

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Business Meeting on Wednesday, July 6, 2022, at the hour of 7:00 p.m. The meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page at <https://www.facebook.com/tooelecitey>. If you are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email cmpubliccomment@tooelecitey.org anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Comment Period**
4. **Public Hearing & Motion on Ordinance 2022-20** an Ordinance of Tooele City Reassigning the zoning from GC General Commercial to RC Regional Commercial for the Western 10 Acres of 2520 & 2540 North 400 East, Reassigning the Zoning from GC General Commercial to MR-25 Multi-Family Residential for the Central 7.4 Acres of 2520 & 2540 North 400 East, and Reassigning the Zoning from RD Research and Development to R1-7 Residential for the Eastern 17 Acres of 2520 & 2540 North 400 East
Presented by Jim Bolser, Community Development Director
5. **Public Hearing & Motion on Ordinance 2022-21** an Ordinance of Tooele City Amending Table 1 of Chapter 7-16 of the Tooele City Code Regarding Heavy Equipment Sales and Rental in Non-Residential Zoning Districts
Presented by Jim Bolser, Community Development Director
6. **Public Hearing & Motion on Ordinance 2022-22** an Ordinance of Tooele City Amending Sections 7-13-1, 7-15-3, 7-15a-3, and Chapter 7-14 of the Tooele City Code Regarding Multi-Family Residential Zoning Districts
Presented by Jim Bolser, Community Development Director
7. **Subdivision Plat Amendment Request** for the Jake and Amy Subdivision by John and Amy Johnson to Amend Lot 3 of the Delamare Planned Unit Development and Lot 67 of the Pioneer Subdivision Addition #4, Located at Approximately 668 Pine Meadow Lane in the R1-7 Residential Zoning District on 4.83 Acres
Presented by Jim Bolser, Community Development Director
8. **Resolution 2022-58** a Resolution of the Tooele City Council Authorizing the Mayor to Sign a Contract with Paul Hansen Associates, L.L.C. for City Engineering Services
Presented by Debbie Winn, Mayor

9. **Resolution 2022-59** a Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for the Harris Community Village Project
Presented by Roger Baker, City Attorney
10. **Resolution 2022-60** a Resolution of the Tooele City Council Waiving Development Impact Fees for the Tooele County Housing Authority's Murdock Subdivision
Presented by Roger Baker, City Attorney
11. **Resolution 2022-61** a Resolution of the Tooele City Council Waiving Development Impact Fees for the Tooele County Housing Authority's Harris Community Village Project
Presented by Roger Baker, City Attorney
12. **Resolution 2022-62** a Resolution of the Tooele City Council Approving an Agreement with RH Borden and Company LLC for Sewer Line Transmissive Acoustics Assessment Services
Presented by Jamie Grandpre, Public Works Director
13. **Resolution 2022-63** a Resolution of the Tooele City Council Approving a Contract Change Order with Broken Arrow Inc. for the 2022 Roadway Improvement Project
Presented by Paul Hansen, City Engineer
14. **Resolution 2022-64** a Resolution of the Tooele City Council Approving a Contract Change Order with Broken Arrow Inc. for the 2022 Seventh Street Road and Utility Improvement
Presented by Paul Hansen, City Engineer
15. **Minutes**
~Wednesday, June 15, 2022, City Council & RDA Work Meeting Minutes
~Wednesday, June 15, 2022, City Council Business Meeting Minutes
16. **Invoices**
17. **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 435-843-2111 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

ORDINANCE 2022 -20

AN ORDINANCE OF TOOELE CITY REASSIGNING THE ZONING FROM GC GENERAL COMMERCIAL TO RC REGIONAL COMMERCIAL FOR THE WESTERN 10 ACRES OF 2520 AND 2540 NORTH 400 EAST, REASSIGNING THE ZONING FROM GC GENERAL COMMERCIAL TO MR-25 MULTI-FAMILY RESIDENTIAL FOR THE CENTRAL 7.4 ACRES OF 2520 AND 2540 NORTH 400 EAST AND REASSIGNING THE ZONING FROM RD RESEARCH AND DEVELOPMENT TO R1-7 RESIDENTIAL FOR THE EASTERN 17 ACRES OF 2520 AND 2540 NORTH 400 EAST.

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

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 2020-47, on December 16, 2020, 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 2020-47 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 Amendment Petition for Zoning Map amendments for properties located at approximately 2520 and 2540 North 400 East on

May 10, 2022, requesting that the Subject Properties be rezoned from GC General Commercial and RD Research and Development to RC Regional Commercial, MR-25 Multi-Family Residential and R1-7 Residential (see Amendment Petition and map attached as Exhibit A, and Staff Report attached as Exhibit B); and,

WHEREAS, the Subject Properties are owned by the Estate of Eileen Barnett and Robert Pitt and are currently designated as Regional Commercial, High Density Residential and Medium Density Residential in the Land Use Element of the General Plan; and,

WHEREAS, the RC Regional Commercial zone complies with the Regional Commercial Land Use designation and the MR-25 Multi-Family Residential zone complies with the High Density Land Use designation and the R1-7 Residential zone complies with the Medium Density Residential Land Use designation; and,

WHEREAS, the Medium Density Residential land use designation includes the R1-7, R1-8 and R1-10 single-family residential zoning districts and allows single-family homes as well as duplexes; and,

WHEREAS, the High Density Residential land use designation includes the MR-8, MR -16 and MR-25 Multi-Family residential zoning districts and allows multi-family residential apartments, condominiums and townhomes; and,

WHEREAS, the Regional Commercial land use designation includes the RC Regional Commercial and RD Research and Development zoning districts and allows a wide variety of regional commercial uses, office parks, educational facilities, medical parks and so forth; and,

WHEREAS, on June 22, 2022, 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 July 6, 2022, the City Council convened a duly-noticed public hearing:

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

1. this Ordinance and the zoning map amendment proposed therein is in the best interest of the City in that it will create additional housing opportunities and greater commercial opportunities; and,
2. the zoning map is hereby amended for 10 acres of land on the western half of the property from GC General Commercial to RC Regional Commercial, for 7.4 acres located at the center of the properties from GC General Commercial to MR-25 Multi-Family Residential and for 17 acres located at the eastern half of the property from RD Research and Development to R1-7 Residential, located at 2520 and 2540 North 400 East according to the map attached as Exhibit A and staff report attached as Exhibit B.

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

Petition and Mapping Pertinent to 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.

Project Information			
Date of Submission:	5-10-2022	Current Map Designation:	GC/R&D
		Proposed Map Designation:	RC/MR-25/R1-7
Parcel #(s):	02-144-0-0013 & 02-144-0-0016		
Project Name:	TBD	Acres:	34.44
Project Address:	2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX		
Proposed for Amendment:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____		
Brief Project Summary:	An extension of 400 East north of 2400 North. To change the Zoning from Main Street West to East, to commercial development (RC) on the east side of Main Street, followed by High Density Residential (MR-25) followed by Medium Density Residential (R1-7) as per the Tooele City Land Use Map approved December 2020 (See Attached). Property Owner: (02-144-0-0013) Ruth S. Pitt Trustee of the Ruth S. Pitt Family Trust April 8, 1975 Craig Pitt, Trustee, 317 West Cherry Street, Grantsville, UT 84029		
Property Owner(s): (02-144-0-0016)	The Estate of Eileen Barnett		
Applicant(s):	Thrive Development Corporation		
Address:	1844 North Blue Peak Drive		
Address:	7585 S Union Park Ave		
City:	State:	Zip:	
Tooele	UT	84074	
City:	State:	Zip:	
Salt Lake City	UT	84047	
Phone:	Ronald J Barnett and Leanna Fretwell, Co-Trustees		
Phone:	801-948-8800		
Contact Person:	David Gumucio		
Address:	P.O. Box 743		
Phone:	City:	State:	Zip:
435-830-3337	Grantsville	UT	84029
Cellular:	Fax:	Email:	
435-830-3337	866-634-3115	gumby@mstar.net	

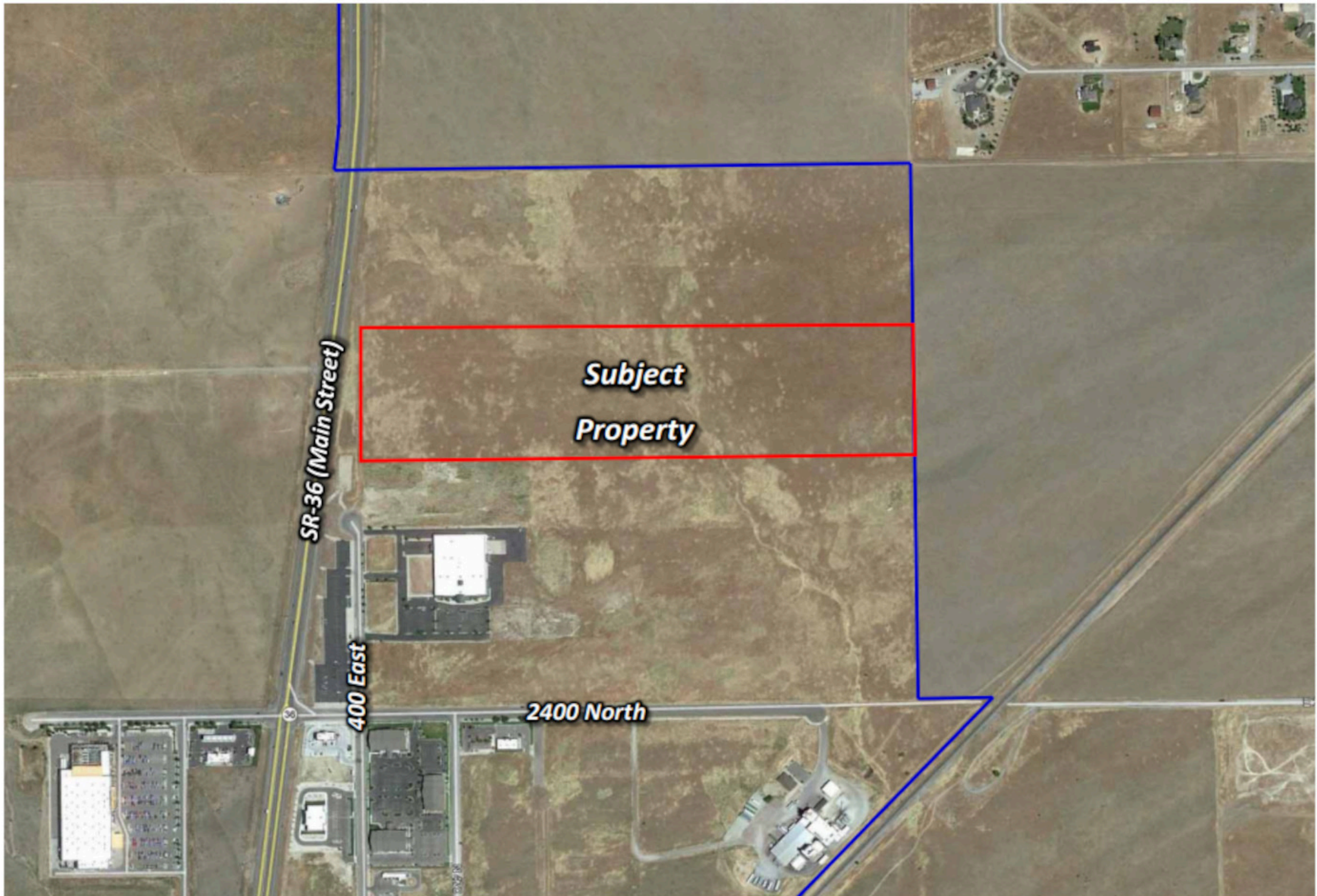
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This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

Note to Applicant:

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

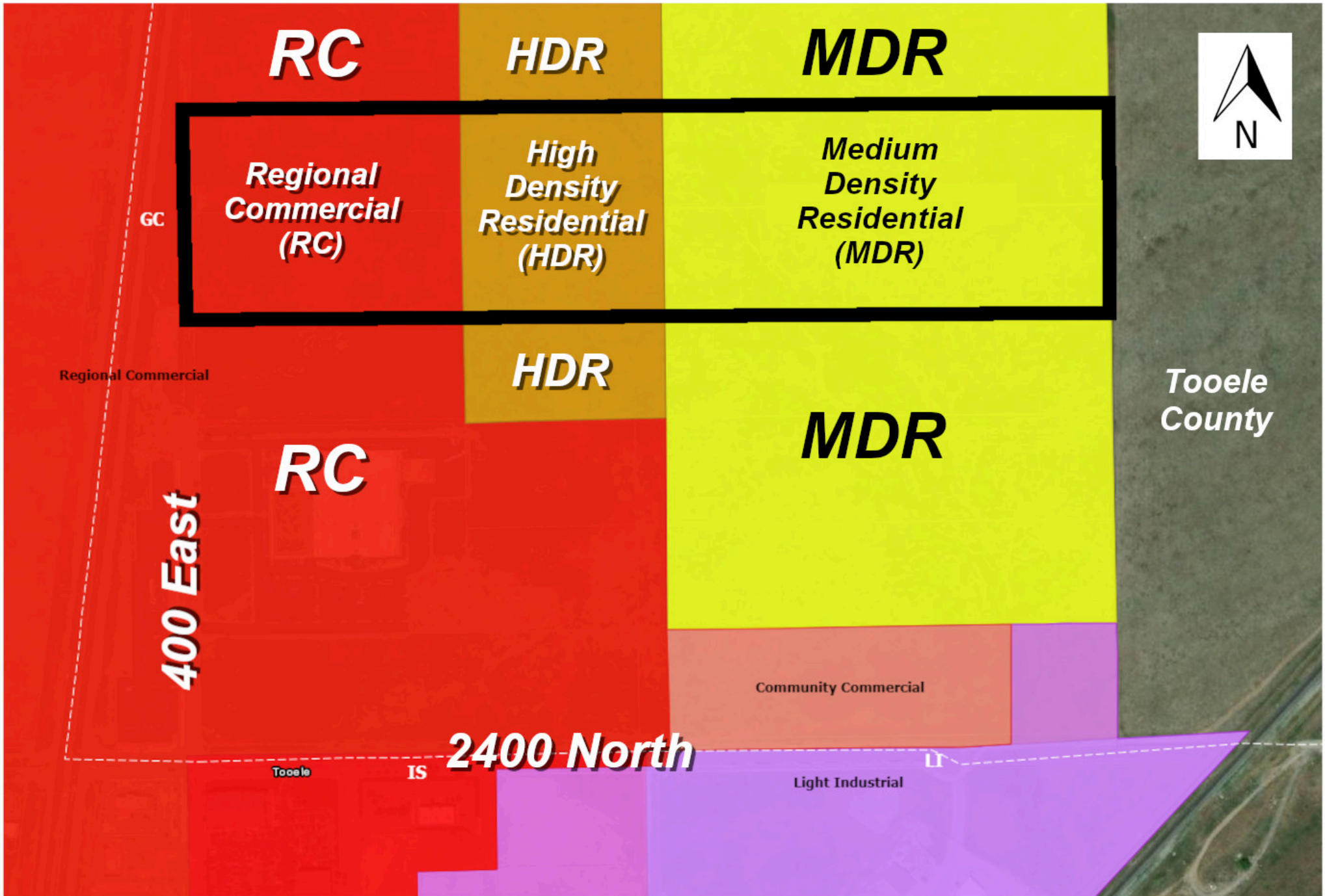
For Office Use Only			
Received By:	Date Received:	Fees:	App. #:
Jessi Perry	3/23/21	\$ 4,500.00	00399079

