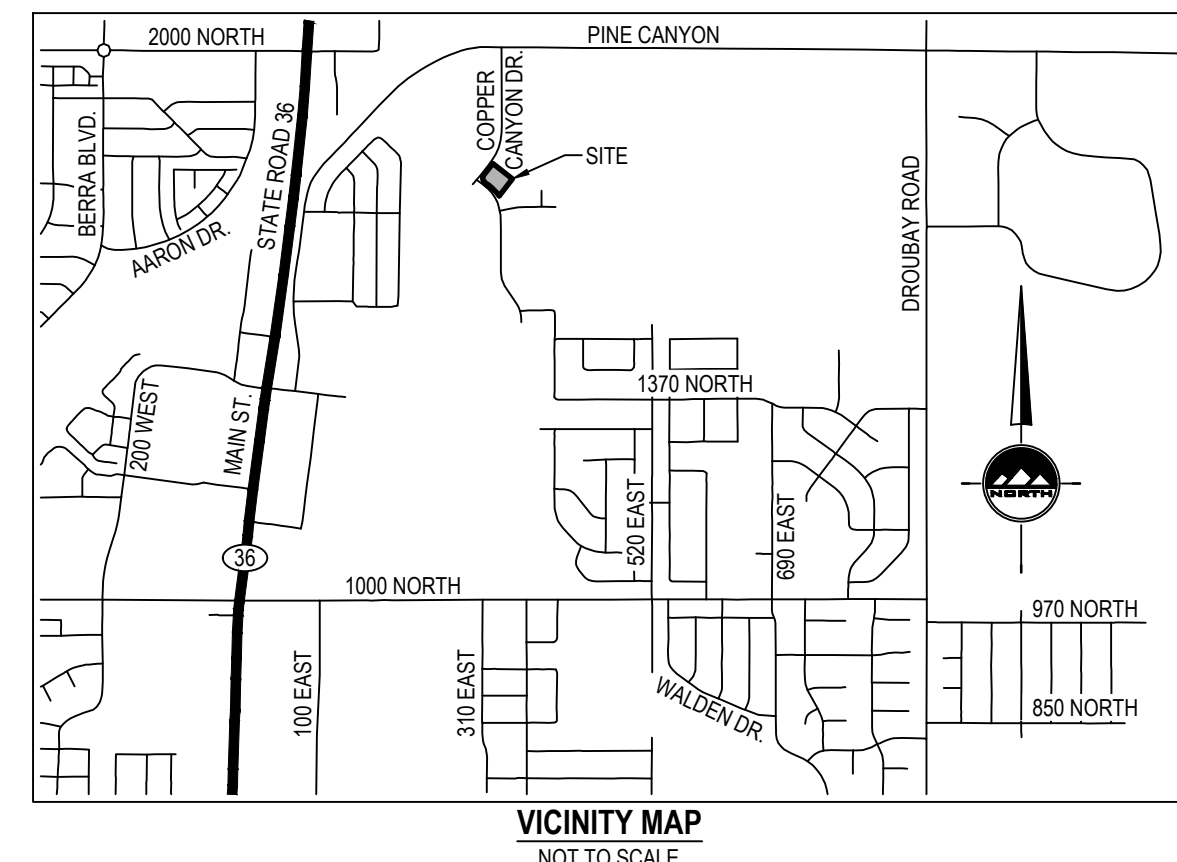
*Current Zoning*

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**



**FINAL PLAT  
CALDWELL SUBDIVISION  
(AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)  
LOCATED IN THE NORTHWEST QUARTER  
OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH**



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	433.00'	109.66'	14°30'37"	N44°45'07"W	109.37'
C2	29.50'	46.34'	90°00'00"	S7°00'26"E	41.72'
C3	433.00'	54.99'	7°16'34"	S41°08'06"E	54.95'
C4	433.00'	54.67'	7°14'03"	S48°23'24"E	54.63'

**DEVELOPER  
ANDREW CALDWELL  
345 WEST DELGADO  
TOOELE, UT 84074  
435-849-0000**

**NOTE:**  
OFFSET PINS TO BE PLACED IN TOP BACK OF CURB. 5/8" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS

LEGEND	
	EXISTING STREET MONUMENT
	PROPOSED STREET MONUMENT TO BE SET
	SECTION CORNER
	5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
	PUE PUBLIC UTILITY EASEMENT
	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	RIGHT OF WAY LINE
	ADJACENT RIGHT OF WAY LINE
	TANGENT LINE

**SHEET 1 OF 1**  
PROJECT NUMBER: 7563A  
MANAGER: D. KINSMAN  
DRAWN BY: R. FISH  
CHECKED BY: D. KINSMAN  
DATE: 12/6/2018



**TOOELE**  
169 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435.943.3590  
Fax: 435.578.0108  
WWW.ENSGNENG.COM

**SALT LAKE CITY**  
Phone: 801.266.9529

**LAYTON**  
Phone: 801.541.1100

**CEGAR CITY**  
Phone: 435.883.4663

**RICHFIELD**  
Phone: 435.896.2963

**DOMINION ENERGY**  
DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-6532.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

DOMINION ENERGY

BY \_\_\_\_\_

TITLE \_\_\_\_\_

**ROCKY MOUNTAIN POWER**  
ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

ROCKY MOUNTAIN POWER

BY \_\_\_\_\_

TITLE \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ATTEST: CITY RECORDER

**SURVEYOR'S CERTIFICATE**  
I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, and streets, hereafter to be known as CALDWELL SUBDIVISION, 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**  
A parcel of land, situate in the Northwest Quarter of Section 15, Township 3 South, Range 4 West, Salt Lake Base and Meridian, containing all of Lot 9, Canyon Village Subdivision Phase 1 as recorded May 27, 2004 as Entry No. 223792 in Book 947 on Pages 521-522 in the Tooele County Recorder's Office, said parcel is also located in Tooele City, Tooele County, Utah, more particularly described as follows:  
Beginning at a point on the southeasterly line of Copper Canyon Drive, said point being North 37°59'34" East 62.50 feet along the center line of said Copper Canyon Drive, and South 52°00'26" East 38.00 feet from the found street monument located at the intersection of Copper Canyon Drive and Broadway Avenue, said monument is located North 89°53'05" East 951.05' along the Quarter Section Line, and North 1386.51 feet from the West Quarter Corner of Section 15, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
thence North 37°59'34" East 108.00 feet along the southeasterly line of said Copper Canyon Drive, to the northerly corner of Lot 9 of said Canyon Village Subdivision Phase 1, said point being located southeasterly 10.8 feet from a found rivet;  
thence South 52°00'26" East 173.00 feet along the northeasterly line of said Lot 9, to the southeasterly corner thereof, said point being marked with a found Focus Engineering bar and cap;  
thence South 37°59'34" West 151.31 feet along the southeasterly line of said Lot 9, to the easterly line of said Broadway Avenue, said point being northeasterly 11.2 feet from a found rivet and is the southerly corner of said Lot 9;  
thence Northwesterly 109.66 feet along the arc of a 433.00-foot radius non-tangent curve to the left (center bears South 52°30'11" West and the long chord bears North 44°45'07" West 109.37 feet through a central angle of 14°30'37" along the east line of said Broadway Avenue;  
thence North 52°00'26" West 35.01 feet along the east line of said Broadway Avenue;  
thence Northwesterly 46.34 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears North 37°59'34" East and the long chord bears North 7°16'34" West 41.72 feet through a central angle of 90°00'00" to the Point of Beginning.  
Contains 24,097 square feet or 0.55 acres.

Date \_\_\_\_\_  
Douglas J. Kinsman  
License no. 334575



**OWNER'S DEDICATION**  
Known all men by these present that the undersigned are the owner(s) of the heron described tract of land and hereby cause the same to be divided into lots, and streets together with easements as set forth hereafter to be known as:  
**CALDWELL SUBDIVISION**

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

In witness whereof I have hereunto set my / our hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

