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PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Work Session, on Wednesday, October 2, 2019 at the hour of 5:00 p.m. The Meeting will be Held at the Tooele City Hall Large Conference Room, located at 90 North Main Street, Tooele, Utah.

**1. Open City Council Meeting**

**2. Roll Call**

**3. Discussion:**

- **Water Department/Street Department Equipment Discussion**  
Presented by Steve Evans
- **Resolution 2019-70** A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 3 Subdivision  
Presented by Paul Hansen
- **Resolution 2019-72** A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Home Towne Court Development  
Presented by Paul Hansen
- **Police Station Budget Update**  
Presented by Paul Hansen
- **Buffalo Pass Final Plat Subdivision** by Land Development, LLC, located at 150 West 600 North, 6 lots, 1.1 Acres in the R1-7 Residential Zoning District  
Presented by Jim Bolser
- **Buffalo Ridge Final Plat Subdivision** by Land Development, LLC, located at 204 West 600 North, 6 lots, 1 Acre in the R1-7 Residential Zoning District  
Presented by Jim Bolser
- **Linda Vista Subdivision Phase 1 Plat Amendment** by Jack Walters, located at 240 South 1250 East, 12 lots, 5.6 Acres in the R1-7 Residential Zoning District  
Presented by Jim Bolser
- **Domestic Violence Advocacy Discussion**  
Presented by Chief Ron Kirby
- **City Hall Ramp**  
Presented by Mayor Debbie Winn

- **Tooele Army Depot Swimming Pool**  
Presented by Roger Baker
- **Medical Cannabis Act**  
Presented by Roger Baker
- **Water Rights for Irrigation Water**  
Presented by Roger Baker
- **Close Meeting**  
Litigation and Property Acquisition

#### **4. Adjourn**

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Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or [michellep@tooelecity.org](mailto:michellep@tooelecity.org), Prior to the Meeting.

**TOOELE CITY CORPORATION**

**RESOLUTION 2019-70**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING THE COMPLETED PUBLIC IMPROVEMENTS ASSOCIATED WITH THE PROVIDENCE AT OVERLAKE PHASE 3 SUBDIVISION.**

WHEREAS, Tooele City previously approved a subdivision final plat for the Providence at Overlake phase 3 subdivision (the "Subdivision"); and,

WHEREAS, Tooele City Code §7-19-35 requires that public improvements constructed in connection with an approved subdivision be accepted by Resolution of the City Council following verification by the City Engineer or the Director of Public Works that all the public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications and City standards; and,

WHEREAS, Providence Tooele LLC has provided a proper cash bond agreement with Tooele City for the portion of the Subdivision's public improvements located within existing public rights-of-way, dated April 10, 2019, in the amount of \$10,800.80; and,

WHEREAS, Providence Tooele LLC did not bond for the remainder of the Subdivision's public improvements; and,

WHEREAS, both of the above-referenced bond agreements contain the following language:

*under the Tooele City Code, the Improvements must be completed, inspected, and accepted prior to the issuance of a building permit for the land use approval or prior to the recordation of a subdivision final plat, as the case may be, except that a subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the Improvements where the Applicant has completed an approved bond agreement and provided an associated bond*

; and,

WHEREAS, the required verification that all of the Subdivision's public improvements have been completed has been provided by way of the Certificate of Completion of Public Works, attached as Exhibit A; and,

WHEREAS, prior to recording the Subdivision plat, Providence Tooele LLC must provide additional assurance in the form of a warranty bond in the amount of \$125,940.06:

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

1. the completed public improvements associated with the Providence at Overlake phase 3 subdivision are hereby accepted, those improvements being reflected in the Bond Agreement dated April 10, 2019, and the Certificate of Completion of Public Works, attached hereto as Exhibit A; and,
2. the one-year warranty period on all accepted public improvements shall begin as of the date of approval of this Resolution.

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

Approved 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  
Tooele City Recorder

S E A L

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

## Exhibit A

### Certificate of Completion of Public Works

TOOELE CITY CORPORATION  
 90 NORTH MAIN  
 TOOELE, UTAH 84074  
 (435) 843-2130



**Certificate of Completion of Public Works**

(Start of One-Year Warranty)

Date: 09/05/2019

Permit No: P18-894	Public Work Elements*	Completed	Not Complete	Not Required
<b>Project Name:</b> Providence at Overlake Phase 3	Culinary Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Address:</b> 400 West 1000 North	Secondary Water	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Storm Drain / Pond	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Owner/Developer:</b>	Curb & Gutter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sidewalk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Street Lights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other / Comments: See attached inspection report for further detail.

Note: \*The above Public Work Elements are general in nature. See Public Works for detailed descriptions and comments:

Based upon review of documentation provided by the Developer/Owner, inspection records on file with the Community Development Department and upon site review, the above referenced public improvements for this project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards.

Recommended By	Title	Date
	Civil Inspector	6 Sep 2019
	City Engineer	9-6-19
	Public Works	9/6/19 9.13.2019
	Community Development	9/16/19

Acknowledged and Accepted \_\_\_\_\_  
 City Council, Chair \_\_\_\_\_  
 Date \_\_\_\_\_

Scheduled Date for End of Warranty Final inspection: 09/03/2020

Tooele, UT  
90 N Main St  
Tooele, UT 84074  
<http://tooelecity.org/>

P Case #: P18-894  
Date of Inspection: 09/05/2019  
Inspected By: Clegg, Seth

Address of Inspection: APN: 02-126-0-0034  
400 W 1000 N, Tooele, UT 84074

Owner / Property Manager: \_\_\_\_\_ Occupant / Tenant: \_\_\_\_\_

<b>Building Inspection</b>		
<b>Clearances</b>	<b>Status</b>	<b>Notes</b>
Sewer Lateral		
Water Lateral		
Meter Vault		
Electricity		
Other:		
<b>Building: Subrough</b>	<b>Status</b>	<b>Notes</b>
Excavation		
Footings		
Foundation		
Electrical		
Mechanical		
Plumbing		
SE Conduit		
Other:		
<b>Building: Rough</b>	<b>Status</b>	<b>Notes</b>
Building		
Electrical		
Power to Panel		
Mechanical		
Plumbing		
Gas Line		
Bond Beam		
Weather Resistive Barrier		
Insulation		
Drywall		
Other:		
<b>Building: Final</b>	<b>Status</b>	<b>Notes</b>
Building		
Electrical		
Mechanical		
Plumbing		



**TOOELE CITY CORPORATION**

**RESOLUTION 2019-72**

**A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING THE COMPLETED PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HOME TOWNE COURT DEVELOPMENT.**

WHEREAS, Home Towne Court is an established and fully construction subdivision in which the developer desired to install new one-inch water service lateral lines, meter yokes, and meter vaults (collectively the "Laterals"); and,

WHEREAS, Tooele City Code §7-19-35 requires that public improvements constructed in connection with an approved subdivision be accepted by Resolution of the City Council following verification by the City Engineer or the Director of Public Works that all the public improvements have been satisfactorily completed in accordance with the approved engineering plans and specifications and City standards; and,

WHEREAS, Home Towne Development Company LLC (the Company) has provided a proper cash bond agreement with Tooele City for the Laterals, dated July 10, 2019, in the amount of \$11,040.00; and,

WHEREAS, the required verification that the Laterals have been completed has been provided by way of the Certificate of Completion of Public Works, and the Building Inspection report, both attached as Exhibit A:

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

1. the Laterals associated with Home Towne Court are hereby accepted, those improvements being reflected in the Certificate of Completion of Public Works (see Exhibit A); and,
2. the one-year warranty period on the Laterals shall begin as of the date of approval of this Resolution.

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

Approved 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  
Tooele City Recorder

S E A L

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

## Exhibit A

### Certificate of Completion of Public Works

TOOELE CITY CORPORATION  
 90 NORTH MAIN  
 TOOELE, UTAH 84074  
 (435) 843-2130



**Certificate of Completion of Public Works**

(Start of One-Year Warranty)

Date: 09/10/2019

Permit No: P19-437	Public Work Elements*	Completed	Not Complete	Not Required
<b>Project Name:</b> Home Towne Court	Culinary Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Address:</b> 360 West Utah Ave	Secondary Water	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tooele, UT 84074	Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Storm Drain / Pond	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Roads	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Owner/Developer:</b> Home Towne Development	Curb & Gutter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100 Lake View	Sidewalk	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stansbury Park, UT 84074	Street Lights	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other / Comments: Installed six new one inch water meter service lines, meter yokes, and meter vaults.

Note: \* The above Public Work Elements are general in nature. See Public Works for detailed descriptions and comments:

Based upon review of documentation provided by the Developer/Owner, inspection records on file with the Community Development Department and upon site review, the above referenced public improvements for this project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards.

Recommended By	Title	Date
	Civil Inspector	9/10/2019
	City Engineer	9-12-19
	Public Works	9-11-2019
	Community Development	9/12/19

Acknowledged and Accepted \_\_\_\_\_  
 City Council, Chair \_\_\_\_\_  
 Date \_\_\_\_\_

Scheduled Date for End of Warranty Final inspection: 09/10/2020

8-28-2020

TOOELE CITY CORPORATION  
90 NORTH MAIN  
TOOELE, UTAH 84074  
(435) 843-2130



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*Certificate of Completion of Public Works*  
(Start of One-Year Warranty)

Permit No: P19-437  
Page 2 of 2

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Permit Type: Building Permit

# Tooele, UT

90 N Main St  
Tooele, UT 84074  
<http://tooelecity.org/>

P Case #: P19-437  
Date of Inspection: 08/28/2019  
Inspected By: Alder, Brad

Address of Inspection: 360 W Utah Ave, Tooele, UT 84074

Owner / Property Manager: \_\_\_\_\_

Occupant / Tenant: \_\_\_\_\_

## Building Inspection

<i>Clearances</i>	<i>Status</i>	<i>Notes</i>
Sewer Lateral		
Water Lateral		
Meter Vault		
Electricity		
Other:	Approved	6 water meter vaults

<i>Building: Subrough</i>	<i>Status</i>	<i>Notes</i>
Excavation		
Footings		
Foundation		
Electrical		
Mechanical		
Plumbing		
SE Conduit		
Other:		

<i>Building: Rough</i>	<i>Status</i>	<i>Notes</i>
Building		
Electrical		
Power to Panel		
Mechanical		
Plumbing		
Gas Line		
Bond Beam		
Weather Resistive Barrier		
Insulation		
Drywall		
Other:		

<i>Building: Final</i>	<i>Status</i>	<i>Notes</i>
Building		
Electrical		
Mechanical		
Plumbing		
Water Meter Box		

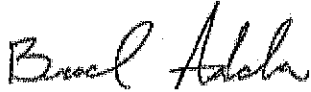
Grading / Excavation

Other:

**Status:** Pass

**Comments:**

6 one inch water meter yokes and vaults have been installed in compliance with current Tooele City Standards. Finance Department personnel have inspected and found the vaults to be acceptable. No faults noted.



**Signature:** \_\_\_\_\_

**Date:** 08/26/2019

**STAFF REPORT**

September 18, 2019

**To:** Tooele City Planning Commission  
Business Date: September 25, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Buffalo Pass – Final Plat Subdivision Request**

Application No.: P19-384  
Applicant: Adam Nash, representing Land Development LLC  
Project Location: 150 West 600 North  
Zoning: R1-7 Residential Zone  
Acreage: 1.1 Acres (Approximately 47,916 ft<sup>2</sup>)  
Request: Request for approval of a Final Plat Subdivision in the R1-7 Residential zone regarding the creation of a 6-lot single-family residential subdivision.

**BACKGROUND**

This application is a request for approval of a Final Plat for approximately 1 acre located at 150 West 600 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Preliminary Plan be approved to permit the subdivision of an existing 1 acre parcel into 6 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 R1-7 Residential zoning classification, supporting approximately five dwelling 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. 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 zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the west, east and south are all zoned R1-7 Residential. Property to the north is zoned MR-8 Multi-Family Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* This is a straight forward subdivision of an existing 1 acre parcel into 6 single-family residential lots ranging in size from 7600 square feet up to 8600 square feet. Each lot within the subdivision meets or exceeds all ordinance requirements regarding minimum lot size, lot width and lot frontages as required by the R1-7 Residential zoning code.



The applicant will be required to install the necessary road improvements to 150 West. Currently 150 West is a unpaved dirt road and terminates into 670 North. The applicant will be installing sidewalk, park strip, curb, gutter and 30 feet of asphalt thus completing the majority of the 60 foot right of way. The eastern remnant of the road will be completed when that property develops. The applicant will also be installing approximately 25 feet of asphalt where the new road will connect with 670 North east of the existing Johnson parcel.

Each lot will contain a 7 foot sump drainage system that will be protected in an easement in hopes to prevent property owners from altering the drainage system.

