
PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, March 4, 2020, at the hour of 7:00 p.m. The meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Tooele Boys and Girls Club Update and Jr. Girls in Government**
Presented by Darlene Dixon
4. **Mayor's Youth Recognition Awards**
5. **Public Comment Period**
6. **Public Hearing**

Ordinance 2020-09 An Ordinance of the Tooele City Council Reassigning The Zoning Classification to the R1-7 Residential Zoning District For 1.15 Acres Of Property Located At Approximately 600 South Canyon Road
Presented by Jim Bolser

7. **Second Reading Items**

- a. **Ordinance 2020-09** An Ordinance of the Tooele City Council Reassigning The Zoning Classification to the R1-7 Residential Zoning District For 1.15 Acres Of Property Located At Approximately 600 South Canyon Road
Presented by Jim Bolser
- b. **Ordinance 2020-07** An Ordinance of Tooele City Amending Tooele City Code Title 6 (Animal Control) to Accommodate the Utah Community Cat Act
Presented by Derrick Larsen

8. **First Reading Items**

- a. **Resolution 2020-16** A Resolution of the Tooele City Council Approving a Contract with Broken Arrow, Inc., for the Installation of RPZ Station at Dow James Park
Presented by Darwin Cook
- b. **Ordinance 2020-04** An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Acceptance of Public Improvements
Presented by Jim Bolser & Roger Baker
- c. **Ordinance 2020-05** An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Approval of Subdivision Final Plat Applications
Presented by Jim Bolser

- d. **Ordinance 2020-06** An Ordinance of Tooele City Amending Tooele City Code Chapter 4-11 Regarding Sidewalks to Establish Civil Penalties for Violations
Presented by Roger Baker
 - e. **Resolution 2020-10** A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Civil Infraction for Violations of Tooele City Code Chapter 4-11 Regarding Sidewalks
Presented by Roger Baker
 - f. **Subdivision Final Plat** for Providence at Overlake Phase 4 by HK Schmidt, LLC at approximately 400 West 1400 North for 30 lots in the R1-7 Residential zoning district
Presented by Jim Bolser
 - g. **Resolution 2019-54** A Resolution of the Tooele City Council Adopting the Voter Participation Area Map
Presented by Michelle Pitt
 - h. **Resolution 2020-06** A Resolution of the Tooele City Council Accepting the Completed Public Improvements Associated with the Providence at Overlake Phase 1 Subdivision
Presented by Paul Hansen
- 9. **Minutes**
 - 10. **Invoices**
 - 11. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

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

TOOELE CITY CORPORATION

ORDINANCE 2020-09

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE R1-7 RESIDENTIAL ZONING DISTRICT FOR 1.15 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 600 SOUTH CANYON ROAD.

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

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

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

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

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

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

WHEREAS, the City received an application for Zoning amendments for properties located near 600 South Canyon Road on January 9, 2020, requesting that the Subject Property be reassigned to the R1-7 Residential zoning district (see Rezone Petition attached as Exhibit A); and,

WHEREAS, the Subject Properties are owned by Ronald Hall and are currently

assigned the MU-160 Multiple Use zoning district; and,

WHEREAS, the lots in their current configuration do not conform to the lot size and lot width requirements of the MU-160 zoning district and are therefore considered legally non-conforming lots; and,

WHEREAS, on February 12, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibit C**); and,

WHEREAS, on _____, the City Council convened a duly-advertised public hearing:

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

1. this Ordinance and the zoning amendments proposed therein are in the best interest of the City in that they will bring additional housing units to Tooele City and bring non-conforming parcels into conformance with the zoning code and are consistent with the General Plan and Land Use Plan; and,
2. the Zoning Map is hereby amended for the property located near 600 South Canyon Road as requested in **Exhibit A**, attached.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

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

Exhibit A

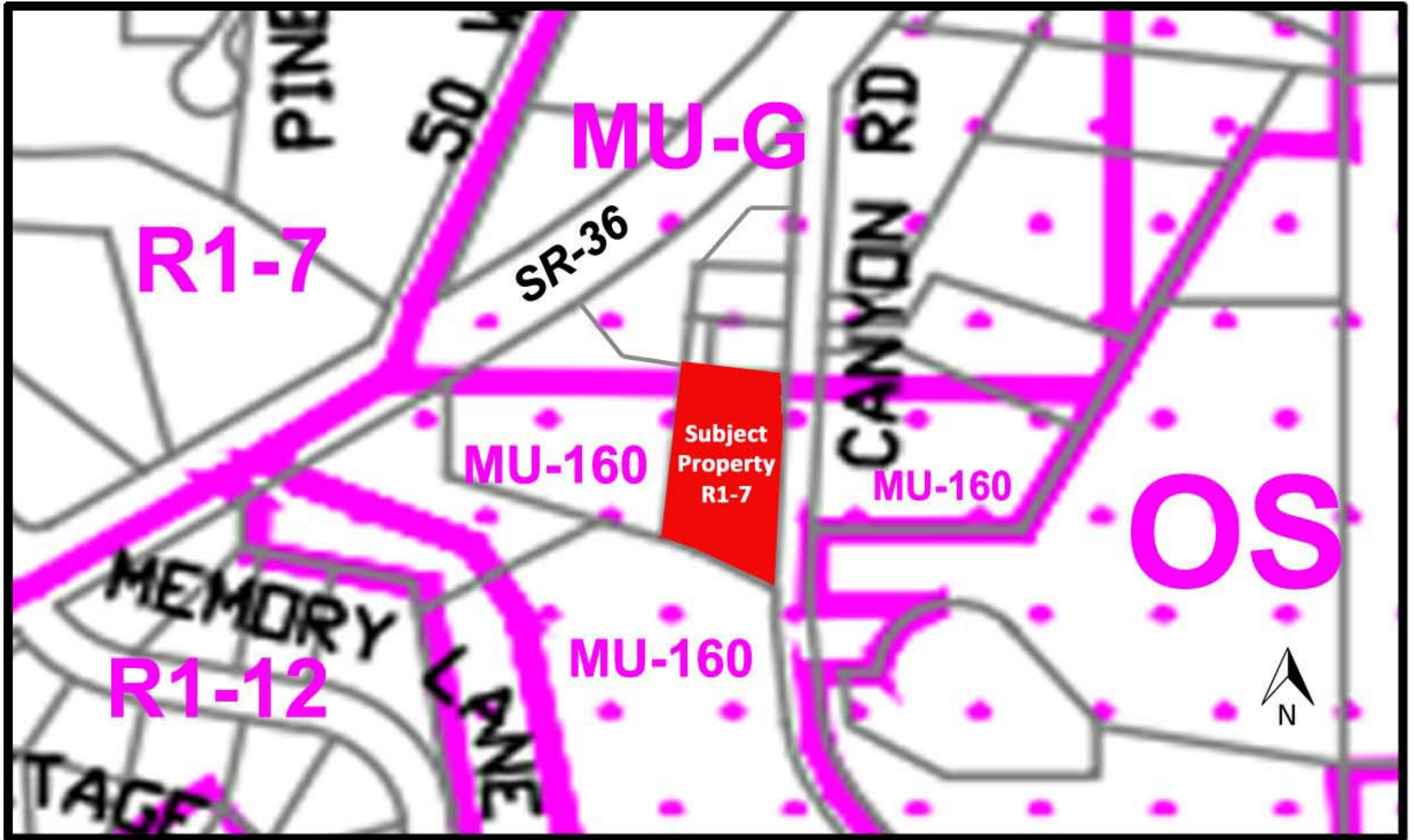
Mapping Pertinent to Zoning Map Amendment

Hall Rezone



Current Zoning

Hall Rezone



Proposed Zoning

Exhibit B

Application for Zoning Map Amendment

Zoning, General Plan, & Master Plan
Map Amendment Application

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



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

P70-23
02-013-0-0022

Project Information			
Date of Submission: 1/9/2020	Current Map Designation: MU 160	Proposed Map Designation: R1-7	Parcel #(s): 02-013-0-0014
Project Name: REZONE			Acres: 1.151
Project Address: 6005 Canyon RD			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: Rezone to R17 and make a 3 lot sub.			
Property Owner(s): Ronald L Hall		Applicant(s): Ronald L Hall	
Address: 176 Heritage Hill Drive		Address: 176 Heritage Hill Drive	
City: Tooele	State: Ut	Zip: 84074	City: Tooele
Phone: (801) 830-9507			Phone: (801) 830-9507
Contact Person: Ron Hall		Address: 176 Heritage Hill Drive	
Phone: (801) 830-9507		City: Tooele	State: Ut
Cellular: (801) 830-9507	Fax:	Email: uniqueexcavation11@gmail.com	

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

Note to Applicant:

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

2200023

For Office Use Only			
Received By: CA	Date Received: 1/9/20	Fees: 1,150⁰⁰	App. #: 00370021

Zoning Map Questions

Q1- MU 160

Q2- Currently it is a vacant lot surrounded by residential homes and a church, This land is now a throughfare

for vagrants and squatters. Developing this land would stop alot of this acivity.

Q3- All homes surrounding my lot are all R1-7 zoning except for the church, unknown zoning and Tooele City Corp.

Q4- This zoning would enable a nice subdivison with new homes to be built to enhance the look of the area and again

to stop the area from being used as a drug meeting place and a parking place for unlicensed vehicles.

Q5- Same as above it would help beautify what has become a slum area.

Exhibit C

Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, February 12, 2020

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

Commission Members Present:

Shauna Bevan
Melanie Hammer
Tyson Hamilton
Bucky Whitehouse
Ray Smart
Matt Robinson
Chris Sloan
Nathan Thomas
Dave McCall

City Employees Present:

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

Council Members Present:

Council Member Hansen
Council Member Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Bevan.

2. Roll Call

Matt Robinson, Present
Melanie Hammer, Present
Shauna Bevan, Present
Tyson Hamilton, Present
Ray Smart, Present
Chris Sloan, Present
Nathan Thomas, Present

Mr. Bolser welcomed the new Planning Commission Members, Commissioner Nathan Thomas and Commissioner Dave McCall.

3. **Public Hearing and Recommendation on a Zoning Map Amendment request from the MU-160 Multiple Use Zoning District to the R1-7 Residential Zoning District Zoning by Ron Hall for 1.51 acres located at approximately 600 South Canyon Road.**

Presented by Andrew Aagard

Mr. Aagard stated the subject properties are the south end of the paved portion of Canyon Road. There are single family residential uses east and north of the property. There is a City owned property previously used as a Boy Scouts of America facility to the south. The property is currently zoned MU-16 Multiple Use as are properties to thee east, west and south. Properties to the north are zoned MUG-Mixed Use General. The purpose of the MU-16 zone is to protect land use, to provide opportunities for forestry, mining, habitat, and recreation and avoid damages to water resources and water shed. Mr. Aagard stated the applicant is requesting that the property be reassigned from MU-16 Multiple Uses to R1-7 Residential zoning. The property is currently a legal nonconforming with the mandates of the MU-16 Multiple Uses zone. Mr. Aagard gave a brief description of the differences between MU-16 Multiple Uses and R1-& Residential zoning, including setbacks and lot width requirements and animals allowed between the two zones.

Mr. Aagard stated that the property is located within the sensitive overlay zone. The sensitive overlay is to protect and limit impact to sensitive areas, protect wildlife, protect watersheds, and protect scenic areas, and minimize risk of wildfire, and minimize landslides, runoff, and storm water issues. The overlay does not stop development, but does require increased requirements for fill, grading, and location of building on the site. The applicant has not asked for changes in the Sensitive Overlay zone. The residential use on the property would not be out of character of the surrounding properties. If the property is rezoned to R1-7 Residential, the 1.15 parcel could be subdivided into smaller lots. The rezoning of the parcels to R1-7, the City would be removing a nonconforming status on the property. Notices were sent out to adjacent property owners prior to the public hearing. One comment was received from an adjacent property owner as to if the property would be subdivided. Mr. Aagard stated it could be.

Chairman Hamilton asked if there were any additional comments from the Commission.

Commissioner Sloan asked how many properties could go on the property with the new zoning. Mr. Aagard stated that it would be about six, however there are constraints on the lots, due to public access and infrastructure.

Chairman Hamilton opened the public hearing.

Mr. Barry Lewis stated he lived on Canyon Road. He stated he isn't concerned with the residential up the road, but his concern is the road. In the City, residential development requires curb and gutter. Canyon Road has been there a long time, but has no curb and gutter. The road needs curb and gutter.

Mr. Jack Giles stated that he also lives on Canyon Road and he has the same concerns. He stated that there should be curb and gutter. There are a couple of residences that need curb and gutter to control vehicles and trash. He stated that the property appeared to already have a trench on it and he was not sure who had done that.

Mr. Ron Hall stated he is the owner of the property and he dug the trench because he was tired of the homeless people living on his property. He stated that he is only going to build three lots.

Chairman Hamilton closed the public hearing.

Commissioner Hammer and Commissioner Thomas both voiced concerns about the comments regarding homeless populations living on the properties up Canyon Road.

Commissioner Sloan motion to forward a positive recommendation to the City Council for the Hall Zoning Map Amendment Request by Ronald hall to reassign the subject properties to the R1-7 Residential zoning district application number P2023, based on the findings listed in the Staff Report dated February 3, 2020. Commissioner Smart seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Thomas, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

Commissioner Sloan stated that he had concerns about the curb and gutter, but the improvement of that road should not be assigned to a single property owner.

4. **Review and Discussion of the initial draft of the Annexation Policy Plan Element of the Tooele City General Plan revision.**

Presented by Jim Bolser

Mr. Bolser stated the Planning Commission has begun the revision process to the General Plan. The overview section and introduction section have already been reviewed as initial drafts. The annexation policy is an optional element to the General Plan; however, it is dictated by state code. The downside to not having an annexation policy, is that a community is not able to annex property. These plans need to be in place and be appropriate, in order to consider an annexation. The City has an annexation policy in place, but it is a standalone document and this will be incorporated into the General Plan.

Mr. Bolser gave a brief presentation on the six areas that are included in the annexation plan and the purposes for them. These areas do not mean that the City will annex them, it means that the City can hear a petition for land within that area by the land owner.

Mr. Bolser opened the discussion from the Planning Commission to discuss areas already identified and if there need to be additional areas as part of the annexation policy.

Commissioner Smart asked about the budget implications regarding annexation. Mr. Bolser stated that the annexation policy plan is not a budget policy plan. When an actual application comes through, those are considerations that come into determining the annexation of the property. Tax implications, budget implications are considered because once a property is part of the City, the City must service the property. Mr. Bolser stated that there are communities in the state that incorporated large areas of property in somewhat of a land grab fashion and much of the state code for annexation has adapted to combat municipalities taking land.

Commissioner Bevan stated that she liked the discouraging growth in outlining areas and encouraging growth in areas where services are available or areas that can have services easily extended. It makes sense to start where you are. Mr. Bolser stated that the annexation policy map is based on the current road map, because there are services already.

Commissioner Thomas asked what considerations were made for development of businesses in Area A as part of the annexation, specifically as it has been identified as the possible site of the future Inland Port. Are tax revenues considered during the development of the annexation plan. Mr. Bolser stated that the draft plan was created first from the existing policy and secondly, what is truly serviceable. Implication of tax revenues should be considered as potential annexation applications are brought for review. It is less of a factor in building the policy. It's more a question of smart growth with serviceability. Commissioner Thomas asked if there are any other areas that should be considered for water shed protection? Mr. Bolser stated there is always a concern about waters sheds and resources. In the area straddling Settlement Canyon, the vast majority is undevelopable. The property ownership in that area is one that is not going to become annexable. The same can be said for properties around Area C. There is no benefit in being in the City or outside of the City. One area that has been asked about regarding annexation, is just north of the Carr Fork subdivision. This is an area that will not be in the plan and it is part of Pine Canyon Township. The second reason is there is an easement over the vast majority of the site as a cleanup of environmental impacts from the Anaconda Mine.

Mr. Baker added the City annexed about 1700 acres around Settlement Canyon to emphasize the open space values and supporting the ownership. It was strategic to annex it into the City, at the time, Rocky Mountain Power was forcing alignment of the major transmission line through the City limits. By annexing the acreage into the City limits, it gave Tooele City additional protection from the infrastructure.

Mr. Hansen added that Tooele City and Tooele County both have ordinances to restrict development in source protection zones. A good part of the city's water originate in the settlement canyon basin. Under current county rule and City policy there is the ability to limit development that could adversely affect water quality.

Commissioner Robinson asked about the area north and south of Area A and B, is that not included because it is not developable? Mr. Bolser stated it is primarily about serviceability. There is a sewer plant near the area, but those area are below the elevation of the sewer plant. It has been opted to be left out due to the difficult placement of it.

Commissioner Sloan asked about taking land from other incorporated areas, particularly concerning the potential petition to incorporate a part of Erda. Mr. Bolser stated that in terms of boundaries, that is required and in the document. For areas that are considering incorporation, the State code is silent on the rules.

Mr. Baker added that the land over by Droubay Road north of Pine Canyon Road, that was not included due to its serviceability issues. It was proposed for annexation in 2010 and since then. It has had many challenges and disadvantages to it. The reason it is not included in the plan now, is the City does not want to give the viewpoint that the City is interested in or willing to annex the property.

Mr. Bolser stated that this will not be the last time this will be considered. It can be readdressed as other plans are reviewed. The development of the General Plan also allows for work sessions and study groups to ensure the plan meets the needs of the City.

Mr. Baker added that Area F is the Bauer property and is owned by the Tooele City Redevelopment Agency. It is currently listed for sale.

Commissioner Robinson asked what is the timeline for review of the elements of the plan in the future? Mr. Bolser stated this should be considered routinely. There will be a review of areas near these areas as developing other parts of the General Plan. In the ongoing years, the state dictates that there should be a review every two years. There is a five-year cycle that should be viewed as more of an overhaul of the plan. Commissioner Robinson asked what is the process if a land owner petitions the City for annexation, but is not included in an annexation area? Mr. Bolser stated that the process includes filing for an amendment to the General Plan to amend the annexation policy to have the area included and then a new area would be added to the General Plan. At that point, it is a standard annexation process.

Chairman Hamilton stated that he appreciated the new layout and format of the City Council Meetings.

5. **Review and Approval of Planning Commission minutes for meeting held January 8, 2020.**

Chairman Hamilton asked the Commission if there were any comments or questions. Chairman Hamilton pointed out that under item 6, it listed Chairman Graf instead of Chairman Hamilton.

Commissioner Sloan moved to approve minutes from the meeting held on January 8, 2020, with the correction. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Thomas, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 8:00p.m.

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

Approved this 22nd day of January, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

STAFF REPORT

February 3, 2020

To: Tooele City Planning Commission
Business Date: February 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Hall Rezone– Zoning Map Amendment Request

Application No.: P20-23
Applicant: Ronald Hall
Project Location: Approximately 600 South Canyon Road
Zoning: MU-160 Multiple Use Zone
Acreage: 1.15 Acres (Approximately 50,094 ft²)
Request: Request for approval of a Zoning Map Amendment in the MU-160 Multiple Use zone regarding reassigning the zoning of the properties to the R1-7 Residential zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1.15 acres located at approximately 600 South Canyon Road. The properties are currently zoned MU-160 Multiple Use. The applicant is requesting that a Zoning Map Amendment to the R1-7 Residential zone be approved to facilitate the construction of a residential structure on property that does not conform to the mandates of the MU-160 Multiple Use zone.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Multiple Use land use designation for the subject properties. The properties have been assigned the MU-160 Multiple Use zoning classification. The purpose of the MU-160 Zone is to “provide areas in mountain, hillside, canyon, valley, desert and other open and generally undeveloped lands where residential uses should be limited in order to protect the land resource, to limited demands for public facilities and services, to provide opportunities for forestry, agriculture, mining, wildlife habitat, and recreation, to avoid damage to water resources and water shed areas, and to protect the health and safety of the residents of the City and adjoining areas.”

The MU-160 Multiple Use zoning designation is identified by the General Plan as a preferred zoning classification for the subject properties. Properties to the north are assigned the MU-G Mixed Use General Zoning district and are currently utilized as a church meetinghouse. Properties to the west and south are zoned MU-16. Properties to the east are zoned MU-160 and OS Open Space. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The MU-160 zoning district requires very large lots, a minimum lot size of 160 acres and a minimum lot width of 1320 feet thus keeping in line with limiting residential uses in order to protect and preserve land resources. The subject parcel(s) in question total 1.15 acres and are approximately 200 feet wide. The existing lots of record clearly do not conform with the mandates of the MU-160 zoning district and is

therefore a legal non-conforming lot.

The applicant wishes to build a residential structure on the property. Residential dwellings are a permitted use within the MU-160 zone, however the zone does require greater setbacks for buildings. Side yard and rear yard setbacks are 60 feet where in standard residential zones the setbacks for side yards is 6 to 10 feet and for rear yards is 20 to 30 feet. Ordinarily, in the MU-160 zone, given the lot size requirements, a large setback such as this is not an issue. However, this lot is barely larger than 1 acre and the increased setback requirements do reduce the useable area of the 1.15 acre lot.

The applicant wishes to rezone the property to the R1-7 Residential zoning district. The R1-7 zoning district is Tooele City's most common residential zone permitting lots as small as 7,000 square feet with no lot size maximum. Lots may be a minimum of 60 feet wide and setbacks in that zone are 6 feet on the side yards and 20 feet on the rear yard. Rezoning the property does create a potential to subdivide the property into smaller lots, however, the applicant has not expressed that this is their intention.

The MU-160 zone also permits the keeping and raising of farm animals such as horses, cows, sheep, goats and llamas. The R1-7 Residential zone does not permit the keeping of animals beyond typical household pets such as cats and dogs or chickens, rabbits and ducks.

The property is currently zoned MU-160 but is also located within the sensitive area overlay. The purpose of the sensitive area overlay is to minimize the impact to sensitive areas, protect wild life habitats, protect watersheds, preserve natural phenomena and scenic areas, minimize the threat of fire, protect the public from natural hazards such as storm water runoff, erosion and landslides and a whole plethora of other issues as defined in Tooele City Code 7-12. The overlay does not stop development but does require increased requirements regarding slope, cut and fill of a site, grading, building placement and so forth. The applicant has not indicated in favor of removing or retaining the sensitive area overlay on the property.