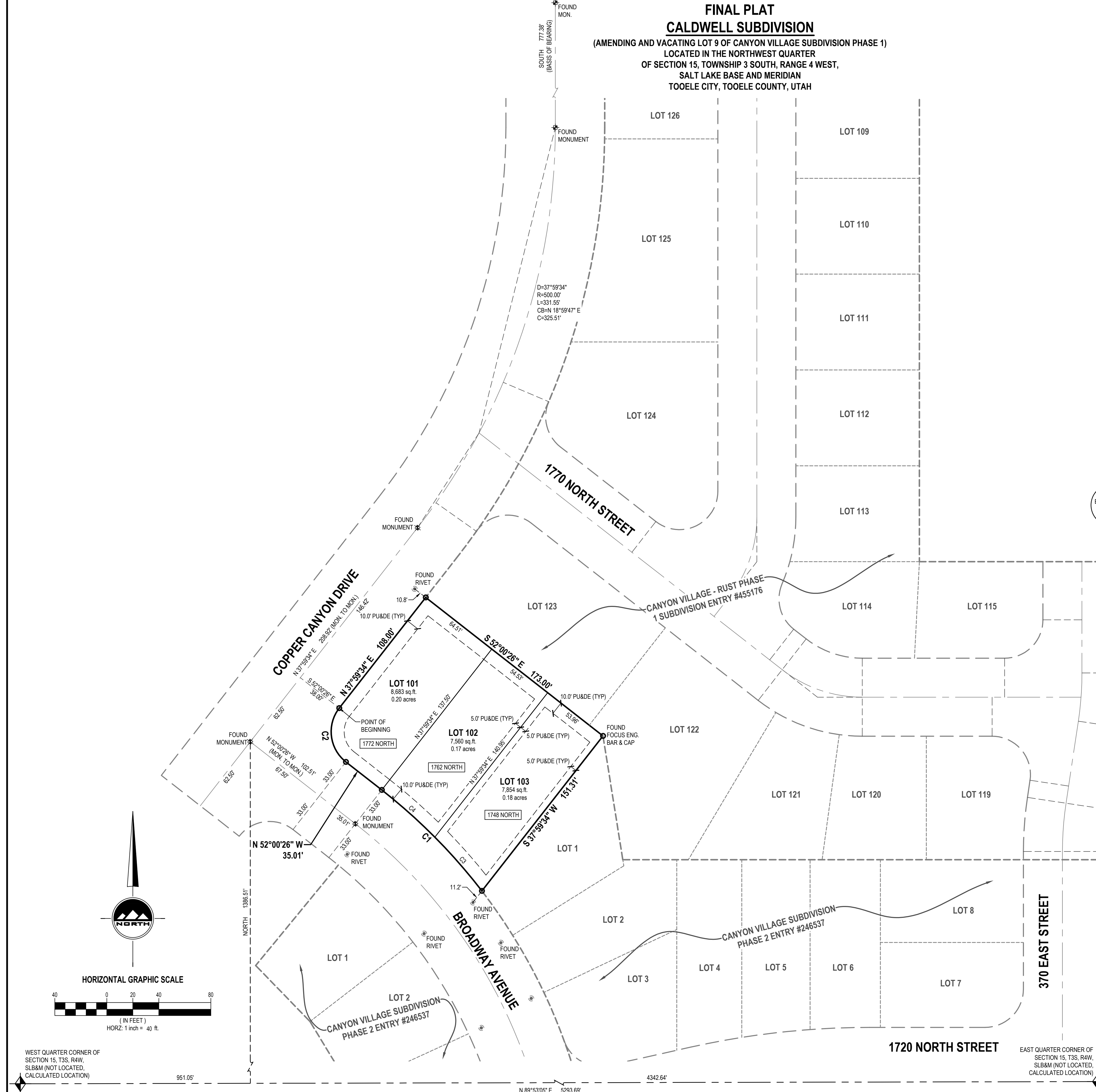
By: Andrew Caldwell By: \_\_\_\_\_

**INDIVIDUAL ACKNOWLEDGMENT**  
STATE OF UTAH  
County of \_\_\_\_\_, J.S.S.  
On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_, \_\_\_\_\_ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, \_\_\_\_\_ in number, freely and voluntarily for the purposes herein mentioned.

MY COMMISSION EXPIRES: \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

**CALDWELL SUBDIVISION**  
(AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)  
LOCATED IN THE NORTHWEST QUARTER  
OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH

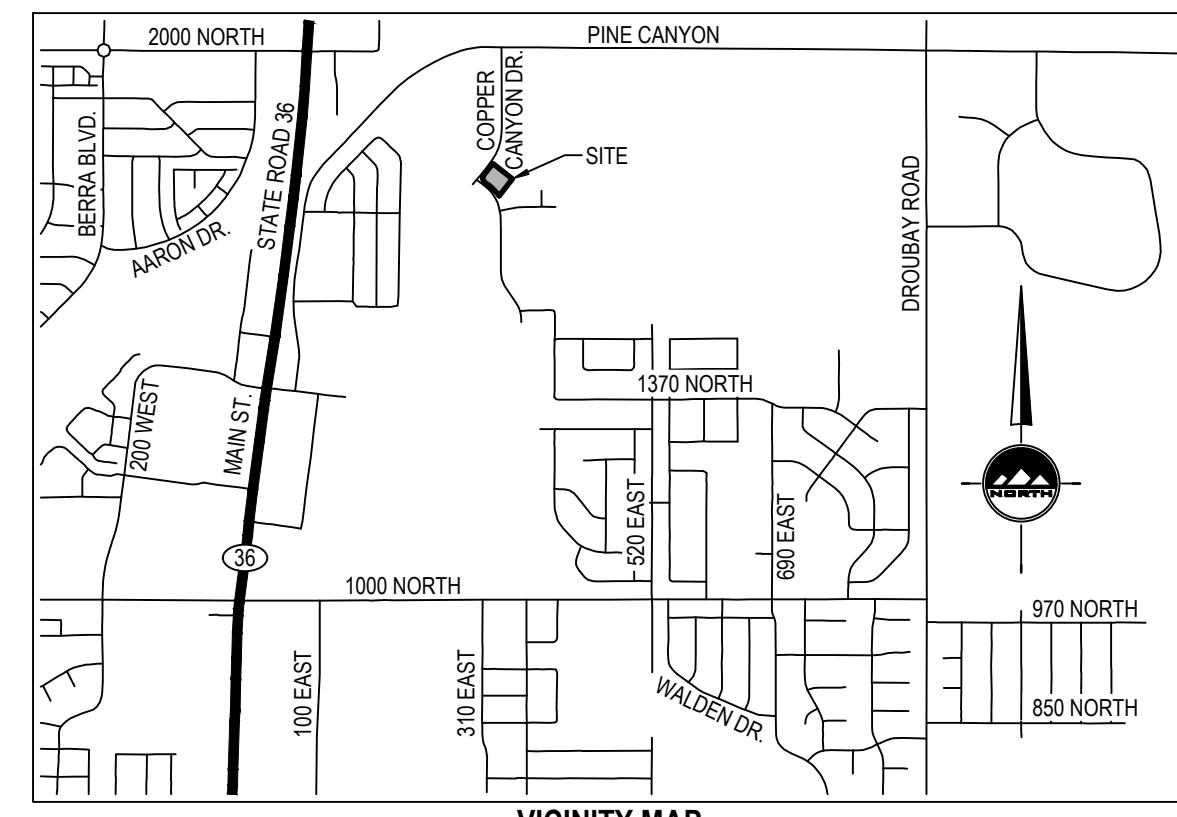
**TOOELE COUNTY RECORDER**  
RECORDED # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE  
REQUEST OF: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_  
FEES \_\_\_\_\_  
TOOELE COUNTY RECORDER



<p><b>COUNTY SURVEY DEPARTMENT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-_____ TOOELE COUNTY SURVEY DIRECTOR</p>	<p><b>COUNTY HEALTH DEPARTMENT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT. TOOELE COUNTY HEALTH DEPT.</p>	<p><b>COUNTY TREASURER APPROVAL</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY TREASURER. TOOELE COUNTY TREASURER</p>	<p><b>CITY ATTORNEY'S APPROVAL</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE CITY ATTORNEY. TOOELE CITY ATTORNEY</p>	<p><b>CITY ENGINEER'S APPROVAL</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE CITY ENGINEER. TOOELE CITY ENGINEER</p>	<p><b>COMMUNITY DEVELOPMENT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE COMMUNITY DEVELOPMENT. TOOELE CITY COMMUNITY DEVELOPMENT</p>	<p><b>PLANNING COMMISSION APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE CITY PLANNING COMMISSION. CHAIRMAN TOOELE CITY PLANNING COMMISSION</p>	<p><b>TOOELE COUNTY RECORDER</b></p> <p>RECORDED # _____ STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____ DATE: _____ TIME: _____ FEES _____ TOOELE COUNTY RECORDER</p>
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**FINAL PLAT  
CALDWELL SUBDIVISION  
(AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)  
LOCATED IN THE NORTHWEST QUARTER  
OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH**



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	433.00'	109.66'	14°30'37"	N44°45'07"W	109.37'
C2	29.50'	46.34'	90°00'00"	S7°00'26"E	41.72'
C3	433.00'	54.99'	7°16'34"	S41°08'06"E	54.95'
C4	433.00'	54.67'	7°14'03"	S48°23'24"E	54.63'

**DEVELOPER  
ANDREW CALDWELL  
345 WEST DELGADO  
TOOELE, UT 84074  
435-849-0000**

**NOTE:**  
OFFSET PINS TO BE PLACED IN TOP BACK OF CURB. 3/4" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS

LEGEND	
	EXISTING STREET MONUMENT
	PROPOSED STREET MONUMENT TO BE SET
	SECTION CORNER
	5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
	PUE PUBLIC UTILITY EASEMENT
	BOUNDARY LINE
	ADJACENT PROPERTY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	RIGHT OF WAY LINE
	ADJACENT RIGHT OF WAY LINE
	TANGENT LINE