Barnett-Pitt Zoning Map Amendment



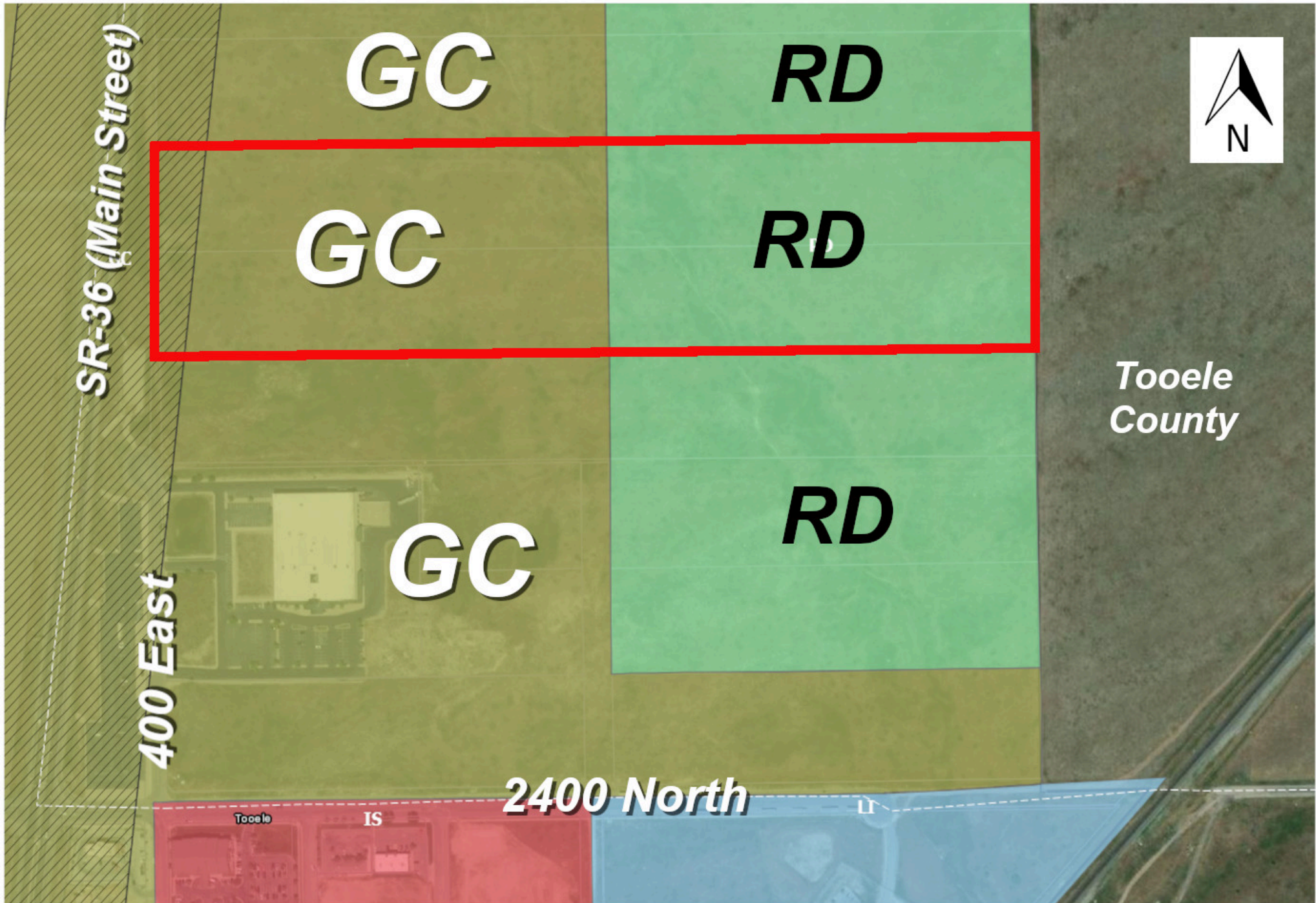
Aerial View

Barnett-Pitt Zoning Map Amendment



Current Land Use

Barnett-Pitt Zoning Map Amendment



Current Zoning

Barnett-Pitt Zoning Map Amendment



Proposed Zoning

Exhibit B

Staff Report

STAFF REPORT

June 14, 2022

To: Tooele City Planning Commission
Business Date: June 22, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Barnett - Pitt – Zoning Map Amendment Request

Application No.: P22-544
Applicant: David Gumucio, representing Thrive Development Corporation
Project Location: Approximately 2520 & 2540 North 400 East
Zoning: GC and RD General Commercial & Research Development Zones
Acreage: 34.44 Acres (Approximately 1,500,206 ft²)
Request: Request for approval of a Zoning Map Amendment in the GC and RD General Commercial & Research Development zones regarding re-assigning the zoning to RC Regional Commercial, MR-25 Multi-Family Residential and R1-7 Residential.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 34.44 acres located at approximately 2520 & 2540 North 400 East. The property is currently zoned GC and RD General Commercial & Research Development. The applicant is requesting that a Zoning Map Amendment be approved to allow the property to be divided into three zones, the RC Regional Commercial zone, the MR-25 Multi-Family Residential zone and the R1-7 Residential zone.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan currently places three land use designations on the property. The portions of the parcels closest to SR-36 are currently designated as RC Regional Commercial. The central portion is HDR High Density Residential and the largest portion of the two lots, the eastern half totaling approximately 16 acres, is currently designated as MDR Medium Density Residential. The current zoning of GC and RD are not identified by the General Plan as preferred zoning classifications for the RC, MDR and HDR land use designations. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The eastern halves of the properties are currently zoned RD Research and Development and are undeveloped ground. The western halves of the property are currently zoned GC General Commercial and are also undeveloped ground. Properties the north bear the same zoning district designations. Properties to the south are also zoned GC and RD. Properties to the east are located in unincorporated Tooele County.

The applicant is requesting a zoning map amendment that will follow the boundary designations of the current Land Use Map. The western 10 acres is currently designated as Regional Commercial in the Land Use Map and the applicant is requesting that this portion of the two properties be rezoned to the RC Regional Commercial zoning district. The Regional Commercial District is established to provide for

large scale commercial and other uses that have a regional influence and that may be areas of high traffic generation, because of the nature of the use, the diversity of uses, or the size of the activity. The Regional Commercial (RC) District is designed to provide areas for intensive retail commercial uses, such as retail shopping centers, large retail outlets, large office buildings, entertainment uses, public uses and quasi-public uses and related activities. This District shall be located so as to be able to provide the services and infrastructure available to meet the demands of intensive commercial uses. This District will be located in proximity to major roads and transportation corridors to facilitate access by the private automobile and public transportation. This District encourages creative site planning and design for activities and uses that will provide commercial and other services to residents of the Tooele Valley and adjoining areas. All buildings and structures within this District will be attractively designed and incorporate a design theme through architectural design elements. These areas should also provide amenities for the use of city residents and patrons including open space and trail features, mass transit terminals and other amenities.

The central 7.4 acres of the property are currently designated as High Density Residential. The High Density Residential designation encourages multi-family residential zones such as the MR-8, MR-16 and MR-25 zoning district but does not guarantee which of these multi-family residential zones are appropriate for a particular property. The applicant is requesting that the 7.5 acres be rezoned to MR-25. The MR-25 zoning district is Tooele City's highest density zone permitting up to 25 units per acre. When accounting for roads and other public infrastructure at about 20% of the site, that leaves about 6 acres for development. Using a raw calculation based solely upon acreage alone the MR-25 zone could potentially yield 150 multi-family residential units such as apartments, condominiums and town houses. The MR-16 zone could yield 96 units. The MR-8 zone could yield 24 units. It should also be emphasized that single-family residential and duplex residential uses are not permitted in any of the MR zoning districts. These zones are strictly multi-family residential, or, 3 or more attached units.

The eastern 17 acres is currently designated as Medium Density Residential. The MDR designation encourages or recommends the R1-7, R1-8 and R1-10 zoning districts. These zoning districts are zones that require single-family residential and duplex residential type of use. Multi-family residential uses such as apartments, townhomes and condominiums are not permitted in these three zones. The applicant is requesting that the eastern 17 acres be rezoned to the R1-7 Residential zone. Accounting for 20% of the site being used for roads and other public infrastructure, that leaves approximately 13.6 acres for development. In the R1-7 zone the 13.6 acres would yield approximately 68 lots. In the R1-8 zone the density is about the same, the only different being lots are required to be 8,000 square feet instead of 7,000 square feet. The R1-10 zone could yield approximately 54 lots.

All three of the zoning districts, the RC Regional Commercial, the MR-25 Multi-Family Residential and the R1-7 Residential do comply with the Land Use map of the Tooele City General Plan. However, the purpose of the Zoning Map Amendment application being considered at this hearing is which of these zoning districts is most appropriate and beneficial for this area and for Tooele City as a whole. The Land Use Map does NOT guarantee the highest density, or the smallest single-family lots. The Land Use Map only opens the discussion.

There are considerable infrastructure and logistical challenges associated with developing these properties that are currently isolated. Currently these properties have no road access, no access to sewer and no access to existing water lines. Although pertinent to development of the properties, these issues are not pertinent to the zoning of the properties as these matters are fully discussed and resolved during the site planning and subdivision processes. The Planning Commission is encouraged to focus the discussion on the zoning of the properties and reserve site planning and subdivision details for a future meeting.

It should be noted that a small section of the properties on the west side adjacent to SR-36 fall under the North Tooele Gateway Overlay. This overlay is specific to streetscape landscaping, building architecture,

parking locations and so forth and has no bearing on zoning or land use.

Site Plan & Subdivision Layout. The applicant has not provided a conceptual site plan or subdivision plan for reference at this time.

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

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

REVIEWS

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

1. Subdivision and site planning issues should be reserved for discussion during subdivision and site plan applications. The focus of this discussion should be on the zoning of the properties.
2. The RC zoning district does comply with the Regional Commercial designation of the Land Use Map.
3. The MR-25 zoning district does comply with the High Density Residential designation of the Land Use Map.
4. The R1-7 Residential zoning district does comply with the Medium Density Residential designation of the Land Use Map.
5. The Land Use Map does not guarantee that highest density and smallest lot zoning districts will be approved. Specific zoning districts are a legislative matter and are at the discretion of Tooele City's Legislative body after recommendation from the Planning Commission.

Engineering Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding this proposed Zoning Map Amendment application.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Zoning Map Amendment submission and has issued a recommendation for approval denial for the request with the following proposed conditions comments without further comment:

1. Fire Department Access is Required. An unobstructed minimum road width of 25' and a minimum height of 13'-6" shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of 28'. There shall be a maximum grade of 10%. Grades may be checked prior to building permits being issued.

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 Barnett - Pitt Zoning Map Amendment Request by David Gumucio, representing the Thrive Development Corporation to reassign the zoning of 34.4 acres located at approximately 2520 and 2540 North 400 East to RC Regional Commercial (western 10 acres), MR-25 Multi-Family Residential (the central 7.4 acres) and the eastern 17 acres to R1-7 Residential, application number P22-544, based on the findings and subject to the conditions listed in the Staff Report dated June 14, 2022.”

1. List any additional findings and conditions...

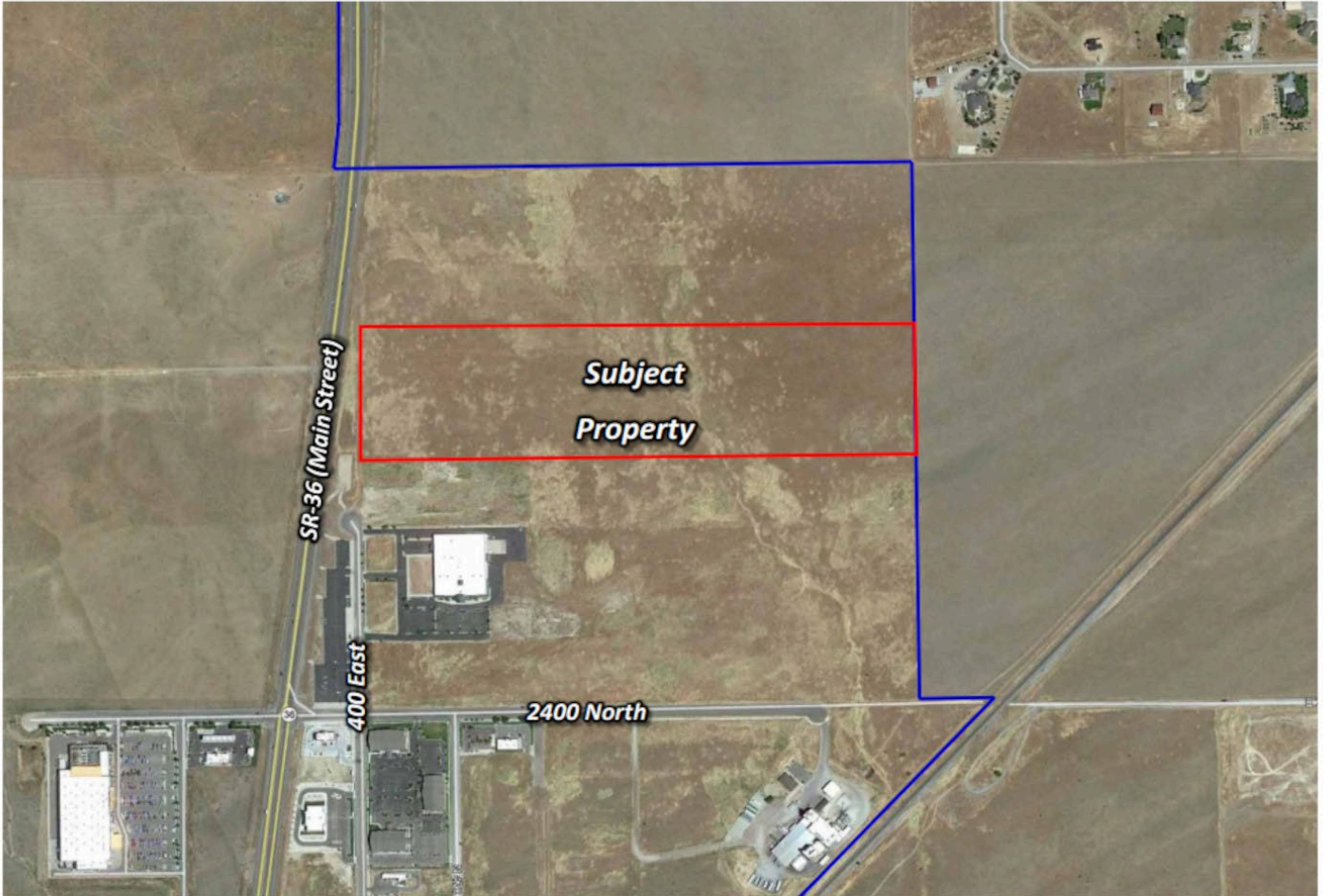
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Barnett - Pitt Zoning Map Amendment Request by David Gumucio, representing the Thrive Development Corporation to reassign the zoning of 34.4 acres located at approximately 2520 and 2540 North 400 East to RC Regional Commercial (western 10 acres), MR-25 Multi-Family Residential (the central 7.4 acres) and the eastern 17 acres to R1-7 Residential, application number P22-544, based on the following findings:”