A residential use on the property would not be out of character with the surrounding properties. There are single-family residential uses located to the east and southwest. There is a church building located to the north. To the south is an old boy scout structure and a demolished City water storage tank and, as mentioned above, a home can be constructed on the property under the current zoning designation.

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

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

- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

REVIEWS

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

- 1. A residential structure may be constructed on the property as it is currently zoned.
- 2. The MU-160 zone requires substantially greater setbacks for rear and side yards than a common single-family residential zone.
- 3. The MU-160 zone permits animals for agricultural purposes where the requested R1-7 Residential zone does not.
- 4. The existing lot(s) of record are legal lots but do not conform to the mandates of the MU-160 zoning district for lot size and lot width.
- 5. Rezoning the 1.15 acre parcel to R1-7 does create a possible subdivision of the property into multiple lots of 7,000 square feet or larger.
- 6. The property is located with the Sensitive Area Overlay zone.

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

STAFF RECOMMENDATION

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

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

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

proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Hall Zoning Map Amendment Request by Ronald Hall to reassign the subject properties to the R1-7 Residential zoning district application number P20-23, based on the findings listed in the Staff Report dated February 3, 2020:”

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 Hall Zoning Map Amendment Request by Ronald Hall to reassign the subject properties to the R1-7 Residential zoning district, application number P20-23, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE HALL REZONE ZONING MAP AMENDMENT

Hall Rezone



Aerial View

Hall Rezone



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan
Map Amendment Application

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



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

P20-23
02-013-0-0022

Project Information			
Date of Submission: 1/9/2020	Current Map Designation: M460	Proposed Map Designation: R1-7	Parcel #(s): 02-013-0-0014
Project Name: Rezone			Acres: 1.151
Project Address: 6005 Canyon RD			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: Rezone to R17 and make a 3 lot sub.			
Property Owner(s): Ronald L Hall		Applicant(s): Ronald L Hall	
Address: 176 Heritage Hill Drive		Address: 176 Heritage Hill Drive	
City: Tooele	State: Ut	Zip: 84074	City: Tooele
Phone: (801) 830-9507			State: Ut
			Zip: 84074
Contact Person: Ron Hall		Address: 176 Heritage Hill Drive	
Phone: (801) 830-9507		City: Tooele	State: Ut
			Zip: 84074
Cellular: (801) 830-9507	Fax:	Email: uniqueexcavation11@gmail.com	

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

Note to Applicant:

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

2200023

For Office Use Only			
Received By: CA	Date Received: 1/9/20	Fees: 1,150 ⁰⁰	App. #: 00370021

Zoning Map Questions

Q1- MU 160

Q2- Currently it is a vacant lot surrounded by residential homes and a church, This land is now a throughfare

for vagrants and squatters. Developing this land would stop alot of this acivity.

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to stop the area from being used as a drug meeting place and a parking place for unlicensed vehicles.

Q5- Same as above it would help beautify what has become a slum area.

TOOELE CITY CORPORATION

ORDINANCE 2020-09

AN ORDINANCE OF THE TOOELE CITY COUNCIL REASSIGNING THE ZONING CLASSIFICATION TO THE R1-7 RESIDENTIAL ZONING DISTRICT FOR 1.15 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 600 SOUTH CANYON ROAD.

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

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

WHEREAS, the Land Use Element (hereinafter the “Land Use Plan”) of the General Plan establishes Tooele City’s general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial, open space); and,

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

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

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

WHEREAS, the City received an application for Zoning amendments for properties located near 600 South Canyon Road on January 9, 2020, requesting that the Subject Property be reassigned to the R1-7 Residential zoning district (see Rezone Petition attached as Exhibit A); and,

WHEREAS, the Subject Properties are owned by Ronald Hall and are currently

assigned the MU-160 Multiple Use zoning district; and,

WHEREAS, the lots in their current configuration do not conform to the lot size and lot width requirements of the MU-160 zoning district and are therefore considered legally non-conforming lots; and,

WHEREAS, on February 12, 2020, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as **Exhibit C**); and,

WHEREAS, on _____, the City Council convened a duly-advertised public hearing:

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

1. this Ordinance and the zoning amendments proposed therein are in the best interest of the City in that they will bring additional housing units to Tooele City and bring non-conforming parcels into conformance with the zoning code and are consistent with the General Plan and Land Use Plan; and,
2. the Zoning Map is hereby amended for the property located near 600 South Canyon Road as requested in **Exhibit A**, attached.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Baker, Tooele City Attorney

Exhibit A

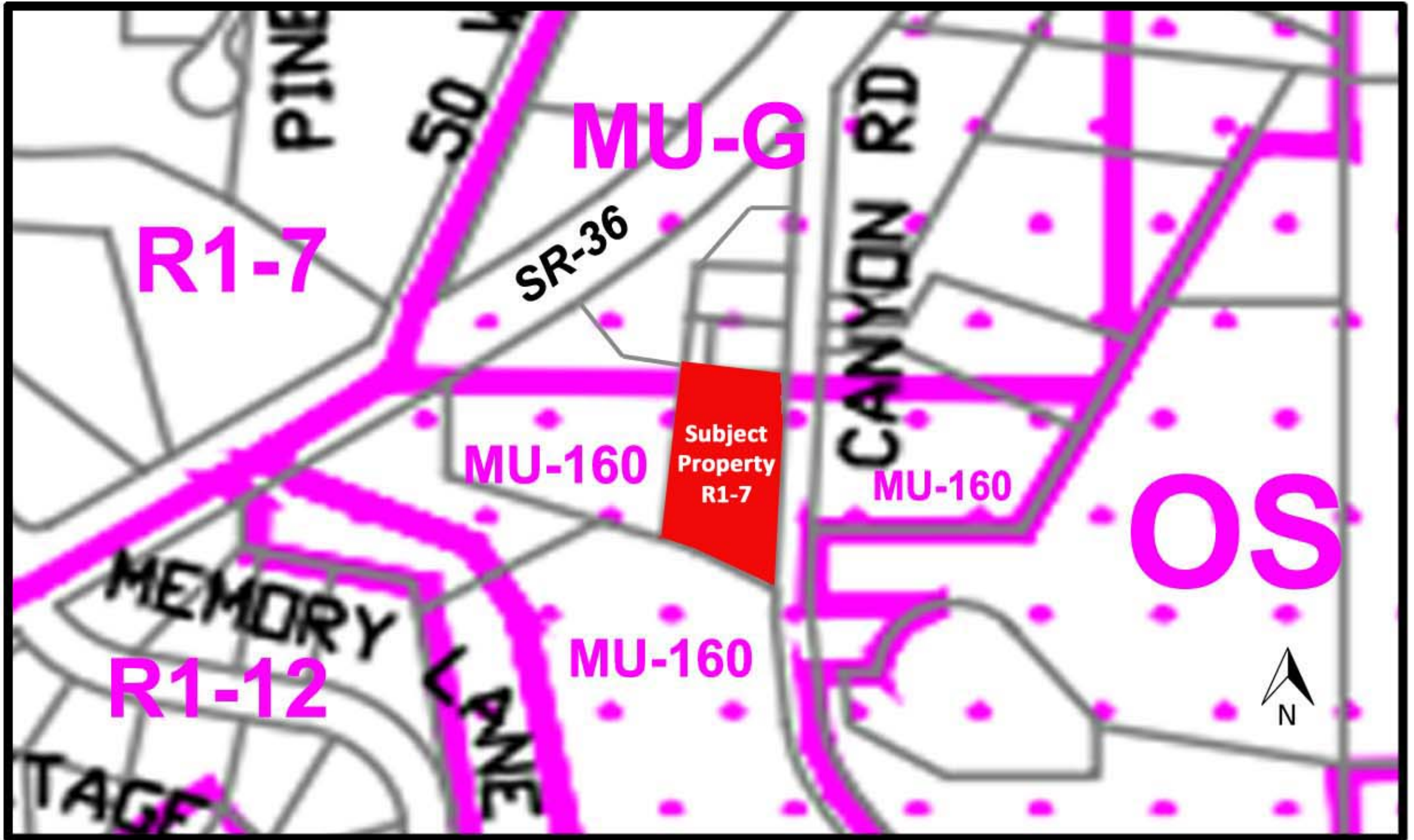
Mapping Pertinent to Zoning Map Amendment

Hall Rezone



Current Zoning

Hall Rezone



Proposed Zoning

Exhibit B

Application for Zoning Map Amendment

Zoning, General Plan, & Master Plan
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P70-23
02-013-0-0022

Project Information			
Date of Submission: 1/9/2020		Current Map Designation: MU 160	Proposed Map Designation: R1-7
Project Name: REZONE		Parcel #(s): 02-013-0-0014	
Project Address: 6005 Canyon RD		Acres: 1.151	
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
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Exhibit C

Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, February 12, 2020

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

Commission Members Present:

Shauna Bevan
Melanie Hammer
Tyson Hamilton
Bucky Whitehouse
Ray Smart
Matt Robinson
Chris Sloan
Nathan Thomas
Dave McCall

City Employees Present:

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

Council Members Present:

Council Member Hansen
Council Member Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:00 pm.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Bevan.

2. Roll Call

Matt Robinson, Present
Melanie Hammer, Present
Shauna Bevan, Present
Tyson Hamilton, Present
Ray Smart, Present
Chris Sloan, Present
Nathan Thomas, Present

Mr. Bolser welcomed the new Planning Commission Members, Commissioner Nathan Thomas and Commissioner Dave McCall.

3. Public Hearing and Recommendation on a Zoning Map Amendment request from the MU-160 Multiple Use Zoning District to the R1-7 Residential Zoning District Zoning by Ron Hall for 1.51 acres located at approximately 600 South Canyon Road.

Presented by Andrew Aagard

Mr. Aagard stated the subject properties are the south end of the paved portion of Canyon Road. There are single family residential uses east and north of the property. There is a City owned property previously used as a Boy Scouts of America facility to the south. The property is currently zoned MU-16 Multiple Use as are properties to thee east, west and south. Properties to the north are zoned MUG-Mixed Use General. The purpose of the MU-16 zone is to protect land use, to provide opportunities for forestry, mining, habitat, and recreation and avoid damages to water resources and water shed. Mr. Aagard stated the applicant is requesting that the property be reassigned from MU-16 Multiple Uses to R1-7 Residential zoning. The property is currently a legal nonconforming with the mandates of the MU-16 Multiple Uses zone. Mr. Aagard gave a brief description of the differences between MU-16 Multiple Uses and R1-& Residential zoning, including setbacks and lot width requirements and animals allowed between the two zones.

Mr. Aagard stated that the property is located within the sensitive overlay zone. The sensitive overlay is to protect and limit impact to sensitive areas, protect wildlife, protect watersheds, and protect scenic areas, and minimize risk of wildfire, and minimize landslides, runoff, and storm water issues. The overlay does not stop development, but does require increased requirements for fill, grading, and location of building on the site. The applicant has not asked for changes in the Sensitive Overlay zone. The residential use on the property would not be out of character of the surrounding properties. If the property is rezoned to R1-7 Residential, the 1.15 parcel could be subdivided into smaller lots. The rezoning of the parcels to R1-7, the City would be removing a nonconforming status on the property. Notices were sent out to adjacent property owners prior to the public hearing. One comment was received from an adjacent property owner as to if the property would be subdivided. Mr. Aagard stated it could be.

Chairman Hamilton asked if there were any additional comments from the Commission.

Commissioner Sloan asked how many properties could go on the property with the new zoning. Mr. Aagard stated that it would be about six, however there are constraints on the lots, due to public access and infrastructure.

Chairman Hamilton opened the public hearing.

Mr. Barry Lewis stated he lived on Canyon Road. He stated he isn't concerned with the residential up the road, but his concern is the road. In the City, residential development requires curb and gutter. Canyon Road has been there a long time, but has no curb and gutter. The road needs curb and gutter.

Mr. Jack Giles stated that he also lives on Canyon Road and he has the same concerns. He stated that there should be curb and gutter. There are a couple of residences that need curb and gutter to control vehicles and trash. He stated that the property appeared to already have a trench on it and he was not sure who had done that.

Mr. Ron Hall stated he is the owner of the property and he dug the trench because he was tired of the homeless people living on his property. He stated that he is only going to build three lots.

Chairman Hamilton closed the public hearing.

Commissioner Hammer and Commissioner Thomas both voiced concerns about the comments regarding homeless populations living on the properties up Canyon Road.

Commissioner Sloan motion to forward a positive recommendation to the City Council for the Hall Zoning Map Amendment Request by Ronald hall to reassign the subject properties to the R1-7 Residential zoning district application number P2023, based on the findings listed in the Staff Report dated February 3, 2020. Commissioner Smart seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Thomas, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

Commissioner Sloan stated that he had concerns about the curb and gutter, but the improvement of that road should not be assigned to a single property owner.

4. **Review and Discussion of the initial draft of the Annexation Policy Plan Element of the Tooele City General Plan revision.**

Presented by Jim Bolser

Mr. Bolser stated the Planning Commission has begun the revision process to the General Plan. The overview section and introduction section have already been reviewed as initial drafts. The annexation policy is an optional element to the General Plan; however, it is dictated by state code. The downside to not having an annexation policy, is that a community is not able to annex property. These plans need to be in place and be appropriate, in order to consider an annexation. The City has an annexation policy in place, but it is a standalone document and this will be incorporated into the General Plan.

Mr. Bolser gave a brief presentation on the six areas that are included in the annexation plan and the purposes for them. These areas do not mean that the City will annex them, it means that the City can hear a petition for land within that area by the land owner.

Mr. Bolser opened the discussion from the Planning Commission to discuss areas already identified and if there need to be additional areas as part of the annexation policy.

Commissioner Smart asked about the budget implications regarding annexation. Mr. Bolser stated that the annexation policy plan is not a budget policy plan. When an actual application comes through, those are considerations that come into determining the annexation of the property. Tax implications, budget implications are considered because once a property is part of the City, the City must service the property. Mr. Bolser stated that there are communities in the state that incorporated large areas of property in somewhat of a land grab fashion and much of the state code for annexation has adapted to combat municipalities taking land.

Commissioner Bevan stated that she liked the discouraging growth in outlining areas and encouraging growth in areas where services are available or areas that can have services easily extended. It makes sense to start where you are. Mr. Bolser stated that the annexation policy map is based on the current road map, because there are services already.

Commissioner Thomas asked what considerations were made for development of businesses in Area A as part of the annexation, specifically as it has been identified as the possible site of the future Inland Port. Are tax revenues considered during the development of the annexation plan. Mr. Bolser stated that the draft plan was created first from the existing policy and secondly, what is truly serviceable. Implication of tax revenues should be considered as potential annexation applications are brought for review. It is less of a factor in building the policy. It's more a question of smart growth with serviceability. Commissioner Thomas asked if there are any other areas that should be considered for water shed protection? Mr. Bolser stated there is always a concern about waters sheds and resources. In the area straddling Settlement Canyon, the vast majority is undevelopable. The property ownership in that area is one that is not going to become annexable. The same can be said for properties around Area C. There is no benefit in being in the City or outside of the City. One area that has been asked about regarding annexation, is just north of the Carr Fork subdivision. This is an area that will not be in the plan and it is part of Pine Canyon Township. The second reason is there is an easement over the vast majority of the site as a cleanup of environmental impacts from the Anaconda Mine.

Mr. Baker added the City annexed about 1700 acres around Settlement Canyon to emphasize the open space values and supporting the ownership. It was strategic to annex it into the City, at the time, Rocky Mountain Power was forcing alignment of the major transmission line through the City limits. By annexing the acreage into the City limits, it gave Tooele City additional protection from the infrastructure.

Mr. Hansen added that Tooele City and Tooele County both have ordinances to restrict development in source protection zones. A good part of the city's water originate in the settlement canyon basin. Under current county rule and City policy there is the ability to limit development that could adversely affect water quality.

Commissioner Robinson asked about the area north and south of Area A and B, is that not included because it is not developable? Mr. Bolser stated it is primarily about serviceability. There is a sewer plant near the area, but those area are below the elevation of the sewer plant. It has been opted to be left out due to the difficult placement of it.

Commissioner Sloan asked about taking land from other incorporated areas, particularly concerning the potential petition to incorporate a part of Erda. Mr. Bolser stated that in terms of boundaries, that is required and in the document. For areas that are considering incorporation, the State code is silent on the rules.

Mr. Baker added that the land over by Droubay Road north of Pine Canyon Road, that was not included due to its serviceability issues. It was proposed for annexation in 2010 and since then. It has had many challenges and disadvantages to it. The reason it is not included in the plan now, is the City does not want to give the viewpoint that the City is interested in or willing to annex the property.

Mr. Bolser stated that this will not be the last time this will be considered. It can be readdressed as other plans are reviewed. The development of the General Plan also allows for work sessions and study groups to ensure the plan meets the needs of the City.

Mr. Baker added that Area F is the Bauer property and is owned by the Tooele City Redevelopment Agency. It is currently listed for sale.

Commissioner Robinson asked what is the timeline for review of the elements of the plan in the future? Mr. Bolser stated this should be considered routinely. There will be a review of areas near these areas as developing other parts of the General Plan. In the ongoing years, the state dictates that there should be a review every two years. There is a five-year cycle that should be viewed as more of an overhaul of the plan. Commissioner Robinson asked what is the process if a land owner petitions the City for annexation, but is not included in an annexation area? Mr. Bolser stated that the process includes filing for an amendment to the General Plan to amend the annexation policy to have the area included and then a new area would be added to the General Plan. At that point, it is a standard annexation process.

Chairman Hamilton stated that he appreciated the new layout and format of the City Council Meetings.

5. **Review and Approval of Planning Commission minutes for meeting held January 8, 2020.**

Chairman Hamilton asked the Commission if there were any comments or questions. Chairman Hamilton pointed out that under item 6, it listed Chairman Graf instead of Chairman Hamilton.

Commissioner Sloan moved to approve minutes from the meeting held on January 8, 2020, with the correction. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Smart, "Aye," Commissioner Thomas, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 8:00p.m.

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

Approved this 22nd day of January, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

STAFF REPORT

February 3, 2020

To: Tooele City Planning Commission
Business Date: February 12, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Hall Rezone– Zoning Map Amendment Request

Application No.: P20-23
Applicant: Ronald Hall
Project Location: Approximately 600 South Canyon Road
Zoning: MU-160 Multiple Use Zone
Acreage: 1.15 Acres (Approximately 50,094 ft²)
Request: Request for approval of a Zoning Map Amendment in the MU-160 Multiple Use zone regarding reassigning the zoning of the properties to the R1-7 Residential zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 1.15 acres located at approximately 600 South Canyon Road. The properties are currently zoned MU-160 Multiple Use. The applicant is requesting that a Zoning Map Amendment to the R1-7 Residential zone be approved to facilitate the construction of a residential structure on property that does not conform to the mandates of the MU-160 Multiple Use zone.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Multiple Use land use designation for the subject properties. The properties have been assigned the MU-160 Multiple Use zoning classification. The purpose of the MU-160 Zone is to “provide areas in mountain, hillside, canyon, valley, desert and other open and generally undeveloped lands where residential uses should be limited in order to protect the land resource, to limited demands for public facilities and services, to provide opportunities for forestry, agriculture, mining, wildlife habitat, and recreation, to avoid damage to water resources and water shed areas, and to protect the health and safety of the residents of the City and adjoining areas.”

The MU-160 Multiple Use zoning designation is identified by the General Plan as a preferred zoning classification for the subject properties. Properties to the north are assigned the MU-G Mixed Use General Zoning district and are currently utilized as a church meetinghouse. Properties to the west and south are zoned MU-16. Properties to the east are zoned MU-160 and OS Open Space. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The MU-160 zoning district requires very large lots, a minimum lot size of 160 acres and a minimum lot width of 1320 feet thus keeping in line with limiting residential uses in order to protect and preserve land resources. The subject parcel(s) in question total 1.15 acres and are approximately 200 feet wide. The existing lots of record clearly do not conform with the mandates of the MU-160 zoning district and is

therefore a legal non-conforming lot.

The applicant wishes to build a residential structure on the property. Residential dwellings are a permitted use within the MU-160 zone, however the zone does require greater setbacks for buildings. Side yard and rear yard setbacks are 60 feet where in standard residential zones the setbacks for side yards is 6 to 10 feet and for rear yards is 20 to 30 feet. Ordinarily, in the MU-160 zone, given the lot size requirements, a large setback such as this is not an issue. However, this lot is barely larger than 1 acre and the increased setback requirements do reduce the useable area of the 1.15 acre lot.

The applicant wishes to rezone the property to the R1-7 Residential zoning district. The R1-7 zoning district is Tooele City's most common residential zone permitting lots as small as 7,000 square feet with no lot size maximum. Lots may be a minimum of 60 feet wide and setbacks in that zone are 6 feet on the side yards and 20 feet on the rear yard. Rezoning the property does create a potential to subdivide the property into smaller lots, however, the applicant has not expressed that this is their intention.

The MU-160 zone also permits the keeping and raising of farm animals such as horses, cows, sheep, goats and llamas. The R1-7 Residential zone does not permit the keeping of animals beyond typical household pets such as cats and dogs or chickens, rabbits and ducks.

The property is currently zoned MU-160 but is also located within the sensitive area overlay. The purpose of the sensitive area overlay is to minimize the impact to sensitive areas, protect wild life habitats, protect watersheds, preserve natural phenomena and scenic areas, minimize the threat of fire, protect the public from natural hazards such as storm water runoff, erosion and landslides and a whole plethora of other issues as defined in Tooele City Code 7-12. The overlay does not stop development but does require increased requirements regarding slope, cut and fill of a site, grading, building placement and so forth. The applicant has not indicated in favor of removing or retaining the sensitive area overlay on the property.

A residential use on the property would not be out of character with the surrounding properties. There are single-family residential uses located to the east and southwest. There is a church building located to the north. To the south is an old boy scout structure and a demolished City water storage tank and, as mentioned above, a home can be constructed on the property under the current zoning designation.

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

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

- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

REVIEWS

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

- 1. A residential structure may be constructed on the property as it is currently zoned.
- 2. The MU-160 zone requires substantially greater setbacks for rear and side yards than a common single-family residential zone.
- 3. The MU-160 zone permits animals for agricultural purposes where the requested R1-7 Residential zone does not.
- 4. The existing lot(s) of record are legal lots but do not conform to the mandates of the MU-160 zoning district for lot size and lot width.
- 5. Rezoning the 1.15 acre parcel to R1-7 does create a possible subdivision of the property into multiple lots of 7,000 square feet or larger.
- 6. The property is located with the Sensitive Area Overlay zone.