**SHEET 1 OF 1**  
PROJECT NUMBER: 7563A  
MANAGER: D. KINSMAN  
DRAWN BY: R. FISH  
CHECKED BY: D. KINSMAN  
DATE: 12/16/2018



**TOOELE**  
169 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435.943.3550  
Fax: 435.578.0108  
WWW.ENSGNENG.COM

**SALT LAKE CITY**  
Phone: 801.266.9529

**LAYTON**  
Phone: 801.541.1100

**CEGAR CITY**  
Phone: 435.883.9463

**RICHFIELD**  
Phone: 435.896.2963

**DOMINION ENERGY**  
DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-6532.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

DOMINION ENERGY  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_

**ROCKY MOUNTAIN POWER**  
ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

ROCKY MOUNTAIN POWER  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_

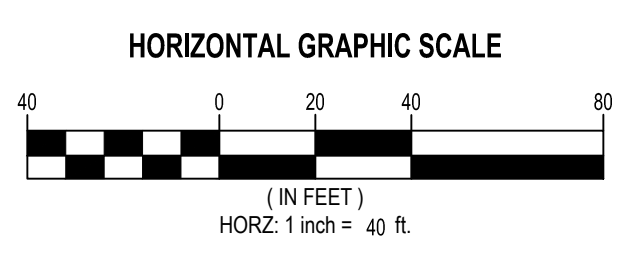
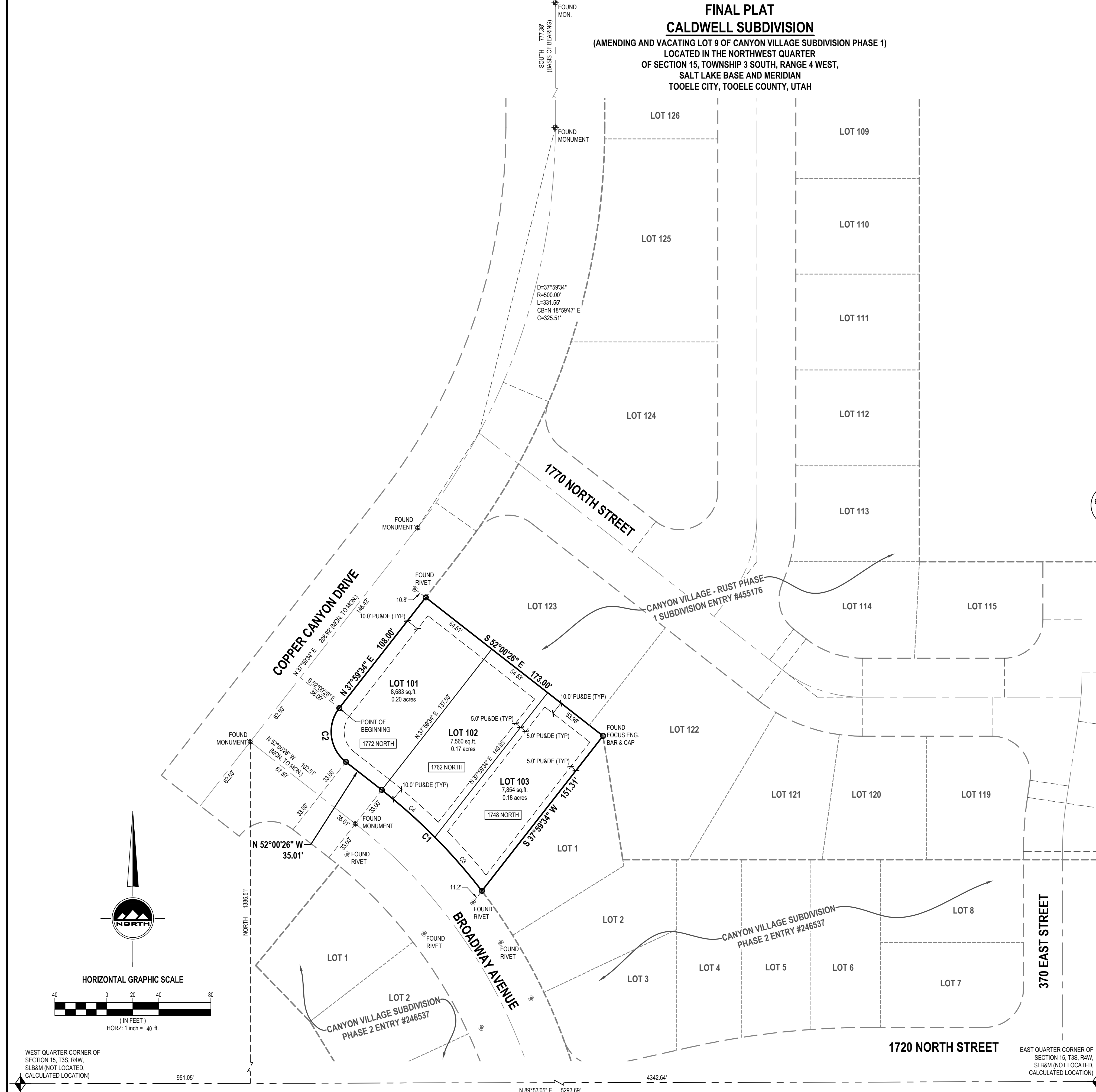
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ATTEST: CITY RECORDER

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Contains 24,097 square feet or 0.55 acres.

Date \_\_\_\_\_  
Douglas J. Kinsman  
License no. 334575



WEST QUARTER CORNER OF SECTION 15, T3S, R4W, SLB&M (NOT LOCATED, CALCULATED LOCATION) 951.05'

N 52°00'26" W 35.01'

N 37°59'34" E 108.00'

N 52°00'26" E 173.00'

N 37°59'34" W 151.31'

N 89°53'05" E 5293.69'

EAST QUARTER CORNER OF SECTION 15, T3S, R4W, SLB&M (NOT LOCATED, CALCULATED LOCATION) 4342.64'

<p><b>COUNTY SURVEY DEPARTMENT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-_____</p> <p>TOOELE COUNTY SURVEY DIRECTOR</p>	<p><b>COUNTY HEALTH DEPARTMENT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY HEALTH DEPARTMENT.</p> <p>TOOELE COUNTY HEALTH DEPT.</p>	<p><b>COUNTY TREASURER APPROVAL</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE TOOELE COUNTY TREASURER.</p> <p>TOOELE COUNTY TREASURER</p>	<p><b>CITY ATTORNEY'S APPROVAL</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE CITY ATTORNEY.</p> <p>TOOELE CITY ATTORNEY</p>	<p><b>CITY ENGINEER'S APPROVAL</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ 20____ BY THE CITY ENGINEER.</p> <p>TOOELE CITY ENGINEER</p>	<p><b>COMMUNITY DEVELOPMENT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE COMMUNITY DEVELOPMENT.</p> <p>TOOELE CITY COMMUNITY DEVELOPMENT</p>	<p><b>PLANNING COMMISSION APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____ 20____ BY THE TOOELE CITY PLANNING COMMISSION.</p> <p>CHAIRMAN TOOELE CITY PLANNING COMMISSION</p>	<p><b>TOOELE COUNTY RECORDER</b></p> <p>RECORDED # _____ STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____ DATE: _____ TIME: _____ FEES _____ TOOELE COUNTY RECORDER</p>
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**CALDWELL SUBDIVISION**  
(AMENDING AND VACATING LOT 9 OF CANYON VILLAGE SUBDIVISION PHASE 1)  
LOCATED IN THE NORTHWEST QUARTER  
OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH

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

Date: Wednesday, February 13, 2019  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Steve Pruden, Chair  
Dave McCall  
Scott Wardle  
Brad Pratt  
Melodi Gochis

**City Employees Present:**

Mayor Debbie Winn  
Glenn Caldwell, Finance Director  
Roger Baker, City Attorney  
Michelle Pitt, Recorder  
Jim Bolser, Community Development Director  
Andrew Aagard, City Planner  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairman Pruden called the meeting to order at 5:03 p.m.

**2. Roll Call**

Steve Pruden, Present  
Dave McCall, Present  
Scott Wardle, Present  
Brad Pratt, Present  
Melodi Gochis, Present

**3. Discussion:**

- Utah Open Meetings Act Training  
Presented by Roger Baker

Mr. Baker explained that the Utah Open Meetings Act training is a yearly mandatory requirement for the Council. It is something that the auditors look for every year. Mr. Baker stated that the Council didn't need to receive training on the whole Open Meetings Act. This year he chose to highlight closed meeting requirements.

Mr. Baker said that a closed meeting needs to be noticed, the meeting needs to begin as an open meeting, then can be closed by 2/3 vote of the quorum.