Fencing. There are not any ordinance requirements for fencing with this development.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

## **REVIEWS**

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

1. All lots within the proposed subdivision meet or exceed minimum lot standards regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Final Plat Subdivision by Adam Nash, representing Land Development, LLC, application number P19-384, 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 Buffalo Pass Final Plat Subdivision Request by Adam Nash, representing Land Development LLC for the purpose of creating 6 new single-family residential lots, application number P19-384, based on the findings and subject to the conditions listed in the Staff Report dated September 18, 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 Buffalo Pass Final Plat Subdivision Request by Adam Nash, representing the Land Development LLC for the purpose of creating 6 new single-family residential lots, application number P19-384, based on the following findings:”

1. List any findings...

**EXHIBIT A**

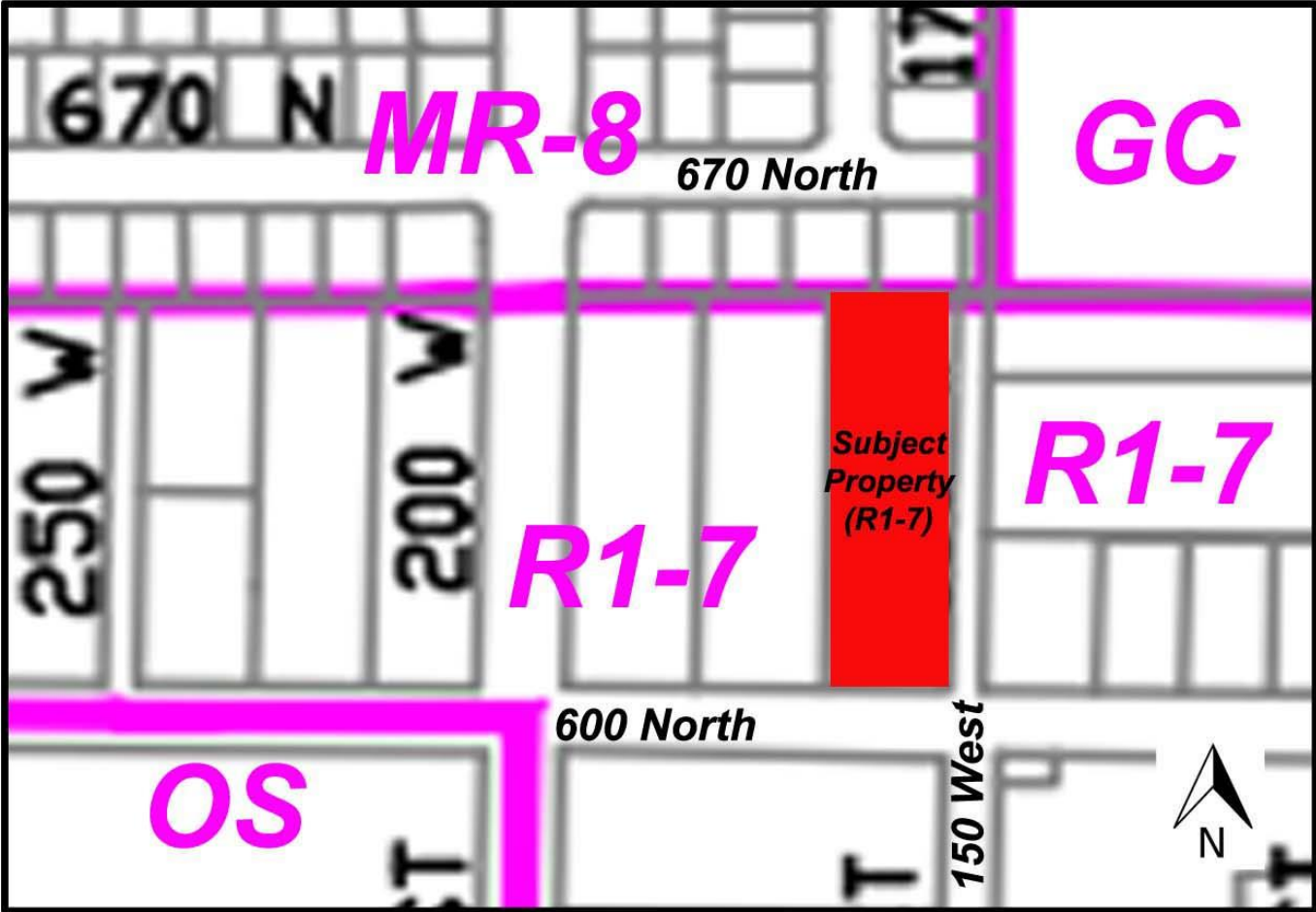
**MAPPING PERTINENT TO THE BUFFALO PASS FINAL PLAT SUBDIVISION**

***Buffalo Pass Final Plat Subdivision***



***Aerial View***

**Buffalo Pass Final Plat Subdivision**



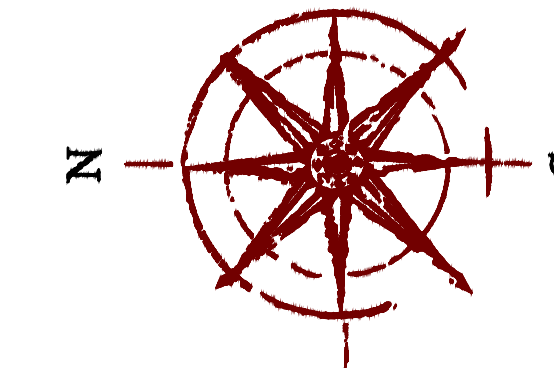
**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

# BUFFALO PASS SUBDIVISION

FINAL PLAT  
 LOCATED IN THE SW1/4 & NW1/4 OF SECTION 21, T3S, R4W,  
 SALT LAKE BASE & MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH

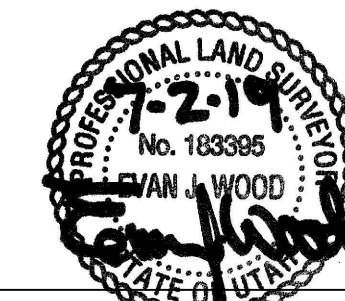


GRAPHIC SCALE

(IN FEET)  
 1 inch = 30 ft.

## SURVEYOR'S CERTIFICATE

I, Evan J. Wood, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 183395 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, parcels, streets, and easements, to be known as BUFFALO PASS SUBDIVISION and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.



July 02, 2019

DATE

EVAN J. WOOD  
 PROFESSIONAL LAND SURVEYOR  
 CERTIFICATE NO. 183395

## BOUNDARY DESCRIPTION

*Easterly Third of Block 72, Plat "A", Tooele City Survey, includes area located between the Quarter Section line and the South Line of Shetland Meadows No. 3 Subdivision, recorded as Entry #104101, Book 481, Page 854 in the Office of the Tooele County Recorder. More particularly described as follows:*

Beginning at a point on the easterly line of Block 72, Plat "A", Tooele City Survey, said point being S89°42'14"W 2,680.38 feet along the quarter section line from the East Quarter Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running thence S00°52'56"W 404.13 feet along the easterly line of said Block 72 to the southeast corner of said Block 72; thence N89°11'43"W 121.59 feet along the southerly line of said Block 72 to a line established as the easterly third of said entire Block 72; thence N01°00'35"E 401.81 feet along said line established as the easterly third of said Block 72 to the quarter section line; thence N01°00'35"E 12.02 feet to the southerly line of said Shetland Meadows No. 3 Subdivision; thence N89°44'34"E 120.70 feet along said Shetland Meadows No. 3 Subdivision to the westerly right of way line of 150 West Street; thence S00°52'56"W 11.94 feet along said westerly right of way to the point of beginning.

Contains: 50,263 square feet or 1.15 acres and six (6) lots.

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS

## BUFFALO PASS SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL STREETS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO TOOELE CITY AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_

LAND DEVELOPMENT L.L.C.

## LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH  
 S.S.  
 COUNTY OF \_\_\_\_

ON THE \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF \_\_\_\_, IN SAID STATE OF UTAH, \_\_\_\_, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE \_\_\_\_ OF LAND DEVELOPMENT L.L.C., A UTAH L.L.C. AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: \_\_\_\_ A NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN \_\_\_\_ COUNTY

MY COMMISSION No. \_\_\_\_ PRINTED FULL NAME OF NOTARY

## BUFFALO PASS SUBDIVISION

LOCATED IN THE SW1/4 & NW1/4 OF SECTION 21, T3S, R4W,  
 SALT LAKE BASE & MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH

## TOOELE COUNTY RECORDER

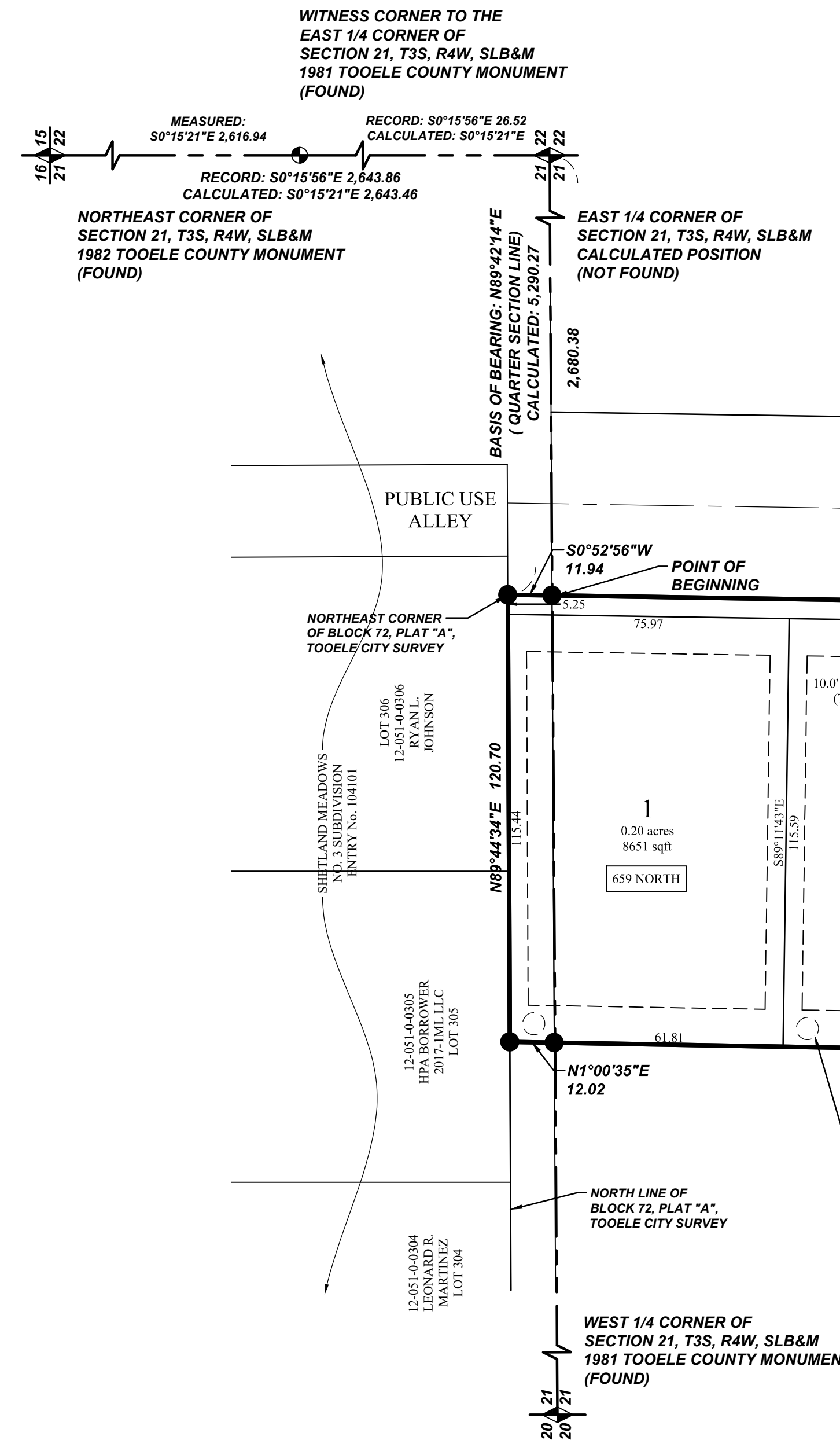
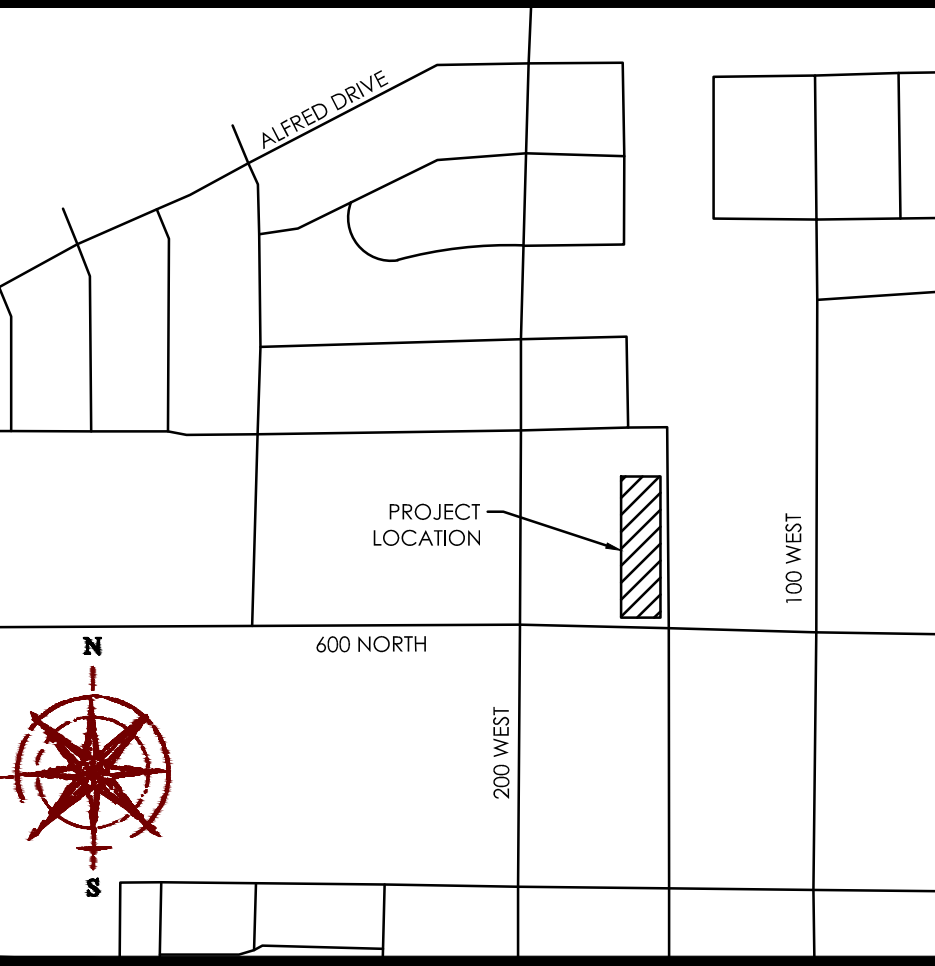
ENTRY NO. \_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF