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

STAFF RECOMMENDATION

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

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

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

proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Hall Zoning Map Amendment Request by Ronald Hall to reassign the subject properties to the R1-7 Residential zoning district application number P20-23, based on the findings listed in the Staff Report dated February 3, 2020:”

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 Hall Zoning Map Amendment Request by Ronald Hall to reassign the subject properties to the R1-7 Residential zoning district, application number P20-23, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE HALL REZONE ZONING MAP AMENDMENT

Hall Rezone



Aerial View

Hall Rezone



Current Zoning

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning, General Plan, & Master Plan
Map Amendment Application

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



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

P20-23
02-013-0-0022

Project Information			
Date of Submission: 1/9/2020	Current Map Designation: MU 160	Proposed Map Designation: R1-7	Parcel #(s): 02-013-0-0014
Project Name: REZONE			Acres: 1.151
Project Address: 6005 Canyon RD			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Project Summary: Rezone to R17 and make a 3 lot sub.			
Property Owner(s): Ronald L Hall		Applicant(s): Ronald L Hall	
Address: 176 Heritage Hill Drive		Address: 176 Heritage Hill Drive	
City: Tooele	State: Ut	Zip: 84074	City: Tooele
Phone: (801) 830-9507			Phone: (801) 830-9507
Contact Person: Ron Hall		Address: 176 Heritage Hill Drive	
Phone: (801) 830-9507		City: Tooele	State: Ut
Cellular: (801) 830-9507	Fax:	Email: uniqueexcavation11@gmail.com	

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

Note to Applicant:

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

2200023

For Office Use Only			
Received By: CA	Date Received: 1/9/20	Fees: 1,150⁰⁰	App. #: 00370021

Zoning Map Questions

Q1- MU 160

Q2- Currently it is a vacant lot surrounded by residential homes and a church, This land is now a throughfare

for vagrants and squatters. Developing this land would stop alot of this acivity.

Q3- All homes surrounding my lot are all R1-7 zoning except for the church, unknown zoning and Tooele City Corp.

Q4- This zoning would enable a nice subdivison with new homes to be built to enhance the look of the area and again

to stop the area from being used as a drug meeting place and a parking place for unlicensed vehicles.

Q5- Same as above it would help beautify what has become a slum area.

TOOELE CITY CORPORATION

ORDINANCE 2020-07

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE TITLE 6 (ANIMAL CONTROL) TO ACCOMMODATE THE UTAH COMMUNITY CAT ACT.

WHEREAS, Title 6 of the Tooele City Code regulates animals in Tooele City, including cats; and,

WHEREAS, Utah Code Chapter 11-46 Part 3, entitled Community Cat Act, exempts feral cats that have been spayed or neutered, and their ears clipped, as well as other community cats, from local animal control regulations; and,

WHEREAS, to comply with the Community Cat Act, it is necessary to amend Title 6 as shown in Exhibit A:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Title 6 (Animal Control) is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Proposed Amendments to TCC Title 6

CHAPTER 2. DEFINITIONS

6-2-1. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Title, shall have the meanings hereinafter designated:

"Animal" means any live, non-human vertebrate creature, whether wild or domesticated.

"Animal boarding establishment" means any establishment that takes in animals for boarding for profit.

"Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services to animals for profit.

"Animal shelter" and "shelter" means a public or private facility owned or operated by a governmental entity, by an established animal welfare society, or by a veterinarian and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

"Animal at large" means any domesticated animal, whether or not licensed, not under restraint.

"Animal under restraint" means any animal under the control of a person, except a dog shall not be considered under restraint unless on a leash or lead, within a secure enclosure, or otherwise security confined.

"Attack" or "attacking" means any menacing action by an animal which places a person or another animal in danger of imminent physical pain or impairment of physical condition. Actual physical contact shall not be required to constitute an attack. Attacking shall include chasing, nipping, or otherwise threatening.

"Bite" or "biting" means an animal's use of teeth upon a person or animal whether or not an injury actually results.

"Cat" means any feline of the domesticated types over four months of age. Any feline under four months of age is a kitten.

"Cattery" means a location where a person engages in boarding, breeding, buying, grooming, sheltering, or selling cats.

"Community cat" See Utah Code 11-46-302, as amended.

"Community cat caretaker" See Utah Code 11-46-302, as amended.

"Community cat colony" See Utah Code 11-46-302, as amended.

"Community cat program" See Utah Code 11-46-302, as amended.

"Commander" means the supervisor of the Division of Animal Control.

"Department" means the Tooele City Police Department.

"Division" means the Division of Animal Control, a division of the Tooele City Police Department.

"Dog" means any canis familiaris over four months of age. Any canis familiaris under four months of age is a

puppy.

"Domesticated animal" means an animal accustomed to living in or about the habitation of humans and other animals, including cats, dogs, fowl, horses, swine and goats.

"Ear-tipping" See Utah Code 11-46-302, as amended.

"Feral" See Utah Code 11-46-302, as amended.

"Guard dog" means a working dog which is kept under strict control such that it cannot come into direct contact with the public, including in a fenced run or other secure enclosure, or on a leash or lead, and located on a business premises as part of the business premises security.

"Harbor" means keeping, feeding, maintaining, sheltering, exercising ownership of, or caring for an animal.

"Holding facility" means any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, shelter, or any other such facility used for keeping animals.

"Impoundment" means taken into the custody of the Division or Department.

"Kennel" means a location where a person engages in boarding, breeding, buying, letting for hire, training for a fee or selling dogs.

"Leash or lead" means any chain, rope, or other similar device used to restrain an animal.

"Officer" means an Animal Control Division officer and a Department peace officer.

"Person" means an individual and any legal entity, including a corporation, firm, partnership, or trust.

"Pet" means a domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with the human environment. Pet does not include farm animals unless expressly included under other provisions of this Code.

"Pet shop" means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets are kept or displayed for sale.

"Provoked," "provoking," or "provocation" means any act by a person towards a dog or any other animal done recklessly, knowingly, or intentionally, to tease, torment, abuse, assault or otherwise cause a reaction by the dog or other animal, provided however, that any act by a person done with the intention to discourage or prevent a dog or other animal from attacking or biting shall not be considered to be a provocation.

"Quarantine" means the isolation of an animal in a secure enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

"Riding school" and "stable" mean an establishment which provides boarding or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

"Service animal" means an animal defined as a

service animal by the U.S. Department of Justice, and includes a dog that is individually trained to do work or perform tasks for a person with a disability.

“Sponsor of a community cat colony” See Utah Code 11-46-302, as amended.

"Stray" means any animal at large.

“Supervisor” means an animal shelter manager or officer manager, under the supervision of the commander.

"Wild animal," and exotic animal" mean any animal which is not commonly domesticated, or which is of a predatory nature that would constitute an unreasonable danger to human life, health or property if not kept or confined in a safe and secure manner, including those animals which, as a result of their natural condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include the following:

- (a) Alligators and crocodiles.
- (b) Bears (ursidae).
- (c) Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, and wildcats.
- (d) Dog family (canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote and part coyote.
- (e) Porcupine (erethizontidae).
- (f) Primate (hominidae). All subhuman primates, including apes, gorillas, monkeys, and lemurs.
- (g) Raccoon (procyonidae). All raccoons including eastern raccoon, desert raccoon and ring-tailed cat.
- (h) Skunks, except skunks that are de-scented and neutered or spayed.
- (i) Venomous fish and piranha.
- (j) Venomous snakes and lizards.
- (k) Weasels (mustelidae). All weasels, including martens, wolverines, badgers, otters, ermine, mink, mongoose, and ferrets, but excepting domesticated ferrets.

(Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008)
(Ord. 2006-19, 08-16-2006) (Ord. 2003-28, 12-17-2003)
(Ord. 1988-28,09-07-1988)

CHAPTER 3. LICENSING

6-3-1. Animal licensing requirements.

6-3-2. License tag.

6-3-3. Licensing exemptions.

6-3-4. Penalties.

6-3-1. Animal licensing requirements.

(1) All dogs and cats within Tooele City must be licensed each year, except as otherwise provided herein.

(2) Any person owning, possessing, or harboring any dog or cat shall obtain a license for such animal within 30 days after the dog or cat reaches the age of four months; or, in the case of a dog or cat over the age of four months, within 10 days of the acquisition of the dog or cat.

(3) License applications must be submitted annually to the Finance Department, utilizing a standard form which includes the name, address, and telephone number of the applicant; the name, breed, sex, color, and age of the animal; and full rabies immunization information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate.

(4) Dog and cat license fees shall be as established by resolution of the City Council.

(5) No dog or cat will be licensed as spayed or neutered without proof that such surgery was performed.

(6) The license shall be effective from the date of purchase through the end of February of the following year, after which a late fee shall be imposed. Licenses for the following year may be purchased as early as 90 days prior to the expiration of any year’s license.

(7) No person or persons may own or harbor at any one residence within Tooele City any combination of dogs and cats that exceeds a total of 4 animals.

(Ord. 2017-07, 03-15-2017) (Ord. 2008-11, 11-05-2008) (Ord. 2003, 12-17-2003) (Ord. 1994-55, 12-08-1994) (Ord. 1994-17, 03-15-1994) (Ord. 1988-28, 09-07-1988)

6-3-2. License tag.

(1) Upon payment of the license fee, the Finance Department shall issue to the owner a certificate and a tag for each dog and cat licensed. The tag shall have stamped thereon the license number corresponding with the tag number of the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be a violation of this Chapter.

(2) License tags are not transferable from one animal to another. No refunds will be made on any license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of \$5.00 to the Finance Department.

(3) Removing or causing to be removed, the collar, harness, or tag from any licensed dog or cat without the consent of the owner or keeper thereof, except a licensed veterinarian or Division officer shall be a violation of this Chapter.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-3-3. Licensing - exemptions.

(1) The licensing and fee provisions of Section 6-3-1 and 6-3-2 herein shall not apply to:

(a) individual dogs and cats within a properly licensed dog kennel, cattery, or other such establishment when such dogs or cats are held for resale.

(b) community cats that belong to a community cat colony as defined by Utah Code 11-46-302, as amended.

(2) The fee provisions of Sections 6-3-1 and 6-3-2 shall not apply to:

(a) Service animals.

(b) Dogs especially trained and used to assist officers and other officials of government agencies in the performance of their official duties.

(3) Nothing in this Section shall be construed so as to exempt any dog or cat from having a current rabies vaccination.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003) (Ord. 1981-14, 05-25-1981)

6-3-4. Penalties.

Every person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

CHAPTER 4. ANIMALS AT LARGE

6-4-1. Unlawful to harbor stray animals.

6-4-2. Animals running at large.

6-4-3. Animals on unenclosed premises.

6-4-4. Female animals in heat.

6-4-5. Places prohibited to animals.

6-4-6. Penalties.

6-4-1. Unlawful to harbor stray animals.

It is unlawful for any person to harbor any lost or strayed animal, **except for community cats**. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Division within 24 hours, and the Division shall impound the animal as herein provided.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)
(Ord. 1981-14, 05-25-1981)

6-4-2. Animals running at large.

It is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal to run at large at any time. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not such person knows the animal is running at large.

(Ord. 2017-07, 03-15-2017) (Ord. 1990-16, 09-11-1990)

6-4-3. Animals on unenclosed premises.

It is unlawful for any person to chain, stake out, or tether an animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owners of all affected adjacent properties.

(Ord. 2017-07, 03-15-2017) (Ord. 1981-25, 05-21-1981)

6-4-4. Female animals in heat.

It shall be unlawful for any owner or person having charge, care, custody, or control of any female animal in heat, in addition to restraining such animal from running at large, to fail to cause such animal to be constantly confined in a building or secure enclosure, except for planned breeding purposes.

(Ord. 2017-07, 03-15-2017) (Ord. 1981-14, 05-25-1981)

6-4-5. Places prohibited to animals.

(1) It is unlawful for any person to take or permit any animal, whether loose or on a leash or in the arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(2) It is unlawful for any person keeping, harboring, or having charge, care, custody, or control of any animal to allow the animal to be within Zone 1 of any designated

(March 28, 2017)

groundwater source protection area (within a 100-foot radius of a wellhead or spring collection area).

(3) This section shall apply to community cat colonies.

(4~~3~~) This Section shall not apply to service animals, as defined.

(Ord. 2017-07, 03-15-2017) (Ord. 2003-28, 12-17-2003)
(Ord. 1981-14, 05-25-1981)

6-4-6. Penalties.

Every person who violates any provision of this Chapter is guilty of a class C misdemeanor.

(Ord. 2003-28, 12-17-2003)

TOOELE CITY CORPORATION

RESOLUTION 2020-16

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A CONTRACT WITH
BROKEN ARROW, INC., FOR THE INSTALLATION OF RPZ STATION AT DOW
JAMES PARK.**

WHEREAS, the City Council and City Administration desire to use P.A.R. tax revenues to install a reduced pressure zone station at Dow James Park ("RPZ Station"), and,

WHEREAS, Broken Arrow, Inc., has submitted a price of \$43,700.00 to install the RPZ Station; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that a contract with the Contractor is hereby approved in the amount of \$43,700.00.

This Resolution is in the best interest of the general welfare of Tooele City and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Contract



AGREEMENT

TOOELE CITY CORPORATION, a municipal corporation of the State of Utah, (hereinafter "City"), and **Broken Arrow of 8960 Clinton Landing Road, Lake Point, Ut 84074.** a(n) _____ [individual/company type], (hereinafter "Contractor") enter into this Agreement on the 27 day of February, 2020 (the "Effective Date").

Now, therefore, in consideration of the promises contained in this Agreement, the City and the Contractor agree to the following:

1. Services (Scope of Work). The Contractor shall provide the following services to the City:
2. **Dow James Park: New 6" culinary hot tap, replace/ repair disturbed asphalt. Install 6" meter vault, (city will provide and install meter). Install 6" RPZ station on 4" concrete pad as required by enclosure size. Provide Locking solid enclosure. Provide concrete thrust block as required. Connect new 6" culinary connection to downstream of existing PRV. Install new 2" gate valve after new RPZ. Install new 6" gate valve after new RPZ. Install new 6" gate valve at new connection downstream of existing PRV. Install 2" connection to existing 2" secondary water line. Cut and plug existing 2" secondary line at existing secondary water connection prior to existing PRV. Replace/repair disturbed landscaped areas, and fencing**
3. Disclaimer of Right of Control. Contractor shall perform its duties competently. The City disclaims any right to control the Contractor's performance of the Services.
3. Compensation.
 - a. Rate. The City shall pay the Contractor the sum of **\$43,700.00** for fully performing the Services, pursuant to invoice.
 - b. Total Cost Contract. This Agreement is a "Total Cost Contract." The contract Rate includes all costs and expenses associated with the provision of the Services.
 - c. No Benefits. The parties specifically agree that as an independent contractor, Contractor neither claims nor is entitled to benefits accorded City employees.
4. Term of Agreement. Contractor shall fully perform the Services by **May 1, 2020.**
5. Termination. The City may terminate this Agreement at any time. Should the City terminate this Agreement prior to the Services being fully performed, the City shall pay for those Services performed.
6. Indemnification and Insurance.
 - a. Contractor Liability Insurance. Contractor shall obtain and maintain liability insurance in the amount of at least \$250,000.
 - b. Contractor Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims of liability for injury or damage caused by any act or omission of Contractor or its agents in performance of this Agreement.

- c. Contractor Workers Compensation Insurance. Contractor shall purchase and maintain workers compensation insurance for all of its employees. If Contractor is a sole proprietor, Contractor shall purchase and maintain workers compensation insurance or obtain an exclusion from Workers Compensation Fund of Utah.
 - d. Evidence of Contractor Insurance. Contractor shall provide written evidence of liability insurance and workers compensation insurance or exclusion to the City within ten (10) days of the Effective Date. The City will not make any payments under this Agreement until it receives from Contractor the evidence of insurance.
 - e. Status Verification Indemnification. Contractor shall indemnify and hold the City and its agents harmless from all claims resulting from any violation of immigration status verification obligations contained in U.C.A. §63G-11-103 et seq.
 - f. Post-Retirement Release. Contractor shall release the City from all claims related to any alleged violation of State of Utah post-retirement employment rules, and shall complete and return to the City the attached certification and release.
7. Business License. Contractor shall obtain a Tooele City business license as required by Tooele City Code §5-1-1 *et seq.*
 8. Complete Agreement. This Agreement is the only agreement or understanding between the parties, and may be modified or amended only by a written document signed by both parties.
 9. Waiver of Jury Trial. The Parties irrevocably waive any and all right to trial by jury in any legal proceeding arising out of or relating to this contract and the transactions contemplated.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

TOOELE CITY CORPORATION

CONTRACTOR

Debra E. Winn, Tooele City Mayor

Signature
Print Name/Title: _____

Attest:

Michelle Y. Pitt, Tooele City Recorder

SEAL

Approved as to form:

Roger Evans Baker, Tooele City Attorney

(Revised 05/24/2017)



**UTAH RETIREMENT SYSTEMS
POST-EMPLOYMENT/POST-RETIREMENT
RESTRICTIONS ACT CERTIFICATION & RELEASE**

Tooele City is a Utah Retirement System (URS) participating agency. As a participating agency, post-retirement employment/vendor/contractor rules apply. Post-retirement employment means returning to work either on our payroll or as a vendor/contractor for a URS participating employer following your retirement date with the Utah Retirement Systems. Different standards apply depending on whether you return to work within one year or after one year from your retirement date with URS.

You must separate from employment (including part-time and vendor/contractor arrangements) with any participating employer for one year following your retirement date with URS, unless eligible exclusions apply.

You are responsible for understanding post-retirement employment rules and ensuring there is no violation of such rules by providing services to Tooele City Corporation. **If you have any questions, call the URS office at 801-366-7770 or 800-695-4877 before you begin any work for or provide any services to Tooele City.**

CHECK APPLICABLE BOX:

- Contractor (a sole proprietor) certifies that he or she is NOT a Utah State Retirement Systems (URS) retiree and acknowledges that should he/she retire from the URS system in the future, he/she assumes all responsibility for compliance with post-retirement reemployment restrictions, notifications, and/or penalties that may occur at any time in the future.
- Contractor (on behalf of a partnership, LLC, company, or corporation) certifies that NO officer or principal is a Utah State Retirement Systems (URS) retiree and acknowledges that should he/she retire from the URS system in the future, he/she assumes all responsibility for compliance with post-retirement reemployment restrictions, notifications, and/or penalties that may occur at any time in the future.
- Contractor certifies that following contractor(s), officer(s) or principal(s) of the business ARE Utah State Retirement Systems (URS) retiree(s). Contractor further certifies that the URS office has been properly notified of post-retirement reemployment of such individuals. Contractor assumes all responsibility for compliance with post-retirement reemployment restrictions, notifications, and or/penalties that may occur at any time in the future if found to be in violation. URS Retirees:

Name: _____ Social Security Number: _____

Name: _____ Social Security Number: _____

[State law requires that the City, through Human Resources, provide such information to URS.]

As a condition of doing business with Tooele City, you hereby accept responsibility and waive all claims of joint liability against Tooele City for any violations of the URS post-retirement re-employment/vendor/contractor rules.

Contractor Signature

Date

TOOELE CITY CORPORATION

ORDINANCE 2020-04

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-19 REGARDING ACCEPTANCE OF PUBLIC IMPROVEMENTS.

WHEREAS, the Tooele City Charter created a form of government where legislative and executive power of city government are strictly separated into two branches of government, with the City Council exercising all legislative powers and the Mayor exercising all executive and administrative powers of the City (see Charter Section 2-02; see also UCA Chapter 10-3b Part 2 regarding the Council-Mayor separation of powers form of government); and,

WHEREAS, UCA Section 10-9a-601 empowers municipalities to enact subdivision ordinances consistent with state and federal land use law, and Tooele City has enacted TCC Chapter 7-19 governing subdivision applications and approvals (and TCC Chapter 7-11 regarding site plan approvals); and,

WHEREAS, in the course of land use application approval and implementation under TCC Chapters 7-11 and 7-19, developers must design and construct all public improvements required by the Tooele City Code and its adopted uniform codes, including the American Public Works Association (APWA) standards and specifications; and,

WHEREAS, public improvements are defined to be those public utility infrastructure improvements found within typical subdivision and site plan construction documents, as detailed in TCC Section 7-1-5 (definition of Public Improvements); and,

WHEREAS, public improvement easements and rights-of-way are dedicated (conveyed) to Tooele City with the recordation of subdivision plats or deeds of dedication, while the public improvements themselves are deemed conveyed to Tooele City for ownership and maintenance upon their acceptance by Tooele City; and,

WHEREAS, as currently enacted, the acceptance of public improvements is a formal statutory process, detailed in the City Code, culminating in the City Council's approval of a Resolution declaring particular public improvements accepted by Tooele City for City ownership and maintenance, subject to a one-year warranty period covering defects in materials and construction (see TCC Sections 7-19-12 and -32); and,

WHEREAS, the enactment by the City Council of the public improvement acceptance regulatory process is a legislative function, while the inspection and acceptance of public improvements is an administration function of administering and implementing the enacted regulatory process, appropriate for the City Administration (Mayor and administrative departments); and,

WHEREAS, the City Administration recommends that it be permitted to perform its administrative functions regarding the acceptance of public improvements by implementing an administrative acceptance process, including a Certificate of Completion and Acceptance of public improvements; and,

WHEREAS, the City Council requests the ability to participate in the process of public improvement acceptance, as a check upon the executive power, by signing the Certificate of Completion and Acceptance of those improvements; and,

WHEREAS, attached as Exhibit A are proposed amendments to TCC Chapter 7-19 regarding the administrative acceptance of public improvements; and,

WHEREAS, attached as Exhibit B is the form of the Certificate of Completion and Acceptance by which the administrative acceptance of public improvements will be accomplished; and,

WHEREAS, this Ordinance 2020-04 will honor and implement the separation of powers paradigm established in the Tooele City Charter and UCA Chapter 10-3b, and will lead to increased efficiency in the City's legislative and administrative processes, and is therefore in the best interest of Tooele City:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 7-19 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

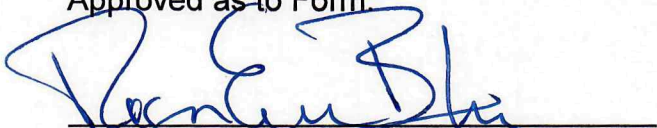
(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:



Roger Evans Baker, Tooele City Attorney

Exhibit A

Proposed Amendments to TCC Chapter 7-19

CHAPTER 19. SUBDIVISIONS

- 7-19-1. Application of chapter.
- 7-19-2. General provisions.
- 7-19-3. Interpretation.
- 7-19-4. Severability.
- 7-19-5. Rules of interpretation.
- 7-19-6. Property line adjustments.
- 7-19-6.1. Property Combinations.
- 7-19-7. Applicability of this Chapter.
- 7-19-8. Procedure for approval of preliminary plan.
- 7-19-9. Plats and data for approval of preliminary plan.
- 7-19-10. Procedure for approval of the final plat.
- 7-19-11. Plats and data for final approval.
- 7-19-12. Public Improvements; bonds and bond agreements; warranty.
- 7-19-13. Applications for Reimbursement.
- 7-19-14. Failure to act, effect.
- 7-19-15. Phased development.
- 7-19-16. Design standards.
- 7-19-17. Streets.
- 7-19-17.1. Double-frontage lots - definitions - design - maintenance.
- 7-19-18. Easements.
- 7-19-19. Blocks.
- 7-19-20. Lots.
- 7-19-20.1. Flag Lots.
- 7-19-21. Required land improvements.
- 7-19-22. Street signs.
- 7-19-23. Monuments and markers.
- 7-19-24. Public utilities.
- 7-19-25. Sidewalks required - specifications.
- 7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
- 7-19-27. Sanitary sewers.
- 7-19-28. Engineering specifications.
- 7-19-29. Water service.
- 7-19-30. Trench backfill.
- 7-19-31. Filing of engineering plans and review fee.
- 7-19-32. Acceptance of ~~required land public~~ improvements by the city.
- 7-19-33. Building permits.
- 7-19-34. Final Plat execution, delivery, and recordation.
- 7-19-35. Minor Subdivision - Exemptions from preliminary plan requirement.
- 7-19-36. Effect of revocation and voiding.