1. List any additional findings...

EXHIBIT A

MAPPING PERTINENT TO THE BARNETT - PITT ZONING MAP AMENDMENT

Barnett-Pitt Zoning Map Amendment



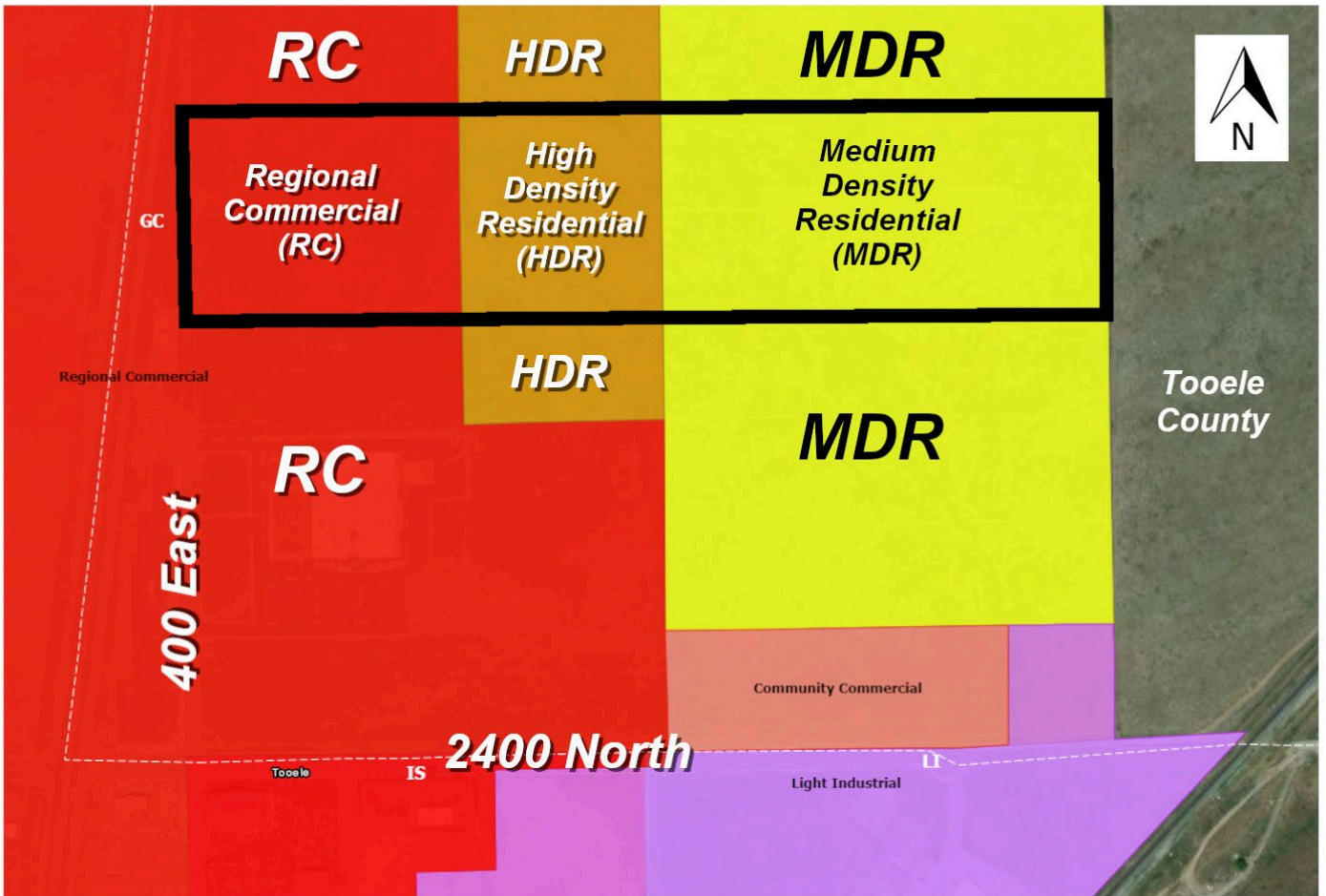
Aerial View

Barnett-Pitt Zoning Map Amendment



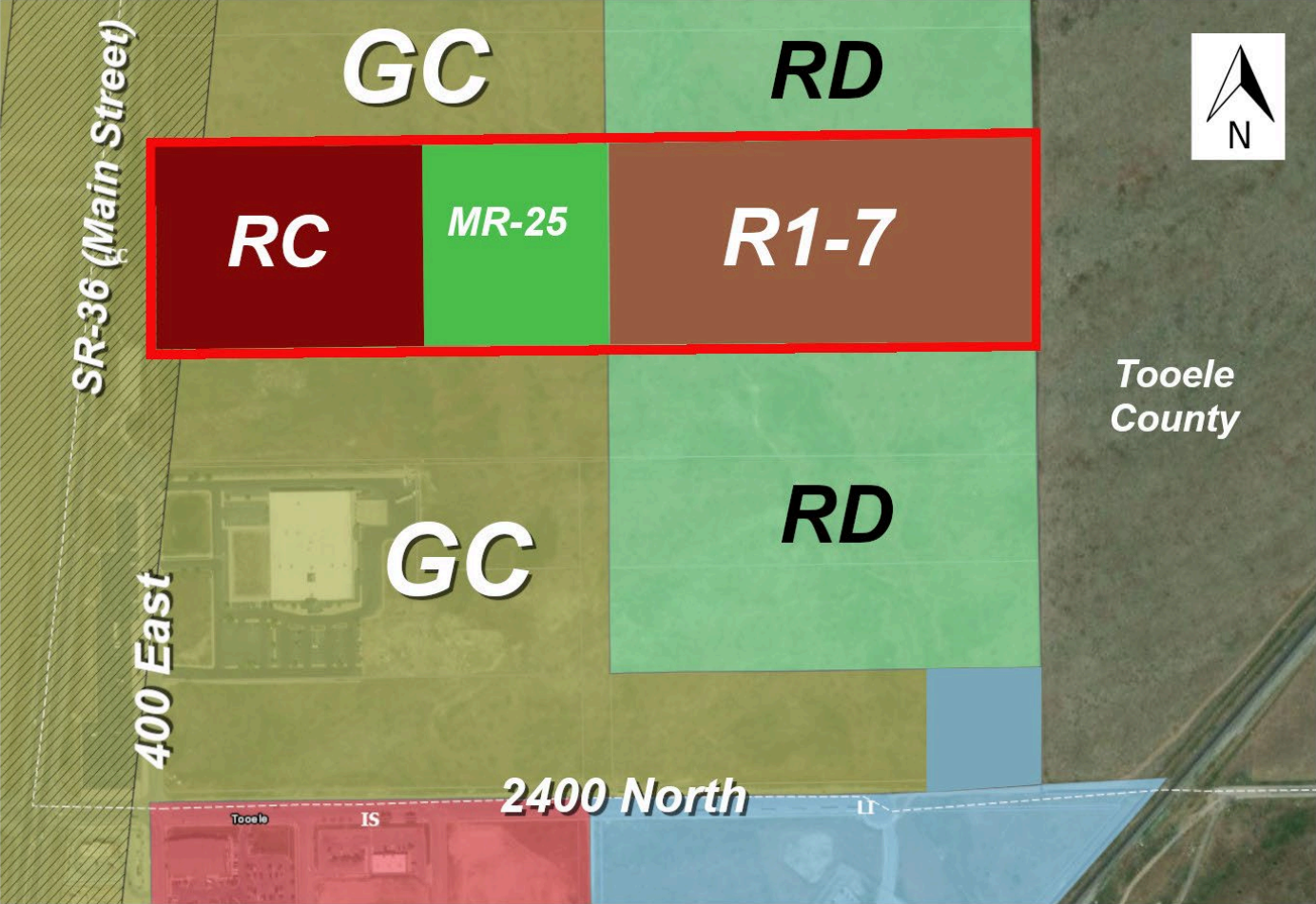
Current Zoning

Barnett-Pitt Zoning Map Amendment



Current Land Use

Barnett-Pitt Zoning Map Amendment



Proposed 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



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Project Information			
Date of Submission:	5-10-2022	Current Map Designation:	GC/R&D
		Proposed Map Designation:	RC/MR-25/R1-7
Parcel #(s):	02-144-0-0013 & 02-144-0-0016		
Project Name:	TBD	Acres:	34.44
Project Address:	2520 N 400 E AND 2540 N 400 E, TOOELE, UT 84074 : APPROX		
Proposed for Amendment:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____		
Brief Project Summary:	An extension of 400 East north of 2400 North. To change the Zoning from Main Street West to East, to commercial development (RC) on the east side of Main Street, followed by High Density Residential (MR-25) followed by Medium Density Residential (R1-7) as per the Tooele City Land Use Map approved December 2020 (See Attached). Property Owner: (02-144-0-0013) Ruth S. Pitt Trustee of the Ruth S. Pitt Family Trust April 8, 1975 Craig Pitt, Trustee, 317 West Cherry Street, Grantsville, UT 84029		
Property Owner(s): (02-144-0-0016)	The Estate of Eileen Barnett		
Address:	1844 North Blue Peak Drive		
City:	State:	Zip:	
Tooele	UT	84074	
Phone:	Ronald J Barnett and Leanna Fretwell, Co-Trustees		
Applicant(s):	Thrive Development Corporation		
Address:	7585 S Union Park Ave		
City:	State:	Zip:	
Salt Lake City	UT	84047	
Phone:	801-948-8800		
Contact Person:	David Gumucio		
Address:	P.O. Box 743		
Phone:	City:	State:	Zip:
435-830-3337	Grantsville	UT	84029
Cellular:	Fax:	Email:	
435-830-3337	866-634-3115	gumby@mstar.net	

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For Office Use Only			
Received By:	Date Received:	Fees:	App. #:
Jessi Perry	3/23/21	\$ 4,500.00	2210269 00399079

Exhibit C

Planning Commission Minutes

TOOELE CITY CORPORATION

ORDINANCE 2022-21

AN ORDINANCE OF TOOELE CITY AMENDING TABLE 1 OF CHAPTER 7-16 OF THE TOOELE CITY CODE REGARDING HEAVY EQUIPMENT SALES AND RENTAL IN NON-RESIDENTIAL ZONING DISTRICTS.

WHEREAS, Utah Code §10-8-84 and §10-9a-102 authorize cities to enact ordinances, resolution, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, and good order, comfort, convenience, and aesthetics of the municipality; and,

WHEREAS, the various zoning districts of Tooele City are established within Chapter 7-13 of the Tooele City Code; and,

WHEREAS, non-residential land uses in Tooele City, particularly the uses allowed in the various residential zones, allowable densities, and property standards are regulated by Tooele City Code Chapter 7-16; and,

WHEREAS, the practice of zoning is a widely accepted and defensible tool for establishing standards for development of differing land uses and areas; and,

WHEREAS, the establishment of zoning within the City Code provides for an even and fair framework for all applications for development and ensures the fundamental fairness in the utilization and enforcement of its provisions; and,

WHEREAS, the Table 1 of the Chapter 7-16 of the Tooele City Code identifies the allowable uses, both permitted and conditional, appropriate for the various non-residential zoning districts within the community; and,

WHEREAS, it has been determined that uses typical to and allowed under the “Heavy Equipment Sales and Rental” land use category presents possibilities for nuisances or impacts onto neighboring properties or areas of the community; and,

WHEREAS, the because of the potential for nuisances or impacts the permissibility of the “Heavy Equipment Sales and Rental” land use category has been limited to the more intense industrial zoning districts; and,

WHEREAS, on May 10, 2022, Tooele City received an application for an amendment to the City Code to allow the “Heavy Equipment Sales and Rental” land use category as an accessory use to an existing retail business in the GC General Commercial zoning district; and,

WHEREAS, the potential for the “Heavy Equipment Sales and Rental” land use category being implemented as an accessory use only serves to limit the potential for potential nuisances and impacts raising the possibility of appropriateness for implementation in other non-residential zoning districts; and,

WHEREAS, the purpose of this ordinance is to revise the terms of Table of Chapter 7-16 of the Tooele City Code to broaden the permissibility of the “Heavy Equipment Sales and Rental” land use category when implemented as an accessory use; and,

WHEREAS, the terms of municipal codes are intended to contain a certain amount of fluidity whereby those terms can be amended to address new and changing conditions that present themselves and are deemed appropriate; and,

WHEREAS, the process for amending provisions within a municipal code is necessarily somewhat cumbersome and lengthy in order to maintain the transparency in process and fairness to all; and,

WHEREAS, the lengthy and cumbersome process for amending terms of a municipal code makes efforts difficult to effectively adapt and accommodate trends and changing market conditions that can happen more rapidly; and,

WHEREAS, it is proper and appropriate to routinely review the ordinances and provisions of the Tooele City Code for clarity, predictability, relevance, applicability, and appropriateness; and,

WHEREAS, it is proper and appropriate to revise provisions of the City Code found to be antiquated, to have diminished in applicability and appropriateness, to be unclear or to have diminished relevance, to lead to difficulties in the predictability of the land use application approval process, or to modernize provisions to adapt to changing conditions and federal and state laws; and,

WHEREAS, on June 22, 2022, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment; and,

WHEREAS, on July 6, 2022, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Table 1 of Chapter 7-16 of the Tooele City Code is hereby amended as shown in **Exhibit A**;

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

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

TOOELE CITY COUNCIL

(For)

(Against)

Justin Brady

Justin Brady

Dave McCall

Dave McCall

Tony Graf

Tony Graf

Ed Hansen

Ed Hansen

Maresa Manzione

Maresa Manzione

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

Debra E. Winn

Debra E. Winn

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. City Charter Section 2-05. UCA 10-3-704(11).)

ATTEST:

Michelle Pitt, City Recorder

SEAL

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

EXHIBIT A

PROPOSED TEXT AMENDMENT TO TOOELE CITY CODE CHAPTER 7-16 TABLE 1

Chapter 1. General Provisions

7-1-5. Definitions.

Heavy Equipment Sales and Rental – An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships.

Chapter 16. Zoning District Purpose and Intent. Mixed Use, Commercial, Industrial and Special Purpose Districts

**TABLE 1
TABLE OF USES**

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use - Broadway (MU-B)	Mixed Use - General (MU-G)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial Service (IS)	Industrial (I)	Research & Development (RD)
<u>Heavy Equipment Sales and Rental as an Accessory Use to an Established Retail Use</u>				PC	<u>C</u>				

EXHIBIT B

PLANNING COMMISSION MINUTES FOR JUNE 22, 2022

STAFF REPORT

June 16, 2022

To: Tooele City Planning Commission
Business Date: June 22, 2022

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Heavy Equipment Sales and Rental – City Code Text Amendment Request

Application No.: P22-587

Applicant: Scott Mommer, representing Lars Andersen & Associates

Request: Request for approval of a City Code Text Amendment regarding the allowance of the existing Heavy Equipment Sales and Rental use category as an accessory use to an existing retail business.

BACKGROUND

This application is a request for approval of a City Code Text Amendment for the purpose of establishing an allowance for the Heavy Equipment Sales and Rental use category as an accessory use to an existing retail business. The applicant represents the owners of the Home Depot location in Tooele. At many Home Depot locations, as well as other retailers, it has become customary to see an area of their parking lot cordoned off for the keeping of construction equipment and vehicles, just as excavators, large mowers, cement mixers, tractors, specific purpose vehicles, etc. for the purpose of renting such equipment by the retailer. The applicant desires to revise the terms of the City Code to make such an allowance possible in Tooele as well.

ANALYSIS

Tooele City Code. The Tooele City Code has an existing land use category that staff believes would accommodate the understood intention of the applicant's request. That land use category is the "Heavy Equipment Sales and Rental" category. Section 7-1-5 of the City Code defines Heavy Equipment Sales and Rental as:

"An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships."

Table 1 of Chapter 7-16 of the City Code identifies the permitted, conditional, and prohibited uses for the various non-residential zoning districts. Currently the Heavy Equipment Sales and Rental is identified as a conditional use in the (LI) Light Industrial and (IS) Industrial Service zoning districts and a permit use in the (I) Industrial zoning district. This is largely due to the fact that the equipment being sold or rented are typically larger, more impactful towards neighboring uses, and more commonly seen in the area where more heavier scale business activities are located. This listing also presumes that it is the primary use of the site where there located. In comparison, this land use category being utilized as an accessory use to another primary use reduces the likelihood of impacts to neighboring properties through its inherently smaller scale and the higher

likelihood that the equipment and vehicles involved being smaller, albeit the same type of equipment, i.e. a mini excavator as opposed to a full sized trackhoe. The revisions to the City Code that would occur through the potential approval of subject request can be found in Exhibit “A” to this report and proposes only to expand the allowance for this land use category when implemented as an accessory use to an established retail use. It should be noted that the land use title included in the applicant’s submitted materials, which can be found in Exhibit “B” to this report, is slightly different than the title of the land use category shown as the revision to the City Code being proposed. Working with the applicant for this request, the applicant was amenable to the use of the existing land use category to accomplish the same goal rather than drafting a new definition specifically to their titled category or interpretive application of that category without a definition.

Criteria For Approval. The criteria for review and potential approval of a City Code Text 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 City Code Text Amendment request and has issued the following comments:

1. The Planning Division recommends that, should this request ultimately be approved, the proposed allowance for the Heavy Equipment Sales and Rental as an accessory use to an established retail use in the (GC) General Commercial zoning district be identified as a conditional use rather than a permitted use.
2. The Planning Division recommends that, should this request ultimately be approved, the proposed allowance for the Heavy Equipment Sales and Rental as an accessory use to an established retail use also be identified as a conditional use in the RC Regional Commercial zoning district.

Engineering Review. The Tooele City Engineering Division has completed their review of the City Code Text Amendment request without further comment.

Building Division Review. The Tooele City Building Division has completed their review of the City Code Text Amendment request without further comment.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the City Code Text Amendment request without further comment.

Noticing. The applicant has expressed their desire to revise the terms of the City Code 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 City Code Text 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. Should the Planning Commission and/or City Council determine this application to be appropriate for approval, staff also recommends the following:

1. That the proposed allowance for the Heavy Equipment Sales and Rental as an accessory use to an established retail use in the (GC) General Commercial zoning district be identified as a conditional use rather than a permitted use.
2. That the proposed allowance for the Heavy Equipment Sales and Rental as an accessory use to an established retail use also be identified as a conditional use in the RC Regional Commercial zoning district.

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

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. 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 Heavy Equipment Sales and Rental City Code Text Amendment Request by Scott Mommer, representing Lars Andersen & Associates, application number P22-587, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Heavy Equipment Sales and Rental City Code Text Amendment Request by Scott Mommer, representing Lars Andersen & Associates, application number P22-587, based on the following findings:”

1. List findings ...

EXHIBIT A

**PROPOSED LANGUAGE FOR THE
HEAVY EQUIPMENT SALES AND RENTAL CITY CODE TEXT AMENDMENT**

Chapter 1. General Provisions

7-1-5. Definitions.

Heavy Equipment Sales and Rental – An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships.

Chapter 16. Zoning District Purpose and Intent. Mixed Use, Commercial, Industrial and Special Purpose Districts

**TABLE 1
TABLE OF USES**

DEVELOPMENT REQUIREMENT	DISTRICT								
	Mixed Use - Broadway (MU-B)	Mixed Use - General (MU-G)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial Service (IS)	Industrial (I)	Research & Development (RD)
<u>Heavy Equipment Sales and Rental as an Accessory Use to an Established Retail Use</u>				P					

EXHIBIT B

**APPLICATION & APPLICANT SUBMITTED INFORMATION FOR THE
HEAVY EQUIPMENT SALES AND RENTAL CITY CODE TEXT AMENDMENT**

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

Project Information		
Date of Submission: 5-10-22	Applicant Name: Lars Andersen & Associates, Inc. c/o Janay Mommer	
Address: 28827 N 91st Ave, Peoria, AZ 85383		
Phone: 559-978-7643	Alternate Phone:	Email: jmommer@larsandersen.com
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____		
Brief Summary of Proposal: Amending Ordinance to Table of Commercial Uses Tooele City Code 7-16 o allow Equipment Sales and Rental in the GC General Commercial Zone. See attached proposed Amendment.		