DATE \_\_\_\_ TIME \_\_\_\_

FEE \$ \_\_\_\_ TOOELE COUNTY RECORDER

## VICINITY MAP

N.T.S.



### LEGEND

- BOUNDARY
- SECTION LINE
- PUBLIC UTILITY AND DRAINAGE EASEMENT
- RIGHT-OF-WAY LINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- LOT LINE
- WITNESS CORNER MONUMENT (FOUND)
- SECTION MONUMENT (NOT FOUND)
- SECTION MONUMENT (FOUND)
- STREET MONUMENT (CALCULATED LOCATION)
- BOUNDARY MARKERS

### Curve Table

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	29.50	89°55'21"	46.30	N45°50'37"E	41.69

- ### NOTES:
- PARCEL "A" IS HEREBY DEDICATED TO TOOELE CITY AS PUBLIC RIGHT OF WAY.
  - 150 WEST IS A DEDICATED 40' RIGHT OF WAY. THIS DEVELOPMENT DEDICATES HALF OF THE BALANCE (5.25') TO WIDEN 150 WEST TO A STANDARD 30' HALF WIDTH.
  - 58" x 24" REBAR WITH SURVEY CAP (FOCUS ENG.) TO BE PLACED AT ALL LOT CORNERS. OFF-SET PINS TO BE PLACED IN THE BACK OF THE CURB WHERE APPLICABLE, IN LIEU OF REBAR AND CAP AT FRONT CORNERS.

AVERAGE LOT SIZE: 7,982 SQUARE FEET  
 MINIMUM LOT SIZE: 7,634 SQUARE FEET

### DOMINION ENERGY UTAH

QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THE APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER 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 OR THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 801-366-8532.

QUESTAR GAS COMPANY  
 DBA DOMINION ENERGY UTAH

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

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: \_\_\_\_\_

PREPARED FOR  
**LAND DEVELOPMENT, LLC**  
 6076 S. 900 E. STE. 100  
 SALT LAKE CITY, UT 84121

COUNTY HEALTH DEPARTMENT

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_ BY THE TOOELE COUNTY HEALTH DEPARTMENT.

TOOELE COUNTY HEALTH DEPARTMENT

COUNTY TREASURER

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_ BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

PREPARED BY  
**FOCUS**  
 ENGINEERING AND SURVEYING, LLC  
 6949 SOUTH HIGH TECH DRIVE SUITE 200  
 MIDVALE, UT 84047 PH: (801) 352-0075  
 www.focusutah.com

PLANNING COMMISSION

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_ BY THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN, TOOELE CITY PLANNING COMMISSION

CITY ENGINEER

APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_

CITY ENGINEER

COMMUNITY DEVELOPMENT

APPROVED AS TO FORM ON THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_

TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY SURVEY DEPARTMENT

RECORD OF SURVEY #: \_\_\_\_\_

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_ BY THE TOOELE COUNTY SURVEY DEPARTMENT.

TOOELE COUNTY SURVEY DIRECTOR

CITY ATTORNEY

APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_

TOOELE CITY ATTORNEY

CITY COUNCIL

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

ATTEST: CITY RECORDER

TOOELE COUNTY RECORDER

ENTRY NO. \_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF

DATE \_\_\_\_ TIME \_\_\_\_

FEE \$ \_\_\_\_ TOOELE COUNTY RECORDER

Z:\2018\18-292\Buffalo Pass (design)\18-292.dwg (sheetA)\18-292.C2 - Final Plat.dwg

**STAFF REPORT**  
September 19, 2019

**To:** Tooele City Planning Commission  
Business Date: September 25, 2019

**From:** Planning Division  
Community Development Department

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

**Re:** **Buffalo Ridge – Final Plat Subdivision Request**

Application No.: P19-383  
Applicant: Adam Nash, representing Land Development LLC  
Project Location: 204 West 600 North  
Zoning: R1-7 Residential Zone  
Acreage: 1 Acre (Approximately 43,560 ft<sup>2</sup>)  
Request: Request for approval of a Final Plat Subdivision in the R1-7 Residential zone regarding a 6-lot single-family residential subdivision.

**BACKGROUND**

This application is a request for approval of a Final Plat Subdivision for approximately 1 acre located at approximately 204 West 600 North. The property is currently zoned R1-7 Residential. The applicant is requesting that a Preliminary Plan Subdivision be approved to permit the subdivision of an existing 1 acre lot into 6 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 R1-7 Residential zoning classification, supporting approximately five dwelling 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. 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 zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the east and west are both zoned R1-7 Residential. Property to the north is zoned MR-8 Multi-Family Residential and property to the south is zoned OS Open Space. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The subdivision is fairly straight forward, splitting a 1 acre parcel into 6 single-family lots. Lots within the subdivision range in size from 7,347 square feet up to 8,260 square feet. Each lot within the subdivision meets or exceeds minimum lot width, lot frontage and lot size as required by the R1-7 Residential zone.

Currently, 200 West has approximately 25 feet of asphalt at this stretch of road. The applicant will be

constructing sidewalk, park strip, curb, gutter and remaining asphalt between the curb and existing asphalt essentially finishing the western side of the road at this bottleneck location. The eastern side will be completed when that property develops.

Each lot will contain a 7” sump easement for storm water drainage. These drainage structures will need to remain unaltered by the lot owner.

Fencing. There is no fencing required by ordinance with this subdivision.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

## **REVIEWS**

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

1. All lots within the proposed subdivision meet or exceed minimum lot standards regarding lot size, lot width and lot frontages and conforms to all other applicable codes and development standards as required by Tooele City codes.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Final Plat Subdivision by Adam Nash, representing Land Development LLC, application number P19-383, 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 Buffalo Ridge Final Plat Subdivision Request by Adam Nash, representing Land Development LLC for the purpose of creating 6 new single-family residential lots, application number P19-383, based on the findings and subject to the conditions listed in the Staff Report dated September 19, 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 Buffalo Ridge Final Plat Subdivision Request by Adam Nash, representing Land Development LLC for the purpose of creating 6 new single-family residential lots, application number P19-383, based on the following findings:”

1. List findings...

**EXHIBIT A**

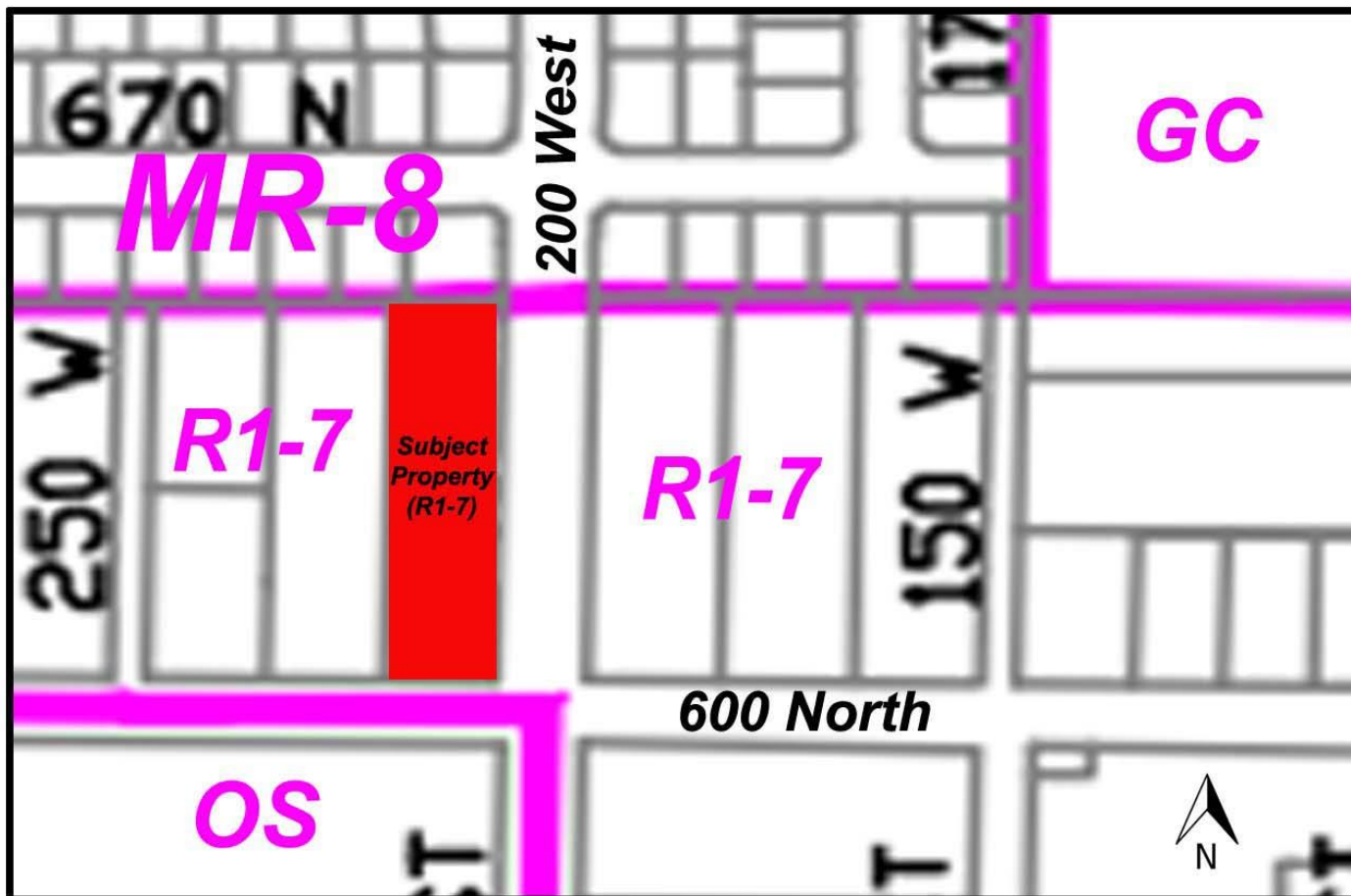
**MAPPING PERTINENT TO THE BUFFALO RIDGE FINAL PLAT SUBDIVISION**

***Buffalo Ridge Final Plat Subdivision***



***Aerial View***

**Buffalo Ridge Final Subdivision Plat**



**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

# BUFFALO RIDGE SUBDIVISION

FINAL PLAT  
 LOCATED IN THE SW1/4 & NW1/4 OF SECTION 21, T3S, R4W,  
 SALT LAKE BASE & MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH

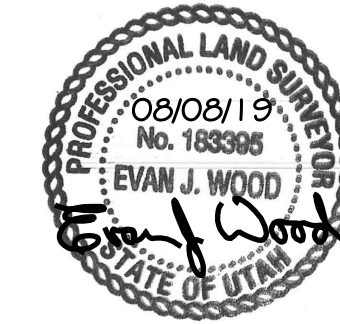


GRAPHIC SCALE

(IN FEET)  
 1 inch = 30 ft.

## SURVEYOR'S CERTIFICATE

I, Evan J. Wood, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 183395 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, parcels, streets, and easements to be known as Buffalo Ridge Subdivision, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.