Mr. Baker said that the items for a closed meeting don't have to be on the meeting agenda, but he recommends that they are included on the agenda. Mr. Baker reviewed the reasons a closed meeting can be held: to discuss real property purchases and sales, but only if it is tied to the value of the property that the City is anticipating buying or selling; the character, professional competence, or physical or mental health of any individual, usually designated as personnel; pending or reasonably imminent pending litigation; criminal investigations; and deployment of security personnel or systems. He added that the reason real property purchases and sales are discussed during a closed meeting is so that the price doesn't get disclosed, so that the City can try to get the best deal they can.

Closed meetings must be recorded unless it is a personnel discussion. If the discussion is based on personnel, and not recorded, an affidavit must be filled out by the Chairman.

Mr. Baker went on to list some things that cannot be done during a closed meeting: discuss the need to fill a mid-term vacancy, interview a person for a midterm vacancy, or approve an ordinance, resolution or contract. Mr. Baker clarified that the Council can discuss a real estate contract, but they can't approve it. The Council also can't approve an appointment to the Planning Commission, or department head, etc., but they can discuss the character, competence or physical or mental health of an employee.

- Berra Boulevard Zoning Map Amendment Request Discussion  
Presented by Jim Bolser

Mr. Bolser said that the intent of having this on the agenda is to give the Council a status report, and allow the Council to discuss the application. If there was not a request for a Zoning Map Amendment, the development could begin today. Mr. Bolser added that the site is 55.78 acres, with an additional 1.99 acres of City property, which is landlocked by the site. The property is currently zoned R1-7.

Mr. Bolser stated that in September, the City received the application and it went before the Planning Commission in October. Under the original application, the developer requested to do two things. First, to add a PUD designation to 36.11 acres with the existing R1-7 zoning to help govern things like lot sizes and setbacks, but it would not increase the number of units possible. Second, is a rezone to allow high density residential (HDR) for up to 16 units per acre on the remaining 19.67-acre portion of this development as well as the 1.99 acre landlocked City parcel. The concept plan for the original application showed single-family dwellings in the PUD area with an area of townhomes in the middle of the site and apartments toward the east end.

Mr. Bolser stated that on February 1, 2019, the developer exercised their right to submit a formal request for a revision to their application. This revised application now proposes to have 36.11 acres assigned to the R1-7 PUD for single-family dwellings and the remaining 19.67 assigned to the HDR zoning district for apartments, with the townhome area being removed from the concept plan, and the 1.99-acre City parcel still proposed for the HDR zone.

Mr. Bolser described the differences in development potential between the existing zoning for the site, the original application's proposed zoning changes, and the revised application's proposed zoning changes.

Council Member Gochis asked if an additional traffic study should be done. Chairman Pruden said that two traffic studies had been submitted, one from the homeowners, and one from the builder. He said that the results are mixed, and don't mesh. Mr. Hansen said that the City received an estimate for a City sponsored, independent traffic study at \$5,000 from Hales Engineering. The price for the estimate has been revised to \$8,500 to include the future high school, hospital, a wider area scope of the city, etc. This would also include analysis for the 20-40 year plan. Mr. Hansen reported they could have a draft of the traffic study back to the City within three weeks. Council Member McCall felt like the City should get the independent traffic study done. He felt that the entrance on to SR36 needed to be fixed whether this rezone was allowed or not.

Council Member Gochis indicated she would like to move forward with another traffic study, with the 20-40 year plan. Council Member Pratt stressed that he was in favor of development in this area, but realized the responsibility to look at what might be caused with that development. He also expressed concern about providing services to this area if emergency vehicles were not able to get in and out.

Council Member Wardle asked Mr. Aagard what impact a multi-family development has compared to a single family. Mr. Aagard said that there wasn't much of a difference. Council Member Wardle said he would like to have a meeting with the hospital to include a Council member, the Mayor, and a representative of the hospital about what they would like to see done about the entrance. He added that a traffic study by itself, without the hospital's input, may not make much sense. Council Member Wardle said that he liked that growth would happen in this area, and that the City is anticipating and expecting it, but they are concerned about safety.

Council Member McCall agreed that they should meet with the hospital, but also with the Maverik, the owner of the care center, and the superintendent of the school district. The hospital only has one way in and out. Most other hospitals have more than one way in and out. He felt the hospital may have an idea of another access.

Council Member Wardle said that Stansbury High School has only one way in. If the new Tooele school's entrance was on 400 West, it may alleviate traffic in that area.

Mr. Hansen suggested the traffic study be done first, before meeting with the hospital and others. He felt the traffic study might have recommendations which could be then discussed with hospital, service station and others.



Chairman Pruden summarized that the City will try to get the independent traffic study done, by the March 6<sup>th</sup> Council meeting. Mr. Hansen cautioned that it would take approximately three weeks for the traffic study, which would be March 6<sup>th</sup>, so it may not be ready for discussion at the March 6<sup>th</sup> meeting. Chairman Pruden directed staff to communicate with the developer on whether or not this would be able to go to Council at that time.

- Ordinance 2019-01 An Ordinance of Tooele City Amending Tooele City Code Section 4-8-2 Regarding Street Construction Standards and Tooele City Code Chapter 4-11 Regarding Obstructions Within Street Rights-of-Way Presented by Jim Bolser

Mr. Bolser stated this Ordinance had been discussed with the Council in the past. He explained that the current City Code has a limitation of the allowable length for cul-de-sacs. This proposed Ordinance says that in certain situations, the Public Works Director, Steve Evans, has the ability to make findings based on certain criteria to allow longer cul-de-sac lengths. The criteria is intended and designed to be limiting. One of the adjustments to the original text of the proposed City Code language resulted from a recommendation from the fire department. In the case of a structure fire, at least two engines would respond. In a shorter cul-de-sac, the current length allows them to do what they need to do with a third engine positioned at the entrance to the cul-de-sac. A longer cul-de-sac would require all three engines to be in the cul-de-sac and the turnaround area would need to be increased to allow the fire trucks more room to turn around and maneuver.

Mr. Bolser said that the second part of this proposed Ordinance is about obstructions. Once a development is constructed and homes are being built, there are oftentimes large dumpsters placed in the right-of-way; or large storage containers are placed while people are moving in. Both of these things can, and have caused damages to the roads, sometimes by taking chunks out of the road. They also cause visibility and safety hazards for passing vehicles. The proposed Ordinance requires that the dumpsters or packing containers be placed on the property and out of the right-of-way.

Chairman Pruden said the larger turnaround area also includes a bigger radius for snowplows to turn around. Mayor Winn said she met with Fire Chief Harrison, who indicated that as long as there are enough fire hydrants, looping, pressure, and they meet the required specifications, the length could be extended. Chairman Pruden said that the fees must be paid in a timely manner, or they will not be allowed to go forward on the project. Mr. Bolser said that their office does not accept applications unless they are complete, which includes that fees are paid.

Mr. Baker stated that public works, engineering, community development and the legal department all met to provide these proposed limited provisions for development when there is no other way around it.

Council Member Wardle asked if other cities allowed the large dumpsters and containers in the rights-of-way. Mr. Bolser said that he knew of multiple cities that required them to be placed on the property rather than the right-of-way. Mr. Aagard added that it was a sound requirement.

Council Member Gochis asked if there would be a limit to the length of time that a dumpster can be placed on their property because it could become an eye sore. Mr. Bolser stated that timing was not being addressed with this proposal but may be that this might be addressed in another section of the Code. He said he would research it.

- Resolution 2019-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision  
Presented by Jim Bolser

Mr. Bolser stated that this is a request to accept part of the public improvements. The public landscaping portion and a certain amount of street lights have not been completed. Mr. Bolser said that street lights are one thing that City Code doesn't allow to be postponed. The applicant is requesting, due to a delay of getting parts and supplies, to delay the requirement so that the developer and building can move on with recording the plat and getting building permits issued to begin building homes while waiting on those parts to come in. The developer has bonded for both the landscaping and street lights. Mr. Bolser explained that the City allows developers to bond for, and delay the landscaping because of winter conditions, but the City has not allowed delaying street lights or other public infrastructure before. Mr. Baker stated that the City has allowed acceptance of public improvements to be split into two resolutions in the unique circumstance in Copper Canyon where the subdivider bonded for trail improvements; these trail improvements were accepted separately from the subdivision's other improvements.

Council Member Wardle asked if this type of exception should be written in the Code, since it currently isn't included. Mr. Baker answered that there was nothing in the Code prohibiting issuing building permits, if all the public improvements are done. Council Member Wardle said that this was a parts issues, not a lack of trying issue. Mr. Bolser added that it was his understanding that the developer's supplier dropped the ball and the parts are now backordered.

Council Member Gochis stated that if the project was bonded, it would be taken care of. There was a question of who monitors the bond. Mr. Bolser said that he would coordinate with the attorney's office for the release of bonds.