*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:

Ordinances, the General Plan, and other master plans are made by ordinance. Any change to the text of the ordinance or plan is an amendment the ordinance establishing that document for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the text may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only			
Received By: #1	Date Received: 5/25/22	Fees: \$2000.00	App. #: 480871

Proposed Ordinance Text Amendment

The requested Application is for an Ordinance Text Amendment to outline Permitted Uses for the Land Use of “Heavy Equipment and vehicle rental as an accessory use to an established retail use” in Tooele City Code 7-16. The Following contains Tooele City Code 7-16-3. Table. Table of Uses) in its current form and is the Table of Uses where the requested Ordinance Text Amendment is being requested:

**TABLE 1
TABLE OF USES**

USE	DISTRICT								
	MU-B Mixed Use- Broad- way	MU-G Mixed Use- General	NC Neighbor- hood Commer- cial (Maxi- mum individual lot Size 15,000 square feet)	GC General Commer- cial	RC Regional Commer- cial	LI Light Industrial	IS Industrial Service	I Industrial	RD Research & Develop- ment

Below is the Proposed Ordinance Amendment Text to include the following Land Use in the “Table of Uses”:

Title 17. Chapter 16 Part 2 (7-16-3. Table 1. Table of Uses)

USE	DISTRICT								
	MU-B Mixed Use- Broadway	MU-G Mixed Use- General	NC Neighborhood Commercial (Maximum individual lot Size 15,000 square feet)	GC General Commercial	RC Regional Commercial	LI Light Industrial	IS Industrial Service	I Industrial	RD Research & Development
Heavy Equipment and vehicle rental as an accessory use to an established retail use				P					

Proposed Ordinance Text Amendment

Explain as specifically and detailed as possible why the amendment to the text is necessary or in the best interest of Tooele City and the community as a whole.

The proposed amendment will provide a benefit to Tooele City by defining an additional Land Use that can better serve the needs of the Community. Allowing options for the Community to rent equipment and trucks provides greater options for homeowners and small-scale contractors to rent items for a one-time project and/or small-scale project – where otherwise may not have the options to purchase such equipment.

Explain how the proposed text amendment could potentially effect existing and potential land uses or properties within Tooele City.

By Permitting this type of Use in General Commercial, other properties would enjoy the same benefit. However, in order to make certain that it is a consistent Development Staff or City Council can provide additional conditions to ensure a unified Citywide Development.

Explain how the proposed text amendment promotes the goals and objectives of Tooele City.

The proposed text amendment will promote the goals and objectives of Tooele City by allowing options for Land Uses to better serve the needs of the Community and promote economic vitality due to the constant change in the supply chain dilemma and dynamics of commercial and retail uses.

TOOELE CITY CORPORATION

ORDINANCE 2022-22

AN ORDINANCE OF TOOELE CITY AMENDING SECTIONS 7-13-1, 7-15-3, 7-15a-3 AND CHAPTER 7-14 OF THE TOOELE CITY CODE REGARDING MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

WHEREAS, Utah Code §10-8-84 and §10-9a-102 authorize cities to enact ordinances, resolution, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, and good order, comfort, convenience, and aesthetics of the municipality; and,

WHEREAS, the various zoning districts of Tooele City are established within Chapter 7-13 of the Tooele City Code; and,

WHEREAS, residential land uses in Tooele City, particularly the uses allowed in the various residential zones, allowable densities, and property standards are regulated by Tooele City Code Chapter 7-14; and,

WHEREAS, the practice of zoning is a widely accepted and defensible tool for establishing standards for development of differing land uses and areas; and,

WHEREAS, the establishment of zoning within the City Code provides for an even and fair framework for all applications for development and ensures the fundamental fairness in the utilization and enforcement of its provisions; and,

WHEREAS, the existing multi-family zoning districts are laid out such that there are significant gaps in density between them resulting in often difficult decisions to be made by the Planning Commission and City Council determining the appropriateness of zoning assignments to properties throughout the community; and,

WHEREAS, it has been determined necessary to establish additional multi-family zoning districts that provide a more even, dispersed, and reasonable stepping of densities to address the nature of development throughout the community; and,

WHEREAS, the terms of municipal codes are intended to contain a certain amount of fluidity whereby those terms can be amended to address new and changing conditions that present themselves and are deemed appropriate; and,

WHEREAS, the primary purpose of the proposed amendments is to revise the terms of Chapter 7-14 of the Tooele City Code regarding the various multi-family residential zoning districts; and,

WHEREAS, an additional purpose of the proposed amendments is to revise the terms of Section 7-13-1 of the Tooele City Code regarding the establishment of multi-family residential zoning districts; and,

WHEREAS, an additional purpose of the proposed amendments is to revise the terms of Sections 7-15-3 and 7-15a-3 of the Tooele City Code correcting applicable references to the various multi-family residential zoning districts revised by this ordinance; and,

WHEREAS, the process for amending provisions within a municipal code is necessarily somewhat cumbersome and lengthy in order to maintain the transparency in process and fairness to all; and,

WHEREAS, the lengthy and cumbersome process for amending terms of a municipal code makes efforts difficult to effectively adapt and accommodate trends and changing market conditions that can happen more rapidly; and,

WHEREAS, it is proper and appropriate to routinely review the ordinances and provisions of the Tooele City Code for clarity, predictability, relevance, applicability, and appropriateness; and,

WHEREAS, it is proper and appropriate to revise provisions of the City Code found to be antiquated, to have diminished in applicability and appropriateness, to be unclear or to have diminished relevance, to lead to difficulties in the predictability of the land use application approval process, or to modernize provisions to adapt to changing conditions and federal and state laws; and,

WHEREAS, on June 22, 2022, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment; and,

WHEREAS, on July 6, 2022, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Sections 7-13-1, 7-15-3, 7-15a-3 and Chapter 7-14 of the Tooele City Code is hereby amended as shown in **Exhibits A, B, C, and D**;

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

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

TOOELE CITY COUNCIL

(For)

(Against)

Justin Brady

Justin Brady

Dave McCall

Dave McCall

Tony Graf

Tony Graf

Ed Hansen

Ed Hansen

Maresa Manzione

Maresa Manzione

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

Debra E. Winn

Debra E. Winn

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. City Charter Section 2-05. UCA 10-3-704(11).)

ATTEST:

Michelle Pitt, City Recorder

SEAL

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

EXHIBIT A

PROPOSED TEXT AMENDMENT TO TOOELE CITY CODE SECTION 7-13-1

CHAPTER 13. ZONING DISTRICTS

7-13-1. Establishment of Zoning Districts.

- (1) In order to accomplish the purposes of this Title, Tooele City is hereby divided into the following zoning districts:
 - (a) Multi-Family Residential (MR-25)
 - (b) ~~Multi-Family Residential (MR-20)~~
 - (c) Multi-Family Residential (MR-16);
 - (~~e~~d) ~~Multi-Family Residential (MR-12)~~;
 - (e) Multi-Family Residential (MR-8);
 - (~~f~~) Medium Density Residential (R1-7);
 - (~~e~~g) Medium Density Residential (R1-8);
 - (~~f~~h) Medium Density Residential (R1-10);
 - (~~e~~i) Low Density Residential (R1-12);
 - (~~h~~j) Low Density Residential (R1-14);
 - (i)k) Low Density Residential (R1-30);
 - (j)l) Low Density Residential (RR-1);
 - (~~k~~m) Low Density Residential (RR-5);
 - (l)n) Low Density Residential (RR-20);
 - (~~m~~o) Multiple Use (MU-160);
 - (~~n~~p) Mixed Use - General (MU-G);
 - (~~e~~q) Mixed Use - Broadway (MU-B);
 - (~~p~~r) Neighborhood Commercial (NC);
 - (~~e~~s) General Commercial (GC);
 - (~~f~~t) Regional Commercial (RC);
 - (s)u) Light Industrial (LI);
 - (~~t~~v) Industrial (I);
 - (~~u~~w) Research and Development (RD)
 - (~~v~~x) Residential Special District (RSD); and,
 - (~~w~~y) Commercial Special District (CSD).

EXHIBIT B

PROPOSED TEXT AMENDMENT TO TOOELE CITY CODE CHAPTER 7-14

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

7-14-1. Residential Zoning Districts.

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Tooele City has established and identified on the Tooele City Zoning District Map the following residential zoning districts which govern the use, intensity, area and other requirements for the use of residential land as required by this Ordinance. The map accompanying this Ordinance, and incorporated herein by reference, identifies the location and extent of each residential zoning district within the City. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards, and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, Tooele City is divided into the following residential and special purpose zoning districts:

Multi-Family Residential (MR-25)
[Multi-Family Residential \(MR-20\)](#)
Multi-Family Residential (MR-16)
[Multi-Family Residential \(MR-12\)](#)
Multi-Family Residential (MR-8)
Medium Density Residential (R1-7)
Medium Density Residential (R1-8)
Medium Density Residential (R1-10)
Low Density Residential (R1-12)
Low Density Residential (R1-14)
Low Density Residential (R1-30)
Low Density Residential (RR-1)
Low Density Residential (RR-5)
Low Density Residential (RR-20)
Multiple Use (MU-160)
In-Fill Overlay (IFO)
Residential Special District (RSD)

7-14-2. Residential Zoning Districts Purpose.

The residential zoning districts of Tooele City, and as presented in Table 1 and Table 2 are formulated and provided and achieve the following purposes:

- (1) The purpose of the **MR-25, MR-20, MR-16, MR-12, and MR-8** Multi-Family Residential districts is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses *at varying levels of density determined by the individual zoning districts*. ~~The purpose of the MR-16 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, including primarily attached residential units, apartments, condominiums and townhouses with limited attached single-family dwellings. The purpose of the MR-8 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, including attached single-family residential units, apartments, condominiums and townhouses. The MR-8 zoning district is also intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts.~~
- (2) The Medium Density Residential Districts (**R1-7, R1-8, and R1-10**) are designed 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 and two-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.
- (3) The Low Density Residential Districts (**R1-12, R1-14, R1-30, RR-1, RR-5, RR-20**) provide for single-family residential areas and single family dwelling units on larger individual lots. ~~Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.~~

- (4) [The Rural Density Residential Districts \(RR-1, RR-5, RR-20\) provide for single-family residential areas and single-family dwelling units on very large individual lots that support, allow, and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.](#)
- (5) The purpose of the Multiple Use District (**MU-160**) 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.
- (56) The purpose of the Residential Special District (**RSD**) is to provide a master planned, architecturally designed residential development where customized zoning requirements are developed and implemented to apply to a specific geographic area in order to permit flexibility and initiative to produce a unique, cohesive development to achieve the following:
- (a) Protecting and enhancing the value of properties by encouraging the use of good design principles and concepts through development planning with full recognition of the significance and effect they can have on the proper planning and development of subject properties as well as adjacent and nearby properties;
 - (b) Provide a mechanism whereby reasonable and unique developments may be approved that provide a benefit to the development, the residents within the proposed development, and the community as a whole that may not be specifically possible under the base tenets of this Title.
 - (c) Encouraging and maintaining the orderly and harmonious appearance, attractiveness, and aesthetic development of structures and grounds;
 - (d) Providing a method whereby specific development plans, based upon City criteria and policy may, at the discretion of the City, be required for the systematic and orderly development of the city;
 - (e) Encouraging excellence of property development, compatible with plans and policies of the City, with due regard for the public and private interests involved; and
 - (f) Ensuring that the public benefits derived from the beautification of developments and uses shall be protected by exercise of reasonable controls over the character and design of private buildings, structures and open spaces.

7-14-9. Keeping of Farm Animals and Pets.

- (1) Except as modified in subparagraph (2) applicable to pets, the following requirements apply to the keeping of farm animals within the residential zoning districts of the City:
 - (a) No farm animal(s) shall be kept on any lot in the MR-25, [MR-20](#), MR-16, [MR-12](#), MR-8, R1-7, R1-8, R1-10, R1-12, or R1-14 Districts or on any lot smaller than 30,000 square feet.
 - (b) The number of farm animals kept on any lot or parcel in the R1-30 District shall not exceed one farm animal unit, as defined herein, for each 10,000 square feet of lot or parcel size.
 - (c) Farm animals may be kept on any lot or parcel in the RR-1, RR-5, RR-20 and MU-160 districts without restriction to the number of farm animals, provided the keeping of farm animals in these districts does not constitute a nuisance as defined in the laws of the City.
 - (d) No farm animal(s) shall be kept on any lot or parcel where less than 20,000 square feet of the lot or parcel is used as livestock management, nor shall fractional animal units be permitted. Livestock management areas shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds, where animal waste can be spread, but shall not include any area of the lot or parcel devoted to dwellings, sidewalks, driveways or lawns.
 - (e) One animal unit shall be any one (~~±~~) of the following: One cow, one horse, one donkey, four adult sheep, eight feeder lambs, four goats, or 12 fowl, together with the suckling offspring thereof.
 - (f) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.
 - (g) The following additional requirements shall apply to the location of all pens, corrals, barns, stables, coops, and other structures for the confinement and keeping of animals:
 - (i) All such structures shall be setback at least 100 feet from all streets.
 - (ii) All such structures and buildings shall be located at least 50 feet from all dwellings located on adjoining lots or parcels, or if any adjoining lot or parcel does not have a dwelling located thereon, at least 30 feet

from the property lines of the adjacent lot or parcel.

- (2) Pet rabbits, ducks, and chicken hens are permitted in the MR-25, [MR-20](#), MR-16, [MR-12](#), MR-8, R1-7, R1-8, R1-10, R1-12, and R1-14 Districts. No more than a total of six animals in any combination of rabbits, ducks, and chicken hens are allowed on any lot in these districts. Houses, cages, pens, coops, etc. shall be provided for all animals kept outdoors. As of January 1, 2017, a legal nonconforming rooster that dies or is removed from a property located in the above-enumerated zoning districts shall not be replaced.
- (3) Nuisance. In all zoning districts of the City, persons owning or harboring farm animals may not keep their animals in any manner that constitutes a nuisance as defined by City ordinance.

Residential Treatment Facilities and Program			C	<u>C</u>	C										C
Retirement Center			C	<u>C</u>	C	C	C	C	C						C
Sports Fields	C	<u>C</u>	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C
Temporary Concessions Located in Public Parks	P	<u>P</u>	P	<u>P</u>	P	C	P	P	P	P	P	P	P	P	P
Temporary Construction Buildings and Storage	P	<u>P</u>	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Temporary Sales Office	P	<u>P</u>	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Temporary Seasonal Use												P	P	P	
Vacation Resort / Vacation Ranch														C	C

*1 Permitted Use with Conditions
**2 Home Office with No Customers Only

**TABLE 2
ALLOWED DENSITY**

	Residential Zoning Districts										
	High Density				Medium Density			Low Density			
	MR-25	<u>MR-20</u>	MR-16	<u>MR-12</u>	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30
Zones b Being f Replaced by i nclusion			HDR, RM-16 (and proposed RM 12)		MDR, R2-8 (and proposed RM-10, RM-8)	R1-7	R1-8, R1-9 (and proposed RM-6)	R1-10 (and proposed RM-4)	R1-12	R1-14	RA1-30
Single Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	<u>Not Permitted</u>	Not Permitted	<u>Not Permitted</u>	Not Permitted	P / 7,000	P / 8,000	P / 10,000	P / 12,000	P / 14,000	P / 30,000
Two- f Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	<u>Not Permitted</u>	P / 10,000	<u>P / 11,000</u>	P / 12,000	P / 14,000	C / 16,000				
Multi- f Family Dwelling	P M aximum 25 U nits p er a cre	<u>P</u> <u>Maximum 20³</u> <u>Units Per Acre²</u>	P M aximum 16 ³ U nits p er a cre ²	<u>P</u> <u>Maximum 12³</u> <u>Units Per Acre²</u>	P M aximum 8 U nits p er a cre						
Multi-Family Dwelling Minimum Lot Size	No Minimum ⁴	<u>No Minimum⁴</u>	No Minimum ⁴	<u>No Minimum⁴</u>	No Minimum ⁴						
Maximum Dwelling Units Per Acre for PUD	25.0	<u>20.0</u>	16.0	<u>12.0</u>	8.0	5.0	4.0	3.5	3.0	2.5	1.2
Other Allowed Uses (Minimum Square Feet Required)	8,000	<u>8,000</u>	8,000	<u>8,000</u>	8,000	10,000	10,000	12,000	12,000	14,000	30,000

TABLE 2 (Continued)

	Residential Zoning Districts			
	Low <u>Rural</u> Density			<u>Multiple Use</u>
	RR-1	RR-5	RR-20	MU-160
Zones to <u>Being</u> to <u>Replaced</u> by <u>Inclusion</u>	RR-1	RR-5	RR-20	MU-160
Single Family Dwelling / Minimum Lot Size (sq. ft.)	P / 1 acre	P / 5 acres	P / 20 acres	P / 160 acres
Two- Family Dwelling <u>Minimum Lot Size</u> <u>(square feet)</u>				
Multi- Family Dwelling <u>Multi-Family Dwelling</u> <u>Minimum Lot Size</u>				
Maximum Dwelling Units Per Acre for PUD	1.0	0.2	0.05	0.0063
Other Allowed Uses (Minimum Square Feet Required)	43,560	5 acres	20 acres	160 acres

¹ Repealed.

² Multi-family residential projects in the MU-B zoning district proposed as a redevelopment of a registered historical building shall have no maximum density requirement as a permitted use subject to Note 1 of Table 4 of this Chapter.