EVAN J. WOOD  
 PROFESSIONAL LAND SURVEYOR  
 CERTIFICATE NO. 183395

August 08, 2019  
 DATE

## BOUNDARY DESCRIPTION

*Easterly Third of Block 73, Plat "A" Tooele City Survey, includes area located between the Quarter Section line and the South Line of Shetland Meadows No. 1 Subdivision, recorded as Entry #93860, Book 449, Page 383 in the Office of the Tooele County Recorder, and the South Line of Shetland Meadows No. 3 Subdivision, recorded as Entry #104101, Book 481, Page 854 in the Office of the Tooele County Recorder. More particularly described as follows:*

Beginning at a point on the easterly line of said Block 73, Plat "A" Tooele City Survey, said point being S89°42'14"W 3,125.09 feet along the quarter section line from the East Quarter Corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running thence S01°16'08"W 395.69 feet along the easterly line of said Block 73 to the southeast corner of said Block 73; thence N89°19'31"W 110.96 feet along the southerly line of said Block 73 to a line established as the easterly third of said entire Block 73; thence N01°04'43"E 393.78 feet along said line established as the easterly third of said Block 73 to the quarter section line; thence N01°04'43"E 12.31 feet to the southerly line of said Shetland Meadows No. 1 Subdivision; thence N89°44'34"E 111.61 feet along said Shetland Meadows No. 1 Subdivision, and to and along the southerly line of said Shetland Meadows No. 3 Subdivision to the westerly right of way line of 200 West Street; thence S02°10'32"E 12.24 feet a long said westerly right of way to the point of beginning.

Contains: 45,431 square feet or 1.04 acres and six (6) lots.

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS

## BUFFALO RIDGE SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL STREETS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO TOOELE CITY AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_

## LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH  
 COUNTY OF \_\_\_\_\_

ON THE \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, \_\_\_\_\_, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE \_\_\_\_\_ OF \_\_\_\_\_ L.L.C., A UTAH L.L.C. AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: \_\_\_\_\_ A NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION No. \_\_\_\_\_ PRINTED FULL NAME OF NOTARY \_\_\_\_\_

## BUFFALO RIDGE SUBDIVISION

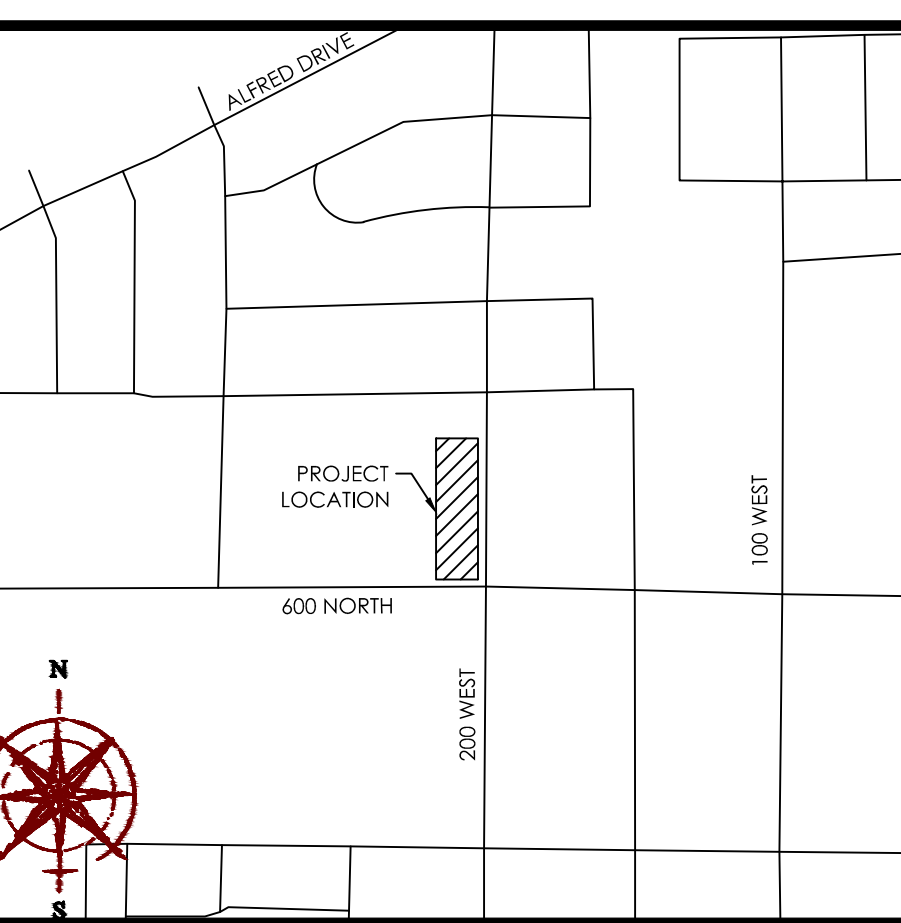
LOCATED IN THE SW1/4 & NW1/4 OF SECTION 21, T3S, R4W,  
 SALT LAKE BASE & MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH

## TOOELE COUNTY RECORDER

ENTRY NO. \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

FEE \$ \_\_\_\_\_ TOOELE COUNTY RECORDER



VICINITY MAP

N.T.S.

Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION
C1	29.50	89°24'21"	46.03	N45°58'19"E
				41.50

AVERAGE LOT SIZE: 7491 SQUARE FEET  
 MINIMUM LOT SIZE: 7298 SQUARE FEET

NOTE:  
 1. #5x24" rebar & cap (FOCUS ENG) to be set at all boundary corners unless noted otherwise. Off-set pins to be placed in the back of the curb.  
 2. Parcel A hereby dedicated to Tooele City for Public ROW.

### LEGEND

- BOUNDARY
- SECTION LINE
- PUBLIC UTILITY/DRAINAGE EASEMENT
- RIGHT-OF-WAY LINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- LOT LINE
- WITNESS CORNER MONUMENT (FOUND)
- SECTION MONUMENT (NOT FOUND)
- SECTION MONUMENT (FOUND)
- PROPOSED STREET MONUMENT
- EXIST. STREET MONUMENT (FOUND)
- STREET MONUMENT (CALCULATED LOCATION)
- BOUNDARY MARKERS

**DOMINION ENERGY UTAH:**  
 QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THE APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER 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 OR THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 801-366-8532.

QUESTAR GAS COMPANY  
 dba DOMINION ENERGY UTAH  
 Approved this \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_  
 By: \_\_\_\_\_  
 Title: \_\_\_\_\_

PREPARED FOR  
**LAND DEVELOPMENT, LLC**  
 6076 S. 900 E. STE. 100  
 SALT LAKE CITY, UT 84121

COUNTY HEALTH DEPARTMENT  
 APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_ BY THE TOOELE COUNTY HEALTH DEPARTMENT.  
 TOOELE COUNTY HEALTH DEPARTMENT

COUNTY TREASURER  
 APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_ BY THE TOOELE COUNTY TREASURER.  
 TOOELE COUNTY TREASURER

PREPARED BY  
  
**FOCUS**  
 ENGINEERING AND SURVEYING, LLC  
 6949 SOUTH HIGH TECH DRIVE SUITE 200  
 MIDVALE, UT 84047 PH: (801) 352-0075  
 www.focusutah.com

PLANNING COMMISSION  
 APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_ BY THE TOOELE CITY PLANNING COMMISSION.  
 CHAIRMAN, TOOELE CITY PLANNING COMMISSION

CITY ENGINEER  
 APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_  
 CITY ENGINEER

COMMUNITY DEVELOPMENT  
 APPROVED AS TO FORM ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_  
 TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY SURVEY DEPARTMENT  
 RECORD OF SURVEY #: \_\_\_\_\_  
 APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_ BY THE TOOELE COUNTY SURVEY DEPARTMENT.  
 TOOELE COUNTY SURVEY DIRECTOR

CITY ATTORNEY  
 APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_  
 TOOELE CITY ATTORNEY

CITY COUNCIL  
 APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_ BY THE TOOELE CITY COUNCIL.  
 ATTEST: CITY RECORDER

**ROCKY MOUNTAIN POWER**  
 1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.  
 2. PURSUANT TO UTAH CODE ANN. 17-27a-603(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:  
 a. A RECORDED EASEMENT OR RIGHT-OF-WAY  
 b. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS  
 c. TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR  
 d. ANY OTHER PROVISION OF LAW  
 APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20 \_\_\_\_  
 ROCKY MOUNTAIN POWER  
 BY - \_\_\_\_\_  
 TITLE - \_\_\_\_\_

**STAFF REPORT**

September 19, 2019

**To:** Tooele City Planning Commission  
Business Date: September 25, 2019

**From:** Planning Division  
Community Development Department

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

**Re: Linda Vista Phase 1 – Subdivision Plat Amendment Request**

Application No.: P19-7  
Applicant: Jack Walters  
Project Location: Approximately 240 South 1250 East  
Zoning: R1-7 Residential Zone  
Acreage: Approximately 5.64 Acres (Approximately 245,678 ft<sup>2</sup>)  
Request: Request for approval of a Subdivision Plat Amendment in the R1-7 Residential zone regarding the creation of two additional lots in an existing subdivision.

**BACKGROUND**

This application is a request for approval of a Subdivision Plat Amendment for approximately 5.64 acres located at approximately 240 South 1250 East. The property is currently zoned R1-7 Residential. The applicant is requesting that a Subdivision Plat Amendment be approved to allow for the development of a “future development” parcel included in the Phase 1 subdivision plat. The Phase 1 subdivision plat originally included 10 lots along with a 1 acre parcel located to the north listed on the plat as “future development.” The applicant’s intentions at the time was to preserve this portion of the subdivision for development at a later time. They have now submitted this plat amendment to include two additional lots and public right-of-way.

**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 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. 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 zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. Properties to the north, west and east are all zoned R1-7 Residential. Properties to the south are zoned R1-12 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* Phase 1 of the Linda Vista Subdivision consists of 10 lots with additional property,

near 1 acre in size, located to the north. The public road terminates at the northern most lot of the Phase 1 subdivision into the future development parcel. The applicant is proposing to split the future development parcel into two new residential lots, construct a cul-de-sac turn around, and reconfigure subdivision boundaries so as to not include the north eastern corner property in the subdivision until Droubay Road improvements facilitate development of the remnant parcel.

Lot 110 is proposed by be 8770 square feet and lot 111 is proposed to be 11,937 square feet. Each lot as proposed meets or exceeds minimum lot standards for lot size, lot width and lot frontages as established by the R1-7 Residential zoning code as well as Tooele City's Subdivision ordinance. It should be noted that lot 111 is encumbered by a 15 foot 100 year drainage overflow swale easement that must be preserved.

Criteria For Approval. The criteria for review and potential approval of a Subdivision Plat Amendment request is found in Sections 7-19-10 and 11 of the Tooele City Code.

## **REVIEWS**

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

1. Lots 111 and 112 meet or exceed all standards for lot size, lot width, and lot frontages as required by the R1-7 Residential zoning code and the Tooele City Subdivision Ordinance.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Subdivision Plat Amendment by Jack Walters, application number P19-7, 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 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 Linda Vista Phase 1 Subdivision Plat Amendment Request by Jack Walters, for the creation of two additional lots, application number P19-7, based on the findings and subject to the conditions listed in the Staff Report dated September 19, 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 Linda Vista Phase 1 Subdivision Plat Amendment Request by Jack Walters, for the creation of two additional lots, application number P19-7, based on the following findings:”