Council Member Wardle said he was reticent to allow exceptions to the Code. Council Member McCall said that there may be an issue if the City is told that the parts are on order, but they are 20 weeks until they are delivered. He asked how long the City was willing to wait. Council Member McCall added that other developers have been able to complete their phase and then move on to the next one. He didn't want the City to pick and choose who is allowed exceptions. He said that it wasn't the City's fault when the developer wasn't able to get their parts. The City needs to stay focused and enforce the Ordinance.

Council Member Wardle felt that the Code shouldn't penalize a builder. He added that if the exception is allowed, the burden of proof should be on the builder to prove that the parts have been ordered. Mr. Baker said that the City could make this allowance, but would need to have the new Code written. Council Member Gochis said that the lights are unique in the Overlake area. She knows that the lights and parts are hard to get.

Mr. Baker said that he could efficiently prepare language for a new Code. He said that he needed the Council to think about public improvement bonding as not tied to building permits to build. He said the bonding was to get the improvements done within the City's time frame. He emphasized that the City does not bond to issue building permits. If the two were connected, the City would essentially be saying that houses can be built before public improvements are completed; or telling people that your house is built, but you cannot move in because the improvements are not put in. Historically, the City Council has been unwilling to shift this burden from the developer to the home buyer, and that is the policy contained in the City Code.

Council Member Wardle asked City staff what their recommendation was. Mr. Bolser said that he felt the staff's hands were tied in this case and they had followed the Ordinance. Mr. Baker stated that the proposed Resolution was lawful, and if approved, the developer could record the plat and sell lots. Mr. Baker said that there was not a concern about accepting the public improvements that are complete, and the remaining improvements are bonded for. Mr. Baker clarified that a plat can be recorded when all the public improvements are accepted by the City Council or bonded, or a combination of the two.

Council Member Pratt expressed concern about the term "accepting completed improvements" when they were not complete. He said the landscaping issue was understandable in winter, and it is not a public safety issue. He said he has a severe worry about public safety. If the City moves forward with the development with bonding in place, the City needs to have something from the developer to say when those improvements will be put in. He indicated he was not opposed to writing in an allowance for an exception under this circumstance, with certain criteria. Council Member Gochis also expressed concern about what acceptance meant. Mr. Baker explained that the improvements have been completed, inspected, and certified that they have been inspected.

Council Member Wardle proposed that this be postponed until next week's meeting to allow an Ordinance change.

The developer asked if the lights could be included as landscaping, since they are in the landscape area on 400 West.

Chairman Pruden said he realized that an exception can't be made for one development. He asked staff to write something for the Council meeting next week.

The developer asked if they could pull building permits with the landscape bond. Chairman Pruden said that as it was now, no.

- Resolution 2019-13 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Middle Canyon Electric for Installation of Underground Conduit and Related Facilities for Rocky Mountain Power and Xfinity/Comcast for Construction of the Police Station at 50 North Garden Street  
Presented by Paul Hansen



Mr. Hansen stated that an email was sent out to the Council two weeks ago asking that the contract be awarded so that contractors could begin work on this project, and the response was unanimous. The contract is for \$24,132.00. Mr. Hansen said he was going to ask for two change orders: paying for additional trench work and a pipe at \$1,600, and \$3,000 for backfill because the snow has compromised the backfill. Mr. Hansen added that even with the modifications, the total price is still half of what the other contractors bid.

- Resolution 2019-14 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Broken Arrow Construction for Asbestos Abatement and Demolition of an Existing Structure Located at 59 North 100 East  
Presented by Paul Hansen

Mr. Hansen said that he had solicited the Council by email, and the response was unanimous, to approve this contract to begin the asbestos abatement and demolition. Mr. Hansen indicated that Broken Arrow is currently working on the asbestos abatement, and Monday, the 19<sup>th</sup> they will commence demolition of the building.

- Resolution 2019-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Peterson Industrial Depot Water Line  
Presented by Paul Hansen

Mr. Hansen stated that Peterson Industrial Depot has a rail service that serves several businesses. They want to add an additional rail spur line that will cross the City's water line, and have installed a steel casing to protect the existing water line. The work has been completed and inspected.

- Resolution 2019-15 A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment, and Authorizing its Disposal  
Presented by Michelle Pitt

Ms. Pitt stated that the library has included a list of technology-related equipment that is out of date, and can't be used for parts. The library would like to dispose of the property, by recycling what they can, and disposing of the rest.

- Middle Canyon Toll Booth  
Presented by Roger Baker

Mr. Baker said that the County is asking that the Middle Canyon Toll Booth Agreement not be held up while the City considers the tipping fee agreement. The Mayor added that Rocky Mountain Power will not start on this project until the agreement is signed. Chairman Pruden felt that the toll booth would help to get the canyon secured. Mr. Baker indicated that it was a perpetual lease, with no monetary value or termination. If the County breaches the lease, the City can terminate it.

- Tooele Valley Museum Dock Project

Presented by Mayor Debbie Winn

This item was tabled.

- Irrigation Company Water Shares  
Presented by Steve Evans

Mr. Evans stated that the Settlement Canyon Irrigation annual shareholders meeting is March 5th in the County courthouse auditorium. Their board members are Bob Clegg, Ned Bevan and Mike McCoy. Mr. McCoy's seat is up this year which provides an opportunity for the City, as the 2nd largest shareholder, to possibly have a seat on the board. The City has 16% of the shares. Mr. Evans stated that Bob Clegg asked him to notify the Council that Tooele City had an employee on the committee through the 1970s. In the 70s, Mayor George Diehl told Mr. Clegg that the City agreed to no longer have an employee on the board. No one else remembers this agreement. Mr. Evans said that having a board representative from Tooele City would greatly influence a partnership with Settlement Canyon, and the culinary water use in the summer. When there isn't enough irrigation water, they start irrigating with culinary water causing a huge strain on the City's system. He felt that a partnership was needed.

Council Member McCall felt that the City should try to get someone on the board. Council Member Wardle stated that he had a conflict because he owns shares. Mayor Winn and Council Member Gochis also have shares. Council Member Wardle suggested that a representative of the City should not serve on the board if they own shares. It was suggested that the Public Works Director be the board member because it takes the politics out of it. The Mayor felt that the City would be a great asset to the board, had great resources, and would make a great team member.

Council Member Wardle asked if being shareholder was a conflict. Mr. Baker answered that it wasn't a conflict because he would be voting as a private shareholder.

The Council agreed that the Public Works Director should try to become a member of the board.

- RDA Resolution 2019-03 A Resolution of the Redevelopment Agency of Tooele City, Utah ("RDA") Approving a Contract with RS Contract Management for Policy-Related Economic Development and Redevelopment Services  
Presented by RDA Chairman Brad Pratt

This item was tabled.

#### **4. Close Meeting to Discuss Litigation and Property Acquisition**

**Council Member McCall moved to close the meeting.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall "Aye," Council Member Wardle "Aye," Council Member Pratt "Aye," Council Member Gochis "Aye," and Chairman Pruden "Aye."

The meeting closed at 6:46 p.m.

Those in attendance during the closed sessions were: Mayor Debbie Winn, Glenn Caldwell, Paul Hansen, Michelle Pitt, Jim Bolser, Steve Evans, Roger Baker, Council Member Wardle, Council Member Pratt, Council Member McCall, Council Member Gochis, and Chairman Pruden.

No minutes were taken on the closed meetings.

## **5. Adjourn**

The meeting adjourned at 7:08 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 20th day of February, 2019

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Steve Pruden, Tooele City Council Chair

**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, February 13, 2019

**Time:** 7:32 p.m.

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

**City Council Members Present:**

Steve Pruden

Brad Pratt

Dave McCall

Scott Wardle

Melodi Gochis

**City Employees Present:**

Mayor Debbie E. Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Roger Baker, City Attorney

Glen Caldwell, Finance Director

Michelle Pitt, City Recorder

Paul Hansen, City Engineer

Stephen Evans, Public Works Director

Cylee Pressley, Deputy Recorder

Minutes prepared by Kelly Odermott

Chairman Pruden called the meeting to order at 7:32 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Council Member Gochis.

**2. Roll Call**

Steve Pruden, Present

Dave McCall, Present

Scott Wardle, Present

Brad Pitt, Present

Melodi Gochis, Present

### 3. **Public Comment Period**

Chairman Pruden invited comments from the public, there were none.

Chairman Pruden closed the public comment period.