³ Multi-family residential projects in the MU-B zoning district shall be a maximum of 25 dwelling units per acre.

⁴ See Table 4 of Chapter 7-14.

**TABLE 3
SITE PLANNING AND DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES**

Standards	Residential Zoning District														
	MR-25	<u>MR-20</u>	MR-16	<u>MR-12</u>	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Minimum Lot Width (a At f Front p Property l Line)	35 feet	<u>35 feet</u>	35 feet	<u>35 feet</u>	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (i Interior l ots at f Front s Setback, s Single- f Family)						60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width ³ (e Corner l ots at f Front s Setback on e Each f Frontage, s Single- f Family)						80 feet	90 feet	100 feet	110 feet	120 feet	120 feet	120 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (a At f Front s Setback, t Two- f Family)	60 feet	<u>60 feet</u>	60 feet	<u>60 feet</u>	60 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (a At f Front s Setback, a All o Other r Residential u Uses)	70 feet	<u>70 feet</u>	70 feet	<u>75 feet</u>	75 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (a At f Front s Setback, a All o Other u Uses)	80 feet	<u>80 feet</u>	80 feet	<u>80 feet</u>	80 feet	80 feet	80 feet	100 feet	100 feet	100 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Front Yard Setback	25 feet ²	<u>25 feet²</u>	25 feet ²	<u>25 feet²</u>	25 feet ²	20 feet	20 feet	25 feet	25 feet	25 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Minimum Rear Yard Setback (i Interior l ot)	20 feet ²	<u>20 feet²</u>	25 feet ²	<u>25 feet²</u>	25 feet ²	20 feet	20 feet	25 feet ¹	25 feet ¹	30 feet ¹	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Rear Yard Setback (Corner Lot)	20 feet ²	<u>20 feet²</u>	20 feet	<u>20 feet</u>	20 feet	20 feet	20 feet	30 feet ¹	30 feet ¹	30 feet ¹	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Side Yard Setback (Interior Lot)	10 feet ²	<u>10 feet²</u>	6 feet ²	<u>6 feet²</u>	6 feet ²	6 feet	8 feet	10 feet	10 feet	10 feet	12 feet	20 feet	20 feet	60 feet	60 feet
Minimum Side Yard Setback (Corner Lot)	15 feet ²	<u>15 feet²</u>	15 feet ²	<u>15 feet²</u>	15 feet ²	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	30 feet	60 feet	60 feet	60 feet
Maximum/Minimum Building Height ⁴	45 feet / 1 story	<u>45 feet / 1 story</u>	35 feet / 1 story	<u>35 feet / 1 story</u>	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story
Total Lot Coverage (a All b Buildings)	40%	<u>40%</u>	40%	<u>40%</u>	40%	35%	35%	35%	35%	35%	25%	20%	10%	10%	10%

¹ The minimum rear yard setback may be reduced by up to 25% for not more than 20% of the width of the rear yard, measured at the rear yard property line

- ² Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6.
- ³ Minimum lot width for corner lots may be reduced to the minimum lot width requirement of interior lots when proper notation on the approved plat determines and restricts the orientation of the primary residential structure on the lot to that frontage only.
- ⁴ For churches and religious worship facilities over 50,000 square feet see Section 7-2-8.

TABLE 4
MINIMUM DWELLING UNIT SIZE (Finished Square Feet)¹

ZONING DISTRICT	ONE STORY (Includes Split Level and Split Entry)						TWO STORY (Total Both Levels)		
	With Single Covered Parking		With Single Garage		With Double + Garage		With Single Covered Parking	With Single Garage	With Double + Garage
	1 Bedroom Units ²	2+ Bedroom Units	1 Bedroom Units ²	2+ Bedroom Units	1 Bedroom Units ²	2+ Bedroom Units			
MR-25 ³	700	850	700	800	700	800	1000	1000	1000
<u>MR-20³</u>	<u>700</u>	<u>850</u>	<u>700</u>	<u>800</u>	<u>700</u>	<u>800</u>	<u>1100</u>	<u>1100</u>	<u>1050</u>
MR-16 ³	700	850 ¹	700	800 ¹	700	800 ¹	1250	1165	1100
<u>MR-12³</u>	<u>700</u>	<u>850</u>	<u>700</u>	<u>800</u>	<u>700</u>	<u>800</u>	<u>1300</u>	<u>1200</u>	<u>1100</u>
MR-8 ³	700	850	700	800	700	800	1350	1250	1125
R1-7	900 <i>Not Permitted</i>		850 <i>Not Permitted</i>		800		1350 <i>Not Permitted</i>	1250 <i>Not Permitted</i>	1125
R1-8	1000 <i>Not Permitted</i>		950 <i>Not Permitted</i>		800		1500 <i>Not Permitted</i>	1375 <i>Not Permitted</i>	1250
R1-10	Not Permitted		Not Permitted		1300		Not Permitted	Not Permitted	1625
R1-12	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-14	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-30	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-1	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-5	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-20	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
MU-160	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685

¹ The minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building shall be 400 square feet when approved by the Planning Commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.

² See Section 7-14-5.

³ For Multi-Family Dwelling Units Directly Associated with Residential Support Programs See Section 7-11a-2.

EXHIBIT C

PROPOSED TEXT AMENDMENT TO TOOELE CITY CODE SECTION 7-15-3

CHAPTER 15. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

7-15-3. Permitted Use; Requirements.

A residential facility for persons with a disability (for purposes of this Chapter, a "facility") shall be a permitted use in any zoning district in which a dwelling is a permitted primary use. Each facility shall comply with the following requirements.

- (1) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
- (2) The facility shall comply with all of the provisions of this Title applicable to dwellings, unless otherwise specified in this Chapter.
- (3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
- (4) Each facility located in a multi-family zoning district (MR-25, [MR-20](#), MR-16, [MR-12](#), and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
- (5) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.
- (6) No more than four persons may be housed in a single bedroom.
- (7) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
- (8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
- (9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
- (10) No facility may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

EXHIBIT D

PROPOSED TEXT AMENDMENT TO TOOELE CITY CODE SECTION 7-15a-3

CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

7-15a-3. Permitted or Conditional Use; Requirements.

- (1) A residential facility for elderly persons (for purposes of this Chapter, a "facility") housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.
- (2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.
- (3) Each facility shall comply with the following requirements.
 - (a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
 - (b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.
 - (c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
 - (d) Each facility located in a multi-family zoning district (MR-25, [MR-20](#), MR-16, [MR-12](#), and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
 - (e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.
 - (f) No more than four persons may be housed in a single bedroom.
 - (g) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
 - (h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
 - (i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
 - (j) No facility with more than ~~8~~ [eight](#) occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.
 - (k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

EXHIBIT E

PLANNING COMMISSION MINUTES FOR JUNE 22, 2022

STAFF REPORT

June 16, 2022

To: Tooele City Planning Commission
Business Date: June 22, 2022

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Multi-Family Zoning Districts – City Code Text Amendment Request

Application No.: P22-651

Applicant: Tooele City

Request: Request for approval of a City Code Text Amendment regarding the potential creation and/or realignment of the various multi-family residential zoning districts.

BACKGROUND

This application is a request for approval of a City Code Text Amendment with the intent of creating two new multi-family zoning districts. Over the course of the past year or two, the City has received a number of Zoning Map Amendment applications seeking to result in multi-family residential zoning for various properties around the community. Those applications included a variety of applicant stated desires, needs, and parameters. During the review of several of those applications, the deliberations by the Planning Commission and City Council included statements, discussion, and concerns about the level of densities being requested and whether or not the appropriate balance for the application lies between the densities allowed in the existing multi-family residential zoning districts. During one such discussion, the City Council requested that the staff explore the potential of creating additional multi-family residential zoning districts that lie in between the densities of the existing zones. With that request, the City Council asked to see what a new MR-10 zoning district would look like, as well as an option to create a new MR-20 zoning district or convert the existing MR-25 zoning district into an MR-20 district. In order to keep the latter two options clear and understandable, the Council was presented with two separate proposals: 1) the creation of an MR-12 and an MR-20 zoning district to add to the existing inventory of multi-family residential zoning districts; and 2) the creation of an MR-12 zoning district with revisions to the existing MR-25 zoning district to convert it into an MR-20 zoning district. Following consideration of these two proposals, the City Council requested the first proposal proceed to the Planning Commission for formal review and recommendation while still providing the Commission with the second proposal.

ANALYSIS

Tooele City Code. Chapter 7-13 of the City Code establishes all of the zoning districts for Tooele City. The exiting residential zoning districts can be found in Chapter 7-14 of the City Code including identifying the purposes, specific development standards, and use allowances of those districts. Currently the City maintains nine single-family residential zoning district and three multi-family residential zoning districts. The three multi-family residential zoning districts are the MR-8, MR-16, and MR-25 zones. The benefit of the structure of these three zones is also the drawback to these three in that they provide noticeable and distinct differences

between them with no options in between. This is the exact concern the Planning Commission and City Council have wrestled with in the consideration of various Zoning Map Amendment applications that led to the inception of this text amendment to the City Code. The MR-8 zone doubles in density to meet the terms of the MR-16 zone, which in turn nearly doubles itself to meet the terms of the MR-25 zone. Understanding this structure, the staff recommended to the City Council that the less dense zone to be created be done as an MR-12 zone to evenly split the difference between the MR-8 zone and the MR-16 zone. Similarly, the MR-20 zone would split the difference between the MR-16 zone and the MR-25 zone nearly evenly as well. The intents and goals of doing so seeks to provide options and tools for the Commission and Council to use during their application reviews, to provide a functional structure to differentiate between the zoning districts, and to ease the pressure on the review of such applications that results from the separation between the existing zoning districts. The proposal provided to the City Council to accomplish this can be found in Exhibit “A” to this report. This proposal would result in the City having five multi-family residential zoning districts in the City Code. It is understood and anticipated that there is a tendency on the part of applicants to attempt to maximize their potential for development through application for Zoning Map Amendments towards the highest density allowances available. The City is under no obligation to grant any Zoning Map Amendment request nor a request to any specific zoning district requested. That doesn’t mean, however, that there isn’t a time and place appropriate for higher density residential uses. That is one pertinent consideration of this City Code amendment request, i.e. what is the highest level appropriate in any situation in this community. For this reason, the second proposal was prepared and presented to the City Council that would simply convert the existing MR-25 zone into the new MR-20 zone. That proposal, as an alternate to the subject request, is also provided in Exhibit “B” to this report.

Criteria For Approval. The criteria for review and potential approval of a City Code Text 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 City Code Text Amendment request without further comment.

Engineering Review. The Tooele City Engineering Division has completed their review of the City Code Text Amendment request without further comment.

Building Division Review. The Tooele City Building Division has completed their review of the City Code Text Amendment request without further comment.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the City Code Text Amendment request without further comment.

Noticing. The applicant has expressed their desire to revise the terms of the City Code 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 City Code Text 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 the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. 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 Multi-Family Zoning Districts City Code Text Amendment Request by Tooele City, application number P22-651, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Multi-Family Zoning Districts City Code Text Amendment Request by Tooele City, application number P22-651, based on the following findings:”

1. List findings ...

EXHIBIT A

**PROPOSED LANGUAGE FOR THE
MULTI-FAMILY ZONING DISTRICTS CITY CODE TEXT AMENDMENT**

CHAPTER 13. ZONING DISTRICTS

7-13-1. Establishment of Zoning Districts.

- (1) In order to accomplish the purposes of this Title, Tooele City is hereby divided into the following zoning districts:
 - (a) Multi-Family Residential (MR-25)
 - (b) ~~Multi-Family Residential (MR-20)~~
 - ~~(c)~~ Multi-Family Residential (MR-16);
 - ~~(e)~~ ~~Multi-Family Residential (MR-12)~~;
 - ~~(e)~~ Multi-Family Residential (MR-8);
 - ~~(e)~~ Medium Density Residential (R1-7);
 - ~~(e)~~ Medium Density Residential (R1-8);
 - ~~(f)~~ Medium Density Residential (R1-10);
 - ~~(g)~~ Low Density Residential (R1-12);
 - ~~(h)~~ Low Density Residential (R1-14);
 - ~~(i)~~ Low Density Residential (R1-30);
 - ~~(j)~~ Low Density Residential (RR-1);
 - ~~(k)~~ Low Density Residential (RR-5);
 - ~~(l)~~ Low Density Residential (RR-20);
 - ~~(m)~~ Multiple Use (MU-160);
 - ~~(n)~~ Mixed Use - General (MU-G);
 - ~~(o)~~ Mixed Use - Broadway (MU-B);
 - ~~(p)~~ Neighborhood Commercial (NC);
 - ~~(q)~~ General Commercial (GC);
 - ~~(r)~~ Regional Commercial (RC);
 - ~~(s)~~ Light Industrial (LI);
 - ~~(t)~~ Industrial (I);
 - ~~(u)~~ Research and Development (RD)
 - ~~(v)~~ Residential Special District (RSD); and,
 - ~~(w)~~ Commercial Special District (CSD).

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

7-14-1. Residential Zoning Districts.

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Tooele City has established and identified on the Tooele City Zoning District Map the following residential zoning districts which govern the use, intensity, area and other requirements for the use of residential land as required by this Ordinance. The map accompanying this Ordinance, and incorporated herein by reference, identifies the location and extent of each residential zoning district within the City. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards, and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, Tooele City is divided into the following residential and special purpose zoning districts:

- Multi-Family Residential (MR-25)
- ~~Multi-Family Residential (MR-20)~~
- Multi-Family Residential (MR-16)
- ~~Multi-Family Residential (MR-12)~~
- Multi-Family Residential (MR-8)
- Medium Density Residential (R1-7)
- Medium Density Residential (R1-8)
- Medium Density Residential (R1-10)
- Low Density Residential (R1-12)
- Low Density Residential (R1-14)

Low Density Residential (R1-30)
Low Density Residential (RR-1)
Low Density Residential (RR-5)
Low Density Residential (RR-20)
Multiple Use (MU-160)
In-Fill Overlay (IFO)
Residential Special District (RSD)

7-14-2. Residential Zoning Districts Purpose.

The residential zoning districts of Tooele City, and as presented in Table 1 and Table 2 are formulated and provided and achieve the following purposes:

- (1) The purpose of the **MR-25, MR-20, MR-16, MR-12, and MR-8** Multi-Family Residential districts is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses at varying levels of density determined by the individual zoning districts. ~~The purpose of the MR-16 Multi-Family Residential district is to provide an environment and opportunities for high density residential uses, including primarily attached residential units, apartments, condominiums and townhouses with limited attached single-family dwellings. The purpose of the MR-8 Multi-Family Residential district is to provide an environment and opportunities for high density residential uses, including attached single-family residential units, apartments, condominiums and townhouses.~~ The **MR-8** zoning district is also intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts.
- (2) The Medium Density Residential Districts (**R1-7, R1-8, and R1-10**) are designed 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 and two-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.
- (3) The Low Density Residential Districts (**R1-12, R1-14, R1-30, RR-1, RR-5, RR-20**) provide for single-family residential areas and single family dwelling units on larger individual lots. ~~Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.~~
- (4) The Rural Density Residential Districts (**RR-1, RR-5, RR-20**) provide for single-family residential areas and single-family dwelling units on very large individual lots that support, allow, and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.
- (5) The purpose of the Multiple Use District (**MU-160**) 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.
- (56) The purpose of the Residential Special District (**RSD**) is to provide a master planned, architecturally designed residential development where customized zoning requirements are developed and implemented to apply to a specific geographic area in order to permit flexibility and initiative to produce a unique, cohesive development to achieve the following:
 - (a) Protecting and enhancing the value of properties by encouraging the use of good design principles and concepts through development planning with full recognition of the significance and effect they can have on the proper planning and development of subject properties as well as adjacent and nearby properties;
 - (b) Provide a mechanism whereby reasonable and unique developments may be approved that provide a benefit to the development, the residents within the proposed development, and the community as a whole that may not be specifically possible under the base tenets of this Title.
 - (c) Encouraging and maintaining the orderly and harmonious appearance, attractiveness, and aesthetic development of structures and grounds;
 - (d) Providing a method whereby specific development plans, based upon City criteria and policy may, at the discretion of the City, be required for the systematic and orderly development of the city;

- (e) Encouraging excellence of property development, compatible with plans and policies of the City, with due regard for the public and private interests involved; and
- (f) Ensuring that the public benefits derived from the beautification of developments and uses shall be protected by exercise of reasonable controls over the character and design of private buildings, structures and open spaces.

7-14-9. Keeping of Farm Animals and Pets.