1. List findings...



**EXHIBIT A**

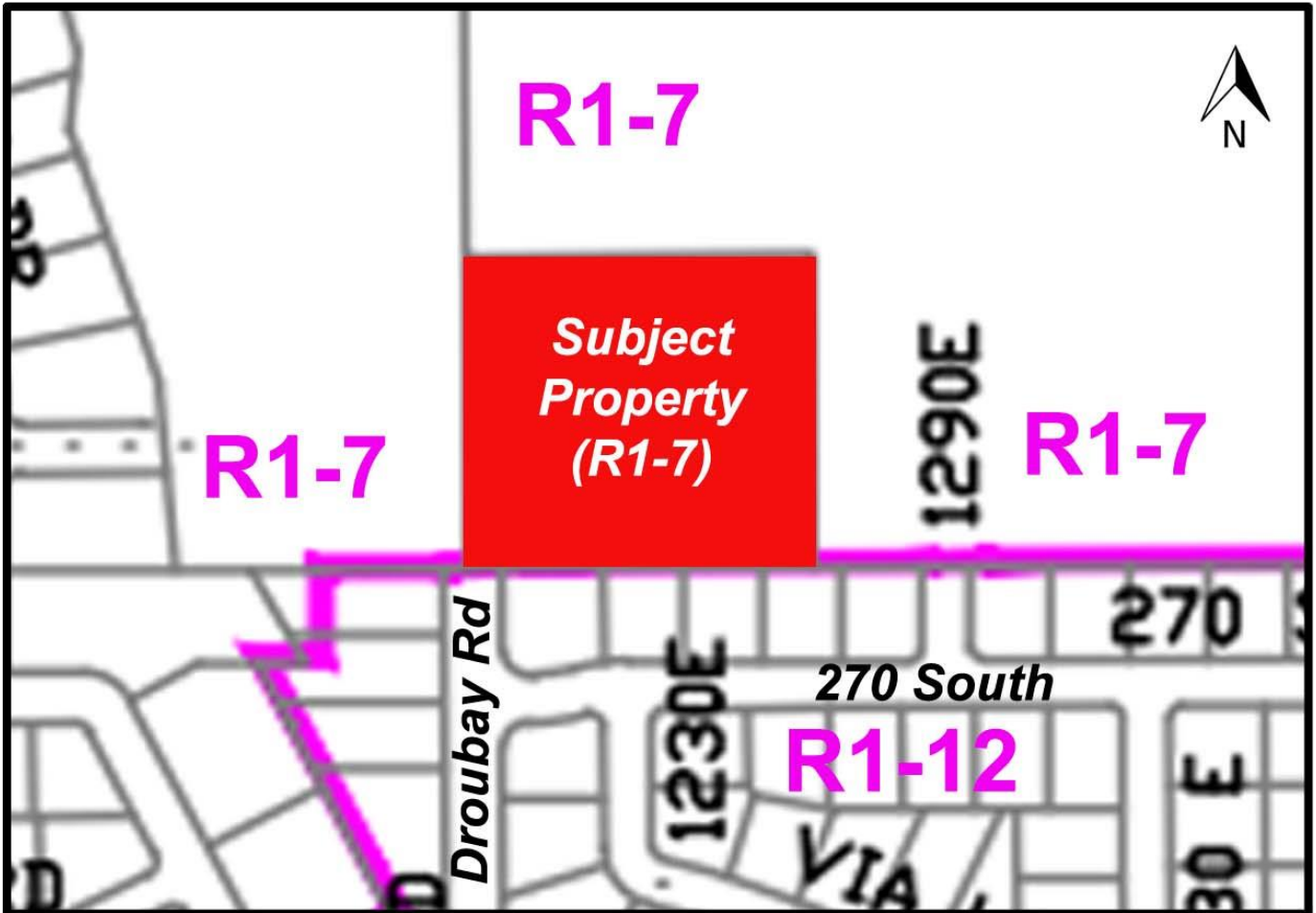
**MAPPING PERTINENT TO THE LINDA VISTA PHASE 1 SUBDIVISION PLAT AMENDMENT**

***Linda Vista Phase 1 Plat Amendment***



***Aerial View***

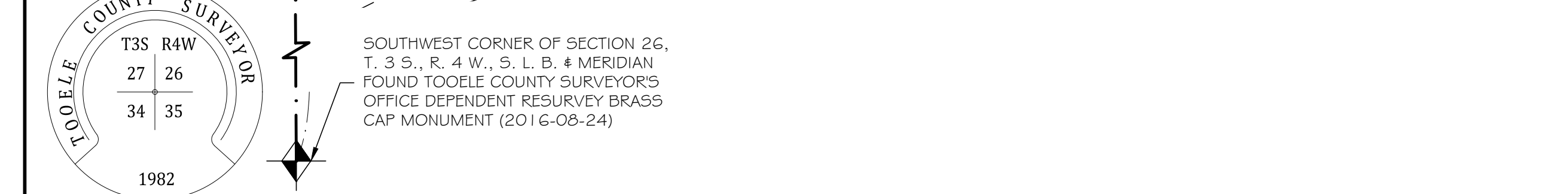
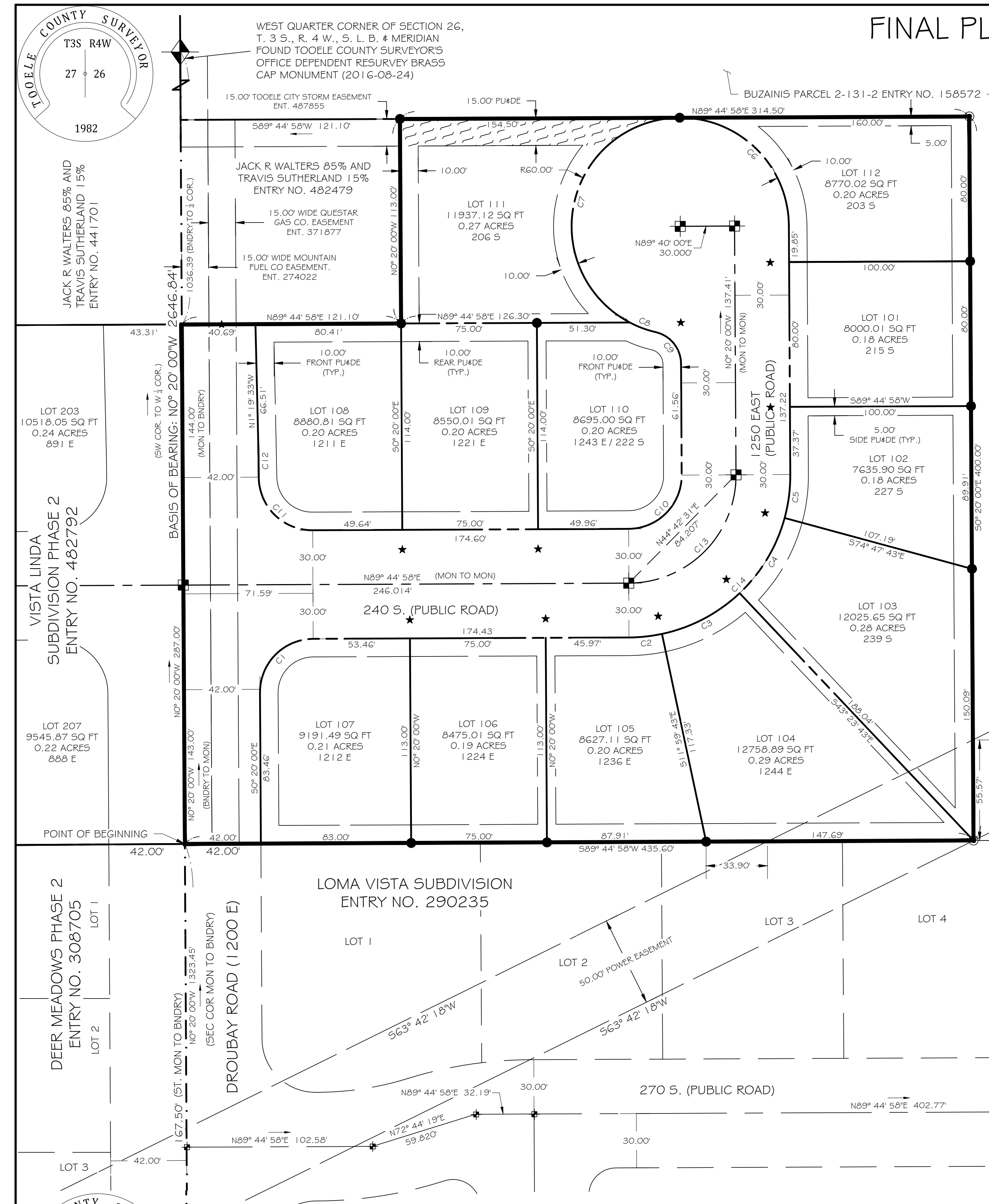
**Linda Vista Phase 1 Plat Amendment**



*Aerial View*

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

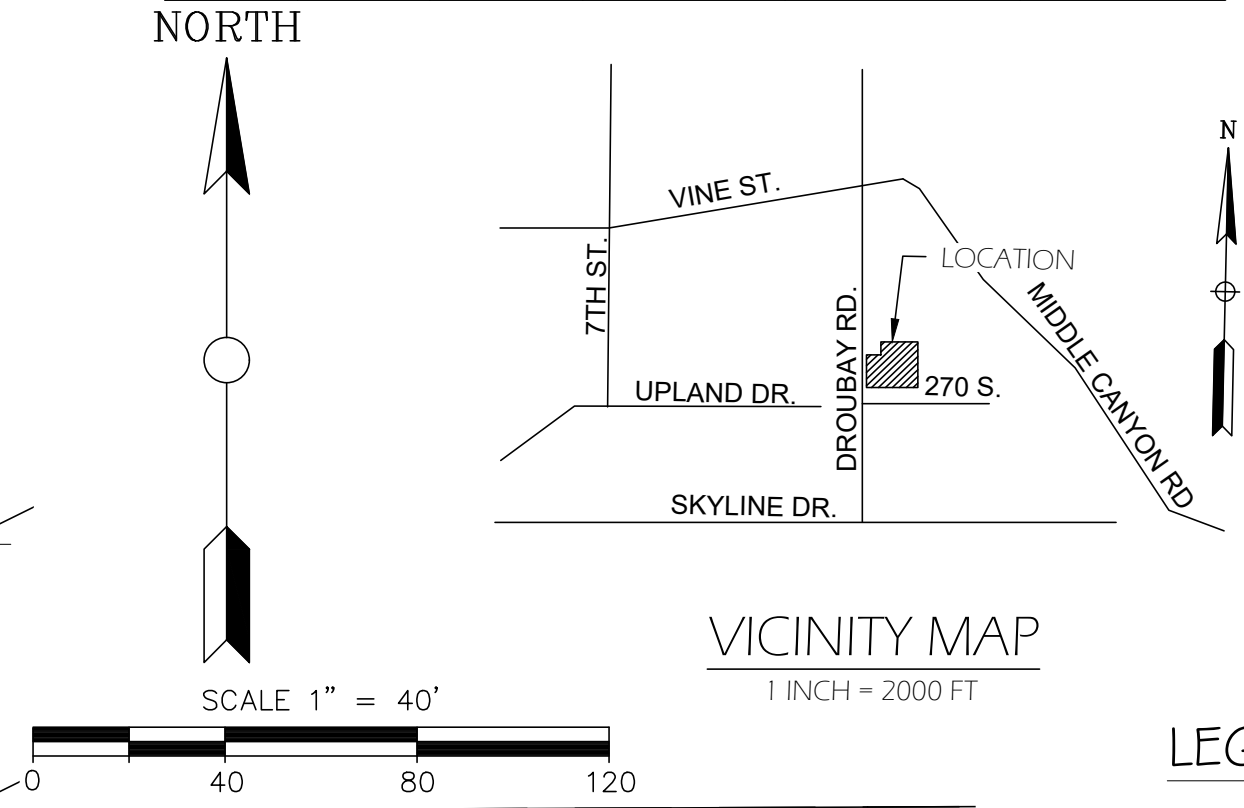


<p><b>DOMINION ENERGY</b></p> <p>DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER 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 ENERGY RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.</p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__</p> <p>DOMINION ENERGY</p> <p>BY - _____</p> <p>TITLE - _____</p>	<p><b>ROCKY MOUNTAIN POWER</b></p> <p>1. PURSUANT TO UTAH CODE ANN. S 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.</p> <p>2. PURSUANT TO UTAH CODE ANN S 17-27a-603(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE P.U.E. AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:</p> <p>(1) A RECORDED EASEMENT OR RIGHT-OF-WAY</p> <p>(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS</p> <p>(3) TITLE 54, CHAPTER 86 DAMAGE TO UNDERGROUND UTILITY FACILITIES OR</p> <p>(4) AN OTHER PROVISION OF LAW</p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__</p> <p>ROCKY MOUNTAIN POWER</p> <p>BY - _____</p> <p>TITLE - _____</p>
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## FINAL PLAT - LINDA VISTA SUBDIVISION

VACATING AND AMENDING VISTA LINDA SUBDIVISION PHASE 1 AND CREATING LOT 111 & 112 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE MERIDIAN TOOELE COUNTY, TOOELE CITY, UTAH

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	46.38	29.50	90° 04' 59"	S44° 42' 28"W	41.75
C2	18.35	89.50	11° 44' 41"	S83° 52' 38"W	18.31
C3	49.05	89.50	31° 24' 00"	S62° 18' 17"W	48.44
C4	49.05	89.50	31° 24' 00"	S30° 54' 17"W	48.44
C5	24.27	89.50	15° 32' 17"	S7° 26' 09"W	24.20
C6	94.48	60.00	90° 13' 32"	N45° 13' 15"W	85.02
C7	159.13	60.00	151° 57' 39"	S13° 41' 09"W	116.43
C8	15.41	60.00	14° 42' 43"	S69° 39' 02"E	15.36
C9	24.07	18.00	76° 37' 13"	N38° 37' 39"W	22.32
C10	46.38	29.50	90° 04' 58"	N44° 42' 29"E	41.75
C11	46.09	29.50	89° 30' 36"	S45° 29' 44"E	41.54
C12	18.26	1042.00	1° 00' 14"	N0° 49' 41"W	18.26
C13	93.55	59.50	90° 05' 00"	N44° 42' 31"E	84.21
C14	140.72	89.50	90° 04' 58"	N44° 42' 29"E	126.66