### 4. **Public Hearing and Motion on Ordinance 2019-01 An Ordinance of Tooele City Amending Tooele City Code Section 4-8-7 Regarding Street Construction Standards and Tooele City Code Chapter 4-11 Regarding Obstructions Within Streets Rights-of-Way.**

Presented by Jim Bolser

Mr. Bolser stated this Ordinance is designed and intended to do two primary things. First the code has an existing position that limits the length of cul-de-sacs for new development. City staff regularly reviews various code provisions to determine if the City Code needs to be improved or has become antiquated. This helps the City remain as applicable as they possibly can be and to better serve the community. The current section limits the length of cul-de-sacs and has the potential to adversely affect certain pieces of property that would not otherwise be developable. The first part of this Ordinance proposes language in the City Code that would allow for the establishment of very specific and very tight criteria, that the Public Works Director would have jurisdiction to approve lengthening the cul-de-sacs. In speaking to the Fire Department, they have requested a requirement as part of this Ordinance, that at any time an extension or lengthening of the cul-de-sac is approved there is a corresponding widening of the bowl at the end by 10 feet. This allows the fire department to better function in longer cul-de-sacs when they deal with structure fires and allows more room for snow plow drivers. The second thing this Ordinance is designed to do is to eliminate the possibility of damage to new infrastructure from specific obstructions in the rights-of-way. Specifically, those obstructions tend to be following a development of a project where large dumpsters for construction materials that get stuck in the right-of-way during the construction of homes. Those dumpsters are large to accommodate construction materials and being large take a quantity of the road as they are placed and often damage the road when placed and removed. They also provide obstructions in the road for traffic going by and visual obstructions for home owners driving by. The City staff has proposed a provision that would require that the obstructions be placed out of the right-of-way and on the property. The other obstruction seen frequently are packing containers, shipping containers that are placed on the street.

Chairman Pruden added for the record that all appropriate looping for water lines be in place. Mr. Bolser stated that it is a standard practice of the City Code. Chairman Pruden stated that all fees must be paid in accordance with the City Fee Schedule. Mr. Bolser stated that all fees must be paid for the City staff to accept an application.

Chairman Pruden asked the Council if there are any questions or comments.

Chairman Pruden opened the public hearing.

Mr. Shawn Holste stepped forward to address the Council. He stated that he has dumpsters that he does, and he feels that the dumpsters don't do damage to the road. His company purposefully puts the dumpsters on the road to block in a construction project driveway. This keeps people from pulling mud onto the streets. It makes the process of building a home complicated with a large dumpster on the lot impeding work around the home. It also causes problems with dumpster pickups and drop offs getting the trucks stuck in the mud.

Chairman Pruden asked if there were any comments on the public comment, there were not.

Chairman Pruden closed the public hearing.

**Council Member Pratt moved to approve Ordinance 2019 - 01.** Council Member Wardle seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

5. **Resolution 2019-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision.**

Council Member Wardle motioned to table the item.

6. **Resolution 2019-11 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Peterson Industrial Depot Water Line.**

Presented by Paul Hansen

Mr. Hansen stated that Tooele City Code requires that once an improvement has been put in place that the improvement be brought back to Council to be formally accepted for the responsibility of maintenance and operation. In this particular case Tooele City has an existing water line that runs north and south along Emerald Way. The Peterson Industrial Depot Group wanted to install some additional rail spurs that would cross the water line. In order to protect the water line from the heavy loads the City required that the water line be cased with a steel encasement. The work has been completed and has been inspected by the City staff with a certificate of inspection.

Chairman Pruden asked if Council had any questions or comments, there were none.

**Council Member Wardle moved to approve Resolution 2019 - 11.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

7. **Resolution 2019-13 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Middle Canyon Electric for the Installation of Underground Conduit and Related Facilities for the Rocky Mountain Power and Xfinity/Comcast for the Construction of the Police Station at 50 North Garden Street.**

Presented Paul Hansen

Mr. Hansen stated that the Tooele City is building a Police Station on 50 North Garden Street. Two weeks ago, the Council approved, by email, the installation of conduit for the relocation of Rocky Mountain Power and Xfinity/Comcast lines around the perimeter of the property. A map of the lines was shown on the screen for reference. The City received bids from three separate contractors. The lowest responsive was \$24,132 and the Council approved that through email. There have been some changes to the construction since that time of the plan. In the construction for the new Police Station, CenturyLink was also asked to relocate lines but was unable at the time the plan was approved. They are ready now and have asked if they can put new conduit lines along Garden Street in the trench that is being excavated. CenturyLink is supplying pipe and materials, but the City through the current contractor would do the installation. It is to the advantage of the City to do this in order to save money. The cost of the additional lines is approximately \$1600 additional. In addition, the back fill is quite saturated in the trench due to recent heavy snow and the City Staff has authorized the Contractor to bring in new fill for the trench. The contract bid is \$24,132 with an additional authorization up to \$30,000 to Middle Canyon Electric.

**Council Member McCall moved to approve Resolution 2019-06** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

8. **Resolution 2019-14 A Resolution of the Tooele City Council Approving and Ratifying a Contract with Broken Arrow Construction for Asbestos Abatement and Demolition of an Existing Structure Located at 59 North 100 East.**

Presented by Paul Hansen

Mr. Hansen showed an image of the property on the screen. This is an item where Council authorization was solicited because of the long term need for asbestos abatement and demolition requirements. The City received various bids and Broken Arrow was the lowest responsible bidder in the amount of \$35,310.91. The asbestos abatement began on Monday February 11 and is scheduled to conclude end of the week. On Monday February 19, Broken Arrow will begin demolition of the property and clearing of the site.

Chairman Pruden asked if the Council had any questions or comments.



**Council Member Wardle motioned to approve Resolution 2019-14.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

**9. Resolution 2019-15 A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment and Authorizing its Disposal.**

Presented by Michelle Pitt

Mrs. Pitt stated that the library has found a number of items that can no longer be used, used for parts or inoperable. The Library is asking to declare these items surplus. Items will be recycled or disposed of.

**Council Member Gochis motioned to approve Resolution 2019-15 for a future meeting.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

**10. Minutes**

Chairman Pruden asked if there were any comments or questions about the minutes from the City Council meeting dated January 16, 2019.

**Council Member Pratt moved to approve minutes from the City Council meeting dated December 16, 2019.** Council Member Gochis seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

**11. Approval of Invoices**

Presented by Michelle Pitt

An invoice in the amount of \$85,023.50 to Tooele County Sheriffs Office for fourth quarter dispatch fees.

An invoice in the amount of \$30,682.06 to Clyde Snow & Sessions for Aposhian Sod Farm litigation services.

An invoice in the amount of \$22,420.74 Clyde Snow & Sessions for Aposhian Sod Farm litigation services.

An invoice in the amount of \$31,433.96 Huber Technologies for repair of chain wheel waste water treatment plant.

An invoice in the amount of \$25,516.60 to Mountainland Supply for water meters.

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

**Council Member Gochis moved to approve payment of invoices.** Council Member Wardle seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council Member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

## 12. Adjourn

**Council Member McCall moved to adjourn the City Council meeting.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Council member Gochis, "Aye," Chairman Pruden, "Aye." The motion passed.

The meeting adjourned at 7:52 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 22nd day of February, 2019

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Steve Pruden, Tooele City Council Chair

**Tooele City Council  
Business Meeting Minutes**

**Date:** Wednesday, February 20, 2019

**Time:** 7:02 p.m.

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

**City Council Members Present:**

Steve Pruden

Brad Pratt

Dave McCall

Scott Wardle

**City Council Members Excused:**

Melodi Gochis

**City Employees Present:**

Mayor Debbie E. Winn

Jim Bolser, Community Development Director

Chief Ron Kirby, Police Department

Roger Baker, City Attorney

Glen Caldwell, Finance Director

Michelle Pitt, City Recorder

Paul Hansen, City Engineer

Stephen Evans, Public Works Director

Cylee Pressley, Deputy Recorder

Minutes prepared by Kelly Odermott

Chairman Pruden called the meeting to order at 7:02 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Council Member McCall.

**2. Roll Call**

Steve Pruden, Present

Dave McCall, Present

Scott Wardle, Present

Brad Pitt, Present

3. **Public Comment Period**

Chairman Pruden invited comments from the public, there were none.

Chairman Pruden closed the public comment period.

4. **Parks, Arts, and Recreation (P.A.R) Tax Special Funding.**

Presented by Chairman Pruden

Chairman Pruden stated that this item was discussed during the work session. The Council discussed some additional work projects that the Council would like to accomplish. These projects require a budget adjustment from the P.A.R. Tax fund balance for items that were not originally budgeted for in the approved budget. The items will come to the Council as a Resolution in the future.

5. **Year One: Library Free Policy.**

Presented Jami Carter

Ms. Carter stated that the library started the fine free journey in January 2018. The original way that the library worked with fines; items were checked out with a due date, library staff assessed fines for every day that the item was overdue. Fines would be billed to the library borrower and fines were included in the amount sent to the City Attorney's Office for an enhanced collection in an attempt to get the items back. Now the library is fine free and that means, daily fines are not placed on the items that are not returned. There have been positive impacts to the library in changing to a fine free policy.