- (1) Except as modified in subparagraph (2) applicable to pets, the following requirements apply to the keeping of farm animals within the residential zoning districts of the City:
 - (a) No farm animal(s) shall be kept on any lot in the MR-25, [MR-20](#), MR-16, [MR-12](#), MR-8, R1-7, R1-8, R1-10, R1-12, or R1-14 Districts or on any lot smaller than 30,000 square feet.
 - (b) The number of farm animals kept on any lot or parcel in the R1-30 District shall not exceed one farm animal unit, as defined herein, for each 10,000 square feet of lot or parcel size.
 - (c) Farm animals may be kept on any lot or parcel in the RR-1, RR-5, RR-20 and MU-160 districts without restriction to the number of farm animals, provided the keeping of farm animals in these districts does not constitute a nuisance as defined in the laws of the City.
 - (d) No farm animal(s) shall be kept on any lot or parcel where less than 20,000 square feet of the lot or parcel is used as livestock management, nor shall fractional animal units be permitted. Livestock management areas shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds, where animal waste can be spread, but shall not include any area of the lot or parcel devoted to dwellings, sidewalks, driveways or lawns.
 - (e) One animal unit shall be any one (±) of the following: One cow, one horse, one donkey, four adult sheep, eight feeder lambs, four goats, or 12 fowl, together with the suckling offspring thereof.
 - (f) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.
 - (g) The following additional requirements shall apply to the location of all pens, corrals, barns, stables, coops, and other structures for the confinement and keeping of animals:
 - (i) All such structures shall be setback at least 100 feet from all streets.
 - (ii) All such structures and buildings shall be located at least 50 feet from all dwellings located on adjoining lots or parcels, or if any adjoining lot or parcel does not have a dwelling located thereon, at least 30 feet from the property lines of the adjacent lot or parcel.
- (2) Pet rabbits, ducks, and chicken hens are permitted in the MR-25, [MR-20](#), MR-16, [MR-12](#), MR-8, R1-7, R1-8, R1-10, R1-12, and R1-14 Districts. No more than a total of six animals in any combination of rabbits, ducks, and chicken hens are allowed on any lot in these districts. Houses, cages, pens, coops, etc. shall be provided for all animals kept outdoors. As of January 1, 2017, a legal nonconforming rooster that dies or is removed from a property located in the above-enumerated zoning districts shall not be replaced.
- (3) Nuisance. In all zoning districts of the City, persons owning or harboring farm animals may not keep their animals in any manner that constitutes a nuisance as defined by City ordinance.

Residential Treatment Facilities and Program			C	<u>C</u>	C										C
Retirement Center			C	<u>C</u>	C	C	C	C	C						C
Sports Fields	C	<u>C</u>	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C
Temporary Concessions Located in Public Parks	P	<u>P</u>	P	<u>P</u>	P	C	P	P	P	P	P	P	P	P	P
Temporary Construction Buildings and Storage	P	<u>P</u>	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Temporary Sales Office	P	<u>P</u>	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Temporary Seasonal Use												P	P	P	
Vacation Resort / Vacation Ranch														C	C

*1 Permitted Use with Conditions
**2 Home Office with No Customers Only

**TABLE 2
ALLOWED DENSITY**

	Residential Zoning Districts										
	High Density					Medium Density			Low Density		
	MR-25	<u>MR-20</u>	MR-16	<u>MR-12</u>	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30
Zones b Being f Replaced by i nclusion			HDR, RM-16 (and proposed RM 12)		MDR, R2-8 (and proposed RM-10, RM-8)	R1-7	R1-8, R1-9 (and proposed RM-6)	R1-10 (and proposed RM-4)	R1-12	R1-14	RA1-30
Single Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	<u>Not Permitted</u>	Not Permitted	<u>Not Permitted</u>	Not Permitted	P / 7,000	P / 8,000	P / 10,000	P / 12,000	P / 14,000	P / 30,000
Two- f Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	<u>Not Permitted</u>	P / 10,000	<u>P / 11,000</u>	P / 12,000	P / 14,000	C / 16,000				
Multi- f Family Dwelling	P M aximum 25 U nits p er a cre	<u>P</u> <u>Maximum 20³</u> <u>Units Per Acre²</u>	P M aximum 16 ³ U nits p er a cre ²	<u>P</u> <u>Maximum 12³</u> <u>Units Per Acre²</u>	P M aximum 8 U nits p er a cre						
Multi-Family Dwelling Minimum Lot Size	No Minimum ⁴	<u>No Minimum⁴</u>	No Minimum ⁴	<u>No Minimum⁴</u>	No Minimum ⁴						
Maximum Dwelling Units Per Acre for PUD	25.0	<u>20.0</u>	16.0	<u>12.0</u>	8.0	5.0	4.0	3.5	3.0	2.5	1.2
Other Allowed Uses (Minimum Square Feet Required)	8,000	<u>8,000</u>	8,000	<u>8,000</u>	8,000	10,000	10,000	12,000	12,000	14,000	30,000

TABLE 2 (Continued)

	Residential Zoning Districts			
	Low Rural Density			Multiple Use
	RR-1	RR-5	RR-20	MU-160
Zones B Being R Replaced by I Inclusion	RR-1	RR-5	RR-20	MU-160
Single Family Dwelling / Minimum Lot Size (sq. ft.)	P / 1 acre	P / 5 acres	P / 20 acres	P / 160 acres
Two- F Family Dwelling L Minimum Lot Size (square feet)				
Multi- F Family Dwelling L Multi-Family Dwelling Minimum Lot Size				
Maximum Dwelling Units Per Acre for PUD	1.0	0.2	0.05	0.0063
Other Allowed Uses (Minimum Square Feet Required)	43,560	5 acres	20 acres	160 acres

¹ Repealed.

² Multi-family residential projects in the MU-B zoning district proposed as a redevelopment of a registered historical building shall have no maximum density requirement as a permitted use subject to Note 1 of Table 4 of this Chapter.

³ Multi-family residential projects in the MU-B zoning district shall be a maximum of 25 dwelling units per acre.

⁴ See Table 4 of Chapter 7-14.

**TABLE 3
SITE PLANNING AND DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES**

Standards	Residential Zoning District														
	MR-25	<u>MR-20</u>	MR-16	<u>MR-12</u>	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Minimum Lot Width (a At f Front p Property l Line)	35 feet	<u>35 feet</u>	35 feet	<u>35 feet</u>	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (i Interior l Lots at f Front s Setback, s Single- f Family)						60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width ³ (e Corner l Lots at f Front s Setback on e Each f Frontage, s Single- f Family)						80 feet	90 feet	100 feet	110 feet	120 feet	120 feet	120 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (a At f Front s Setback, t Two- f Family)	60 feet	<u>60 feet</u>	60 feet	<u>60 feet</u>	60 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (a At f Front s Setback, a All o Other r Residential u Uses)	70 feet	<u>70 feet</u>	70 feet	<u>75 feet</u>	75 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (a At f Front s Setback, a All o Other u Uses)	80 feet	<u>80 feet</u>	80 feet	<u>80 feet</u>	80 feet	80 feet	80 feet	100 feet	100 feet	100 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Front Yard Setback	25 feet ²	<u>25 feet²</u>	25 feet ²	<u>25 feet²</u>	25 feet ²	20 feet	20 feet	25 feet	25 feet	25 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Minimum Rear Yard Setback (i Interior l Lot)	20 feet ²	<u>20 feet²</u>	25 feet ²	<u>25 feet²</u>	25 feet ²	20 feet	20 feet	25 feet ¹	25 feet ¹	30 feet ¹	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Rear Yard Setback (Corner Lot)	20 feet ²	<u>20 feet²</u>	20 feet	<u>20 feet</u>	20 feet	20 feet	20 feet	30 feet ¹	30 feet ¹	30 feet ¹	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Side Yard Setback (Interior Lot)	10 feet ²	<u>10 feet²</u>	6 feet ²	<u>6 feet²</u>	6 feet ²	6 feet	8 feet	10 feet	10 feet	10 feet	12 feet	20 feet	20 feet	60 feet	60 feet
Minimum Side Yard Setback (Corner Lot)	15 feet ²	<u>15 feet²</u>	15 feet ²	<u>15 feet²</u>	15 feet ²	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	30 feet	60 feet	60 feet	60 feet
Maximum/Minimum Building Height ⁴	45 feet / 1 story	<u>45 feet / 1 story</u>	35 feet / 1 story	<u>35 feet / 1 story</u>	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story
Total Lot Coverage (a All b Buildings)	40%	<u>40%</u>	40%	<u>40%</u>	40%	35%	35%	35%	35%	35%	25%	20%	10%	10%	10%

¹ The minimum rear yard setback may be reduced by up to 25% for not more than 20% of the width of the rear yard, measured at the rear yard property line

- ² Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6.
- ³ Minimum lot width for corner lots may be reduced to the minimum lot width requirement of interior lots when proper notation on the approved plat determines and restricts the orientation of the primary residential structure on the lot to that frontage only.
- ⁴ For churches and religious worship facilities over 50,000 square feet see Section 7-2-8.

**TABLE 4
MINIMUM DWELLING UNIT SIZE (Finished Square Feet)¹**

ZONING DISTRICT	ONE STORY (Includes Split Level and Split Entry)						TWO STORY (Total Both Levels)		
	With Single Covered Parking		With Single Garage		With Double + Garage		With Single Covered Parking	With Single Garage	With Double + Garage
	1 Bedroom Units ²	2+ Bedroom Units	1 Bedroom Units ²	2+ Bedroom Units	1 Bedroom Units ²	2+ Bedroom Units			
MR-25 ³	700	850	700	800	700	800	1000	1000	1000
<u>MR-20³</u>	<u>700</u>	<u>850</u>	<u>700</u>	<u>800</u>	<u>700</u>	<u>800</u>	<u>1100</u>	<u>1100</u>	<u>1050</u>
MR-16 ³	700	850 ¹	700	800 ¹	700	800 ¹	1250	1165	1100
<u>MR-12³</u>	<u>700</u>	<u>850</u>	<u>700</u>	<u>800</u>	<u>700</u>	<u>800</u>	<u>1300</u>	<u>1200</u>	<u>1100</u>
MR-8 ³	700	850	700	800	700	800	1350	1250	1125
R1-7	900 <u>Not Permitted</u>		850 <u>Not Permitted</u>		800		1350 <u>Not Permitted</u>	1250 <u>Not Permitted</u>	1125
R1-8	1000 <u>Not Permitted</u>		950 <u>Not Permitted</u>		800		1500 <u>Not Permitted</u>	1375 <u>Not Permitted</u>	1250
R1-10	Not Permitted		Not Permitted		1300		Not Permitted	Not Permitted	1625
R1-12	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-14	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-30	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-1	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-5	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-20	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
MU-160	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685

¹ The minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building shall be 400 square feet when approved by the Planning Commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.

² See Section 7-14-5.

³ For Multi-Family Dwelling Units Directly Associated with Residential Support Programs See Section 7-11a-2.

CHAPTER 15. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

7-15-3. Permitted ~~u~~Use; Requirements.

A residential facility for persons with a disability (for purposes of this Chapter, a “facility”) shall be a permitted use in any zoning district in which a dwelling is a permitted primary use. Each facility shall comply with the following requirements.

- (1) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
- (2) The facility shall comply with all of the provisions of this Title applicable to dwellings, unless otherwise specified in this Chapter.
- (3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
- (4) Each facility located in a multi-family zoning district (MR-25, [MR-20](#), MR-16, [MR-12](#), and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
- (5) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.
- (6) No more than four persons may be housed in a single bedroom.
- (7) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
- (8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
- (9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
- (10) No facility may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

7-15a-3. Permitted or ~~e~~Conditional ~~u~~Use; ~~r~~Requirements.

- (1) A residential facility for elderly persons (for purposes of this Chapter, a “facility”) housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.
- (2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.
- (3) Each facility shall comply with the following requirements.
 - (a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
 - (b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.
 - (c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
 - (d) Each facility located in a multi-family zoning district (MR-25, [MR-20](#), MR-16, [MR-12](#), and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
 - (e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.
 - (f) No more than four persons may be housed in a single bedroom.
 - (g) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
 - (h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
 - (i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
 - (j) No facility with more than **8 eight** occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.
 - (k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

EXHIBIT B

**PROPOSED ALTERNATE LANGUAGE FOR THE
MULTI-FAMILY ZONING DISTRICTS CITY CODE TEXT AMENDMENT**

CHAPTER 13. ZONING DISTRICTS

7-13-1. Establishment of Zoning Districts.

- (1) In order to accomplish the purposes of this Title, Tooele City is hereby divided into the following zoning districts:
 - (a) Multi-Family Residential (MR-20~~5~~)
 - (b) Multi-Family Residential (MR-16);
 - (c) [*Multi-Family Residential \(MR-12\)*](#);
 - ~~(d)~~ Multi-Family Residential (MR-8);
 - ~~(e)~~ Medium Density Residential (R1-7);
 - ~~(f)~~ Medium Density Residential (R1-8);
 - ~~(g)~~ Medium Density Residential (R1-10);
 - ~~(h)~~ Low Density Residential (R1-12);
 - ~~(i)~~ Low Density Residential (R1-14);
 - ~~(j)~~ Low Density Residential (R1-30);
 - ~~(k)~~ Low Density Residential (RR-1);
 - ~~(l)~~ Low Density Residential (RR-5);
 - ~~(m)~~ Low Density Residential (RR-20);
 - ~~(n)~~ Multiple Use (MU-160);
 - ~~(o)~~ Mixed Use - General (MU-G);
 - ~~(p)~~ Mixed Use - Broadway (MU-B);
 - ~~(q)~~ Neighborhood Commercial (NC);
 - ~~(r)~~ General Commercial (GC);
 - ~~(s)~~ Regional Commercial (RC);
 - ~~(t)~~ Light Industrial (LI);
 - ~~(u)~~ Industrial (I);
 - ~~(v)~~ Research and Development (RD)
 - ~~(w)~~ Residential Special District (RSD); and,
 - ~~(x)~~ Commercial Special District (CSD).

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

7-14-1. Residential Zoning Districts.

In accordance with the requirement of the Utah Code that zoning within municipalities be by districts, Tooele City has established and identified on the Tooele City Zoning District Map the following residential zoning districts which govern the use, intensity, area and other requirements for the use of residential land as required by this Ordinance. The map accompanying this Ordinance, and incorporated herein by reference, identifies the location and extent of each residential zoning district within the City. All development, use, activity, and authorized permits and licenses shall adhere to all the provisions, standards, and requirements of the applicable zoning district.

To meet the purposes of this Ordinance, Tooele City is divided into the following residential and special purpose zoning districts:

- Multi-Family Residential (MR-20~~5~~)
- Multi-Family Residential (MR-16)
- [*Multi-Family Residential \(MR-12\)*](#)
- Multi-Family Residential (MR-8)
- Medium Density Residential (R1-7)
- Medium Density Residential (R1-8)
- Medium Density Residential (R1-10)
- Low Density Residential (R1-12)
- Low Density Residential (R1-14)
- Low Density Residential (R1-30)
- Low Density Residential (RR-1)

Low Density Residential (RR-5)
Low Density Residential (RR-20)
Multiple Use (MU-160)
In-Fill Overlay (IFO)
Residential Special District (RSD)

7-14-2. Residential Zoning Districts Purpose.

The residential zoning districts of Tooele City, and as presented in Table 1 and Table 2 are formulated and provided and achieve the following purposes:

- (1) The purpose of the ~~MR-205, MR-16, MR-12, and MR-8~~ Multi-Family Residential districts is to provide an environment and opportunities for high-density residential uses, primarily, apartments, condominiums and townhouses at varying levels of density determined by the individual zoning districts. ~~The purpose of the MR-16 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, including primarily attached residential units, apartments, condominiums and townhouses with limited attached single-family dwellings. The purpose of the MR-8 Multi-Family Residential district is to provide an environment and opportunities for high-density residential uses, including attached single-family residential units, apartments, condominiums and townhouses. The~~ MR-8 zoning district is also intended to serve as a transitional district between principally single-family residential zoning districts and higher density multi-family zoning districts.
- (2) The Medium Density Residential Districts (**R1-7, R1-8, and R1-10**) are designed 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 and two-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.
- (3) The Low Density Residential Districts (**R1-12, R1-14, R1-30, ~~RR-1, RR-5, RR-20~~**) provide for single-family residential areas and single family dwelling units on larger individual lots. ~~Additionally these districts are intended to allow and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.~~
- (4) The Rural Density Residential Districts (**RR-1, RR-5, RR-20**) provide for single-family residential areas and single-family dwelling units on very large individual lots that support, allow, and make available Rural Residential opportunities and agricultural uses protected from the encroachment of incompatible uses.
- (5) The purpose of the Multiple Use District (**MU-160**) 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.
- (6) The purpose of the Residential Special District (**RSD**) is to provide a master planned, architecturally designed residential development where customized zoning requirements are developed and implemented to apply to a specific geographic area in order to permit flexibility and initiative to produce a unique, cohesive development to achieve the following:
 - (a) Protecting and enhancing the value of properties by encouraging the use of good design principles and concepts through development planning with full recognition of the significance and effect they can have on the proper planning and development of subject properties as well as adjacent and nearby properties;
 - (b) Provide a mechanism whereby reasonable and unique developments may be approved that provide a benefit to the development, the residents within the proposed development, and the community as a whole that may not be specifically possible under the base tenets of this Title.
 - (c) Encouraging and maintaining the orderly and harmonious appearance, attractiveness, and aesthetic development of structures and grounds;
 - (d) Providing a method whereby specific development plans, based upon City criteria and policy may, at the discretion of the City, be required for the systematic and orderly development of the city;
 - (e) Encouraging excellence of property development, compatible with plans and policies of the City, with due regard for the public and private interests involved; and

- (f) Ensuring that the public benefits derived from the beautification of developments and uses shall be protected by exercise of reasonable controls over the character and design of private buildings, structures and open spaces.