- NOTES:**
- PROPERTY CORNERS AT THE FRONT OF LOTS ARE REFERENCED BY OFFSET LEAD AND MAG NAILS PLACED IN THE CURB.
  - PUADE = PUBLIC UTILITY AND DRAINAGE EASEMENT
  - THE INFORMATION HEREON IS SUBJECT TO AND CONDITIONAL UPON EASEMENTS, RIGHTS-OF-WAY, CODES, COVENANTS, CONDITIONS, AGREEMENTS, OBLIGATIONS, RESTRICTIONS OF RECORD, HISTORICAL USE, AND ACCORDING TO THE EXCEPTIONS AS DETAILED BY THE OWNERS' RECORDS AND SUBSEQUENT TITLE INSURANCE POLICIES WHICH ARE HEREBY MADE A PART OF THIS SURVEY. THIS SURVEY IS SUBJECT TO ANY FACTS, CONFLICTS OR DISCREPANCIES WHICH WOULD BE DISCLOSED BY THE DETAILS OF A CORRECT TITLE INSURANCE POLICY.
  - THIS SURVEY DOES NOT INCLUDE LOCATION NOR EVALUATION OF HAZARDOUS, DELETERIOUS NOR ENVIRONMENTAL CONDITIONS WHICH MAY EXIST DUE TO THE CURRENT OR PRIOR USES OF THIS PROPERTY, OR DUE TO THE FORCES OF NATURE OR BY REASON OF THE LOCATION OF THIS PROPERTY IN OR NEAR SUCH HAZARDOUS, DELETERIOUS OR ENVIRONMENTAL CONDITIONS, WHETHER MAN-MADE OR NATURAL. THIS SURVEY DOES NOT INCLUDE LOCATION NOR EVALUATION OF MINERAL RIGHTS, WATER RIGHTS NOR WATER FACILITIES.
  - THE OWNER OF LOT 110 SHALL BE RESPONSIBLE TO MAINTAIN ALL PARK STRIPS ALONG ALL OF LOT 110 FRONTAGE.
  - OWNER OF LOT 111 IS RESTRICTED FROM PLANTING DEEP ROOTED VEGETATION OVER THE DRAINAGE EASEMENT AT THE NORTHERN MOST 15 FEET OF THE LOT OR BLOCKING/FILLING PATHWAY OF 100 YEAR STORM FLOOD ROUTING THAT FOLLOWS SAID EASEMENT.
  - THE INFORMATION ON THIS SUBDIVISION PLAT IS DEPENDENT UPON THE DETAILS OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT FILE NO. 1936427G, AMENDED JUNE 10TH, 2019, AND ANY AMENDMENTS THERETO, IS/ARE HEREBY MADE A PART OF THIS SURVEY. SEE TITLE COMPANY RECORDS FOR INFORMATION REGARDING SPECIAL EXCEPTIONS #9-25, INC., ETC., AS MAY BE APPLICABLE.

**OWNER'S DEDICATION**

In witness whereof, Tooele City having an interest in the roads and easements of the previously dedicated Vista Linda Subdivision Phase 1, has caused this instrument to be executed by its proper officer(s) thereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PRINT NAME: \_\_\_\_\_ TOOELE CITY MAYOR

**ACKNOWLEDGMENT**

STATE OF UTAH }  
 COUNTY OF TOOELE }

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared before me, \_\_\_\_\_ who, being by me duly sworn, did say that she/he is the Mayor of Tooele City, a municipal corporation of the State of Utah, and the within and foregoing instrument was signed in behalf of said corporation and said Mayor acknowledged to me that said corporation executed the same.

Witness my hand and official stamp as of the date in this acknowledgment.

\_\_\_\_\_, notary public # \_\_\_\_\_  
 My commission expires \_\_\_\_\_.

**LEGEND**

- SET 3/8" REBAR, 24 INCH LONG WITH ALUMINUM CAP MARKED "RICHARDSON SURVEYING, INC PLS 152050"
- SET 3/8" REBAR, 24 INCH LONG WITH ORANGE PLASTIC CAP MARKED "RICHARDSON SURVEYING, INC PLS 152050"
- EASEMENT
- - - SECTION LINE
- PROPERTY LINE
- CENTERLINE
- ⊕ SET STREET MONUMENT PER CITY STANDARDS
- ★ SET LEAD & MAG NAIL IN CURB ON LOT LINE EXTENDED
- ▨ 100 YEAR DRAINAGE OVERFLOW SWALE AREA
- ⊕ FOUND BRASS CAP STREET MONUMENT

**SURVEYOR'S CERTIFICATE**

I, Joseph Don Richardson, Professional Land Surveyor No. 4265 (152050), State of Utah, as President of RICHARDSON SURVEYING, INC., a Utah corporation, certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as LINDA VISTA SUBDIVISION, VACATING AND AMENDING VISTA LINDA SUBDIVISION PHASE 1 AND CREATING LOTS 111 & 112 and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**BOUNDARY DESCRIPTION**

Beginning at a point North 00°20'00" West 1323.45 feet along the Section line from the Southwest Corner of Section 26, Township 3 South, Range 4 West, Salt Lake Base and Meridian and running thence North 00°20'00" West 287.00 feet along said Section line; thence North 89°44'58" East 121.10 feet; thence North 0°20'00" West 113.00 feet; thence North 89°44'58" East 314.50 feet; thence South 0°20'00" East 400.00 feet to the northerly boundary of Loma Vista Subdivision, recorded 8/1/2007 as Entry Number 290235 of the Tooele County Recorder's office; thence South 89°44'58" West 435.60 feet along last said northerly boundary to the point of beginning.

Containing 3.69 Acres, m/l.

The basis of bearing of this description is North 00°20'00" West 2646.84 feet from a Tooele County Surveyor's Office Dependent Resurvey brass cap monument representing the Southwest Corner of said Section 26 to a Tooele County Surveyor's Office Dependent Resurvey brass cap monument representing the West Quarter Corner of said Section 26. Subject to and together with agreements, conditions, restrictions, easements, rights, rights-of-way, reservations, and covenants of record, or apparent use, or enforceable in law or equity.

**OWNER'S DEDICATION**

Know all men by these presents that I/we, the under-signed owner(s) of the above described tracts of land, having caused same to be subdivided into lots and street, together with easements, hereafter known as the

**LINDA VISTA SUBDIVISION**

VACATING AND AMENDING VISTA LINDA SUBDIVISION PHASE 1 AND CREATING LOTS 111 & 112

do hereby dedicate to Tooele City all those tracts of land designated on this plat as streets, the same to be used as public thoroughfares forever. The undersigned Owner(s) also hereby convey(s) to Tooele City and to any and all public utility companies a perpetual, non-exclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of public utility service lines and facilities.

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

By: Bart Powell  
 By: Jack Walters

By: \_\_\_\_\_  
 By: \_\_\_\_\_

STATE OF UTAH  
 COUNTY OF TOOELE

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

personally appeared before me, the undersigned Notary public, in and for said County of \_\_\_\_\_ in 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 therein mentioned.

My commission expires \_\_\_\_\_  
 residing in \_\_\_\_\_ Notary Public

PREPARED BY:  
**RICHARDSON SURVEYING, INC.**  
 3448 SOUTH 100 WEST  
 BOUNTIFUL UTAH 84010  
 PHONE: (801) 518-6572  
 EMAIL: rsurvey@gmail.com

**CIVIL PROJ-EX, INC**  
 ENGINEERS \* PLANNERS  
 96 SOUTH QUIRK STREET  
 GRANTSVILLE, UTAH 84029

**OWNER: BART POWELL, JACK WALTERS**  
**435-840-3010**  
**1094 NORTH MAIN ST. TOOELE, UT 84074**

DRN: BVB DATE: 2019.09.19  
 DES: BVB DATE: 2019.09.19  
 CKD: JDR DATE: \_\_\_\_\_

SCALE: AS SHOWN  
 JOB # 16-45008

**V-101**  
 NO. 1 OF 1

**LINDA VISTA SUBDIVISION**  
 VACATING AND AMENDING VISTA LINDA SUBDIVISION PHASE 1 AND CREATING LOTS 111 & 112

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
 SALT LAKE MERIDIAN,  
 CITY OF TOOELE, TOOELE COUNTY, UTAH

TOOELE COUNTY RECORDER

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

<p><b>TOOELE COUNTY HEALTH DEPT.</b></p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__ BY THE TOOELE COUNTY HEALTH DEPARTMENT.</p> <p>_____        TOOELE COUNTY HEALTH DEPARTMENT</p>	<p><b>TOOELE CITY ATTORNEY</b></p> <p>APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20__.</p> <p>_____        TOOELE CITY ATTORNEY</p>
<p><b>TOOELE CITY COUNCIL</b></p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__ BY THE TOOELE CITY COUNCIL.</p> <p>_____        ATTEST: CITY RECORDER</p>	<p><b>TOOELE CITY COMMUNITY DEV.</b></p> <p>APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20__.</p> <p>_____        TOOELE CITY COMMUNITY DEVELOPMENT</p>
<p><b>TOOELE CITY PLANNING COMMISSION</b></p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__ BY THE TOOELE CITY PLANNING COMMISSION.</p> <p>_____        CHAIRMAN TOOELE CITY PLANNING COMMISSION</p>	<p><b>TOOELE CITY ENGINEER</b></p> <p>APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20__.</p> <p>_____        CITY ENGINEER</p>
<p><b>TOOELE COUNTY TREASURER</b></p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__ BY THE TOOELE COUNTY TREASURER.</p> <p>_____        TOOELE COUNTY TREASURER</p>	<p><b>TOOELE COUNTY SURVEY DEPT.</b></p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__ BY THE TOOELE COUNTY SURVEY DEPT.</p> <p>RECORD OF SURVEY FILE # 2019-0083.</p> <p>DATE: _____ TOOELE COUNTY SURVEY DIRECTOR</p>

2567 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
2568 minimis administrative error:

2569 (i) this chapter does not apply; and

2570 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
2571 Substances Act.

2572 Section 40. Section ~~26-61a-507~~ is amended to read:

2573 **26-61a-507. Local control.**

2574 [~~(1)(a)(i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or~~  
2575 ~~maintain a license under Section 26-61a-301, a person shall demonstrate that the intended~~  
2576 ~~medical cannabis pharmacy location is located at least:]~~

2577 [~~(A) 600 feet from a community location's property boundary following the shortest~~  
2578 ~~route of ordinary pedestrian travel;]~~

2579 [~~(B) 200 feet from the patron entrance to the community location's property boundary;~~  
2580 ~~and]~~

2581 [~~(C) 600 feet from an area zoned primarily residential:]~~

2582 [~~(ii) A municipal or county land use authority may recommend in writing that the~~  
2583 ~~department waive the community location proximity requirement described in Subsection~~  
2584 ~~(1)(a)(i).]~~

2585 (1) The operation of a medical cannabis pharmacy:

2586 (a) shall be a permitted use:

2587 (i) in any zone, overlay, or district within the municipality or county except for a  
2588 primarily residential zone; and

2589 (ii) on land that the municipality or county has not zoned; and

2590 (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and  
2591 17-27a-103, that apply in the underlying zone.

2592 [~~(b)(i)~~ (2) A municipality or county may not [~~deny or revoke a land use permit to~~  
2593 ~~operate a medical cannabis pharmacy];~~

2594 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal  
 2595 law regarding the legal status of cannabis[~~-(ii) A municipality or county may not~~], deny or  
 2596 revoke;

2597 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to  
 2598 operate a medical cannabis pharmacy; or

2599 (ii) a business license to operate a medical cannabis pharmacy [~~on the sole basis that~~  
 2600 ~~the applicant or medical cannabis pharmacy violates federal law regarding the legal status of~~  
 2601 ~~cannabis.];~~

2602 (b) require a certain distance between a medical cannabis pharmacy and:

2603 (i) another medical cannabis pharmacy;

2604 (ii) a cannabis production establishment;

2605 (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or

2606 (iv) an outlet, as that term is defined in Section 32B-1-202; or

2607 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use  
 2608 regulation against a medical cannabis pharmacy that was not in effect on the day on which the  
 2609 medical cannabis pharmacy submitted a complete land use application.

2610 [(2)] (3) A municipality or county may enact an ordinance that:

2611 (a) is not in conflict with this chapter; and

2612 (b) governs the time, place, or manner of medical cannabis pharmacy operations in the  
 2613 municipality or county.

2614 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall  
 2615 comply with the land use requirements and application process described in:

2616 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,  
 2617 including Section 10-9a-528; and

2618 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,  
 2619 including Section 17-27a-525.

2620 Section 41. Section ~~26-61a-601~~ is repealed and reenacted to read:

- 758 (B) a cannabis processing facility; and
- 759 (ii) between a cannabis processing facility and:
- 760 (A) another cannabis processing facility;
- 761 (B) an independent cannabis testing laboratory; or
- 762 (C) a medical cannabis pharmacy[; ~~or~~];
- 763 [~~(D) the state central fill medical cannabis pharmacy.~~]

764 (4) (a) It is unlawful for a registered cannabis production establishment agent to make a  
765 transport described in this section with a manifest that does not meet the requirements of this  
766 section.

767 (b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:

- 768 (i) guilty of an infraction; and
- 769 (ii) subject to a \$100 fine.

770 (c) An individual who is guilty of a violation described in Subsection (4)(b) is not  
771 guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
772 underlying the violation described in Subsection (4)(b).