Ms. Carter stated that when assessing fines, the library collected 55% of assessed fines for revenue. In going fine free it was anticipated that the revenue collected by the Library would reduce 55%, but the statistics show that it only reduced 23%. The library saw an increase in revenues for payment for unreturned items, payment for past attorney fees and collections, replaced library cards, and payment nonresident borrowing privileges. In determining the impact of not assessing fines there is an impact on administrative time. In a typical weeks' time 99% of items will be returned and .4% of items are not returned. Prior to being fine free the Library staff would spend time collecting fines for overdue items. Now with no fines, the time used to assess fines has reduced 75% and staff has been able to repurpose that time for library programs. New programs and expanded programs include, Book a Librarian, more Technology classes, including a new beginning class in Spanish. Community user impact shows that 1% of borrowers still do not return borrowed items, but 83% of borrowers are keeping less items. The library findings

showed that not assessing fines resulted in more items returned, and more library cards are being reactivated. Ms. Carter thanked the Council for the trust extended to them by the Council to stop assessing within this new policy.

Chairman Pruden asked the Council if there were any comment or questions. Chairman Pruden thanked Ms. Carter on behalf of the Council and stated they appreciated the work that the Library staff does every day.

**6. Resolution 2019-16 A Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Alan K. Jeppesen to the Tooele Valley Museum Board.**

Presented by Mayor Debbie Winn

Mayor Winn stated that she was honored to appoint another resident to the Tooele Valley Museum Advisory Board. The Board is important to the future of the museum in the Community. Mr. Jeppesen has been a resident of Tooele City since 1973. He has been worked as a Tooele City attorney and as an attorney in both public and private law. Now being retired he would like to give back to the community.

Chairman Pruden asked if the Council had any questions or comments, there were none.

**Council Member Wardle motioned to approve Resolution 2019-16.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Chairman Pruden, "Aye." The motion passed.

**7. Subdivision Preliminary Plan for the Overlake Estates 1L Subdivision, Phases 2-6, Located at Approximately 500 West 2000 North for a 125-Lot Single-Family Residential Development on Approximately 30.5 Acres.**

Presented by Jim Bolser

Mr. Bolser stated that this application is a preliminary subdivision plan for the next five phases of the Overlake Estates 1L, Subdivision, phases 2-6. The existing phase 1 of Subdivision 1L is under construction and almost built out. A map of the property, Zoning Map, and plat map were shown on screen. The zoning for this property is R1-7 as is the property surrounding it. The proposed plat is 125 single-family residential lots that have met the terms and development standards applicable to this application. A proposed phasing plan was shown on screen to show the proposed plan on how the final five phases will be constructed and built out. The project is in compliance with the applicable design standards for it. The Planning Commission has heard the application and forwarded a unanimous positive recommendation based on the findings and subject to the conditions in the Staff Report.

Chairman Pruden asked Council if there were any comments or questions.

Council Member McCall asked which phase on the phase map will be going in first? Mr. Bolser stated that it is the blue one at the top along 2000 North.

**Council Member McCall motioned to approve the Subdivision Plat for Overlake Estate 1L Subdivision, Phases 2-6.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Chairman Pruden, "Aye." The motion passed.

8. **Resolution 2019-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision.**

Presented by Jim Bolser

Mr. Bolser stated this is standard procedure that the Council handles somewhat regularly following the development of a subdivision the public improvements are dedicated to the City. There is one unique element to this approval. There are streets lights that are exterior to the subdivision that run along 400 West. Those three street lights due to factors beyond the developer's control are not yet available and therefore not installed. This is an acceptance of the public improvements with the exception of the street lights and the public landscaping. The excluded improvements will be brought back to Council at a later date.

Chairman Pruden asked if the Council had any questions or comments.

Chairman Pruden stated that he appreciates the work completed in the Providence at Overlake Subdivision.

**Council Member Pratt moved to approve Resolution 2019-12.** Council Member Wardle seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Chairman Pruden, "Aye." The motion passed.

9. **Resolution 2018-35 A Resolution of the Tooele City Council Approving a Lease Agreement with Tooele County for the Middle Canyon Toll Both Project.**

Presented by Roger Baker

Mr. Baker stated the County intends to install a toll booth and gate in Middle Canyon to control the traffic and camping activities in the Canyon. As part of the toll gate improvements The County is asking to lease on a permanent basis two very small slivers of City owned property. One on the north side of the road is to widen the asphalt for turn around and passing the toll

booth. On the south side is a larger piece of property which will be used for gravel parking. The Administration is recommending Council approval.

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

**Council Member McCall moved to approve Resolution 2018-35.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Chairman Pruden, "Aye." The motion passed.

## 10. Minutes

Chairman Pruden stated the minutes would be postponed.

## 11. Approval of Invoices

Presented by Michelle Pitt

Mrs. Pitt stated there were no invoices for approval.

## 12. Adjourn

**Council Member Wardle moved to adjourn the City Council meeting.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall, "Aye," Council Member Wardle, "Aye," Council Member Pratt, "Aye," Chairman Pruden, "Aye." The motion passed.

The meeting adjourned at 7:26 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 6th day of March, 2019

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Steve Pruden, Tooele City Council Chair



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

Date: Wednesday, February 20, 2019  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Steve Pruden, Chair  
Dave McCall  
Scott Wardle  
Brad Pratt

**City Employees Present:**

Mayor Debbie Winn  
Glenn Caldwell, Finance Director  
Roger Baker, City Attorney  
Michelle Pitt, Recorder  
Jim Bolser, Community Development Director  
Andrew Aagard, City Planner  
Steve Evans, Public Works Director  
Paul Hansen, City Engineer  
Jami Carter, City Librarian  
Brian Roth, Parks and Recreation Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairman Pruden called the meeting to order at 5:02 p.m.

**2. Roll Call**

Steve Pruden, Present  
Dave McCall, Present, joined the meeting at 5:17 p.m.  
Scott Wardle, Present  
Brad Pratt, Present  
Melodi Gochis, Excused

**3. Discussion:**

- Parks, Arts and Recreation (P.A.R.) Tax Special Projects Funding

Presented by Chairman Steve Pruden

Chairman Pruden stated that he reviewed a list of PAR tax projects and the budget for this fiscal year. The restrooms at the pool park and the restrooms at the golf course will come out the park capital improvements fund. Projects such as the Red Del Papa concession building, the Dow James concession building, improvements at the Elton and Linear Parks, and the 4th of July activities will come out of the PAR tax fund. Chairman Pruden requested some additional PAR funding for projects that have come up such as the dock renovation at the Railroad Museum and additional funding for Fridays on Vine. He further explained that the Railroad Museum dock had been partially rebuilt, but needs to be finished at a cost of \$26,000. The Arts Council has requested an additional \$5,000 for Fridays on Vine costs, which have increased over the years.

Mayor Winn talked about the proposed statue for the Veterans Memorial Park. The Mayor explained that they had always talked about placing two statues at the park. The first statue has been placed, and the City would now like to do the 8-foot statue of the Vietnam Veteran with his tracker dog. The Mayor added that \$20,000 had been raised by the Life's Worth Living Foundation. That foundation is asking to donate that amount to the Arts Council and have the Arts Council raise the rest of the funds for the statue. The Arts Council board expressed concern about not being able to raise the rest of the \$52,000 needed for the completion of the statue, plus costs for its placement. If the Arts Council is not able to raise the rest of the money, the Mayor proposed that the City use the PAR tax for the rest. Chairman Pruden suggested that the Arts Council have a table at Fridays on Vine and the Arts Festival to ask for donations towards the statue, and issue receipts which could be used as a taxable donation. The Mayor added that they have received a great response from the Vietnam Vets about this statue. She felt it would be beneficial for the Arts Council to seek these donations because it would help to get their name out there for future fundraising endeavors. Chairman Pruden clarified that they weren't asking for the money for the statue right now, but would like to request a budget adjustment for \$31,000 for the museum dock and additional funding for Fridays on Vine through the Arts Council. The Mayor stated that the City received a matching grant from the County for \$30,000, which has been used towards the dock project. Chairman Pruden said that as the year progresses, the City will see how other PAR projects are going, and the need for possible funding.

Mr. Baker explained the procedure for the budget adjustment: he will prepare a resolution, referring to an attached budget adjustment exhibit prepared by Mr. Caldwell. The resolution will go to the March 6th Council meeting, with a public hearing.

- Resolution 2019-16 Resolution of the Tooele City Council Consenting to the Mayor's Appointment of Alan K. Jeppesen to the Tooele Valley Museum Advisory Board  
Presented by Mayor Debbie Winn

Mayor Winn said that she was approached by Mr. Jeppesen who requested to serve on the museum advisory board. She explained that Mr. Jeppesen has been a resident of Tooele City since 1973, and at one time served as a part-time City attorney for Tooele City. He is now retired and has time to volunteer for public service.

- Resolution 2018-35 A Resolution of the Tooele City Council Approving a Lease Agreement with Tooele County for the Middle Canyon Toll Booth Project Presented by Roger Baker

Mr. Baker said that Tooele County is anxious to install the toll booth at Middle Canyon. This lease will allow that to happen.