7-19-1. Application of chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, except in conformity with the provisions of this ordinance. The subdivision plans and plats, proposed improvements to be installed and all procedures relating thereto, shall in all respects be

in full compliance with the regulations of this Chapter. (Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land shall hereafter be laid out within the incorporated limits of the City, the subdivider thereof or his agent shall submit both a preliminary plan and final subdivision plat to the City for its approval. The subdivision plats and all procedures relating thereto shall in all respects be in full compliance with these regulations.

(2) Until preliminary plans for the subdivision are approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale or option be made or given.

(c) No improvements - such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, lighting, grading, paving or surfacing of streets - shall hereafter be made by any owner or owners or his or their agent or by any public service corporation at the request of such owner or owners or his or their agent.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Federal Flood Insurance Program Administrator, and areas subject to poor drainage will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision plan to the satisfaction of the City.

(3) Where a trace of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the Planning Commission may, before approval, cause to be prepared a plan for the entire unit, such plan to be used by the Planning Commission as an aid in judging the merits of the proposed plat.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary plan but prior to the approval of a final subdivision plat shall apply to that plat to the extent that they do not alter the plat's use, density, or configuration. For purposes of this Chapter, the words use, density, and configuration shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City zoning ordinance at the time of complete preliminary plan submission;

(b) density: the number of lots contained in a preliminary plan approved by the City Council;

(c) configuration: the general manner in which the density is laid out in a preliminary plan approved by the City Council.

(5) Amendments to the City Code enacted by the City Council shall apply to the use, density, and

7-19-12. Public Improvements; bonds and bond agreements; warranty.

Public improvements shall be completed pursuant to the following procedure:

(1) After approval of the preliminary plan, the subdivider shall submit present plans and specifications for all public improvements to the Public Works Department city Engineer for review and approval.

(a) If engineering-submitted plans require substantial changes from the approved preliminary plan, the subdivider shall revise and re-submit the public improvements plans and specifications.

(b) Re-submissions shall not require the payment of additional fees to the City. The City, however, shall not be responsible for the cost of any revisions or for any costs incurred due to delays caused by requiring the revisions.

(c) No public improvements may be constructed prior to final plat or other final land use approval.

(2) Upon approval of the plans and specifications by the City Engineer, the final plat shall be submitted to the City Council for approval, modification, or disapproval.

(3) All public improvements shall be completed within 1 one-year from the date of final plat approval. The City Council may grant a maximum of two 6-month extensions upon receipt of a written petition and upon a finding of unusual circumstances. Petitions for extension must be filed with the City Recorder prior to expiration of the applicable 1-year period or 6-month extension. If the public improvements are not completed with the time allowed under this Section, no further approvals of any land use application shall be issued to the subdivider responsible for completing the public improvements, and no further plats or phases shall be approved within the preliminary plan or project area in which the public improvements are incomplete.

(4) (a) Except as provided below, all public improvements associated with a subdivision final plat must be completed, inspected, and accepted pursuant to Section 7-19-325, below, prior to the recordation of that plat.

(b) A subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the plat's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure completion of all public improvements required to be installed in the subdivision and to warrant the quality of their construction.

(c) Where public improvements are constructed without a bond and bond agreement, under no circumstances shall such public improvements be connected to the City's water distribution, sewer collection, storm drain collection, and road right-of-way systems prior to recordation of the associated final

subdivision plat or without bonding for the public improvements located within City rights-of-way pursuant to this Section.

(5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement shall be signed by the Mayor and, the City Attorney, and the City Engineer. The agreement shall include, without limitation, the following:

(a) Incorporation by reference of the final plat, final plat documents, public improvements plans and specifications, and all data required by this Chapter which is used by the City Engineer to estimate the cost of the specific public improvements.

(b) Incorporation by exhibit of the City Engineer's approved estimate of the cost of the specific public improvements.

(c) Completion of the public improvements within the period of time described in subsection (3), above.

(d) Completion of the public improvements in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application to the satisfaction of City inspectors and according to City standards, as established by the Tooele City Code and City policies.

(e) Establishment of the bond amount. The bond amount shall include the following:

(i) the subdivider's estimated cost of the public improvements to be installed, as reviewed and approved by the City Engineer or designee; and,

(ii) a reasonable contingency of 20% of the estimated cost, intended to cover the costs of inflation and unforeseen conditions or other circumstances.

(f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.

(g) The bond proceeds may be reduced upon written request of the subdivider as the improvements are installed and upon approval by City inspectors on a City inspection report form. The amount of the reduction shall be determined by reference to the City Engineer's estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.

(h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as provided in Sections 7-19-12(7) and 7-19-325, herein. Any bond amount reduction shall not be deemed as an indication of public improvement completion or acceptance.

(i) If the bond proceeds are inadequate to pay the cost of the completion of the public improvements

~~according to City standards~~ for whatever reason, including previous ~~bond~~ reductions, then the subdivider shall be responsible for the deficiency. Until the ~~public~~ improvements are completed or, with City Council approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:

(i) no further plats shall be approved within the preliminary plan or project area in which the improvements are to be located; and,

(ii) no further building permits shall be issued in the subdivision.

(j) If, after expiration of the bond agreement time period, the bond proceeds are not transferred to the City within 30 days of the City's written demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.

(k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in this Chapter.

(6) Bond agreements shall be one of the following types:

(a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form.

(b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.

(c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.

(7) Warranty.

~~(a) The Subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance by Resolution of the City Council, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is inadequate to protect the public health and safety.~~

(b) The one-year warranty period shall commence on the date of a Certificate of Completion and Acceptance signed by:

(i) the City Council Chair or designated City Council member;

(ii) the Director of Public Works or designee;

(iii) The Director of Community Development or designee;

(iv) the City Engineer; and,

(v) the City inspector responsible for

inspecting the relevant public improvements.

(c) A Certificate of Completion and Acceptance shall not be deemed an acceptance of defects in materials or workmanship that are determined to exist in the public improvements before the end of the one-year warranty period.

(d) The one-year warranty period will be considered successfully concluded only upon the occurrence of the following:

(i) an end-of-warranty inspection signed by a City inspector indicating that the public improvements are free of defects in materials and workmanship; and,

(ii) the signature of the Public Works Director on an End-of-Warranty Certificate.

(8) Two or more final subdivision plats may be approved and developed simultaneously where all public improvements associated with the plats are bonded for as if they were one plat.

(9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction, as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2013-10, 06-05-2013) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 2000-24, 12-06-2000) (Ord. 1998-21, 07-01-1998) (Ord. 1996-26, 12-04-1996) (Ord. 1977-18, 10-19-1977)

7-19-13. Applications for Reimbursement.

(1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.

(2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:

(a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards and specifications for the Eligible Public Improvements by 10% or more; and,

(b) the Cost Differential exceeds \$5,000; and

(c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and

(d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,

(e) the Prior Developer files an Application for

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-01-1988) (Ord. 1977-18, 10-19-1977)

7-19-30. Trench backfill.

All trench work shall conform to the provisions of Title 4 Chapter 9 of the Tooele City Code.

(Ord. 2015-07, 03-18-2015) (Ord. 1987-24, 01-02-1988) (Ord. 1977-19, 10-19-1977)

7-19-31. Filing of engineering plans and review fee.

(1) One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final plat by the Planning Commission. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.

(2) A plan review fee, based upon the following percentages of total land improvements costs, as estimated by the design engineer and approved by the City Engineer, shall be submitted with the plans and specifications required above:

(a) 1.5% of the construction cost of the improvements when such cost is \$50,000 or less.

(b) 1% of the construction cost of the improvements when such cost is over \$50,000 but less than \$250,000.

(c) 0.75% of the construction cost of the improvements when such cost is over \$250,000.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 1977-18, 10-19-1977)

7-19-32. Acceptance of ~~required—land—public~~ improvements ~~by the city~~.

(1) Public improvements shall be deemed completed and accepted only upon the occurrence of all of the following:

~~(1a)~~ the completion of the construction of all ~~required—public~~ improvements, in ~~accordance conformance~~ with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application;

~~(2b)~~ the submission to the City Engineer or Public Works Director by the design engineer engaged by the subdivider, builder, or land developer of three certified sets of as-built plans, as well as an AutoCAD copy of such as-built ~~plans/plats~~;

~~(3c)~~ a start-of-warranty inspection by a

City inspector indicating that the public improvements verification by the City Engineer or Public Works Director that all public improvements have been satisfactorily completed in accordance with the land use approval, City standards and specifications, and the approved engineering plans and specifications associated with the land use application; and,

(d) a fully signed Certificate of Completion and Acceptance referencing the completed public improvements.

~~(24) Completed public improvements shall not be accepted by the City prior to recordation of the approved final subdivision plat mylar in the office of the Tooele County Recorder, the City Council's approval of a resolution accepting the public improvements. Public improvements shall not be deemed completed and accepted by the City as City-owned and maintained improvements until the approval of said resolution. The one-year warranty period described in Section 7-19-12, above, shall commence on the date the resolution is approved.~~

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-33. Building permits.

(1) ~~Except as required by Utah statute, No~~ building permit shall be issued for the construction of any residential building, structure, or improvement to the land or any lot within a residential subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this Chapter have been complied with, including expressly the requirement to complete public improvements. The Building Official may issue building permits for noncombustible residential construction when his/her justification is entered into the City address file, after the developer increases any required bonds for one additional year, and after the finished street, curb and gutter, and all public utilities under the street are installed and have been approved by a qualified City inspector. Notwithstanding Chapter 7-22 herein, under no circumstances shall a Certificate of Occupancy be issued until all requirements of this Chapter have been complied with.

(2) A building permit may be issued for noncombustible commercial construction prior to all requirements of this Chapter being completed after all of the following conditions are met:

(a) all public utilities required to be within the road right-of-way have been completed, compacted, tested, inspected, and certified;

(b) the complete width and depth of required road base has been installed, compacted, tested, inspected, and certified to grade, with all test results turned into the Public Works Department;

(c) all required bonding shall be extended for

one additional year;

(d) the developer shall make available tire cleaning areas where the road is accessed; and,

(e) a road width of not less than 28 feet shall be maintained throughout the project until the finished road surface is in place.

(3) Prior to the finished surface being added to the road, a certified geotechnical report shall be obtained from a qualified engineer and turned in to the Public Works Department. The report shall stipulate that the minimum road base is in place, is compacted, is free of contamination, and will support the load for which it was designed.

(4) Notwithstanding Chapter 7-22, herein, under no circumstances will any Certificate of Occupancy be issued for any building, structure, or improvement until all requirements of this Chapter have been complied with.

(5) The issuance of a building permit or an occupancy permit within a subdivision shall not be deemed as an indication that the public improvements within the subdivision are completed or accepted by the City.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010) (Ord. 2005-17, 06-15-2005) (Ord. 1977-18, 10-19-1977)

7-19-34. Final plat execution, delivery, and recordation.

(1) The subdivider shall deliver to the City the fully executed final plat within 90 days of final plat approval. Failure to fully execute the final plat, or to deliver the fully executed final plat to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final plat approval.

(2) No changes to the approved final plat may be made without the written approval of the City.

(3) Tooele City shall promptly record an approved final subdivision plat with the Tooele County Recorder upon the occurrence of one of the following:

(a) acceptance of all public improvements associated with the final plat pursuant to Section 7-19-325, above; or,

(b) execution of a bond agreement pursuant to Section 7-19-12, above.

(4) The subdivider shall pay all fees associated with the recordation of the approval final plat.

(Ord. 2015-07, 03-18-2015) (Ord. 2014-10, 01-07-2015) (Ord. 2004-02, 01-07-2004) (Ord. 1977-18, 10-19-1977)

7-19-35. Minor Subdivision - Exemptions from preliminary plan requirement.

(1) A subdivision is considered a minor subdivision and exempt from the preliminary plan requirement of this Chapter if:

(a) it contains less than ten lots;

(b) it does not contain a right-of-way dedication for public street; and,

(c) it does not involve off-site water or sewer utilities.

(2) Information normally required as part of the preliminary plan application may be required by the Public Works and Community Development Departments as part of a minor subdivision final plat application.

(Ord. 2015-07, 03-18-2015) (Ord. 2010-05, 06-02-2010)

7-19-36. Effect of revocation and voiding.

Any preliminary plan or final subdivision plat approval revoked or rendered void pursuant to the provisions of this Chapter 7-19 shall cause any new application of approval to be subject to the laws, ordinance, and policies of Tooele City current as of the date of the completed new application.

(Ord. 2015-07, 03-18-2015) (Ord. 2004-02, 01-07-2004)

Exhibit B

Form of:

Certificate of Completion and Acceptance

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



Certificate of Completion of Public Works

(Start of One-Year Warranty)

Date:

Permit No:	Public Work Elements	Completed	Not Required
Project Name:	<i>Culinary Water</i>	<input type="checkbox"/>	<input type="checkbox"/>
Address:	<i>Water Services</i> _____ <small>initial</small>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Secondary Water Sewer</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Storm Drain / Pond</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Roads</i>	<input type="checkbox"/>	<input type="checkbox"/>
Owner/Developer:	<i>Curb & Gutter</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Sidewalk</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Street Lights</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Landscaping</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Other:</i>	<input type="checkbox"/>	<input type="checkbox"/>

** 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	_____
_____	Water Services	_____
_____	Public Works	_____
_____	Community Development	_____
_____	Mayor	_____

Acknowledged and Accepted

_____ City Council Chairperson _____ Date

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



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

Permit No:

Page 2 of 2

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



Certificate of Acceptance of Public Works
(End of One-Year Warranty)

Date:

Permit No:	Public Work Elements*	Completed	Not Required
Project Name:	<i>Culinary Water</i>	<input type="checkbox"/>	<input type="checkbox"/>
Address:	<i>Water Services</i> _____ <small>initial</small>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Secondary Water Sewer</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Storm Drain / Pond</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Roads</i>	<input type="checkbox"/>	<input type="checkbox"/>
Owner/Developer:	<i>Curb & Gutter</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Sidewalk</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Street Lights</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Landscaping</i>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Other:</i>	<input type="checkbox"/>	<input type="checkbox"/>

** 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, all public improvements for the above referenced project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards. It is hereby recommended that the City Council accept the associated public improvements at this time.*

Recommended By	Title	Date
_____	Civil Inspector	_____
_____	Water Services	_____
_____	Public Works	_____
_____	Community Development	_____
_____	Mayor	_____

Acknowledged and Accepted _____

 City Council Chairperson _____ Date _____

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



Certificate of Acceptance of Public Works
(End of One-Year Warranty)

Permit No:

Page 2 of 2

TOOELE CITY CORPORATION

ORDINANCE 2020-05

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-19 REGARDING APPROVAL OF SUBDIVISION FINAL PLAT APPLICATIONS.

WHEREAS, the Tooele City Charter created a form of government where legislative and executive power of city government are strictly separated into two branches of government, with the City Council exercising all legislative powers and the Mayor exercising all executive and administrative powers of the City (see Charter Section 2-02; see also UCA Chapter 10-3b Part 2 regarding the Council-Mayor separation of powers form of government); and,

WHEREAS, UCA Section 10-9a-601 empowers municipalities to enact subdivision ordinances consistent with state and federal land use law, and Tooele City has enacted TCC Chapter 7-19 governing subdivision applications and approvals; and,

WHEREAS, in the course of land use application approval and implementation under TCC Chapter 7-19, developers must make application for approval of a subdivision final plat following approval of, and with consistency to, subdivision preliminary plan applications which includes design and construction plans for all public improvements required by the Tooele City Code and its adopted uniform codes, including the American Public Works Association (APWA) standards and specifications; and,

WHEREAS, as currently enacted, the approval of subdivision final plat applications is a formal statutory process, detailed in the City Code, culminating in the City Council's approval and signatures on the application's mylar plat map declaring the application approved (see TCC Section 7-19-10); and,

WHEREAS, under Utah state law the predominant entitlement for development activity occurs and is formalized with the approval of a preliminary plan for a subdivision, with the final plat approval process serving more, as its name suggests, as a finalization and less rigorous procedure than the preliminary plan procedure; and,

WHEREAS, the enactment by the City Council of the subdivision approval ordinance and regulatory process is a legislative function, while the approval of subdivision final plats is an administration function of administering and implementing the enacted regulatory process, appropriate for the City Administration (Mayor and administrative departments); and,

WHEREAS, the City Administration recommends that it be permitted to perform its administrative functions regarding the approval of subdivision final plat applications by implementing an administrative approval process; and,

WHEREAS, the City Council requests the ability to participate in the process of approving subdivision applications, as a check upon the executive power, through a public review and approval of the subdivision preliminary plan application and by the signature of the City Council Chairperson on the final plat mylar map; and,

WHEREAS, attached as Exhibit A are proposed amendments to TCC Chapter 7-19 regarding the administrative approval of subdivision final plat applications; and,

WHEREAS, this Ordinance 2020-05 will honor and implement the separation of powers paradigm established in the Tooele City Charter and UCA Chapter 10-3b, and will lead to increased efficiency in the City's legislative and administrative processes, and is therefore in the best interest of Tooele City:

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

WHEREAS, on _____, 2020, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 7-19 is hereby amended as shown in Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

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- 7-19-22. Street signs.
- 7-19-23. Monuments and markers.
- 7-19-24. Public utilities.
- 7-19-25. Sidewalks required - specifications.
- 7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
- 7-19-27. Sanitary sewers.
- 7-19-28. Engineering specifications.
- 7-19-29. Water service.
- 7-19-30. Trench backfill.
- 7-19-31. Filing of engineering plans ~~and review fee~~.
- 7-19-32. Acceptance of required land improvements by the city.
- 7-19-33. Building permits.
- 7-19-34. Final Plat execution, delivery, and recordation.
- 7-19-35. Minor Subdivision - Exemptions from preliminary plan process ~~requirement~~.
- 7-19-36. Effect of revocation and voiding.

7-19-8. Procedure for approval of preliminary plan.

- (1) Pre-Development Review. Prior to the submission of any land use application, the applicant may and is strongly encouraged to attend a pre-development meeting to review the proposed land development activity and its use, the site, area of potential conformity or conflict with the City's development policy, and the process by which the proponent may proceed to seek a permit for the

proposed land development activity sought by the applicant. The pre-development meeting shall concern all aspects of the application proposal as it relates to applicable ordinances and laws, policy considerations, land uses proposed, neighboring properties and uses, community aesthetics and standards, and any other issue that may affect the approvability of the application or the implementation of the proposal.–Applications to be reviewed during a pre-development meeting shall be scheduled for the next reasonably available meeting according to the Community Development Departments regular meeting schedule.

- (2) Preliminary Plan Preparation. The applicant shall cause to be prepared the preliminary plan which shall include all of the property to be subdivided or developed by the applicant as well as all other property owned or controlled by the applicant which is adjacent to or considered contiguous to the portion to be subdivided or developed. The applicant shall also prepare such other supplementary material as was specified by the City in the pre-development meeting, as well as a written application for approval of the land use proposed. The applicant shall deliver copies of the proposed preliminary plan for review to the Community Development Department and to the Tooele Post Office, Tooele County School District, the Tooele County Health Department, County Surveyor, and each non-City utility company involved in the subdivision or development.
- (3) Planning Commission Review. Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary plan to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, and Health Department.
 - (a) The Planning Commission shall approve, approve with conditions, or disapprove the proposed preliminary plan and submit its recommendation to the City Council. An application shall not be approved until receiving all the signatures listed in subsection (2) above.
 - (b) If the Planning Commission finds that changes, additions, or corrections are required on the preliminary plan, the Commission shall so advise the applicant on the record in a public meeting or in writing. The applicant may resubmit the preliminary plan to the Commission without paying an additional fee. The Commission shall approve, approve with conditions, or disapprove the revised preliminary plan and submit its recommendations in writing to the City Council.
- (4) City Council Review. The City Council shall accept, accept with conditions, or reject said plan within a reasonable time following the action of the Planning Commission.
- (5) Preliminary Plan Approval. The following qualifications shall govern approval of the preliminary plan:
 - (a) Approval of the preliminary plan by the Planning Commission is tentative only, involving merely the general acceptability of the layout as submitted.
 - (b) Approval of the preliminary plan shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Council grants an extension in a public meeting, not to exceed six months, upon written request of the developer. The request for said extension shall not require an additional fee, or the submittal of additional copies of the preliminary plan of the subdivision. If the application for final plat approval is not submitted to the Community Development Department prior to the expiration of said one year period which begins to run from the date that the preliminary plan is approved by the Council, the approval of the said preliminary plan automatically lapses and is void and of no further force or effect. Thereafter, the developer must recommence the application process then in effect.
 - (c) Where a preliminary plan contemplates more than one final subdivision plat or phase, the failure of a subdivider to submit a completed final plat application for a second or subsequent phase within the scope of the same subdivision preliminary plan final plat within ~~two-one~~ years of acceptance of public improvements from the previous subdivision phase final plat approval by the City Council shall cause the ~~City Council~~ approval for all un-platted portions of the preliminary plan to automatically lapse and expire and become of no further force or effect. Thereafter, the

subdivider must recommence the land use application process then in effect.