773 (d) If the agent described in Subsection (4)(a) is transporting more cannabis, cannabis  
774 product, or medical cannabis devices than the manifest identifies, except for a de minimis  
775 administrative error:

- 776 (i) the penalty described in Subsection (4)(b) does not apply; and
- 777 (ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled  
778 Substances Act.

779 (5) Nothing in this section prevents the department from taking administrative  
780 enforcement action against a cannabis production establishment or another person for failing to  
781 make a transport in compliance with the requirements of this section.

782 Section 10. Section **4-41a-406** is amended to read:

783 **4-41a-406. Local control.**

784 (1) As used in this section:

785 (a) "Land use decision" means the same as that term is defined in Sections 10-9a-103  
786 and 17-27a-103.

787 (b) "Land use permit" means the same as that term is defined in Sections 10-9a-103  
788 and 17-27a-103.

789 (c) "Land use regulation" means the same as that term is defined in Sections 10-9a-103  
790 and 17-27a-103.

791 [(+) (2) (a) If a municipality's or county's zoning ordinances provide for an industrial  
792 zone, [~~the municipality or county shall ensure that the ordinances allow for cannabis~~  
793 ~~production establishments in at least one type of industrial zone.~~] the operation of a cannabis  
794 production establishment shall be a permitted industrial use in any industrial zone unless the  
795 municipality or county has designated by ordinance, before an individual submits a land use  
796 permit application for a cannabis production establishment, at least one industrial zone in  
797 which the operation of a cannabis production establishment is a permitted use.

798 (b) If a municipality's or county's zoning ordinances provide for an agricultural zone,  
799 [~~the municipality or county shall ensure that the ordinances allow for cannabis production~~  
800 ~~establishments in at least one type of agricultural zone.~~] the operation of a cannabis production  
801 establishment shall be a permitted agricultural use in any agricultural zone unless the  
802 municipality or county has designated by ordinance, before an individual submits a land use  
803 permit application for a cannabis production establishment, at least one agricultural zone in  
804 which the operation of a cannabis production establishment is a permitted use.

805 (c) The operation of a cannabis production establishment shall be a permitted use on  
806 land that the municipality or county has not zoned.

807 [(2)(a)] (3) A municipality or county may not [~~deny or revoke a land use permit to~~  
808 ~~operate a cannabis production facility~~];

809 (a) on the sole basis that the applicant or cannabis production establishment violates  
810 federal law regarding the legal status of cannabis[~~.(b) A municipality or county may not~~],  
811 deny or revoke;



812           (i) a land use permit to operate a cannabis production facility; or  
 813           (ii) a business license to operate a cannabis production facility [~~on the sole basis that~~  
 814 ~~the applicant or cannabis production establishment violates federal law regarding the legal~~  
 815 ~~status of cannabis.];~~

816           (b) require a certain distance between a cannabis production establishment and:

- 817           (i) another cannabis production establishment;
- 818           (ii) a medical cannabis pharmacy;
- 819           (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or
- 820           (iv) an outlet, as that term is defined in Section 32B-1-202; or

821           (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use  
 822 regulation against a cannabis production establishment that was not in effect on the day on  
 823 which the cannabis production establishment submitted a complete land use application.

824           (4) An applicant for a land use permit to operate a cannabis production establishment  
 825 shall comply with the land use requirements and application process described in:

- 826           (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,  
 827 including Section 10-9a-528; and
- 828           (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,  
 829 including Section 17-27a-525.

830           Section 11. Section **4-41a-501** is amended to read:

831           **4-41a-501. Cannabis cultivation facility -- Operating requirements.**

832           (1) A cannabis cultivation facility shall ensure that any cannabis growing at the  
 833 cannabis cultivation facility is not visible from the ground level of the cannabis cultivation  
 834 facility perimeter.

835           (2) A cannabis cultivation facility shall use a unique identifier that is connected to the  
 836 cannabis cultivation facility's inventory control system to identify:

- 837           (a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each  
 838 cannabis plant;

- 839 (b) each unique harvest of cannabis plants;
- 840 (c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, [~~the~~
- 841 ~~state central fill medical cannabis pharmacy,~~] a cannabis processing facility, or an independent
- 842 cannabis testing laboratory; and
- 843 (d) any excess, contaminated, or deteriorated cannabis of which the cannabis
- 844 cultivation facility disposes.

845 Section 12. Section **4-41a-701** is amended to read:

846 **4-41a-701. Cannabis and cannabis product testing.**

847 (1) A cannabis cultivation facility may not offer any cannabis for sale to a cannabis

848 processing facility unless an independent cannabis testing laboratory has tested a representative

849 sample of the cannabis or cannabis product to determine that the presence of contaminants,

850 including mold, fungus, pesticides, microbial contaminants, heavy metals, or foreign material,

851 does not exceed an amount that is safe for human consumption.

852 (2) A cannabis processing facility may not offer any cannabis or cannabis products for

853 sale to a medical cannabis pharmacy [~~or the state central fill medical cannabis pharmacy,~~] and a

854 medical cannabis pharmacy [~~and the state central fill medical cannabis pharmacy~~] may not

855 offer any cannabis or cannabis product for sale unless an independent cannabis testing

856 laboratory has tested a representative sample of the cannabis or cannabis product to determine:

857 (a) (i) the amount of total composite tetrahydrocannabinol and cannabidiol in the

858 cannabis or cannabis product; and

859 (ii) the amount of any other cannabinoid in the cannabis or cannabis product that the

860 label claims the cannabis or cannabis product contains;

861 (b) that the presence of contaminants, including mold, fungus, pesticides, microbial

862 contaminants, heavy metals, or foreign material, does not exceed an amount that is safe for

863 human consumption; and

864 (c) for a cannabis product that is manufactured using a process that involves extraction

865 using hydrocarbons, that the cannabis product does not contain a level of a residual solvent that

2567 cannabis product, or medical cannabis devices than the manifest identifies, except for a de  
2568 minimis administrative error:

2569 (i) this chapter does not apply; and

2570 (ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled  
2571 Substances Act.

2572 Section 40. Section ~~26-61a-507~~ is amended to read:

2573 **26-61a-507. Local control.**

2574 ~~[(1)(a)(i) Except as provided in Subsection (1)(a)(ii), to be eligible to obtain or~~  
2575 ~~maintain a license under Section 26-61a-301, a person shall demonstrate that the intended~~  
2576 ~~medical cannabis pharmacy location is located at least:]~~

2577 ~~[(A) 600 feet from a community location's property boundary following the shortest~~  
2578 ~~route of ordinary pedestrian travel;]~~

2579 ~~[(B) 200 feet from the patron entrance to the community location's property boundary;~~  
2580 ~~and]~~

2581 ~~[(C) 600 feet from an area zoned primarily residential:]~~

2582 ~~[(ii) A municipal or county land use authority may recommend in writing that the~~  
2583 ~~department waive the community location proximity requirement described in Subsection~~  
2584 ~~(1)(a)(i):]~~

2585 (1) The operation of a medical cannabis pharmacy:

2586 (a) shall be a permitted use:

2587 (i) in any zone, overlay, or district within the municipality or county except for a  
2588 primarily residential zone; and

2589 (ii) on land that the municipality or county has not zoned; and

2590 (b) is subject to the land use regulations, as defined in Sections 10-9a-103 and  
2591 17-27a-103, that apply in the underlying zone.

2592 ~~[(b)(i)]~~ (2) A municipality or county may not ~~[deny or revoke a land use permit to~~  
2593 ~~operate a medical cannabis pharmacy];~~

2594 (a) on the sole basis that the applicant or medical cannabis pharmacy violates federal  
2595 law regarding the legal status of cannabis[-(ii) A municipality or county may not], deny or  
2596 revoke;

2597 (i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to  
2598 operate a medical cannabis pharmacy; or

2599 (ii) a business license to operate a medical cannabis pharmacy [~~on the sole basis that~~  
2600 ~~the applicant or medical cannabis pharmacy violates federal law regarding the legal status of~~  
2601 ~~cannabis.];~~

2602 (b) require a certain distance between a medical cannabis pharmacy and:

2603 (i) another medical cannabis pharmacy;

2604 (ii) a cannabis production establishment;

2605 (iii) a retail tobacco specialty business, as that term is defined in Section 26-62-103; or

2606 (iv) an outlet, as that term is defined in Section 32B-1-202; or

2607 (c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use  
2608 regulation against a medical cannabis pharmacy that was not in effect on the day on which the  
2609 medical cannabis pharmacy submitted a complete land use application.

2610 [(2)] (3) A municipality or county may enact an ordinance that:

2611 (a) is not in conflict with this chapter; and

2612 (b) governs the time, place, or manner of medical cannabis pharmacy operations in the  
2613 municipality or county.

2614 (4) An applicant for a land use permit to operate a medical cannabis pharmacy shall  
2615 comply with the land use requirements and application process described in:

2616 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act,  
2617 including Section 10-9a-528; and

2618 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act,  
2619 including Section 17-27a-525.

2620 Section 41. Section ~~26-61a-601~~ is repealed and reenacted to read:

704 (ii) For each violation described in Subsection (3)(a)(ii), the department may assess the  
705 relevant cannabis production establishment a fine of up to \$5,000, in accordance with a fine  
706 schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah  
707 Administrative Rulemaking Act.

708 (c) An individual who is guilty of a violation described in Subsection (3)(a) is not  
709 guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct  
710 underlying the violation described in Subsection (3)(a).

711 Section 8. Section **4-41a-403** is amended to read:

712 **4-41a-403. Advertising.**

713 (1) ~~[A]~~ Except as provided in Subsection (2), (3), or (4), a cannabis production  
714 establishment may not advertise to the general public in any medium.

715 (2) ~~[Notwithstanding Subsection (1), a]~~ A cannabis production establishment may  
716 advertise an employment opportunity at the cannabis production [facility] establishment.

717 (3) A cannabis production establishment may maintain a website that:

718 (a) contains information about the establishment and employees; and

719 (b) does not advertise any medical cannabis, cannabis products, or medical cannabis  
720 devices.

721 (4) Notwithstanding any municipal or county ordinance prohibiting signage, a cannabis  
722 production establishment may use signage on the outside of the cannabis production  
723 establishment that:

724 (a) includes only:

725 (i) the cannabis production establishment's name and hours of operation; and

726 (ii) a green cross;

727 (b) does not exceed four feet by five feet in size; and

728 (c) complies with local ordinances regulating signage.

729 Section 9. Section **4-41a-404** is amended to read:

730 **4-41a-404. Cannabis, cannabis product, or medical cannabis device**



2486 (3) The department shall make rules, in collaboration with the Division of  
2487 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
2488 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying how to record the date,  
2489 quantity supplied, and quantity remaining of a partially filled medical cannabis treatment  
2490 recommendation.

2491 (4) A pharmacy medical provider who is a pharmacist may, upon the request of a  
2492 medical cannabis cardholder, determine different dosing parameters, subject to the dosing  
2493 limits in Subsection 26-61a-502(2), to fill the quantity remaining of a partially filled medical  
2494 cannabis treatment recommendation if:

2495 (a) the pharmacy medical provider determined dosing parameters for the partial fill  
2496 under Subsection 26-61a-502(4) or (5); and

2497 (b) the medical cannabis cardholder reports that:

2498 (i) the partial fill did not substantially affect the qualifying condition underlying the  
2499 medical cannabis recommendation; or

2500 (ii) the patient experienced an adverse reaction to the partial fill or was otherwise  
2501 unable to successfully use the partial fill.

2502 Section 38. Section **26-61a-505** is amended to read:

2503 **26-61a-505. Advertising.**

2504 (1) Except as provided in Subsections (2) and (3), a medical cannabis pharmacy may  
2505 not advertise in any medium.

2506 (2) [~~A~~] Notwithstanding any municipal or county ordinance prohibiting signage, a  
2507 medical cannabis pharmacy may use signage on the outside of the medical cannabis pharmacy  
2508 that:

2509 (a) includes only:

2510 [~~a~~] (i) the medical cannabis pharmacy's name and hours of operation; and

2511 [~~b~~] (ii) a green cross[-];

2512 (b) does not exceed four feet by five feet in size; and

2513 (c) complies with local ordinances regulating signage.

2514 (3) A medical cannabis pharmacy may maintain a website that includes information  
2515 about:

2516 (a) the location and hours of operation of the medical cannabis pharmacy;

2517 (b) a product or service available at the medical cannabis pharmacy;

2518 (c) personnel affiliated with the medical cannabis pharmacy;

2519 (d) best practices that the medical cannabis pharmacy upholds; and

2520 (e) educational material related to the medical use of cannabis.

2521 Section 39. Section **26-61a-506** is amended to read:

2522 **26-61a-506. Cannabis, cannabis product, or medical cannabis device**  
2523 **transportation.**

2524 (1) Only the following individuals may transport cannabis in a medicinal dosage form,  
2525 a cannabis product in a medicinal dosage form, or a medical cannabis device under this  
2526 chapter:

2527 (a) a registered medical cannabis pharmacy agent;

2528 [~~(b) a registered state central fill agent;~~]

2529 [~~(c)~~] (b) a registered medical cannabis courier [~~for a state central fill shipment~~  
2530 ~~described in Section 26-61a-605]~~ agent; or

2531 [~~(d)~~] (c) a medical cannabis cardholder who is transporting a medical cannabis  
2532 treatment that the cardholder is authorized to transport.