7-14-9. Keeping of Farm Animals and Pets.

- (1) Except as modified in subparagraph (2) applicable to pets, the following requirements apply to the keeping of farm animals within the residential zoning districts of the City:
 - (a) No farm animal(s) shall be kept on any lot in the MR-205, MR-16, [MR-12](#), MR-8, R1-7, R1-8, R1-10, R1-12, or R1-14 Districts or on any lot smaller than 30,000 square feet.
 - (b) The number of farm animals kept on any lot or parcel in the R1-30 District shall not exceed one farm animal unit, as defined herein, for each 10,000 square feet of lot or parcel size.
 - (c) Farm animals may be kept on any lot or parcel in the RR-1, RR-5, RR-20 and MU-160 districts without restriction to the number of farm animals, provided the keeping of farm animals in these districts does not constitute a nuisance as defined in the laws of the City.
 - (d) No farm animal(s) shall be kept on any lot or parcel where less than 20,000 square feet of the lot or parcel is used as livestock management, nor shall fractional animal units be permitted. Livestock management areas shall include all portions of the lot or parcel used as sheds, barns, coops, corrals, pastures, stables, gardens or cultivated grounds, where animal waste can be spread, but shall not include any area of the lot or parcel devoted to dwellings, sidewalks, driveways or lawns.
 - (e) One animal unit shall be any one (±) of the following: One cow, one horse, one donkey, four adult sheep, eight feeder lambs, four goats, or 12 fowl, together with the suckling offspring thereof.
 - (f) Structures shall be provided and maintained for all animals. Such structures shall be enclosed (fully or partially), roofed, and sited at the rear of the main building, and shall comply with all other setback and yard requirements for the district.
 - (g) The following additional requirements shall apply to the location of all pens, corrals, barns, stables, coops, and other structures for the confinement and keeping of animals:
 - (i) All such structures shall be setback at least 100 feet from all streets.
 - (ii) All such structures and buildings shall be located at least 50 feet from all dwellings located on adjoining lots or parcels, or if any adjoining lot or parcel does not have a dwelling located thereon, at least 30 feet from the property lines of the adjacent lot or parcel.
- (2) Pet rabbits, ducks, and chicken hens are permitted in the MR-205, MR-16, [MR-12](#), MR-8, R1-7, R1-8, R1-10, R1-12, and R1-14 Districts. No more than a total of six animals in any combination of rabbits, ducks, and chicken hens are allowed on any lot in these districts. Houses, cages, pens, coops, etc. shall be provided for all animals kept outdoors. As of January 1, 2017, a legal nonconforming rooster that dies or is removed from a property located in the above-enumerated zoning districts shall not be replaced.
- (3) Nuisance. In all zoning districts of the City, persons owning or harboring farm animals may not keep their animals in any manner that constitutes a nuisance as defined by City ordinance.

Residential Treatment Facilities and Program		C	<u>C</u>	C										C
Retirement Center		C	<u>C</u>	C	C	C	C	C	C					C
Sports Fields	C	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C	C
Temporary Concessions Located in Public Parks	P	P	<u>P</u>	P	C	P	P	P	P	P	P	P	P	P
Temporary Construction Buildings and Storage	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Temporary Sales Office	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P	P
Temporary Seasonal Use											P	P	P	
Vacation Resort / Vacation Ranch													C	C

*1 Permitted Use with Conditions
**2 Home Office with No Customers Only

**TABLE 2
ALLOWED DENSITY**

	Residential Zoning Districts									
	High Density				Medium Density			Low Density		
	MR-205	MR-16	MR-12	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30
Zones b Being r Replaced by i nclusion		HDR, RM-16 (and proposed RM 12)		MDR, R2-8 (and proposed RM-10, RM-8)	R1-7	R1-8, R1-9 (and proposed RM-6)	R1-10 (and proposed RM-4)	R1-12	R1-14	RA1-30
Single Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	Not Permitted	Not Permitted	Not Permitted	P / 7,000	P / 8,000	P / 10,000	P / 12,000	P / 14,000	P / 30,000
Two- f Family Dwelling / Minimum Lot Size (square feet)	Not Permitted	P / 10,000	P / 11,000	P / 12,000	P / 14,000	C / 16,000				
Multi- f Family Dwelling	P Maximum 205 Units Per Acre	P Maximum 16 ³ Units Per Acre ²	P Maximum 12 ³ Units Per Acre ²	P Maximum 8 Units Per Acre						
Multi-Family Dwelling Minimum Lot Size	No Minimum ⁴	No Minimum ⁴	No Minimum ⁴	No Minimum ⁴						
Maximum Dwelling Units Per Acre for PUD	205.0	16.0	12.0	8.0	5.0	4.0	3.5	3.0	2.5	1.2
Other Allowed Uses (Minimum Square Feet Required)	8,000	8,000	8,000	8,000	10,000	10,000	12,000	12,000	14,000	30,000

TABLE 2 (Continued)

	Residential Zoning Districts			
	Low Rural Density			Multiple Use
	RR-1	RR-5	RR-20	MU-160
Zones B Being R Replaced by I Inclusion	RR-1	RR-5	RR-20	MU-160
Single Family Dwelling / Minimum Lot Size (sq. ft.)	P / 1 acre	P / 5 acres	P / 20 acres	P / 160 acres
Two- f Family Dwelling L <u>Minimum Lot Size</u> <u>(square feet)</u>				
Multi- f Family Dwelling <u>Multi-Family Dwelling</u> <u>Minimum Lot Size</u>				
Maximum Dwelling Units Per Acre for PUD	1.0	0.2	0.05	0.0063
Other Allowed Uses (Minimum Square Feet Required)	43,560	5 acres	20 acres	160 acres

¹ Repealed.

² Multi-family residential projects in the MU-B zoning district proposed as a redevelopment of a registered historical building shall have no maximum density requirement as a permitted use subject to Note 1 of Table 4 of this Chapter.

³ Multi-family residential projects in the MU-B zoning district shall be a maximum of 25 dwelling units per acre.

⁴ See Table 4 of Chapter 7-14.

**TABLE 3
SITE PLANNING AND DEVELOPMENT STANDARDS FOR PRIMARY BUILDINGS AND STRUCTURES**

Standards	Residential Zoning District													
	MR-205	MR-16	MR-12	MR-8	R1-7	R1-8	R1-10	R1-12	R1-14	R1-30	RR-1	RR-5	RR-20	MU-160
Minimum Lot Width (at Front Property Line)	35 feet	35 feet	<u>35 feet</u>	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (Interior Lots at Front Setback, Single-Family)					60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width ³ (Corner Lots at Front Setback on Each Frontage, Single-Family)					80 feet	90 feet	100 feet	110 feet	120 feet	120 feet	120 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (at Front Setback, Two-Family)	60 feet	60 feet	<u>60 feet</u>	60 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (at Front Setback, All Other Residential Uses)	70 feet	70 feet	<u>75 feet</u>	75 feet	60 feet	75 feet	85 feet	85 feet	90 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Lot Width (at Front Setback, All Other Uses)	80 feet	80 feet	<u>80 feet</u>	80 feet	80 feet	80 feet	100 feet	100 feet	100 feet	100 feet	100 feet	200 feet	250 feet	1320 feet
Minimum Front Yard Setback	25 feet ²	25 feet ²	<u>25 feet²</u>	25 feet ²	20 feet	20 feet	25 feet	25 feet	25 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Minimum Rear Yard Setback (Interior Lot)	20 feet ²	25 feet ²	<u>25 feet²</u>	25 feet ²	20 feet	20 feet	25 feet ¹	25 feet ¹	30 feet ¹	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Rear Yard Setback (Corner Lot)	20 feet ²	20 feet	<u>20 feet</u>	20 feet	20 feet	20 feet	30 feet ¹	30 feet ¹	30 feet ¹	30 feet	30 feet	60 feet	60 feet	60 feet
Minimum Side Yard Setback (Interior Lot)	10 feet ²	6 feet ²	<u>6 feet²</u>	6 feet ²	6 feet	8 feet	10 feet	10 feet	10 feet	12 feet	20 feet	20 feet	60 feet	60 feet
Minimum Side Yard Setback (Corner Lot)	15 feet ²	15 feet ²	<u>15 feet²</u>	15 feet ²	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	30 feet	60 feet	60 feet	60 feet
Maximum/Minimum Building Height ⁴	45 feet / 1 story	35 feet / 1 story	<u>35 feet / 1 story</u>	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story	35 feet / 1 story
Total Lot Coverage (All Buildings)	40%	40%	<u>40%</u>	40%	35%	35%	35%	35%	35%	25%	20%	10%	10%	10%

¹ The minimum rear yard setback may be reduced by up to 25% for not more than 20% of the width of the rear yard, measured at the rear yard property line

- ² Multi-family developments subject to Chapter 7-11a of this Title shall follow setback requirements in Section 7-11a-6.
- ³ Minimum lot width for corner lots may be reduced to the minimum lot width requirement of interior lots when proper notation on the approved plat determines and restricts the orientation of the primary residential structure on the lot to that frontage only.
- ⁴ For churches and religious worship facilities over 50,000 square feet see Section 7-2-8.

**TABLE 4
MINIMUM DWELLING UNIT SIZE (Finished Square Feet)¹**

ZONING DISTRICT	ONE STORY (Includes Split Level and Split Entry)						TWO STORY (Total Both Levels)		
	With Single Covered Parking		With Single Garage		With Double + Garage		With Single Covered Parking	With Single Garage	With Double + Garage
	1 Bedroom Units ²	2+ Bedroom Units	1 Bedroom Units ²	2+ Bedroom Units	1 Bedroom Units ²	2+ Bedroom Units			
MR-20 ³	700	850	700	800	700	800	1000	1000	1000
MR-16 ³	700	850 ¹	700	800 ¹	700	800 ¹	1250	1165	1100
<u>MR-12³</u>	<u>700</u>	<u>850</u>	<u>700</u>	<u>800</u>	<u>700</u>	<u>800</u>	<u>1300</u>	<u>1200</u>	<u>1100</u>
MR-8 ³	700	850	700	800	700	800	1350	1250	1125
R1-7	900 <i>Not Permitted</i>		850 <i>Not Permitted</i>		800		1350 <i>Not Permitted</i>	1250 <i>Not Permitted</i>	1125
R1-8	1000 <i>Not Permitted</i>		950 <i>Not Permitted</i>		800		1500 <i>Not Permitted</i>	1375 <i>Not Permitted</i>	1250
R1-10	Not Permitted		Not Permitted		1300		Not Permitted	Not Permitted	1625
R1-12	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-14	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
R1-30	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-1	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-5	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
RR-20	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685
MU-160	Not Permitted		Not Permitted		1350		Not Permitted	Not Permitted	1685

¹ The minimum dwelling unit size for a multi-family residential project proposed as a redevelopment of a registered historical building shall be 400 square feet when approved by the Planning Commission through design review in compliance with Title 7 Chapter 11 of the Tooele City Code.

² See Section 7-14-5.

³ For Multi-Family Dwelling Units Directly Associated with Residential Support Programs See Section 7-11a-2.

CHAPTER 15. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

7-15-3. Permitted ~~u~~Use; Requirements.

A residential facility for persons with a disability (for purposes of this Chapter, a “facility”) shall be a permitted use in any zoning district in which a dwelling is a permitted primary use. Each facility shall comply with the following requirements.

- (1) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
- (2) The facility shall comply with all of the provisions of this Title applicable to dwellings, unless otherwise specified in this Chapter.
- (3) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
- (4) Each facility located in a multi-family zoning district (MR-205, MR-16, [MR-12](#), and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
- (5) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.
- (6) No more than four persons may be housed in a single bedroom.
- (7) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
- (8) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
- (9) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
- (10) No facility may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.

CHAPTER 15a. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

7-15a-3. Permitted or ~~e~~Conditional ~~u~~Use; ~~r~~Requirements.

- (1) A residential facility for elderly persons (for purposes of this Chapter, a “facility”) housing eight or fewer residents shall be a permitted use in any residential zoning district in which a single-family dwelling is a permitted primary use.
- (2) A facility housing more than eight residents shall be a conditional use in any residential zoning district.
- (3) Each facility shall comply with the following requirements.
 - (a) The facility shall comply with all building, safety, and health regulations applicable to the construction and habitation of dwellings.
 - (b) The facility shall comply with all of the provisions of this Title applicable to single-family dwellings, unless otherwise specified in this Chapter.
 - (c) Each facility located in a single-family zoning district (R1-7 through RR-5) shall comply with the single-family design standards contained in Chapter 7-11b of this Title.
 - (d) Each facility located in a multi-family zoning district (MR-205, MR-16, [MR-12](#), and MR-8) shall comply with the multi-family design standards contained in Chapter 7-11a of this Title.
 - (e) The minimum number of parking spaces required for a facility shall be as required in Chapter 7-4 of this Title.
 - (f) No more than four persons may be housed in a single bedroom.
 - (g) A minimum of 60 square feet per resident shall be provided in a multiple-occupant bedroom. A minimum of 100 square feet per resident shall be provided in a single-occupant bedroom.
 - (h) Bathrooms shall have a minimum ratio of one toilet, one lavatory, and one tub or shower to each six residents.
 - (i) The facility must be a structure type that is permitted in the zoning district in which the facility is proposed to be located.
 - (j) No facility with more than **8 eight** occupants may be located within 660 feet of another facility, measured in a straight line between the nearest property lines of the lots upon which the respective facilities are located.
 - (k) Placement in a facility shall not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

STAFF REPORT

June 16, 2022

To: Tooele City Planning Commission
Business Date: June 22, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Jake and Amy Subdivision – Subdivision Plat Amendment Request

Application No.: P21-1359
Applicant: John and Amy Johnson
Project Location: Approximately 668 Pine Meadow Lane
Zoning: R1-7 Residential Zone
Acreage: 4.83 Acres (Approximately 210,225 ft²)
Request: Request for approval of a Subdivision Plat Amendment in the R1-7 Residential zone that adjusts the boundary lines of two lots.

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 4.83 acres located at approximately 668 Pine Meadow Lane. The property is currently zoned R1-7 Residential. The applicant is requesting that a Subdivision Plat Amendment be approved to adjust the lot lines of two existing platted subdivision lots.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Medium Density 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 R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation. All surrounding properties are zoned R1-7 Residential and utilized as single-family residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The subdivision plat amendment proposes to re-establish the lot lines for two lots and thus amend lot 3 of the Delamare Planned Unit Development and lot 67 of the Pioneer Subdivision Addition number 4. Currently there are two lots, a 4.3 acre lot with frontage onto Pine Meadow Lane and a .52 acre lot with frontage onto Tule Drive. The plat amendment would shift the lot line between the .52 acre lot and the 4.3 acre lot to the east surrounding the existing home. This would then become lot 1 and would be 1.7 acres. The remnant land would be an oddly shaped lot 2 and would incorporate 3.13 acres. It has not been clearly indicated by the property owners what their intentions are with lot 2.

The relocation of the boundary line did result in some non-conforming situations regarding setbacks to existing detached accessory structures from the new lot line locations. The preliminary plan shows that two of these structures will be removed. Other accessory structures meet or exceed the minimum building setback requirement for accessory buildings.

Each lot, after lot line adjustment by the plat amendment, meets or exceeds the minimum lot size and lot width requirements of the R1-7 Residential zoning district and no new non-conformities will be created with this subdivision plat amendment.

Criteria For Approval. The procedure for approval or denial of a Subdivision Plat Amendment 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 Subdivision Plat Amendment submission and has issued a recommendation for approval for the request with the following comments:

1. Each lot meets or exceeds the minimum requirements for lot size and lot width as required by the R1-7 Residential Zoning district.
2. The adjustment in lot lines does not result in the creation of any new non-conformities as to lot size, building setbacks, etc.

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

1. The applicant shall provide water data The Jake and Amy Subdivision is a 4.8 acre, two lot subdivision. Under Tooele City Code, Title 7, Chapter 26, water rights are required for all new development. This subdivision will create a new 3.13 acre lot. Paragraph 7-26(5) – Time of Conveyance, sub paragraph (2) reads that “*The water rights conveyance required by this Chapter shall occur promptly following the earliest development approval for which the amount of water rights necessary to satisfy the anticipated future water needs of the development can be ascertained with reasonable certainty*”.

Where the subdivision is proposed to divide the property with no immediate development, the developer has not submitted a site plan for development of the lot, and it is not possible to determine the amount of water that may be required, it is recommended that the water right conveyance be deferred until a development application is submitted for Lot 2, and that a note be added to the Plat affirming the obligation to provide water rights for Lot 2.

Tooele City Fire Department Review. The Tooele City Fire Department has issued comments on the proposed subdivision plat amendment.