7-19-10. Procedure for approval of the final plat.

- (1) The final plat shall conform substantially to the preliminary plan as approved, and, if desired by the subdivider, may constitute only that portion of the approved preliminary plan which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations and the approval of the preliminary plan.
- (2) Application for approval of the final plat, including all engineering drawings, shall be submitted in writing to the Community Development Department and shall be accompanied by the fee and engineering review fee as required by the City Code. The application must be completed, including all corrections and required documentation, before the application can be accepted and reviewed by the City at least 15 days prior to the regular meeting of the Planning Commission for its review and recommendation.
- (3) The final engineering plans and specifications, consistent with the approved preliminary plan, as well as an AutoCAD copy of the development plans, shall be submitted to the Community Development Department within one year after approval of the preliminary plan and before the approval review of the final plat application; unless, prior to the one-year period lapsing, the City Council grants an extension, not to exceed six months, upon written request of the developer. Such extension will not require an additional fee or filing or additional copies of the plat. If the final plat is not submitted to the Community Development Department prior to the expiration of said one-year period, which begins to run from the date that the preliminary plan is first approved by the Council, the approval of the said preliminary plan automatically lapses and is void and is of no further force or effect. Thereafter, the developer must recommence the application process as then in effect. The subdivider shall make all revisions required by the City promptly and with reasonable diligence.
- (4) ~~Within two months after its meeting at which time the application for~~ An application for approval of a final subdivision plat shall be reviewed and, upon findings by the Community Development and Public Works Departments and the City Engineer that all applicable requirements of this Title and conditions of the preliminary plan approval have been met, approval of the application issued in writing by the Community Development Department. Upon approval of the final plat is submitted and submission of the final plat mylar, the Community Development Department shall secure final plat mylar signatures of the Planning Commission Chairperson and the City Council Chairperson shall recommend approval or disapproval. If the Commission recommends approval of the plat, it shall affix upon the plat the certifying signatures of its chairman and members voting in favor of approval, and submit the plat along with its recommendations to the City Council. If it recommends disapproval, the Commission shall set forth the reasons in its own records, which may include the meeting minutes.
- (5) Filing:
 - (a) Prior to ~~consideration~~ approval of the final plat ~~by the Planning Commission~~, and the fulfillment of the requirements of these regulations, one mylar of the final plat of the subdivision, not to exceed 36 inches by 48 inches in size, shall be submitted to the Community Development Department ~~at least 15 days before a regular meeting of the Planning Commission.~~
 - (b) ~~Action must be taken by the Council within two months after the meeting at which the final plat and all drawings, maps and other documents regarding the development have been submitted for its approval. The Council may extend the two month period upon a two-thirds vote of its members.~~
- (6) Recordation. Tooele City will record the final plat mylar with the Tooele County Recorder pursuant to Section 7-19-39, below.

7-19-11. Plats, plans and data for final approval.

- (1) The final plat shall be drawn in ink on tracing cloth on sheets not to exceed 36 inches by 48 inches and ~~shall be at~~ a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections compliant with City requirements satisfactory to the Planning Commission. The final plat shall show the following:
 - (a) Primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
 - (b) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings and deflection angles and radii, arcs and central angles of all curves.
 - (c) Name and right-of-way width of each street or other right-of-way.
 - (d) Location, dimensions and purpose of any easements.
 - (e) Number to identify each lot or site and block.
 - (f) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - (g) Proposed building set-back lines on all lots and other sites.
 - (h) Location and description of monuments.
 - (i) Certification by a registered land surveyor licensed by the State of Utah certifying to the accuracy of the survey and plat.
 - (j) Certification of the County Treasurer showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
 - (k) Dedication by the owners of the tract of all streets, easements and rights-of-way to the public, and other proposed public way or space shown on the plat.
 - (l) Certification of title showing that the applicant is the owner or agent of the owner.
 - (m) Proper form for the approval of the Council, with space for the signatures of the Council Chairperson ~~members~~.
 - (n) Approval by signatures of those persons or departments with signature lines on the final plat.
 - (o) Name of the subdivision.
 - (p) Location by section, township and range.
 - (q) Title, scale, north arrow and date.
 - (r) Other items or information reasonably required by the City.
- (2) Cross sections and profiles of streets showing grades. The scales and elevations shall be based on the U.S.G.S. Datum Plane.
- (3) Protective covenants in form for recording.

7-19-12. Public Improvements; bonds and bond agreements.

Public improvements shall be completed pursuant to the following procedure:

- (1) After approval of the preliminary plan, the subdivider shall present plans and specifications for all public improvements to the city Engineer for review and approval.
 - (a) If engineering plans require substantial changes from the approved preliminary plan, the subdivider shall revise and re-submit the public improvements plans and specifications.
 - (b) Re-submissions shall not require the payment of additional fees to the City. The City, however, shall not be responsible for the cost of any revisions or for any costs incurred due to delays caused by requiring the revisions.
 - (c) No public improvements may be constructed prior to final plat approval.
- (2) Upon approval of the final plat, plans, and specifications ~~by the City Engineer~~, the Community Development Department shall provide written notice to the applicant of final plat approval ~~shall be submitted to the City Council for approval, modification, or disapproval~~.

- (3) All public improvements shall be completed within one year from the date of written final plat approval. The City Council may grant a maximum of two 6-month extensions upon receipt of a written petition and upon a finding of unusual circumstances. Petitions for extension must be filed with the City Recorder prior to expiration of the applicable 1-year period or 6-month extension. If the public improvements are not completed with the time allowed under this Section, no further approvals of any land use application shall be issued to the subdivider responsible for completing the public improvements, and no further plats shall be approved within the preliminary plan or project area in which the public improvements are incomplete.
- (4) (a) Except as provided below, all public improvements associated with a subdivision final plat must be completed, inspected, and accepted pursuant to Section 7-19-35, below, prior to the recordation of that plat.
- (b) A subdivision final plat may be recorded prior to the completion, inspection, and acceptance of the plat's public improvements where the subdivider submits a bond and executes a bond agreement compliant with this Section. The purpose of the bond and bond agreement is to insure completion of all public improvements required to be installed in the subdivision and to warrant the quality of their construction.
- (c) Where public improvements are constructed without a bond and bond agreement, under no circumstances shall such public improvements be connected to the City's water distribution, sewer collection, storm drain collection, and road right-of-way systems prior to recordation of the associated final subdivision plat or without bonding for the public improvements located within City rights-of-way pursuant to this Section.
- (5) Bond agreements shall be in the form and contain the provisions approved by the City Attorney. The agreement shall be signed by the Mayor, the City Attorney, and the City Engineer. The agreement shall include, without limitation, the following:
- (a) Incorporation by reference of the final plat, final plat documents, public improvements plans and specifications, and all data required by this Chapter which is used by the City Engineer to estimate the cost of the specific public improvements.
- (b) Incorporation by exhibit of the City Engineer's estimate of the cost of the specific public improvements.
- (c) Completion of the public improvements within the period of time described in subsection (3), above.
- (d) Completion of the public improvements to the satisfaction of City inspectors and according to City standards, as established by the Tooele City Code and City policies.
- (e) Establishment of the bond amount. The bond amount shall include the following:
- (i) the subdivider's estimated cost of the public improvements to be installed, as reviewed and approved by the City Engineer or designee; and,
- (ii) a reasonable contingency of 20% of the estimated cost, intended to cover the cost of inflation and unforeseen conditions or other circumstances.
- (f) The City shall have exclusive control over the bond proceeds, which may be released to the subdivider only upon written approval of the City Attorney.
- (g) The bond proceeds may be reduced upon written request of the subdivider as the improvements are installed and upon approval by City inspectors on a City inspection report form. The amount of the reduction shall be determined by reference to the City Engineer's estimate attached to the bond agreement, with assistance from the City Engineer, as necessary. Such requests may be made only once every 30 days. All reductions shall be by the written authorization of the City Attorney.
- (h) Bond proceeds may be reduced by no more than 90% of the total bond amount, the remaining 10% being retained to guarantee the warranty and maintenance of the improvements as

provided in Sections 7-19-12(7) and 7-19-35, herein. Any bond amount reduction shall not be deemed as an indication of public improvement completion or acceptance.

- (i) If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, then the subdivider shall be responsible for the deficiency. Until the improvements are completed or, with City Council approval, a new bond and bond agreement have been executed to insure completion of the remaining improvements:
 - (i) no further plats shall be approved within the preliminary plan or project area in which the improvements are to be located; and,
 - (ii) no further building permits shall be issued in the subdivision.
 - (j) If, after expiration of the bond agreement time period, the bond proceeds are not transferred to the City within 30 days of the City's written demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs and any outside attorney's fees and costs, shall be deducted from the bond proceeds.
 - (k) The subdivider agrees to indemnify and hold the City harmless from any and all liability and defense costs which may arise as a result of those public improvements which are installed until such time as the City accepts the public improvements as provided in this Chapter.
- (6) Bond agreements shall be one of the following types:
- (a) An irrevocable letter of credit with a financial institution federally or state insured, upon a current standard letter of credit form, or including all information contained in the current standard letter of credit form.
 - (b) A cashier's check or a money market certificate made payable only to Tooele City Corporation.
 - (c) A guaranteed escrow account from a federally or state insured financial institution, containing an institution guarantee.
- (7) Warranty. The Subdivider shall warrant and be responsible for the maintenance of all improvements for one year following their acceptance by Resolution of the City Council, and shall guarantee such warranty and maintenance in the above-described bond agreements. The City may extend the warranty period upon a determination of good cause that the one-year period is inadequate to protect the public health and safety.
- (8) The final plat applications for two or more final subdivision phases plats may be approved and the entirety of property within those phases developed simultaneously where all public improvements associated with the plats are bonded for and constructed as if they were one phase plat. An application for final plat approval of multiple phases shown on the approved preliminary plan may also be approved under a single application when the final plat reflects all requested phases as a single phase in the overall configuration of the approved preliminary plan.
- (9) The subdivider's bond in no way excuses or replaces the obligation to complete public improvement construction, as required in this Section. Nothing in this Section shall require the City to liquidate bonds, spend bond proceeds, or complete public improvements. Any undertaking on the part of the City to liquidate a bond, spend bond proceeds, or complete public improvements shall not relieve the subdivider of the consequences of non-completion of public improvements.

7-19-13. Applications for Reimbursement.

- (1) Definitions. All words and phrases in this Section beginning in capital letters shall have the meanings given them in Tooele City Code Section 7-1-5.
- (2) Application for Reimbursement. Developers required to install Eligible Public Improvements may be entitled to reimbursement pursuant to this Section, provided that:
 - (a) the Construction Costs of the Eligible Public Improvements required by the City as a condition of development approval exceeds the Construction Cost of the City's required minimum standards

- and specifications for the Eligible Public Improvements by 10% or more; and,
- (b) the Cost Differential exceeds \$5,000; and
 - (c) the Eligible Public Improvements are constructed within the Tooele City Corporate Limit; and
 - (d) the Subsequent Developer's development receives City approval within eight years from the date of City approval of the development for which the Eligible Public Improvements were required; and,
 - (e) the Prior Developer files an Application for Reimbursement in the office of the Director of Public Works or City Engineer.
- (3) Application for Reimbursement.
- (a) Developers satisfying the above criteria may apply for reimbursement for recovery of a pro-rata share of the Cost Differential, minus the Depreciation Value, from a Subsequent Developer to the extent that the Subsequent Developer did not share in the Construction Cost of the Eligible Public Improvements.
 - (b) Notwithstanding other provisions of this Section to the contrary, subdivisions of ten lots or less, or single-lot developments, that are required by the City to fully improve a road right-of-way (i.e. road base, road surface, curb, gutter) are eligible to apply for and receive reimbursement for the Construction Cost of that portion of the road improvements that directly benefit subsequent development located adjacent to the road improvements, minus the Depreciation Value.
- (4) The Application for Reimbursement shall be made on a form approved by the City Attorney, and shall include the following information:
- (a) a brief description of the Eligible Public Improvements which may directly benefit future development; and,
 - (b) an engineer's written estimate of the Construction Cost of the Eligible Public Improvements, or an affidavit of the actual Construction Cost of the Eligible Public Improvements plus copies of receipts and paid invoices. Both the estimated and /or actual Construction Cost must be approved by the Director of Public Works or City Engineer.
- (5) An Application for Reimbursement is not retroactive and may not seek reimbursement for uses or land development activities which exist as of, or have been approved by the City Council prior to, the effective date of the Application for Reimbursement.
- (6) After an Application for Reimbursement is filed, the Prior Developer shall be under an affirmative duty to deliver to the City written notice of the identity of any development which the Prior Developer has knowledge or reason to believe will benefit from Public Improvements installed by the Prior Developer, and whether and to what extent the Subsequent Developer should share in the Cost Differential. The notice must be delivered to the Public Works Director or City Engineer prior to or with the benefitting development's final subdivision plat ~~approval~~ application or, in the case of a site plan, prior to the issuance of a building permit.
- (7) When the Prior Developer has complied with the provisions of this Section, the City will make a reasonable effort to collect the Subsequent Developer's pro-rata share of the Cost Differential, minus the Depreciation Value, on behalf of the Prior Developer.
- (8) Before making any payments to the Prior Developer pursuant to this Section, the City shall retain from amounts collected from a Subsequent Developer an administrative fee in the amount of 10% of said amounts collected, with a minimum administrative fee of \$100.
- (9) Before making any payments to the Prior Developer pursuant to this Section, the City shall make a determination whether the Prior Developer has any outstanding financial obligations towards, or debts owing to, the City. Any such obligations or debts, adequately documented, shall be satisfied prior to making payment to the Prior Developer, and may be satisfied utilizing amounts collected by the City on behalf of the Prior Developer pursuant to a Reimbursement Application.
- (10) The City reserves the right to refuse any incomplete Application for Reimbursement. All completed

Applications for Reimbursement shall be made on the basis that the Prior Developer releases and waives any claims against the City in connection with establishing and enforcing reimbursement procedures and collections.

- (11) The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected funds unclaimed after one year from the expiration of the Application for Reimbursement shall be returned to the Subsequent Developer from which the funds were collected minus the City administration fee. Any funds undeliverable to a Prior Developer, or to a Subsequent Developer from which the funds were collected, whichever the case, shall be credited to the City enterprise fund corresponding to the Eligible Public Improvements for which the funds were collected, as determined by the Finance Director.
- (12) Political subdivisions of the state of Utah (e.g. Tooele City Corporation) that construct Eligible Public Improvements shall be considered Prior Developers for purposes of this title, and may file Reimbursement Applications and receive reimbursement under the provisions of this Chapter.
- (13) Public Improvements required as a condition of annexation are not eligible for reimbursement pursuant to this Section.
- (14) All City development approvals, including, but not limited to, subdivisions and site plans, shall be conditioned upon and subject to the payment of appropriate reimbursement amounts as determined in accordance with this Section.
- (15) A Subsequent Developer may protest in writing the assertion of a Prior Developer that the Subsequent Developer will benefit from Eligible Public Improvements constructed by the Prior Developer. Protests should be delivered to the Public Works Director or City Engineer, and must include documentation sufficient to demonstrate that the Subsequent Developer's development will derive no benefit, or a lesser benefit than asserted, from the Prior Developer's Eligible Public Improvements. The Public Works Director or City Engineer will decide the matter, whose decision shall be final.

7-19-14. Failure to act, effect.

Should the Planning Commission or the City Council fail to act upon any submitted [preliminary plan](#) applications, ~~preliminary plan or final plat~~, within the time period allotted by this Chapter, said failure shall be considered a denial of the said submission.

7-19-15. Phased development.

- (1) When the public improvements have been 100% completed [and accepted](#) within the subdivision final plat, ~~an additional subdivision a~~ final plat [for a subsequent phase](#) within the same preliminary plan or project area may be requested, ~~and the subdivider may request the approval of an additional preliminary plan.~~
- (2) Each subdivision final plat in a preliminary plan [or project area](#) shall be considered a phase of the preliminary plan and shall be developed in a logical and orderly manner. All phases shall be contiguous, so that all public improvements shall be contiguous and continuous from their point of beginning in the development throughout the balance of the development.

7-19-17. Streets.

The arrangement of streets in a new development shall provide for the continuation of existing streets in adjoining areas at the same or greater widths, unless altered by the Planning Commission and City Council upon the positive recommendation of the Director of the Community Development and Public Works Department. All streets shall comply with the provisions of Title 4 Chapter 8 of the Tooele City Code and the current Tooele City Transportation Master Plan, including the Tooele City Transportation Right-of-Way Master

Plan. An exception to the general rule for road cross sections or right-of-way improvements required by Title 4 Chapter 8 of the Tooele City Code may be granted by the City Council for major collector or arterial class roads adjacent to the proposed subdivision. Roads interior to a subdivision or between phases of a subdivision may not be excepted. Exception requests must be submitted in writing ~~to the City Recorder and~~ to the Directors of the Community Development and Public Works Department's Director prior to ~~final subdivision plat~~ the Planning Commission's review of the preliminary plan approval ~~and at least 15 days prior to the date upon which the City Council will consider the request.~~ The Directors shall provide a written recommendation on the exception request to the Planning Commission for their review with the preliminary plan. In reviewing an exception request, the City Council shall consider and approve or deny the request following ~~a written~~ recommendation from the ~~Community Development and Public Works Department Director~~ Planning Commission based on the following factors:

- (1) the overall safety of the area for transit, vehicular, bicycle, and pedestrian traffic including crossings of the road or right-of-way;
- (2) existing transit, vehicular, bicycle, and pedestrian traffic in the area;
- (3) anticipated transit, vehicular, bicycle, and pedestrian traffic impacts from the proposed subdivision on the existing traffic loads of the area;
- (4) the ability for existing right-of-way improvements to accommodate anticipated transit, vehicular, bicycle, and pedestrian traffic loads;
- (5) the degree to which the exception would prevent completion or connection to other right-of-way improvements in the area;
- (6) existing right-of-way improvements in the area;
- (7) the degree to which the right-of-way leading to and from the area requested for exception has been developed and completed;
- (8) the mechanisms, proposals submitted, and timing by which the excepted improvements will be completed in the future;
- (9) the degree to which the entirety of the right-of-way has been dedicated and improved outside of the area requested for an exception;
- (10) land uses in the area, including but not limited to schools, recreational opportunities, and public facilities, that may have the potential to affect the existing improvements' ability to accommodate all anticipated transit, vehicular, bicycle, and pedestrian traffic loads;
- (11) phasing and a phasing schedule for the proposed subdivision;
- (12) any development agreement with terms affecting right-of-way improvements duly executed by the Mayor for the exception-requesting subdivision or other developments in the area; and
- (13) documented history of vehicle-vehicle, vehicle-bicycle, and vehicle-pedestrian conflicts and accidents.

7-19-17.1. Double-frontage lots – definitions – design – maintenance.

- (1) Definitions. For purposes of this Section, the following terms shall be defined as follows.
 - (a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. "Double-frontage lot" includes corner lots adjacent to other double-frontage lots. "Double-frontage lot" does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.
 - (b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.
 - (c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.
- (2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.

- (a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.
 - (i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.
 - (ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.
 - (iii) The park strip thickness shall be a minimum of five and one-half inches.
 - (iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.
- (b) Park strip trees. Trees shall be planted in the park strip as follows.
 - (i) Park strip trees shall be chosen from a list of City-approved trees, the list being on file with the Public Works Department.
 - (ii) Park strip trees shall be spaced not more than 35 feet apart.
 - (iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Section 7-19-29, as amended.
 - (iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system.
- (c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.
- (d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.
 - (i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.
 - (ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.
 - (iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.
 - (iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.
 - (v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.
- (e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.
- (f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.
- (g) The final determination of whether an application complies with the design standards of this Section shall be made by the City Planner. Such determinations are not subject to appeal.
- (3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Section 7-19-29, as amended.
- (4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained

as follows.

- (a) Home Owners Association. As a condition of **City Council** final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.
- (b) Covenants, Conditions, and Restrictions. As a condition of **City Council** final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.
- (c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.
- (d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

7-19-31. Filing of engineering plans ~~and review fee.~~

- ~~(1) One complete set of engineering plans and specifications, as well as an AutoCAD copy, for required land improvements together with an estimate of the cost of the improvements, said plans and specifications to bear the seal of a Utah registered professional engineer along with a signed statement to the effect that such plans and specifications have been prepared in compliance with this Chapter and pursuant to good engineering practices shall be submitted to the Community Development Department prior to the approval of the final plat **by the Planning Commission**. Said plans shall be drawn to a minimum horizontal scale of five feet to the inch. Plans shall show profiles of all utility and street improvements with elevations referring to the U.S.G.S. Datum.~~
- ~~(2) A plan review fee, based upon the following percentages of total land improvements costs, as estimated by the design engineer and approved by the City Engineer, shall be submitted with the plans and specifications required above:~~
 - ~~(a) 1.5% of the construction cost of the improvements when such cost is \$50,000 or less.~~
 - ~~(b) 1% of the construction cost of the improvements when such cost is over \$50,000 but less than \$250,000.~~
 - ~~(c) 0.75% of the construction cost of the improvements when such cost is over \$250,000.~~

7-19-34. Final plat execution, delivery, and recordation.