2533 (2) Except for an individual with a valid medical cannabis card under this chapter who  
2534 is transporting a medical cannabis treatment that the cardholder is authorized to transport, an  
2535 individual described in Subsection (1) shall possess a transportation manifest that:

2536 (a) includes a unique identifier that links the cannabis, cannabis product, or medical  
2537 cannabis device to a relevant inventory control system;

2538 (b) includes origin and destination information for cannabis, a cannabis product, or a  
2539 medical cannabis device that the individual is transporting; and





September 20, 2019

Dear ULCT members,

The Utah State Legislature met in special session on Monday, September 16 to modify the Medical Cannabis Act (Act) with SB 1002 and the modifications will impact cities and towns. The purpose of this letter is to identify those modifications that impact state proximity and process requirements, signage, local zoning, and local land use processes as they relate to medical cannabis production establishments and medical cannabis pharmacies.

As a reminder, Proposition 2 in 2018 contemplated a total land use preemption. The ULCT membership ratified a resolution at our 2018 Annual Convention urging respect for the traditional local land use process and ULCT successfully lobbied for restoration of our land use authority in the December 2018 special session. In August of this year, Governor Gary Herbert, several legislators, state agencies, and cannabis advocates reached out to ULCT to discuss potential modifications to the Act. The advocates initially sought total preemption of local land use authority over cannabis production facilities, cultivation facilities, and pharmacies. ULCT again argued to preserve our land use authority though we recognized the urgency of the state to meet their self-imposed deadline of March 1 to make cannabis available for patients. The ULCT Board of Directors met during our 2019 Annual Convention to weigh various proposals and give direction to staff for the negotiations.

Senator Evan Vickers, the bill sponsor and a former Cedar City council member, publicly thanked ULCT on the Senate floor for working to find consensus on SB 1002 and expressed his respect for local land use authority. Both Senator Vickers and Governor Herbert specifically asked cities and towns to work with the state within the framework of state law and our local land use processes to facilitate the implementation of SB 1002 in the weeks ahead.

We know that there are advocates who still prefer a total preemption of local land use authority. Consequently, we have committed to Senator Vickers, Governor Herbert, and other stakeholders to help cities with the SB 1002 process. If you have any questions about SB 1002, please contact ULCT staff.

Thank you for your involvement in ULCT.

Sincerely,

Cameron Diehl  
ULCT Executive Director

Mike Mendenhall  
ULCT President/Spanish Fork Council Member

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## SB 1002 MEDICAL CANNABIS AMENDMENTS AND IMPACT ON CITIES AND TOWNS

### I) Medical Cannabis Production Establishments

#### A) State proximity and process

Previously, state law authorized up to 10 cannabis cultivation facilities. Now, SB 1002 dictates the issuance of between five and eight licenses and authorizes up to 15 licenses based on market needs. (4-41a-205(1), (2))

Under SB 1002, the Department of Agriculture may only issue a license to an applicant who meets proximity requirements. A person may not locate an establishment within 1,000 feet of a community location or within 600 feet of a district that the city or county has zoned as primarily residential. A community location is defined as a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park. SB 1002 now defines the 1,000/600 feet thresholds as being measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area. Additionally, SB 1002 authorizes the department to grant a waiver to reduce the proximity requirements by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the establishment without the waiver. (4-41a-201(2)(c))

By extension, SB 1002 precludes a city or county from requiring additional proximity between cannabis establishments, medical cannabis pharmacies, retail tobacco specialty businesses, or alcohol outlets. (4-41a-406(3)(b))

State law previously required an applicant to obtain local land use approval in order to be eligible for a state license. The new process in SB 1002 requires an applicant to submit their land use approval within 120 days after the day on which the department issues the license. (4-41a-201(10)) The state still shall consult with the local land use authority if the department receives more than one application for an establishment within a city or town (4-41a-201(5)) and shall consider the positive connections between the applicant and the local community (4-41a-205(3)(c)).

#### B) Signage

SB 1002 clarifies the advertising allowances and restrictions for establishments. The new bill allows an establishment to have a sign that does not exceed four feet by five feet in size that includes the name, hours of operation, and a green cross. While a local government may not prohibit cannabis signage outright, the bill also re-affirms that local ordinances that regulate signage still apply. (4-41a-403)(4)

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### **C) Local zoning**

SB 1002 states that the operation of a cannabis production establishment shall be a *permitted* industrial use in any industrial zone or a *permitted* agricultural use in any agricultural zone unless a city or county designates by ordinance at least one industrial and/or agricultural zone where the establishment shall be a permitted use. The city or county must designate those zones by ordinance prior to an individual submitting a land use permit application. Previously, the Act stated that establishments should be allowed in at least one zone that the city or county designated and there was confusion among the advocates about the meaning of that language. (4-41a-406(2))

Additionally, a city may not enforce a land use regulation against an establishment that was not in effect on the day on which the cannabis production establishment submitted a complete land use application. (4-41a-406(3)(c))

Finally, SB 1002 now allows for cannabis cultivation through a combination of indoor and outdoor cultivation but still subject to local land use regulations regarding the availability of outdoor cultivation in an industrial zone. (4-41a-404(2)(b)(iii))

### **D) Local land use process**

SB 1002 now adds language to Title 10 that clarifies that a city may not regulate an establishment in a manner that conflicts with the Medical Cannabis Act or Cannabis Product Establishments. The bill also clarifies that cannabis applicants can access the existing 45 day “rip cord” provision in LUDMA. The rip cord provision is temporarily different for cannabis applicants than for other land use applicants. The traditional rip cord provision requires an applicant to wait for a “reasonable period of time” before exercising the rip cord to obtain a final decision from the city within 45 days.

Because of the state urgency in ensuring a supply of medical cannabis by March 1, 2020, there is a temporary rip cord provision that expires on January 1, 2021. During that period of time, a cannabis applicant need not wait a “reasonable period of time” before exercising the rip cord. Instead, a cannabis applicant is entitled to final action on a land use regulation, development agreement, or land use decision according to 10-9a-509.5(2) within 45 days. (10-9a-528(3))

#### **II) Medical Cannabis Pharmacies**

##### **A) State proximity and process**

Previously, state law authorized up to seven medical cannabis pharmacies. SB 1002 now authorizes 14 pharmacies. (26-61a-305(1)(a))

Under SB 1002, the Department of Health may only issue a license to an applicant who meets new proximity requirements. A person may not locate a medical cannabis pharmacy within 200 feet of a community location or within 600 feet of a district that the city or county has zoned as



primarily residential. SB 1002 now defines the 200/600 feet thresholds as being measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area. SB 1002 also now authorizes the department to grant a waiver to reduce the proximity requirements by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the pharmacy without the waiver. (26-61a-301(2)(c))

By extension, SB 1002 precludes a city or county from requiring additional proximity between cannabis establishments, medical cannabis pharmacies, retail tobacco specialty businesses, or alcohol outlets. (26-61a-507(2)(b))

State law previously required an applicant to obtain local land use approval in order to be eligible for a state license. The new process in SB 1002 requires an applicant to submit their land use approval within 120 days after the day on which the department issues the license. (26-61a-301(7)) The state shall still consider geographic dispersal among licensees and issue at least one license in each geographic region of the state. The state shall also consult with the local land use authority if the department receives more than one application for a pharmacy within a city or town ((26-61a-301(2)(e)), consider positive connections to the local community, and consider the suitability of the proposed location when issuing the license. (26-61a-305(2)(a))

#### **B) Signage**

SB 1002 clarifies the advertising allowances and restrictions for pharmacies. The new bill allows an establishment to have a sign that does not exceed four feet by five feet in size that includes the name, hours of operation, and a green cross. While a local government may not prohibit cannabis signage outright, the bill re-affirms that local ordinances that regulate signage still apply. (26-61a-505(2))

#### **C) Local zoning**

SB 1002 clarifies that a medical cannabis pharmacy is a permitted use in any zone except for a primarily residential zone, but that the pharmacy is also subject to the land use regulations that apply in the underlying zone. (26-61a-507(1)). Additionally, a city may not enforce a land use regulation against a pharmacy that was not in effect on the day on which the pharmacy submitted a complete land use application.

#### **D) Local land use process**

SB 1002 now adds language to Title 10 that clarifies that a city may not regulate a pharmacy in a manner that that conflicts with the Medical Cannabis Act or Cannabis Product Establishments. The bill also clarifies that cannabis applicants can access the existing 45 day "rip cord" provision in LUDMA. The rip cord provision is temporarily different for cannabis applicants than for other land use applicants. The traditional rip cord provision requires an applicant to wait for a

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“reasonable period of time” before exercising the rip cord to obtain a final decision from the city within 45 days.

Because of the state urgency in ensuring a supply of medical cannabis by March 1, 2020, there is a temporary rip cord provision that expires on January 1, 2021. During that period of time, a cannabis applicant need not wait a “reasonable period of time” before exercising the rip cord. Instead, a cannabis applicant is entitled to final action on a land use regulation, development agreement, or land use decision according to 10-9a-509.5(2) within 45 days of submitting an application or petition. (10-9a-528(3))

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## CHAPTER 26. WATER RIGHTS

- 7-26-1. Water Rights Acquisition Policy and Conveyance Requirements.
- 7-26-2. Water Rights Required—Determination of Amount.
- 7-26-3. Type of Water Rights Acceptable for Conveyance.
- 7-26-4. Possible Adjustments or Revisions to Water Rights Conveyance Requirements.
- 7-26-5. Time of Conveyance.
- 7-26-6. Appeals and Requests for Adjustment, Modification, Exemption, or Waiver of Water Rights Conveyance Requirements.
- 7-26-7. Effective Date.

### 7-26-1. Water Rights Acquisition Policy and Conveyance Requirements.

Intent. It is intended that all applicants requesting annexation of land into Tooele City for residential development, all applicants requesting that property already within the boundaries of the City rezone the property to a higher density or more intensive use which increases the need for water service from the City, all applicants requesting the subdivision of land, and all applicants requesting a development permit shall provide water rights in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system as provided in this Chapter. Satisfaction of this water rights acquisition policy and the accompanying conveyance requirements shall be considered as a condition to and requirement of approval for all such applications.

(Ord. 2015-03, 03-04-2015) (Ord. 1998-31, 08-18-1998)

### 7-26-2. Water Rights Required—Determination of Amount.

(1) Residential Uses. The amount of water rights to be conveyed in order to satisfy this policy and provide an adequate supply of water based on the needs created by anticipated future development shall be defined for residential development as one (1.0) acre-foot per equivalent residential dwelling unit.<sup>1</sup>

(2) Non-Residential Uses. An amount sufficient to satisfy the projected needs of the proposed development shall be determined by the Tooele City Public Works

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<sup>1</sup>

The above requirement is based on a combination of State of Utah standards and Tooele historical usages of approximately .45 acre-feet of water for indoor use and .55 acre-feet of water for outdoor use assuming a 10,000 square-foot lot. The City may prorate the outdoor use requirement by considering such factors as the size of the lot, a lot's impervious surface, and a lot's irrigable area. This requirement is a reasonable average and is required despite a showing of variations in water usage above or below the average.

(March 9, 2015)

Director. The Public Works Director may delegate responsibilities under this Chapter.

#### (3) State Engineer Requirements.

(a) For interior use, the quantity of water credited to a development applicant upon the applicant's dedication of water rights shall be that portion of the water right which the Office of the State Engineer has approved for depletion, and that quantity shall not include any amounts which the State Engineer requires to be returned to the hydrologic system.

(b) For exterior use, the quantity of water credited to a development applicant upon the applicant's dedication of water rights shall be that portion of the water right which the State Engineer has approved for diversion, which quantity may include any amounts which the State Engineer requires to be returned to the hydrologic system.

(Ord. 2015-03, 03-04-2015) (Ord. 2000-03, 1-5-2000) (Ord. 1999-34, 12-01-1999) (Ord. 1998-31, 08-18-1998).

### 7-26-3. Type of Water Rights Acceptable for Conveyance.

(1) Water rights proposed for conveyance to the City shall be municipal or municipal-type water rights. Prior to acceptance of such water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, unsuitable for municipal use, not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer, or otherwise deficient. The City's refusal of such rights shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this Chapter. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights, the historic average quantities of water associated with the water rights, and other relevant factors. The City will require an approved application for the change of use and change of point of diversion, as applicable, with the State Engineer in order to quantify and verify the water rights.

(2) Irrigation company shares of stock shall not be an acceptable form of water rights under this Chapter. While irrigation company water may be utilized on properties that are subject to this Chapter, such use shall not relieve an applicant of complying fully with the water rights conveyance requirements of this Chapter.

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

(4) Supply and Delivery Facilities May be Required. In addition to furnishing water rights