- Pending Ordinance Amendment Regarding Building Permit Issuance Presented by Roger Baker and Jim Bolser

AND

- Resolution 2019-12 A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 2 Subdivision Presented by Jim Bolser

Mr. Baker said that this was discussed during last week's work session. The current City Code requires that all the public improvements be bonded for or already completed and accepted or a combination of the two for a subdivision plat to be recorded. Mr. Baker stated that with the Council's approval of this Resolution, the developer will be able to record the plat. Mr. Baker said that City staff was recommending approval of the Resolution so that the plat could be recorded.

Mr. Bolser added that the standard procedure, internal steps, and signatures still need to take place. He said that he was prepared to put all the final steps in place, if the Resolution is approved tonight.

Mr. Baker said that with the bonding in place, and with approval of this Resolution, there is nothing impeding his signature on the plat. With the signatures in place, allowing recordation, we can move to the building permit portion of the equation. Mr. Baker said that City staff put in a lot of work in the last week to bring this discussion to tonight's Council meeting. Mr. Baker said that he identified some existing Code language that, upon further reflection and study, would allow issuing building permits for Providence at Overlake Phase 2, even with the outstanding incomplete public improvements. He further explained that the Code language is a policy tool that this Council, or their predecessors, put in place to allow a developer to move forward. However there is quite a bit of concern on the part of staff with how the language is written, because it says a justification has to be put in the file. The tool gives staff the burden of using broad discretion without statutory guidance. Mr. Baker said that in this case, City staff has prepared the justification for the file explaining the unique and unusual circumstances as to why it is appropriate to use this tool in this instance. Mr. Baker stated that staff is recommending amending the way the tool is written in the Code so that it will give staff guidance as to how to use this discretionary tool. The amendment provided in the packet is not complete, but doesn't need to be for the Council to approve the Resolution tonight or to allow the issuance of building permits for noncombustible residential construction in this subdivision. Mr. Bolser added that

there is the possibility that the home builder will again be halted once the noncombustible construction is done, if the lights aren't installed by that time.

Mr. Baker said that the existing tool in the City Code doesn't go as far as the subdivider wants to go, but building permits can go forward for the noncombustible construction. The tool as proposed to be amended is a reasonable compromise, but doesn't allow full build of the houses, and does not use the Certificate of Occupancy as leverage. Mr. Baker said that the tool allows the developer to move forward, and is a compromise.

Council Member McCall joined the meeting at 5:17 p.m.

Chairman Pruden reminded the Council that they are talking about three lights on 400 West. Council Member McCall indicated that he found out that the developers had already paid for the lights, and that they are on backorder. He felt this was a difference from just ordering, and not paying yet. He suggested that the North Tooele City Special Improvement District be contacted to see if they would consider a different style. Mr. Bolser said that the district has made one change from the original style because they are no longer available. Council Member McCall asked why the City agreed to maintain these lights when they are so expensive to replace. Mr. Bolser said that the City's agreement with the district is to pay the standard price that would be paid for lights in other parts of town, and the district pays the difference for these expensive lights. Mr. Hansen clarified that the maintenance is a shared responsibility with the City and the district. Mayor Winn said that the Council is the group that decides on the light design for this area. The Council indicated that they would like to discuss a different light design at a future meeting.

Chairman Pruden said that until a change is made on the standard of light, developers should be told that they need to order these lights right away. He would like to allow developers to go forward, and let them get their permits. Mr. Baker said that those permits will be limited to noncombustible construction. He added that he and Jim Bolser will try to prepare something that goes a little further for a future meeting.

- Subdivision Preliminary Plan for the Overlake Estates 1L Subdivision, Phases 2-6, Located at Approximately 500 West 2000 North for a 125-Lot Single-Family Residential Development on Approximately 30.5 Acres  
Presented by Jim Bolser

Mr. Bolser stated that this preliminary plan is the next step of this project. With the settlement agreement, one of the items that fell upon the City was to refresh the platting of 1L. The developer went through the process on the first section of Phase 1L, got it recorded, and platted. This is a 125-lot project for the remaining area of Phase 1L that the developers propose to split up in 5 phases. Mr. Bolser went on to say that the final plat for Phase 2 should come in quickly. Mr. Bolser said that the Planning Commission forwarded this matter with a positive recommendation.

- Accessory Dwelling Units  
Presented by Roger Baker and Andrew Aagard

Due to the length of the agenda this item was postponed to the next meeting.

- Year One: Library Fine Free Policy  
Presented by Jami Carter, Library Director

Ms. Carter explained that year one of the fine free policy was fantastic, and that even she was surprised with the findings. The library has been fine free as of January 2018. Ms. Carter said that to be fine free means that they eliminated an assessment of a daily fine for items that were overdue. People still check items out and have a due date. The item cost is billed when there is a need of returned items. People still receive notices about being late and asked to return items, and there is a replacement cost included in the notice. She discussed the fiscal impact, administrative impact, community user impact, and findings with the Council. Ms. Carter stated that in her research last year, fines were a deterrent to the actual return of items, and extending trust to people is more effective than a penalty.

Ms. Carter stated that because library personnel are not dedicating time towards financial transactions, they have been able to add new classes and services to the public.

Council Member Wardle asked Ms. Carter if she was going to publish her findings on this because it was a remarkable an important study. Council Member McCall said that Ms. Carter has gone over the results with the library board as well.

- Cemetery and Golf Course Fee Discussion  
Presented by Brian Roth

Mr. Roth stated that he periodically reviews fees and does market comparisons to see if the City's fees are in line with other cities. After a review, he recommended raising the opening and closing fees at the cemetery. An area of concern by the cemetery staff is the resident vs. non-resident fee. He added that staff isn't comfortable trying decide who should and shouldn't be considered a resident, especially during the tough time of grieving and making funeral arrangements. Mr. Roth said that there seems to be two ways to go: ask the customer, and hope they're honest; or have a single fee which takes the resident/non-resident requirement out of it. Mr. Roth felt that a general fee would be easiest. He listed some of the issues of trying to decide if a customer is a resident: do you try to prove the person who died is a resident, or the person who buys the plot? What if a person is a City resident for many years, but the family moved them to a care center in another city for a couple of years, would they then be considered a resident? Chairman Pruden said he would like to see a general fee, not a different fee for resident vs. nonresident. He asked Mr. Roth to ask the cemetery staff to bring a proposal to the Council, with a uniform fee. Mr. Baker stated he supported removing the staff from requiring proof of residency. Council Member Wardle disagreed, saying that it was the Tooele citizens who are paying the taxes. He said that the City cemetery is for Tooele City residents.

Mr. Roth stated that the golf course fees are in line except the green fees. He suggested they be increased by \$1. He added that the golf cart fleet needs to be replaced. He suggested that they

raise the fee on golf carts by \$2 for nine holes, and \$4 for 18 holes. He felt this increase would cover the cost to lease a new fleet of 80 carts. The lease would be for 6 years.

- RDA Resolution 2019-03 A Resolution of the Redevelopment Agency of Tooele City, Utah (“RDA”) Approving a Contract with RS Contract Management for Policy-Related Economic Development and Redevelopment Services Presented by RDA Chairman Brad Pratt

RDA Board Chairman Pratt stated that this contract has gone through six revisions and is now ready to move forward.

#### **4. Close Meeting to Discuss Litigation, Property Acquisition and Personnel**

**Council Member Pratt moved to close the meeting.** Council Member McCall seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” and Chairman Pruden “Aye.”

The meeting closed at 6:14 p.m.

Those in attendance during the closed session: Mayor Debbie Winn, Glenn Caldwell, Paul Hansen, Michelle Pitt, Jim Bolser, Steve Evans, Roger Baker, Attorney Ted Barnes, Council Member Wardle, Council Member Pratt, Council Member McCall, and Chairman Pruden.

No minutes were taken on the closed meetings.

**Council Member Wardle moved to recess the meeting.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” and Chairman Pruden “Aye.”

The meeting recessed at 6:51 p.m.

The closed meeting reconvened at 7:53 p.m.

Those in attendance during the closed session: Mayor Debbie Winn, Glenn Caldwell, Paul Hansen (for a portion of the meeting), Michelle Pitt, Jim Bolser, Steve Evans, Roger Baker, Attorney Ted Barnes, Council Member Wardle, Council Member Pratt, Council Member McCall, and Chairman Pruden.

Staff was excused at 8:36 p.m. while the Mayor and Council discussed personnel.

#### **5. Adjourn**

**Council Member Wardle moved to adjourn.** Council Member Pratt seconded the motion. The vote was as follows: Council Member McCall “Aye,” Council Member Wardle “Aye,” Council Member Pratt “Aye,” and Chairman Pruden “Aye.”

The meeting adjourned at 9:06 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 6th day of March, 2019

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Steve Pruden, Tooele City Council Chair

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