- (1) The subdivider shall deliver to the City the fully executed final plat mylar within 90 days of final plat application approval. Failure to fully execute the final plat mylar, or to deliver the fully executed final plat mylar to the City, within the specified 90 days, shall result in the automatic revocation of, and shall void, the final plat approval.
- (2) No changes to the approved final plat mylar may be made without the written approval of the City.
- (3) Tooele City shall promptly record an approved final subdivision plat mylar with the Tooele County Recorder upon the occurrence ~~of one~~ of the following:

- (a) ~~acceptance of all public improvements associated with the final plat pursuant to Section 7-19-35, above~~ a statement of desired timing for recording the plat from the subdivider; ~~or and,~~
- (b) execution of a bond agreement pursuant to Section 7-19-12, above.
- (4) The subdivider shall pay all fees associated with the recordation of the approval final plat mylar.

7-19-35. Minor Subdivision - Exemptions from preliminary plan process ~~requirement~~.

- (1) A minor subdivision shall combine the preliminary plan and final plat requirements for approval of the subdivision into a single application and review process. A subdivision is considered a minor subdivision and exempt from ~~the~~ a separate preliminary plan review process ~~requirement~~ of this Chapter if:
 - (a) it contains less than ten lots;
 - (b) it does not contain a right-of-way dedication for public street; and,
 - (c) it does not involve off-site water or sewer utilities.
- (2) Information normally required as part of the preliminary plan application may be required by the Public Works ~~and~~ or Community Development Departments as part of a minor subdivision final plat application.

Exhibit B

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2020-06

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 4-11 REGARDING SIDEWALKS TO ESTABLISH CIVIL PENALTIES FOR VIOLATIONS.

WHEREAS, Utah Code §10-8-84 gives Utah municipalities broad police powers to protect the health, safety, and welfare of their communities:

(1) The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter [10-8 Powers and Duties of Municipalities], and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.

WHEREAS, Utah Code §10-8-84 also gives municipalities the power to “enforce obedience to the ordinances with fines or penalties”; and,

WHEREAS, Utah Code §§10-8-8, -11, and -24 enable cities to regulate the improvement and use of public rights-of-way and to prevent and remove obstructions and encroachments from the rights-of-way; and,

WHEREAS, Tooele City Code Chapter 4-11 governs public sidewalks, including the prohibition of earthen bridges across curbs and sidewalks, as well as other right-of-way and sidewalk obstructions, and makes violations criminal infractions; and,

WHEREAS, prosecutions of criminal infractions occur in the local misdemeanor criminal court—the Tooele Valley Justice Court—and can take months to lead to an adjudication of the criminal charge, which in the case of earthen bridges, for example, likely would result in a minimal fine and an order to remove the earthen dam, months after the citation for its placement; and,

WHEREAS, the presence of earthen bridges, piles of earth or rock in the public right-of-way, and other public safety concerns must be dealt with efficiently to mitigate the concerns and protect the public safety, rather than obtaining a criminal order to remove the pile months after the fact; and,

WHEREAS, one specific public safety concern about piles of earth or rock in the right-of-way, and earthen bridges, is damage to city snow plows and injury to snow plow drivers upon running into these obstructions, which obstructions are often invisible in the dark under a blanket of snow; and,

WHEREAS, the use of police, prosecutor, and court resources for prosecution of criminal infraction violations of Chapter 4-11 is inefficient and ineffective; and,

WHEREAS, in light of the above, the City Administration recommends that a civil infraction with civil penalties is a more efficient use of public resources with a more expeditious resolution in favor of the safety of the public as well as City personnel who maintain the roads, including by plowing snow; and,

WHEREAS, the City Administration, including the Chief of Police, recommends that the penalty for a violation of Chapter 4-11 is more efficiently enforced as a civil infraction rather than a criminal infraction, and recommends the amendments shown in Exhibit A; and,

WHEREAS, the City Administration recommends further that appeals of civil infractions under Chapter 4-11 be to the Administrative Hearing Officer under Chapter 1-28:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 4-11 regarding Sidewalks be amended to make violations of the Chapter civil infractions rather than criminal infractions, to establish violation penalties, and to provide for administrative appeals, all as shown in the attached Exhibit A.

This Ordinance is necessary for the immediate preservation of the peace, health and safety of Tooele City and shall take effect immediately upon publication.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Proposed Amendments to TCC Chapter 4-11

CHAPTER 11. SIDEWALKS

- 4-11-1. Building permits for curb, gutter, sidewalks, and appurtenances.**
- 4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.**
- 4-11-3. Supervision.**
- 4-11-4. Definitions.** (Repealed.)
- 4-11-5. Repairs - Engineer's report - Levy.** (Repealed.)
- 4-11-6. Expense of repairs.** (Repealed.)
- 4-11-7. New sidewalk – Special Improvement District.**
- 4-11-8. Property owners responsible for sidewalk repair.** (Repealed.)
- 4-11-9. Sidewalks and trees.**
- 4-11-10. Openings in sidewalks.**
- 4-11-11. Water from roof not to be discharged upon sidewalks.**
- 4-11-12. Receiving goods.**
- 4-11-13. Driving or riding upon sidewalks.**
- 4-11-14. Games on sidewalks or streets.**
- 4-11-15. Snow to be removed from sidewalks.**
- 4-11-16. Unlawful to clog gutters.**
- 4-11-17. Sidewalks to be swept in front of retail businesses.**
- 4-11-18. Encroachments.**
- 4-11-19. Obstructions.**
- 4-11-20. Varieties of trees.**
- 4-11-21. Civil Penalties.**
- 4-11-22. Appeals.**

4-11-1. Building permits for curb, gutter, sidewalks, and appurtenances.

It is unlawful for any person to construct any sidewalk, curb, gutter, or appurtenances within a public right-of-way without first having grades and lines thereof reviewed and approved by the City and without first obtaining a building permit. The acceptance of the permit shall be deemed an agreement upon the part of the person accepting the permit to construct the sidewalk, curb, gutter, and appurtenances in accordance with the specifications, regulations, and ordinances of Tooele City. (Ord. 2018-11, 09-05-2018) (Ord. 2006-05, 01-18-2006) (Ord. 1980-23, 06-12-1980)

4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.

All sidewalks, curb and gutters, driveway approaches, and all appurtenances thereto shall conform to the specifications and standards set forth in Title 4 Chapter 8 of the Tooele City Code and the Tooele City Right-of-Way Specifications Administrative Policy.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1993-21, 10-20-1993) (Ord. 1991-04, 06-11-1991)

4-11-3. Supervision.

All public sidewalks shall be constructed under the inspection and supervision of the Public Works Director or designee. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-4. Definitions. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-5. Repairs. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-6. Expense of repairs. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-7. New sidewalk - Special Improvement District.

Whenever a report of the Public Works Director, or designee, regarding any sidewalk finds that the construction of a new sidewalk is necessary, the City may elect to give notice pursuant to the provisions of the special improvement district ordinances of the City or the statutes of the state of Utah for the construction of new sidewalk and the removal of the old. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-8. Property owners responsible for sidewalk repair. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-9. Sidewalks and trees.

The Director of Community Development shall review and approve the species and type of trees which may be placed in the right-of-way park strip or on private property adjacent to public sidewalks. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-10. Openings in sidewalks.

It is unlawful to construct or maintain any open holes or other openings in any sidewalks regardless of whether they are covered with gateways, doors, or other passages. This provision shall not be interpreted to prevent the erection of utility poles, water meter boxes, or mail boxes within the first 1 foot of property inside the curb line. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-11. Water from roof not to be discharged upon sidewalks.

It is unlawful for any person owning, occupying, or having control of any premises to suffer or permit water from the roof or eaves of any house, building, or structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-12. Receiving goods.

It is unlawful for any person to place or keep, or suffer to be placed or kept, upon any sidewalk any goods, wares, or merchandise except as allowed in Section 7-16-3 Note 4. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-13. Driving or riding upon sidewalks.

It is unlawful for any person to drive a self-propelled or motorized vehicle or to lead, drive, or ride any animal upon any public sidewalk, except to cross the sidewalk at established street crossings. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-14. Games on sidewalks or streets.

It is unlawful for any person to obstruct any sidewalk or street by playing games thereon, or to obstruct the free travel of any pedestrian or vehicle. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-15. Snow to be removed from public sidewalks - Obstructing right-of-way with snow prohibited - Failure to comply - Civil penalties.

(1) It is unlawful for any person owning or exercising control over any real property abutting any public sidewalk to fail to remove or cause to be removed from such sidewalk all hail, snow, or sleet falling thereon, or ice forming thereon, within 24 hours after such hail, snow, or sleet has ceased falling or ice has formed.

(2) It is unlawful for any person to place or propel, or cause to be placed or propelled, snow, ice, hail, or sleet into the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(3) Any person who fails to comply with this Section shall be liable for a civil penalty in the amount of \$50 per violation, which penalty shall be in addition to other penalties provided by law.

(4) For purposes of this Section:

(a) "person" shall include, but not be limited

to, individuals, corporations, partnerships, associations, organizations, groups, and other entities; and,

(b) "public way" shall include, but not be limited to, sidewalks, roadways, alleys, and other courses traveled by the public.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2014-04, 02-05-2014) (Ord. 2006-05, 01-18-2006) (Ord. 1997-14, 03-19-97) (Ord. 1978-1, 01-09-78)

4-11-16. Unlawful to clog gutters.

It is unlawful for any person to deposit dirt, leaves, or other debris in any gutter so as to prevent or hinder the flow of water therein or so as to provide for the carriage of debris by the water flowing therein.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-17. Sidewalks to be swept in front of retail businesses.

It is unlawful for the owner, occupant, lessee, or agent of any commercial, retail, or professional establishment within the City of Tooele to fail to cause the sidewalk abutting the establishment to remain swept clean.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-18. Encroachments.

It is unlawful for any fence, building, or other structure to encroach upon any street or sidewalk within Tooele City. The City may exercise all legal rights to require the encroachment to be removed. If the person responsible for the encroachment is not known, a notice requiring removal may be posted by the City on the encroachment and on all major buildings located adjacent to the encroachment. Should the encroachment, in the opinion of the Mayor, constitute a hazard to traffic or to life, health, or property, the same may be removed immediately by the City and the cost thereof levied upon the owner. For any encroachment not removed by the owner pursuant to notice, the City may remove the same at the owner's expense, levying the cost thereof against the premises as part of the ad valorem property taxes.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-19. Obstructions.

(1) No person shall place or cause to be placed anywhere upon a public street or sidewalk, and no person owning, occupying, or having control of any premises shall, after reasonable notice by the City of Tooele, suffer to be or remain in front of the sidewalk or the half of the street next to any premises:

(a) any broken ware, glass, filth, dirt, gravel, rubbish, refuse, garbage, ashes, cans, or other like substances;

(b) any vehicles, lumber, wood, boxes, fencing, building material, merchandise, or other thing which obstructs the public street or sidewalk, or any part thereof, without the permission of the Mayor; or,

(c) any goods, wares, merchandise for sale or show, or otherwise beyond the front line of the lot where goods, wares, or merchandise are sold or offered for sale, except as allowed in Section 7-16-3 Note 4.

(2) No person shall place or cause to be placed anywhere upon any street or sidewalk any earthen materials before, during, or after construction for the intended or unintended purpose of:

(a) temporary or permanent storage of those materials;

(b) bridging of the curb and gutter or sidewalk;

(c) blocking clogging, or otherwise hindering the movement or flow of storm water or the travel of pedestrian or vehicle traffic; or,

(d) any other purpose that could reasonably cause any damage or obstruction to public or private infrastructure.

(3) All obstructions placed anywhere upon a public street or sidewalk contrary to this Section or to Section 7-16-3 Note 4 are a threat to the public health and safety and may be removed, confiscated, and disposed of immediately by the City.

(4) No person shall place or cause to be placed anywhere upon a public street, sidewalk, or within a street right-of-way a dumpster, garbage or refuse collection container, storage container, or other similar structure or device before, during, or after construction of a structure on an adjacent property. All such structures or devices, when allowed, shall be located on properties adjacent to the right-of-way for which the structure or device is serving.

(Ord. 2019-01, 02-13-2019) (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2014-05, 02-05-2014) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-20. Varieties of trees.

It is unlawful to plant any species of tree within any public right-of-way which is not on the Tooele City Street Tree Selection Guide. No trees shall be planted in park strips of less than four feet in width. The Tooele City Selection Guide shall be available from the Community Development and Public Works Departments and may be updated when deemed necessary and appropriate by the Directors.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

(March 8, 2019)

4-11-21. Civil Penalties.

(1) A violation of any provision of this Chapter shall be a civil infraction punishable by the following fines:

(a) \$50 for a first violation;

(b) \$100 for a second similar violation;

(c) \$250 for a third or subsequent violation.

(2) Failure to pay fines in full within 30 days of a citation shall allow Tooele City to invoice outstanding fines through City utility billing.

(Ord. 2019-01, 02-13-2019)

4-11-22. Appeals.

Appeals of civil infraction citations issued pursuant to this Chapter shall be to the Administrative Hearing Officer under Chapter 1-28 of this Code.

TOOELE CITY CORPORATION

RESOLUTION 2020-10

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE REGARDING CIVIL INFRACTIONS FOR VIOLATIONS OF TOOELE CITY CODE CHAPTER 4-11 REGARDING SIDEWALKS.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution; and,

WHEREAS, Utah Code §10-3-717 authorizes the City Council to exercise certain administrative powers, such as establishing city fees, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established and governed by the Tooele City Charter (2006) and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; however, it has been the practice of Tooele City for all fees proposed by the Mayor and City Administration to be approved by the City Council by resolution and included in a Tooele City Fee Schedule; and,

WHEREAS, the City Council has enacted Ordinance 2020-06 regarding civil infraction violations of TCC Chapter 4-11, with associated civil penalties; and,

WHEREAS, Tooele City maintains an omnibus Fee Schedule which attempts to contain all fees, charges, and penalties assessed by Tooele City in its various functions; and,

WHEREAS, it is appropriate to amend the Fee Schedule to include the civil penalties associated with violations of Chapter 4-11 regarding sidewalks and obstructions thereto:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Fee Schedule is hereby amended to include civil penalties for civil infraction violations of Tooele City Code Chapter 4-11 regarding Sidewalks, as enacted by and shown in Ordinance 2020-06.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this _____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:

Roger Evans Baker, City Attorney

STAFF REPORT

February 20, 2020

To: Tooele City Planning Commission
Business Date: February 26, 2020

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Providence at Overlake Phase 4 – Final Plat Subdivision Request

Application No.: P19-750
Applicant: Howard Schmidt, representing HK Schmidt LLC
Project Location: Approximately 1400 North 400 West
Zoning: R1-7 Residential Zone
Acreage: 7.49 Acres (Approximately 326,251 ft²)
Request: Request for approval of a Final Plat Subdivision in the R1-7 Residential zone regarding the creation of 30 single-family residential lots.

BACKGROUND

This application is a request for approval of a Final Plat Subdivision for 7.49 acres located at approximately 1400 North 400 West. The property is currently zoned R1-7 Residential. The applicant is requesting that a Final Plat Subdivision be approved to allow for the development of the currently vacant site as 30 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 of the subject property. The property is surrounded on all sides by property zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. Phase 4 of the Providence at Overlake development will complete the addition of 30 new single-family residential lots to the development. Phase 4 will connect to a 300 West stub street constructed as part of Phase 2 which in turn provides connection to Clemente Way. Phase 4 will also connect to Berra Boulevard stubs constructed as part of Phase 3.

All lots within the subdivision meet or exceed minimum development standards as required by the R1-7

zone for lot size, lot width, lot frontages and so forth.

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

REVIEWS

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

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

Noticing. Final plats do not require a public hearing and therefore do not require any public noticing.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Final Plat Subdivision by Howard Schmidt, representing HK Schmidt LLC, application number P19-750, 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.
6. The subdivision meets or exceeds all requirements for lot size, lot width, lot frontage and other development requirements as indicated by Tooele City code.
7. The final plat is compliant with the Preliminary Plan.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Providence at Overlake Phase 4 Final Plat Subdivision Request by Howard Schmidt, representing HK Schmidt LLC for the purpose of creating 30 single-family residential lots, application number P19-750, based on the findings and subject to the conditions listed in the Staff Report dated February 20, 2020:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Providence at Overlake Phase 4 Final Plat Subdivision Request by Howard Schmidt, representing HK Schmidt LLC for the purpose of creating 30 single-family residential lots, application number P19-750, based on the following findings:”

1. List findings...

EXHIBIT A

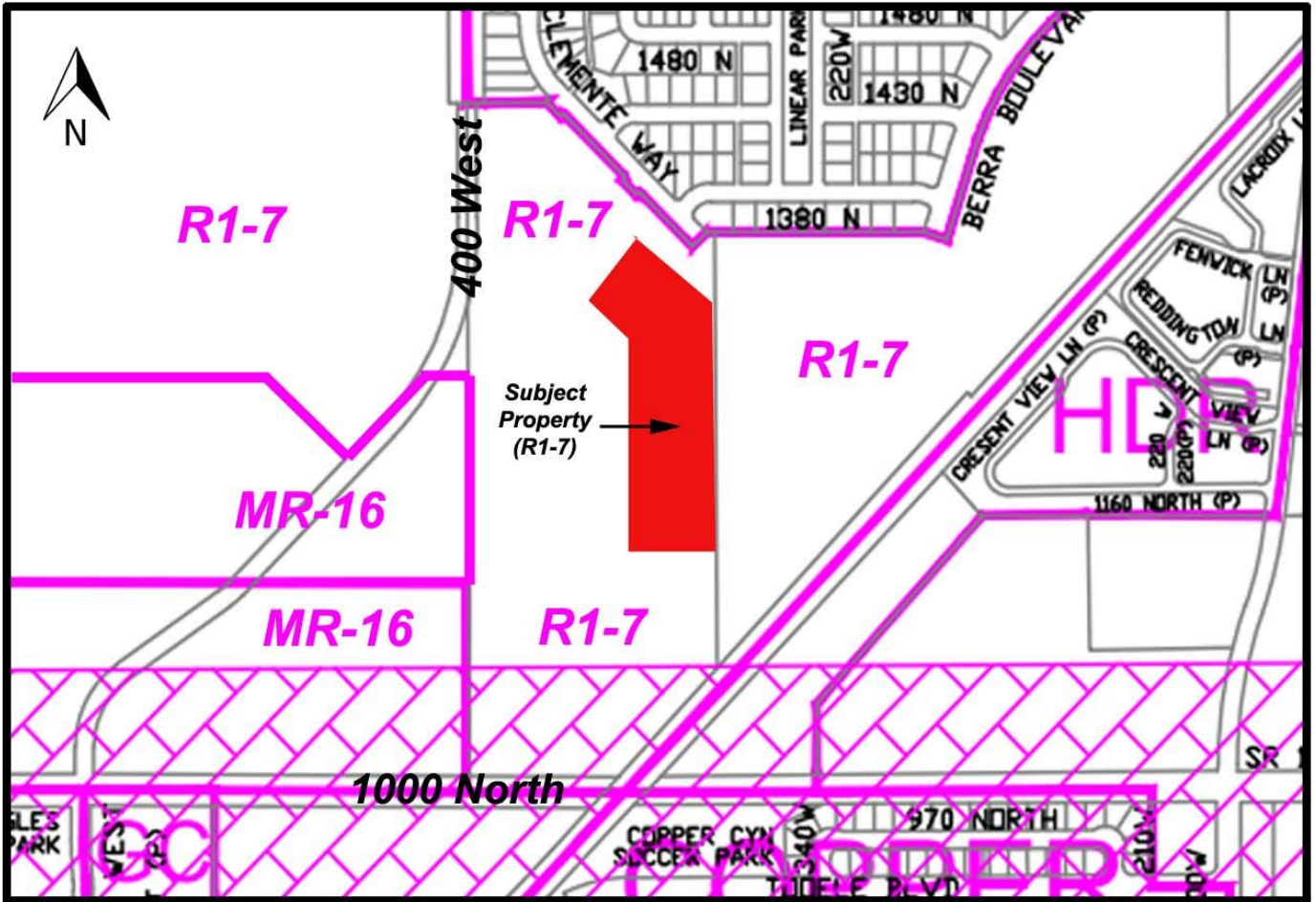
**MAPPING PERTINENT TO THE PROVIDENCE AT OVERLAKE PHASE 4 FINAL
PLAT SUBDIVISION**

Providence Phase 4 Final Plat



Aerial View

Providence Phase 4 Final Plat

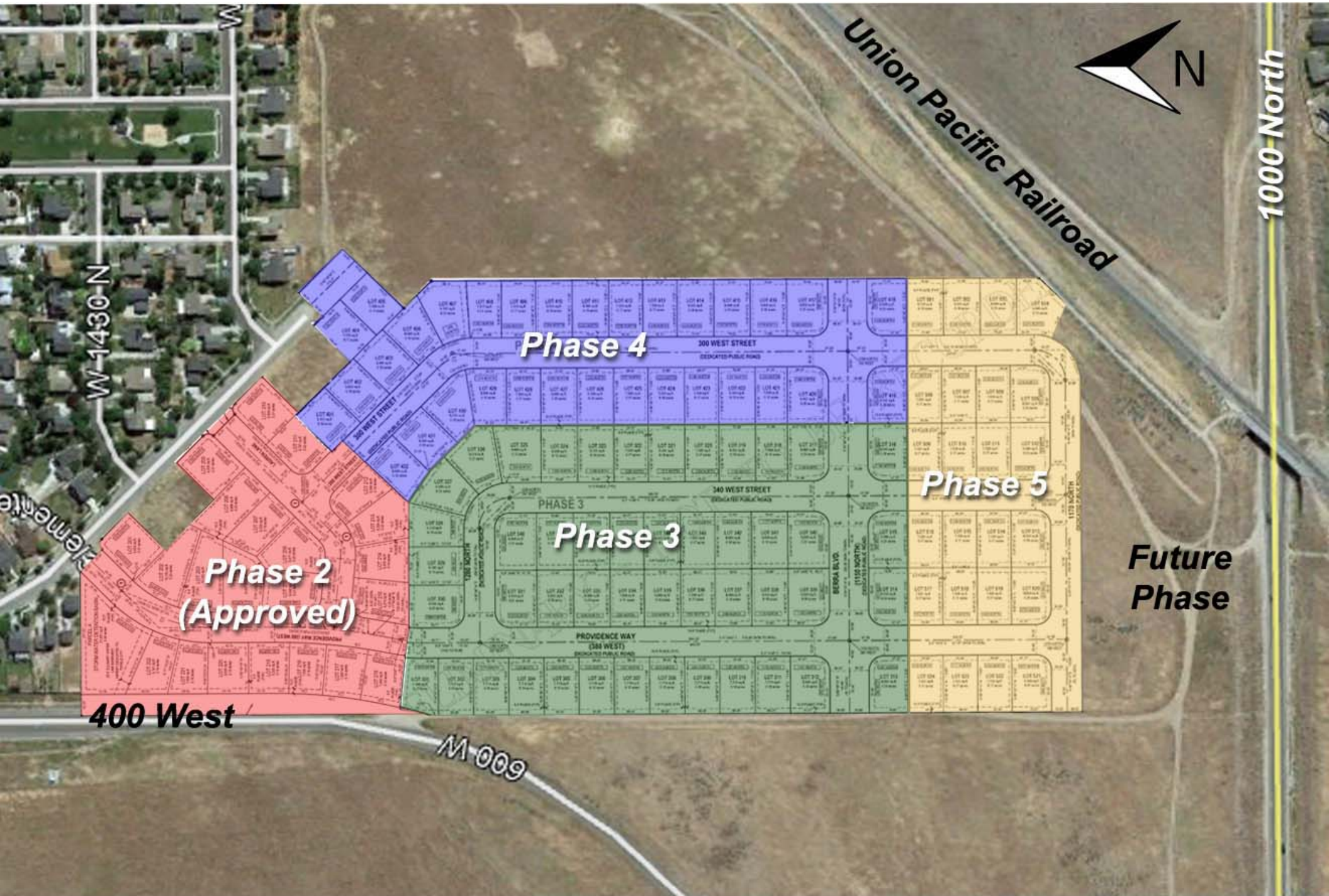


Current Zoning

EXHIBIT B

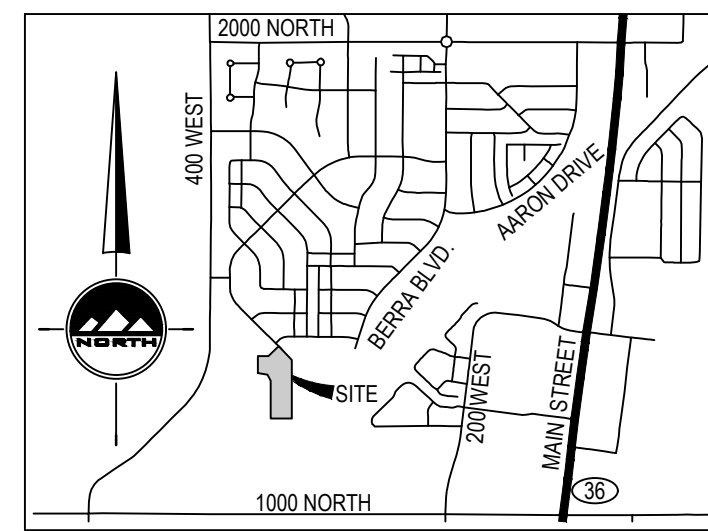
PROPOSED DEVELOPMENT PLANS

Providence at Overlake Phases 3-6 Preliminary Plan



Phasing Plan

FINAL PLAT
PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 4
 LOCATED IN THE SOUTHWEST QUARTER
 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
 SALT LAKE BASE AND MERIDIAN
 TOOELE CITY, TOOELE COUNTY, UTAH



SURVEYOR'S CERTIFICATE
 I, Douglas J. Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, and streets, hereafter to be known as PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 4, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 The basis of bearing for this survey is between the West Quarter Corner of Section 16, Township 3 South, Range 4 West Salt Lake Base and Meridian, and the Southwest Corner of Section 16, Township 3 South, Range 4 West Salt Lake Base and Meridian which bears South 0°14'46" East 2642.58 feet.
 A parcel of land, situate in the Southwest Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel is also located in Tooele City, Tooele County, Utah, more particularly described as follows:
 Beginning at a point being South 0°14'46" East 998.36 feet along the Section line and North 89°45'14" East 420.80 feet from the West Quarter Corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:
 thence North 44°43'51" East 175.97 feet;
 thence North 45°16'09" East 32.35 feet;
 thence North 44°43'51" East 100.00 feet;
 thence South 45°16'09" East 374.65 feet;
 thence South 0°14'46" East 922.14 feet;
 thence South 89°45'14" West 286.00 feet;
 thence North 0°14'46" West 838.94 feet;
 thence North 45°15'54" West 123.03 feet;
 thence North 56°26'45" West 77.23 feet, to the Point of Beginning.

Contains 328,251 square feet or 7.49 acres, and 30 Lots.

Dec. 5, 2019
 Date
 Douglas J. Kinsman
 License No. 334575

CENTER LINE CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
CL1	100.00'	78.58'	45°01'23"	N22°45'27"W	76.57'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	130.00'	40.63'	17°54'21"	S36°18'58"E	40.46'
C2	130.00'	53.93'	23°46'11"	S15°28'42"E	53.55'
C3	130.00'	7.60'	3°20'51"	S1°55'11"E	7.59'
C4 (TOTAL)	130.00'	102.15'	45°01'23"	N22°45'27"W	99.55'
C5	29.50'	46.34'	90°00'00"	S45°14'46"E	41.72'
C6	29.50'	46.34'	90°00'01"	S44°45'14"W	41.72'
C7	29.50'	46.34'	90°00'00"	N45°14'46"W	41.72'
C8	29.50'	46.34'	90°00'00"	N44°45'14"E	41.72'
C9	70.00'	17.11'	14°00'16"	N7°14'54"W	17.00'
C10	70.00'	37.90'	31°01'07"	N29°45'35"W	37.44'
C11 (TOTAL)	70.00'	55.01'	45°01'23"	N22°45'27"W	53.60'

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

PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 4

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

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

By: Providence Tooele LLC
 Howard Schmidt, Managing Member

By: _____
 STATE OF UTAH
 County of Tooele

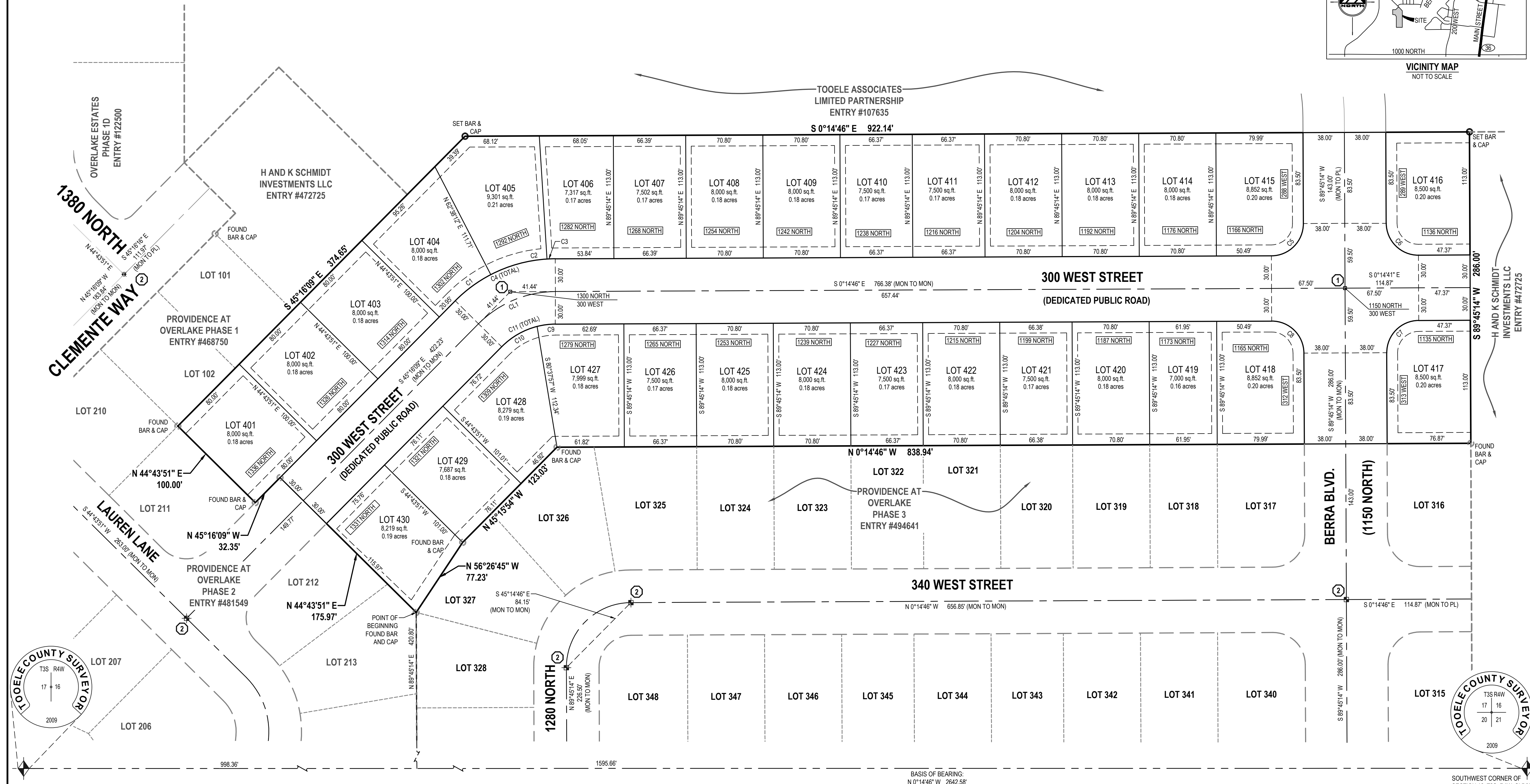
On the _____ day of _____ A.D., 20____, personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

Notary's Full Name & Commission Number _____
 My Commission Expires _____ A Notary Public Commissioned in Utah

PROVIDENCE AT OVERLAKE SUBDIVISION PHASE 4

LOCATED IN THE SOUTHWEST QUARTER
 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
 SALT LAKE BASE AND MERIDIAN
 TOOELE CITY, TOOELE COUNTY, UTAH

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



WEST QUARTER CORNER OF SECTION 16, T3S, R4W, S16BM (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)

POINT OF BEGINNING FOUND BAR AND CAP

SOUTHWEST CORNER OF SECTION 16, T3S, R4W, S16BM (FOUND 3" TOOELE COUNTY SURVEYOR BRASS MON. W/ RING & LID, DATED 2009)

TOOELE COUNTY SURVEYOR 2009

KEY NOTES
 1 SET STREET MONUMENT PER TOOELE CITY STANDARDS AND SPECIFICATIONS
 2 FOUND STREET MONUMENT

LEGEND
 EXISTING STREET MONUMENT
 PROPOSED STREET MONUMENT TO BE SET
 SECTION CORNER
 5/8"x24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED 'ENSGN ENG. & LAND SURV.' TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS
 PUBLIC UTILITY AND DRAINAGE EASEMENT
 BOUNDARY LINE
 ADJACENT PROPERTY LINE
 SECTION LINE
 CENTER LINE
 EASEMENT LINE
 RIGHT OF WAY LINE
 ADJACENT RIGHT OF WAY LINE
 TANGENT LINE

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(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:
 (1) A RECORDED EASEMENT OR RIGHT-OF-WAY
 (2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
 (3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
 (4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____ A.D. 20____.

ROCKY MOUNTAIN POWER
 BY: _____
 TITLE: _____

DOMINION ENERGY
 DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____ A.D. 20____.

DOMINION ENERGY
 BY: _____
 TITLE: _____

TOOELE CITY COUNCIL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL.

ATTEST: CITY RECORDER

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

COUNTY HEALTH DEPARTMENT APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT.

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

SHEET 1 OF 1
 PROJECT NUMBER: 7563A
 MANAGER: D. KINSMAN
 DRAWN BY: R. FISH
 CHECKED BY: D. KINSMAN
 DATE: 12/5/2019

TOOELE
 169 North Main Street Unit 1
 Tooele, Utah 84074
 Phone: 435.843.3590
 Fax: 435.578.0108

ENSIGN
 WWW.ENSGNENG.COM

COUNTY TREASURER APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY TREASURER.

CITY ATTORNEY'S APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE CITY ATTORNEY

CITY ENGINEER'S APPROVAL
 APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE CITY ENGINEER

COMMUNITY DEVELOPMENT APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE COMMUNITY DEVELOPMENT

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY PLANNING COMMISSION.

TOOELE CITY CORPORATION

RESOLUTION 2019-54

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE VOTER PARTICIPATION AREA MAP

WHEREAS, during the 2019 Legislative General Session HB 119 was adopted relating to Initiatives, Referenda, and other Political Activities; and

WHEREAS, HB 119 included the requirement for municipalities to establish "Voter Participation Areas"; and

WHEREAS, in accordance with Utah Code Annotated (UCA) 20A-7-401.3, the City shall, in 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the City into four contiguous and compact voter participation areas of substantially equal population for the purpose of obtaining signatures for initiatives and referenda; and

WHEREAS, the Tooele City Recorder has prepared the Voter Participation Area Map for Tooele City, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Voter Participation Area Map (Exhibit A) prepared by the Tooele City Recorder is hereby adopted.

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

Passed this _____ day of _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to form:

Roger Evans Baker, City Attorney

EXHIBIT A

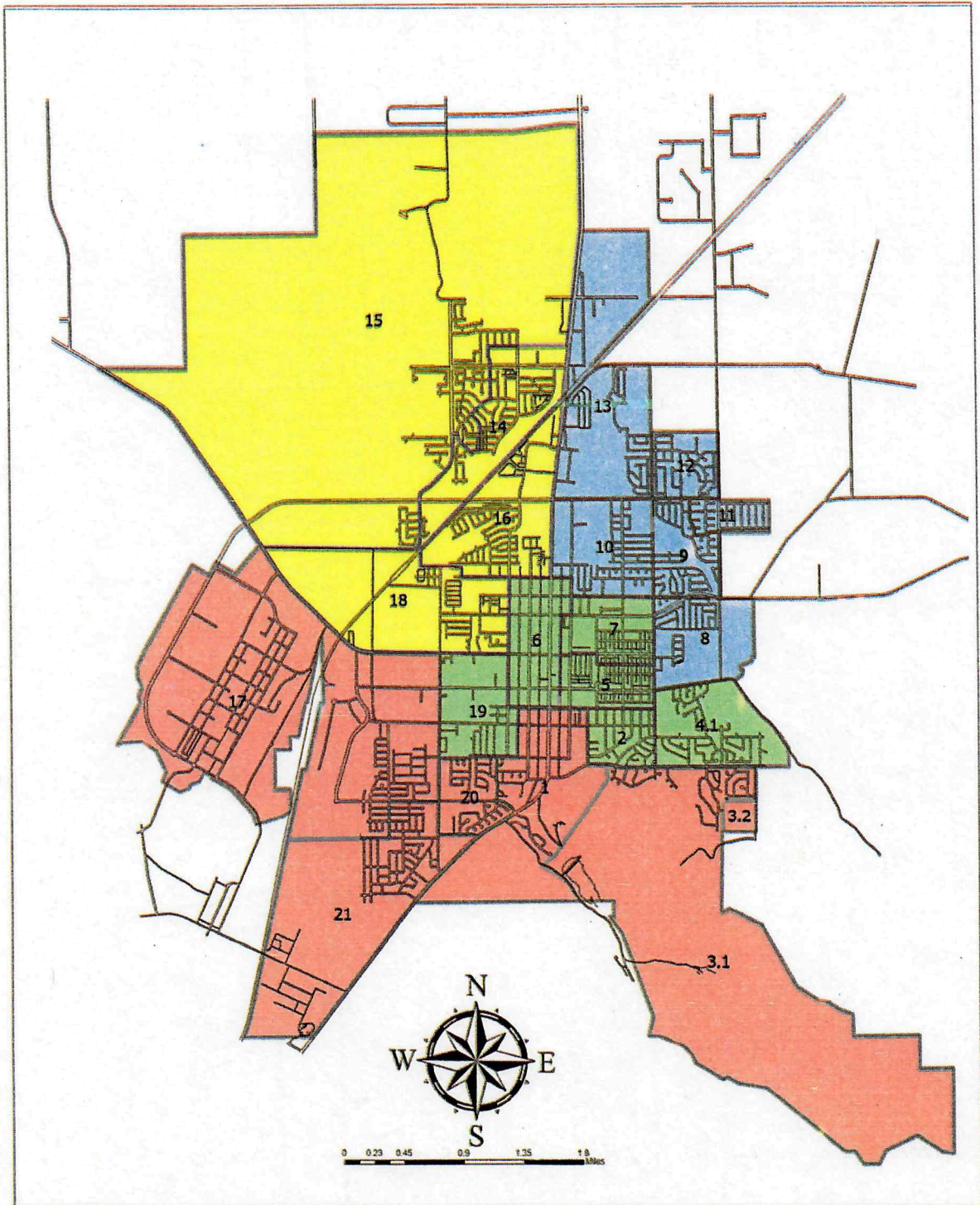
Voter Participation Area Map



Tooele City Balanced Voting Areas

with Voting Districts

March 2020



Balanced Area 1 = Yellow	=	8,383 Residents
Balanced Area 2 = Blue	=	7,897 Residents
Balanced Area 3 = Green	=	8,677 Residents
Balanced Area 4 = Red	=	7,360 Residents
Total Population	=	32,317

TOOELE CITY CORPORATION

RESOLUTION 2020-06

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING THE COMPLETED PUBLIC IMPROVEMENTS ASSOCIATED WITH THE PROVIDENCE AT OVERLAKE PHASE 1 SUBDIVISION.

WHEREAS, Tooele City previously approved a subdivision final plat for the Providence at Overlake phase 1 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, H and K Schmidt Investments LLC has provided a proper cash bond agreement with Tooele City for the Subdivision's public improvements, dated June 1, 2018, in the amount of \$24,830.40; and,

WHEREAS, the above-referenced bond agreement contains 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, H and K Schmidt Investments LLC must provide additional assurance in the form of a warranty bond in the amount of \$2,483.04:

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

1. the completed public improvements associated with the Providence at Overlake phase 1 subdivision are hereby accepted, those improvements being reflected in

the Bond Agreement dated June 1, 2018, and the Certificate of Completion of Public Works, attached hereto as Exhibit A; and,

2. the one-year warranty period on all public improvements accepted by this Resolution shall begin retroactive as of June 1, 2019.

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 _____, 2020.

TOOELE CITY COUNCIL

(For)

(Against)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

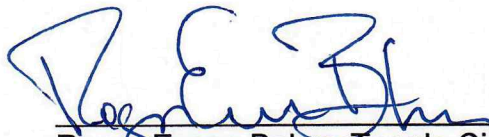
_____	_____
-------	-------

ATTEST:

Michelle Y. Pitt
Tooele City Recorder

SEAL

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: 01/21/2019

Permit No: P18-235	Public Work Elements*	Completed	Not Required
Project Name: Providence at Overlake	Culinary Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Address: 400 West Clemente Way Tooele, Utah 84074	Secondary Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Owner/Developer: HK Schmidt PO Box 95104 South Jordan Utah, 84095	Storm Drain / Pond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Curb & Gutter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Sidewalk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Lights	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Landscaping	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other:		

* 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, all public improvements for the above referenced project have been satisfactorily completed in accordance with the approved construction plans and specifications and Tooele City Standards. It is hereby recommended that the one year warranty period commence for this project. Responsibility for maintenance and protection of all public work items remains with the Developer/Owner during the warranty period.

Recommended By	Title	Date
<i>[Signature]</i>	Civil Inspector	01/21/2019
	City Engineer	
Community Development / Public Works		

Acknowledged and Accepted _____
 City Council, Chair _____ Date _____

Scheduled Date for End of Warranty Final inspection: 1-21-2020

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



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

Permit No: P18-235
Page 2 of 2



4 Lot Subdivision Street cuts complete, sidewalk curb and gutter completed.

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, February 19, 2020

Time: 7:00 p.m.

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

City Council Members Present:

Justin Brady
Tony Graf
Ed Hansen
Scott Wardle
Melodi Gochis

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Roger Baker, City Attorney
Steve Evans, Public Works Director
Darwin Cook, Parks Department Director
Glenn Caldwell, Finance Director
Cylee Pressley, Deputy Recorder

City Employees Excused:

Michelle Pitt, City Recorder

Minutes prepared by Kelly Odermott

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Brady.

2. Roll Call

Justin Brady, Present
Tony Graf, Present
Ed Hansen, Present
Scott Wardle, Present
Melodi Gochis, Present

3. State of the City Address

Presented by Mayor Debbie Winn

Mayor Winn read the following statement.

Mayor Winn stated that she is grateful this evening to address those in attendance and present the State of the City. Local government has the responsibility to provide essential services to the people. Here in Tooele City, we do not take this responsibility lightly. We take pride, in providing clean water to your home, providing a place for waste water to go, plowing snow from your streets and providing officers and firefighters to protect you and your family. We also provide enriching amenities, which include beautiful parks for outdoor recreation, an aquatic center, and a top rated golf course. Our library provides many learning opportunities for residents of all ages.

Working as a team, this past year, our staff administration and council members have accomplished many things to preserve the quality of life for our citizens. I am proud of all of our dedicated employees who respond with excellent customer service. The highly anticipated construction of our new police station will be completed in a few weeks. A public ribbon cutting and open house is tentatively scheduled for Monday April 6th. This is the first building constructed in Tooele City for the use of our police department. I wish to express my appreciation for our project manager, Mr. Paul Hansen and all others who have worked diligently to ensure that the building funds were being spent as effectively and efficiently. This building has been constructed under budget and will include space for future growth. Thank you to our officers who respond to thousands of calls every year. Each time they leave their homes, they put their lives at risk for each one of you. I am grateful for their professionalism and dedication to Tooele City residents.

Tooele City is proud of our excellent volunteer fire department. This past year, our department celebrated the 100-year anniversary of their official formation. Our 50 volunteer firefighters donate their time away from family and friends to participate in weekly training, attend fire school, and other training opportunities, to become certified in all aspects of firefighting. They educate hundreds of children each year about fire safety. They use their own vehicles, saving the tax payers thousands of dollars annually. They jump at a moments notice day or night to respond onto a fire call. During 2019 they responded to nearly 400 calls. It is my hope that the residents recognize the great service these men provide and the millions of tax payer dollars that are saved by providing this professional service as volunteers.

This past year we have been able to continue our replacement of much needed capital equipment, including new snow plows and other heavy equipment to enable our staff to perform their duties in a safe and efficient manner. Our parks continue to improve. A new restroom facility was constructed at the park on 200 West and Vine Street. A new pavilion at the golf course was completed and it can be used by the public for all kinds of events that can be held at what I

believe is the finest golf course in the valley. An automatic sprinkler system was installed at Elton park this year alleviating the need for a night waterer. This will now enable our staff to use irrigation water on the park when it is available. Other improvements to Elton park include pickleball parks, that provide recreational activities for the young and the old. A pickleball tournament was organized this last fall by the Tooele Pickle Ball Organization. Over 60 participants from all over the state participated in this event. This spring we will install six more courts and outdoor lighting, so that we may expand the use of the facility later into the evening and hold even larger tournaments. The sidewalk around the entire park will also be completed soon, creating a continuous and safe walking path. The next task this year for our parks department is complete portions of England Acres. We have a tentative plan for additional parking, another pavilion and other uses.

We are looking forward to Memorial Day as we recognize and celebrate the service of our veterans. The second statute to be placed at Veterans Memorial Park was sculpted by lifelong Tooele Resident Marvin Hitesman. This project has been funded by generous donations from many local residents through the Tooele City Arts Council. The statute is a Vietnam Soldier and his tracker dog and will serve as a reminder of the sacrifices made by men and women who have served and who are currently serving our country today.

For the past two years, staff and residents have participated in the spring clean up effort. We call it Take Pride Tooele. We ask residents to clean up their own yards and help neighbors in an effort to show their pride in our city. Families, individuals, and community groups helped us clean up many areas of our City. I appreciate the effort of all those who participated and ask for your help this year. We are asking neighborhoods to dedicated the morning of Saturday May the 16 to organize and complete a project in their own neighborhood. The members of the City Council and myself are looking forward to joining you in your efforts on that day.

Our City continues to grow, not unlike other communities in our state. The City Council and I recognize the challenges that come with managing the growth. The need to provide homes and employment for our own children and grandchildren is a difficult task. Many others recognize the benefit of living here and they will need to live and work. Tooele City has recently completed a Moderate Income Housing Plan which is required by State law. This plan will allow for housing opportunities in the future for all income levels. Our community development staff is working with the Planning Commission on other elements of our General Plan. Later this year, public meetings will be held to give our residents the opportunity to share their ideas on what growth might look like in our City.

Collaboration, partnership, and working together as a team is the only way to accomplish great things. I am grateful for the opportunity to work with Grantsville City Mayor Brent Marshall, Stockton City Mayor KJ Karjola and the County commissioners. We meet often to discuss the needs of our valley and how we can work together to solve difficult issues. As a group of valley wide leaders, we discuss transportation issues with UDOT an UTA. We are currently

participating in two studies to address the future public transportation need and solutions to the bottleneck of traffic at exit 99.

Leaders from all areas of our valley are meeting on a monthly basis to combine our efforts to acquire additional water and sewer resources. I am appreciative of the efforts of Dr. Scott Rogers, Tooele County School District superintendent and the Tooele County School Board as we work together to share our facilities in an effort to save tax payer dollars. Tooele City is also grateful for the collaboration we share with Tooele Technical College and Utah State University, Tooele Campus who train and educate our workforce. I am grateful for the communication and support we have received from Tooele Army Depot and Dugway Proving Ground. Colonel Gould and Coronel Burnley are exceptional men who are committed to our country and our community.

Thank you to the staff and board of the Tooele County Chamber of Commerce, who work hard for the business community. I made a promise to our local businesses that our Tooele City would work hard to become a business friendly city. I will continue to work with staff and find ways to help improve our service. We will continue to make recommendations to the City Council to improve our codes, to help our small business owners achieve the American Dream. I believe that the only way to bring great success and economic development to our city is to work together in a spirit of friendship and unselfishness. The Council Members and I are committed to make our community a place where residents are proud to live, work and play. We are committed to being transparent and accountable. Your ideas and solutions are extremely important. We are in the process of planning several ways to gather your input through social media, surveys, and townhall meetings. There are so many good things happening in our community. Thank you to those who step up following a tragedy, showing love, compassion, and support. Thank you for helping the elderly and those in need. It takes a community working together to preserve our quality of life. I am honored and proud to serve as your Mayor. May God continue to bless America and our community.

4. Mayor's Youth Recognition Awards

Presented by Stacy Smart, Mayor Winn, and Police Chief Kirby

Mayor Winn welcomed visitors for the Mayor's Youth Awards and introduced Tooele City Police Chief Ron Kirby and thanked him for his collaboration. Ms. Smart highlighted Communities That Care Programs including Second Step, QPR, and Guiding Good Choices.

Ms. Smart, Chief Kirby, and the Mayor then presented the Mayor's Youth Recognition Awards to the following students:

- Joscelyn McAllister
- Mark Vasquez-Day
- Tanner Perkins
- Tyler Lee

- Nathan Boren

5. Recognition of Phil Montano for Time Serving on Planning Commission.

Presented by Mayor Debbie Winn and Jim Bolser

Mr. Bolser stated on January 8, 2006, Mayor Dunlavy appointed Mr. Montano to be a member of the Planning Commission. Mr. Montano has been one of the most consistent and prepared Planning Commissioner's that the City has had. Unfortunately Mr. Montano has asked to resign from the Planning Commission and the City is honoring him for his service from January 18, 2006 until his final meeting on December 11, 2019. That is a long stretch of time and during that period of time and he has been incredibly consistent and attends regularly. He is prepared and consistent and he will be sorely missed.

Mayor Winn stated that is a lot of years of service and this is volunteerism. This is what our community is all about, somebody who is here for the meetings and reads through the information and travels the community to make educated decisions.

Chairman Wardle thanked Mr. Montano for being a passionate advocate for the community.

6. Creative Communities Pilot Project Update

Presented by Tracy Hansford, Creative Communities Team lead, Utah Department of Heritage and Arts.

Ms. Hansford stated that she was in attendance to give an update on the Creative Communities Initiative. She gave a brief overview of the Department of Heritage and Arts. Creative Communities is the state's way to get as many of the state resources in the rural communities. Tooele City has been chosen as a pilot community. The mission is to create vibrant and inclusive communities, where residents thrive and take pride in their home towns.

Ms. Hansford stated that Creative Communities is a package of programs from the Department and include, needs assessment for cultural needs, technical assistance, workshop series for nonprofit 101, grant writing, marketing basics, and keep and retain volunteers. Change leader program, Utah Humanities community conversations, and cultural plan for Tooele City. The department has hired a consultant for the cultural plan from Union Creative to create the an action plan.

Chairman Wardle asked about the event workshop at Thanksgiving Point. Ms. Hansford stated this is a three-day all-day event at minimal cost.

Council Member Graf asked if there were other cities that have cultural plans in Utah. Ms. Hansford stated that Union Creative has done Park City, Summit County and Ogden City Ogden City is tied to the City plan.

Council Member Gochis asked if the cultural plan includes funding streams for achieving success. Ms. Hansford stated recommendations can be made, but they are not a fundraising organization.

7. Public Comment Period

Chairman Wardle opened the meeting for public comment. There were no comments. Chairman Wardle closed the public comment period.

8. Public Hearing

- a. Ordinance 2020-02 A Text Amendment to the Tooele City Code Amending the Text of Section 7-4-8 Related to Driveway Locations and Making Related Technical Changes to Section 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code Presented by Jim Bolser

Mr. Bolser stated that this is an item that was discussed in a prior agenda. This is a text amendment to the City Code regarding how to deal with driveway locations, specifically for their relationship to intersections of streets. There has been an increase in the number of permits that come through, with homes designed with the driveway location on the intersection side of the home. This leaves no distance between the driveway and intersection itself. This provides City staff with concerns for two reasons. First of all, by state traffic code you cannot park longer than observe the regulation of the intersection either stop sign or yield sign. Traffic cannot park within 30 feet of the traffic control device for visibility and safety. Similarly, the City has a regulation on the City Code called the clear view triangle. This is a distance back on either side of the intersection that designates a triangle on the private property. A property owner cannot have a visible obstruction within the triangle. If driveways were allowed on the intersection side of the home, a vehicle parked in the driveway would be in violation of the clear view area. This ordinance creates a setback from the intersection so that a driveway would not be able to be put in the clear view triangle and thus block visibility and impeded safety. There was a distance requirement for multi-family projects in the code, that has been adjusted and language for non multi-family residences has been added as well. The Planning Commission has reviewed this and forwarded a positive recommendation from their public hearing.

Chairman Wardle opened the public hearing, there were no comments. Chairman Wardle closed the public hearing.

Council Member Brady motioned to approve Ordinance 2020-02. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. Ordinance 2019-35 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property at Approximately 2100 North Main Street.
Presented by Jim Bolser

Mr. Bolser stated that this was an item that has been reviewed at two previous meetings. The property fills in the area between SR36 and 400 East. It is across the street from Mountain West Medical Center. The current zoning for the property is a split zone. Approximately 60% of the property on the west side is zoned GC General Commercial. The remainder on the east is LI Light Industrial. The proposed zoning is for the entirety of the property to be zone LI Light Industrial. At the last meeting there was a request to the applicant for some renderings and tax information. That information was provided in the packet. Several renderings were shown on the screen.

Council Member Hansen stated that if this is rezoned, will there be a way to have the renderings committed to make it look like the renderings. Mr. Bolser stated that the motion would need to be very specific in regards to the provided elevations and the elements of those renderings that the Council wants to ensure are present when the development is built. Mr. Baker added that the illustrations to be added to the ordinance as well.

Chairman Wardle opened the public hearing,

Mr. Rob McMaster stated that he has been a resident for about 16 years. He drives regularly by the intersection. He thinks that aesthetically the renderings would be a benefit to the location. He would prefer the storage units over a dead field. He stated he would like to have a storage unit that has more open hours. He is in favor of this coming into the community.

Mr. Curtis Beckstrom stated that there has been a lot of discussion about the General Plan. He stated that he knows where Tooele begins, but he is wondering where the boundaries are for Tooele City. If there are other areas that could have commercial to the north.

Chairman Wardle asked if these are only allowed in Light Industrial. Mr. Bolser stated that yes, they are only allowed in light or heavy industrial zones. Mr. Bolser stated that there is LI Light Industrial around 400 East to the east of the site. Along Main Street it is commercial. Chairman Wardle asked if these could be put in any other areas without changing the zoning. Mr. Bolser stated no, not without changing the zoning. Mr. Bolser stated in answer to the question asked, Tooele City begins in different places on either side of SR36. Property is in the City on both sides of Main Street until Liddiards. On the east side of the road after Liddiards, it is county and on the west side of the road it is City until the back property line of Tooele Valley Motor Sports on Cimmaron Road.

Mr. Todd Morrell stated that he has been watching this application for a while. He stated that the elevations do not represent what he thinks will happen. He believes that the elevation of the

property will allow people to see the storage unit doors. He stated that there is no tax benefit from the units. He asked for the City to keep it commercial.

Chairman Wardle closed the public hearing.

9. Second Reading Items.

- a. Ordinance 2020-02 A Text Amendment to the Tooele City Code Amending the Text of Section 7-4-8 Related to Driveway Locations and Making Related Technical Changes to Section 7-4-9, Section 7-4-10, and Section 7-4-11 of the Tooele City Code
Presented by Jim Bolser

The vote for this item was under item 8 on the agenda.

- b. Ordinance 2019-35 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property at Approximately 2100 North Main Street.
Presented by Jim Bolser

Council Member Hansen motioned to approve the Ordinance 2019-35 with the following conditions, that the architectural features and renderings specifically, elevation pictures, landscaping as seen in the pictures, with trees specifically, the color, the lighting, the outside look with aesthetics and materials that appear in the pictures be included in the motion and be built to accordingly and include exhibits pages 56-59 in the packet. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Nay," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- c. Resolution 2020-09 A Resolution of the Tooele City Council Authorizing the Disposal of Lost or Mislaid Personal Property
Presented by Chief Ron Kirby

Chief Kirby stated that this is an item that was previously reviewed and discussed. There is property that needs to be disposed of or converted to public use. This is mostly bicycles that have been recovered. The department attempts to find the owner, but have been kept as required by state code. The items are posted per state code to give the public an opportunity to find them. Now the department is requesting the approval to dispose of the items.

Council Member Graf motioned to approve Resolution 2020-09. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- d. Resolution 2020-02 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Robert D. Smart Trustee of the Jack Braton Tomlin Trust
Presented by Jim Bolser

Mr. Bolser stated that this is a previous meeting item. It is back for potential action. The property is just south of Utah Avenue and between Emerald Road and the railroad tracks. It is one piece of property, but a wedge shaped piece of property was left out of the City when the industrial depot was annexed into the City. Mr. Smart the trustee for the property is requesting that the wedge piece be annexed into the City to make the entire piece of property under one jurisdiction. This resolution does not approve the annexation. State law has lengthy process by which property can be annexed and this is just the first step to allow the process to begin for formal consideration.

Council Member Brady motioned to approve the Resolution 2020-02. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- e. Subdivision Preliminary Plan for the Millennial Park Development requested by Mountain Partners Investments LLC for Property Located at 300 West 400 North in the MR-16 Multi-Family Residential Zone for the Creation of 17 Townhome Lots
Presented by Jim Bolser

Mr. Bolser stated that this was also on the last agenda for the first reading. The property is a portion of property that was approved for a Zoning Map Amendment for the MR-16 zone. The property is east of the Dow James building and south of the City skate park. The zoning is MR-16 and the properties across the street to the east are also part of the project, but will be coming forth as a later phase. The Planning Commission has heard this and forwarded a positive recommendation.

Council Member Gochis motioned to approve the subdivision preliminary plan for Millennial Park Development requested by Mountain Partners Investments LLC. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- f. Minor Subdivision Request for the Hunter Minor Subdivision for Property Located at 240 West Utah Avenue on Property in the R1-7 Residential Zone for the Creation of 3 Single-Family Residential Lots
Presented by Jim Bolser

Mr. Bolser stated the property is an infill lot on the north side of Utah Avenue. There is an existing home with a fairly sizeable lot to the rear and fronts 230 North. The zone of the property is R1-7 Residential. The request creates three new lots, but the existing home will be a lot and the two new lots will face 230 North. The new lot lines will not create any new non-conformity with existing structures that will remain. This as a minor subdivision is a combination of preliminary and final plat. Planning Commission forwarded a positive recommendation.

Council Member Brady motioned to approve the minor subdivision request for Hunter Minor Subdivision. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- g. Resolution 2020-14 A Resolution of the Tooele City Council Ratifying & Approving a Contract with Performance Audio for Audio-Visual Equipment Installation Presented by Mayor Winn

Mayor Winn stated this is a resolution is to ratify and approve a contract with Performance Audio for the audio-visual equipment installation for the Council Chambers. There will be an upgrade to the projector, microphones, and cameras will be permeantly installed. The total for the contract is \$52,981.47. Originally in the fiscal year 20 there was budgeted \$36,000. That will not be enough, but the RDA has approved to pay for the additional amount

Council Member Graf asked if the recording system is also being upgraded. Mayor Winn stated all of it will be updated.

Chairman Wardle asked if the bench trial was added to the contract. Mayor Winn stated the contract is Performance Audios contract.

Chairman Wardle motioned to approve the Resolution 2020-14 with the amendment that the waiver for a jury trial be placed in the contract. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

10. First Reading Items.

- a. Resolution 2020-13 A Resolution of the Tooele City Council Approving a Contract with Wasatch Electric for Security Camera Installation. Presented by Mayor Winn

Mayor Winn stated that this has been included in the budget. This is a contract with Wasatch Electric to install security cameras. The first is at the golf course for a total of \$15,476. The second is at the swimming pool, Pratt Aquatic Center, for \$16,425. The third is \$31,600 for installation of cameras inside and outside of City hall. The cameras will operate on a motion center and can also be watched live. Mayor Winn stated that the waiver of a jury trial might need to be added to this contract also.

Mr. Baker stated there is no objection to the jury waiver, but he is less concerned to a jury waiver clause in an equipment installation when there is not likely to be consequential damages, but is good practice.

Mayor Winn asked for the second reading to be waived.

Council Member Brady motioned waive the second reading of Resolution 2020-13 and added the jury trial amendment for approval. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- b. Ordinance 2020-08 An Ordinance of Tooele City Amending the Tooele City Policies and Procedures manual
Presented by Kami Perkins**

Ms. Perkins stated that that a policy was made to have a committee review and modify personnel policy and procedures manual. The policies brought for modification are the drug free work place, holiday policy, and purchases and reimbursement policies. The changes to the drug free workplace are being modified due to changes in medical cannabis law. There are still legislative changes happening, but there is enough approved legislation to address medical policy. The overall reaching purpose is the fitness for duty and safety sensitive. The request for the holiday policy is the request to add the day after Thanksgiving as a designated holiday. The Mayor has traditionally declared that day an administrative day of leave. It does create some difficulties with call outs, and law enforcement. There is not an anticipated fiscal note for the item. It may result in some premium pay if there happens to be a snow day, but that is anticipated to be absorbed in the comp time programs. Section 38 are some modifications on the purchases and reimbursement policy. There was a Council approved purchasing policy and it needed to be added to the employee handbook, that employees need to follow the purchasing policy.

There was a lengthy discussion between the Council Members and Ms. Perkins over the policy including items related to types of drug testing, definitions and timing for drug testing, and employees who will be drug tested; as well as clarification on coding for holiday pay and disciplinary actions after positive drug testing. Chairman Wardle also asked about the police department policies and why those are not approved by the Council.

Ms. Perkins explained the current practices of the City and how the policy is intended to work. She also explained the process for using a medical review officer and determining the positive tests or medical verifiable reason for positive tests. Chief Kirby stated that the police department has policies written by Lexapol. They are a national recognized company with legal staff for federal police guidelines. Many other local department's use them as well. The policies are written in accordance with federal and state guidelines for police departments and court decisions. Chief Kirby welcomed the Council in adoption of the policies.

Mr. Baker gave a brief explanation as to how the policies and procedures are approved by the City charter.

The conclusion of the discussion resulted in Ms. Perkins taking the drug free workplace policy back to be reviewed for verbiage on refusal to test determinations, clarification of non safety sensitive employee definitions. Also, to review the City inserting into code that policies for the police department are not less overall city policies'.

It was decided that the policy be moved to second reading for an estimated date of March 4th.

- c. Ordinance 2020-09 An Ordinance of Tooele City Amending Tooele City Code Chapter 7-19 Regarding Approval of Subdivision Final Plat Applications Presented by Jim Bolser

Council Member Wardle motioned table item c. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

Chairman Wardle requested a five minute recess.

- d. Ordinance 2020-05 An Ordinance of Tooele City Amending Tooele City Code Chapter 4-11 Regarding Sidewalks to Establish Civil Penalties for Violations. Presented by Roger Baker

Council Member Graf motioned table the first reading of Ordinance 2020-05 and Ordinance 2020-10, agenda items d and e. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- e. Resolution 2020-10 A Resolution of the Tooele City Council Amending the Tooele City Fee Schedule Regarding Civil Infractions for Violations of Tooele City Code Chapter 4-11 Regarding Sidewalks.
Presented by Roger Baker

This item was tabled on the prior agenda item.

- f. Ordinance 2020-07 An Ordinance of Tooele City Amending Tooele City Code Title 6 (Animal Control) to Accommodate the Utah Community Cat Act.
Presented by Derrick Larsen

Mr. Larsen stated the ordinance will bring the code current animal control code up to date with the Utah Community Cat Act.

Council Member Hansen motioned move to the second reading of Ordinance 2020-07.

Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- g. Ordinance 2020-09 An Ordinance of the Tooele City Council Reassigning the Zoning Classification to the R1-7 Residential Zoning District for 1.15 Acres of Property Located at Approximately 600 South Canyon Road
Presented by Jim Bolser

Mr. Bolser stated that this is an item forwarded from the Planning Commission. The applicant is the property owner. It is at the current south end of Canyon Road. The current zoning for the property is MU-16 zone which requires 160 acres per residential unit. The proposed zoning is R1-7. The applicant has expressed an intent to build three lots. The potential due to the size of the property would make more than three lots, but due to the terrain it would be difficult to maximize the usage to the allowance for the zone. The Planning Commission has forward a unanimous positive recommendation.

Council Member Hansen stated the applicant was asking for three lots, and asked if the Council should limit the number of lots due to total size of the property allowing more in the R1-7 zone. Mr. Bolser stated the Council could exercise that discretion but the limitations by terrain conditions are already on the City Code. Mathematically the lot property could get six or seven lots, but the terrain wouldn't likely allow that.

Council Member Brady motioned move this item to the second reading of Ordinance 2020-09. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

11. Minutes

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

Council Member Brady motioned to approve minutes from the City Council January 7, 2020. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

12. Approval of Invoices

Presented by Cylee Pressley

An invoice in the amount of \$33,068.60, to Mountainland Supply for water meters and water meter parts.

An invoice in the amount of \$79,081.75, to Tooele County Sheriff's Department for October, November, and December Dispatch fees.

An invoice in the amount of \$22,107.00, to Tri-Tel Communications, for the phone system for the new Police Department building.

An invoice in the amount of 28,398.00, to Mountainland Supply for water meter and supplies.

Council Member Graf motioned to approve invoices. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

13. Adjourn

Chairman Wardle adjourned the meeting.

The meeting adjourned at 9:29 p.m.

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

Approved this 19th day of February, 2020

Scott Wardle, Tooele City Council Chair

Tooele City Council Meeting with Colonel Gould

Date: Wednesday, February 19, 2020

Time: 5:15 p.m.

Place: Tooele City Hall, Large Conference Room
90 North Main Street, Tooele, Utah

City Council Members Present:

Scott Wardle

Melodi Gochis

Ed Hansen

Tony Graf

Justin Brady

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Steve Evans, Public Works Director

Darwin Cook, Parks Department Director

Glenn Caldwell, Finance Director

Kami Perkins, Human Resource Director

Minutes prepared by Cylee Pressley

Council Member Wardle called the meeting to order at 5:21 p.m.

Colonel Gould met informally with the City Council to discuss Dugway operations.

Adjourn

Chairman Wardle adjourned the meeting.

The meeting adjourned at

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

Approved this ____ day of _____, 2020

Scott Wardle, Tooele City Council Chair