1. Preserving access and fire hydrant access to the area.
2. What is the intended use for lot #2?

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by John and Amy Johnson, application number P21-1359, 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.
5. A note be added to the Plat affirming the obligation to provide water rights for Lot 2.

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. Each lot meets or exceeds the minimum requirements for lot size and lot width as required by the R1-7 Residential Zoning district.
7. The adjustment in lot lines does not result in the creation of any new non-conformities as to lot size, building setbacks, etc.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Jake and Amy Subdivision, Subdivision Plat Amendment Request by John and Amy Johnson, to amend Lot 3 of the Delamare Planned Unit Development and Lot 67 of the Pioneer Subdivision Addition Number 4 to the current proposed configuration, application number P21-1359, based on the findings and subject to the conditions listed in the Staff Report dated June 16, 2022:”

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 Jake and Amy Subdivision, Subdivision Plat Amendment Request by John and Amy Johnson, to amend Lot 3 of the Delamare Planned Unit Development and Lot 67 of the Pioneer Subdivision Addition Number 4 to the current proposed configuration, application number P21-1359, based on the following findings:”

1. List findings...

EXHIBIT A

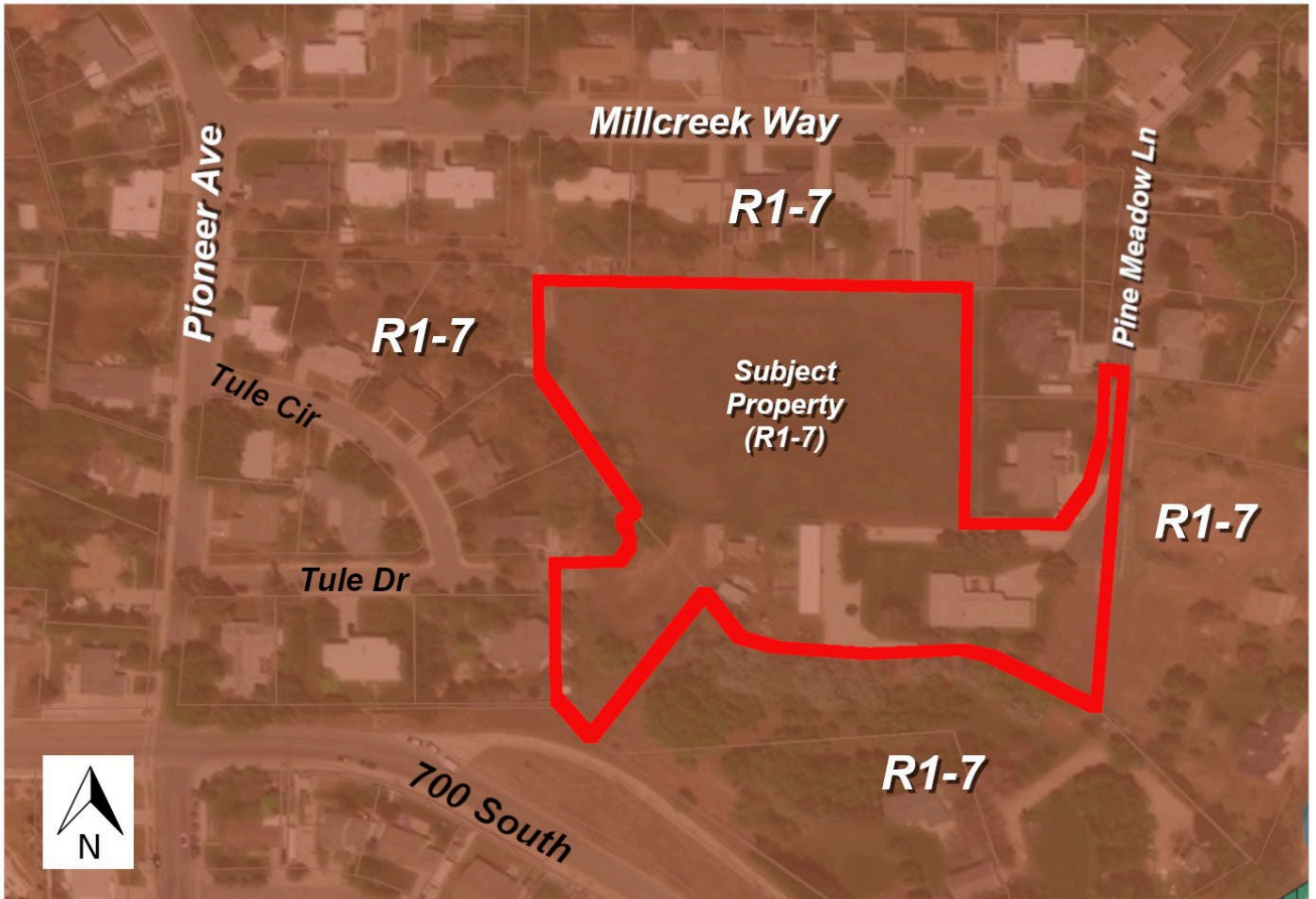
**MAPPING PERTINENT TO THE JAKE AND AMY SUBDIVISION SUBDIVISION
PLAT AMENDMENT**

Jake and Amy Subdivision Plat Amendment



Aerial View

Jake and Amy Subdivision Plat Amendment

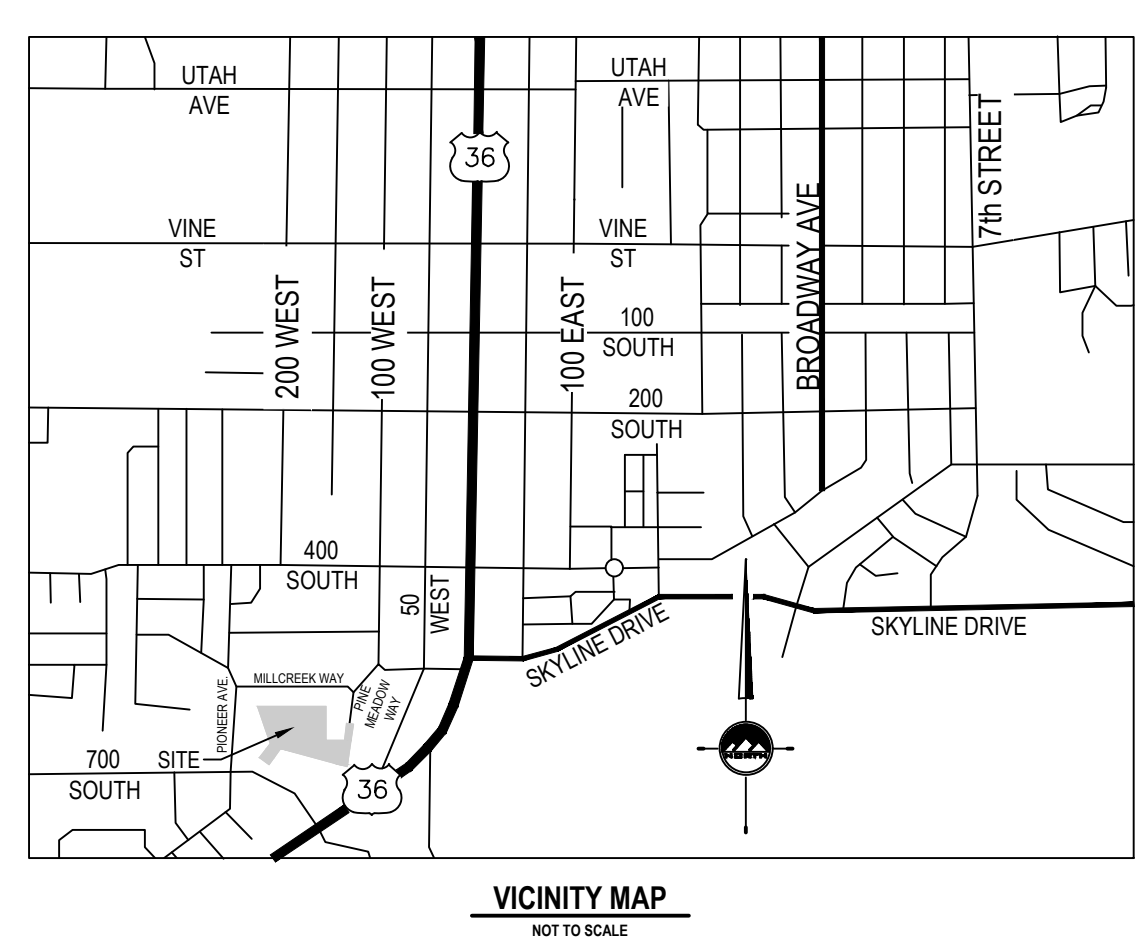
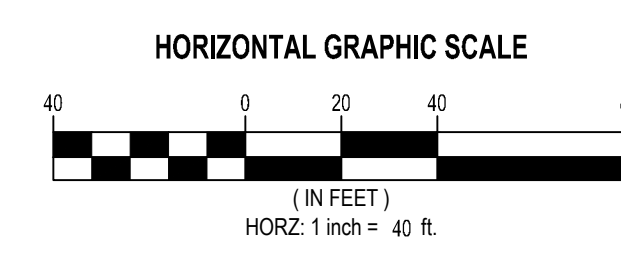


Current Zoning

EXHIBIT B
PROPOSED DEVELOPMENT PLANS

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

BENCHMARK
WITNESS CORNER TO THE NORTH QUARTER CORNER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN
ELEV = 514.43'



NOTE: THIS PLAT IS CREATED SOLELY FOR THE PURPOSE OF DIVISION OF LAND OWNERSHIP. PRIOR TO ANY SUBSEQUENT SUBDIVISION, SITE PLAN APPLICATION OR BUILDING PERMIT APPLICATION, THE OWNERS OF THE PARCELS SHOWN HERON SHALL PREPARE AND RECORD ALL DOCUMENTS REQUIRED BY THE CITY IN ORDER TO PROVIDE RIGHT OF WAY DEDICATION, ACCOMMODATE ACCESS, ESTABLISH PUBLIC UTILITY AND DRAINAGE EASEMENTS, PROVIDE FOR EXTENSION OF UTILITIES, AND SHALL COMPLY WITH ALL CITY CODE REQUIREMENTS, IN EFFECT AT THAT TIME.

TOOELE COUNTY RECORDER

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

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 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____
BY _____
TITLE _____

HEALTH DEPARTMENT

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

DEVELOPER (JAKE) JOHN L. JOHNSEN
668 PINE MEADOW LANE
TOOELE, UT 84074
435-840-3600

SCHOOL DISTRICT

APPROVED THIS _____ DAY OF _____ 20____
BY THE TOOELE COUNTY SCHOOL DISTRICT

TOOELE COUNTY SCHOOL DISTRICT

POST MASTER

APPROVED THIS _____ DAY OF _____ 20____
BY THE POST MASTER

POST MASTER

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____ 20____

TOOELE CITY ATTORNEY

CITY ENGINEER

APPROVED AS TO FORM THIS _____ DAY OF _____ 20____

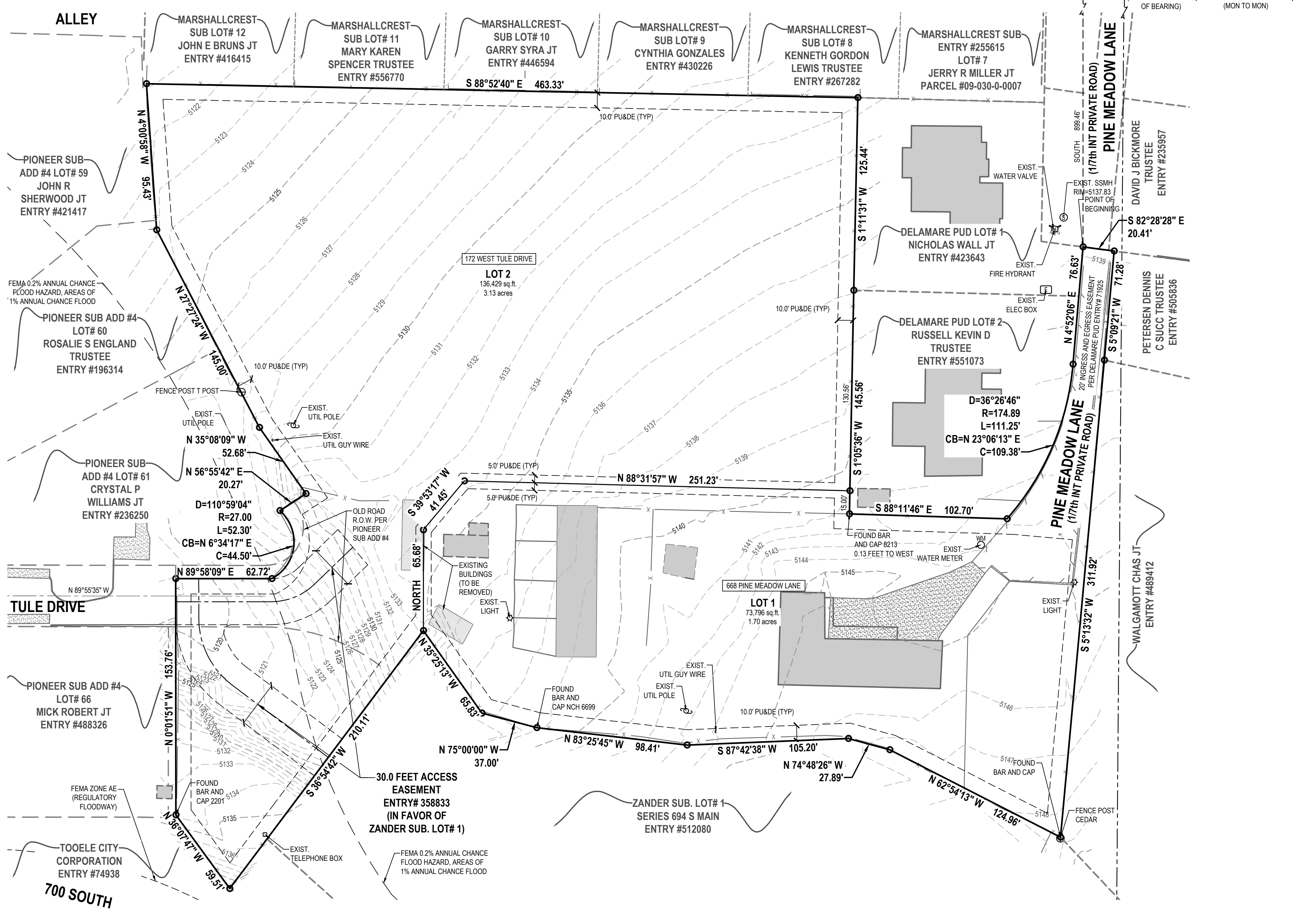
TOOELE CITY ENGINEER

LEGEND

◆ SECTION CORNER	--- ADJACENT RIGHT OF WAY	☐ STORM DRAIN CLEAN OUT	--- SD --- STORM DRAIN LINE
⊕ MONUMENT EXISTING	--- RIGHT OF WAY	☐ STORM DRAIN CATCH BASIN	--- LD --- LAND DRAIN LINE
□ MONUMENT PROPOSED	--- CENTERLINE	☐ STORM DRAIN COMBO BOX	--- W --- CULINARY WATER LINE
⊕ EXIST REBAR AND CAP	--- PROPERTY LINE	☐ STORM DRAIN CULVERT	--- SW --- SECONDARY WATER LINE
⊕ SET 5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."	--- ADJACENT PROPERTY LINE	☐ SIGN	--- IRR --- IRRIGATION LINE
○ WATER METER	--- DEED LINE	☐ ELECTRICAL BOX	--- OHP --- OVERHEAD POWER LINE
○ WATER MANHOLE	--- TANGENT LINE	☐ UTILITY MANHOLE	--- E --- ELECTRICAL LINE
○ WATER VALVE	--- EXIST DITCH FLOW LINE	☐ UTILITY POLE	--- G --- GAS LINE
○ FIRE HYDRANT	--- FENCE	☐ LIGHT	--- --- EXISTING CONTOURS
○ SECONDARY WATER VALVE	--- EDGE OF ASPHALT	☐ CABLE BOX	--- --- CONCRETE
○ IRRIGATION VALVE	--- SS --- SANITARY SEWER LINE	☐ TELEPHONE BOX	--- --- BUILDING
	--- SANITARY SEWER MANHOLE	☐ GAS METER	

NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS PLAN SET.

**PRELIMINARY PLAT
JAKE AND AMY SUBDIVISION**
(AMENDING LOT 3 OF DELAMARE PLANNED UNIT DEVELOPMENT AND LOT 67 OF PIONEER SUBDIVISION ADDITION NO. 4)
LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, 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 License No. 334575, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act. I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots, together with easements, hereafter to be known as Jake and Amy Subdivision and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Boundary Description

A parcel of land, situate in the Northwest Quarter of Section 33, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the West line of Pine Meadow Lane, which is located South 89°39'39" West 32.60 feet along the Section line and South 89°46 feet from the record position of the North Quarter Corner at the extension from the Witness Corner to the North Quarter Corner of said Section 33, and running:

thence South 82°28'28" East 20.41 feet to the East line of Pine Meadow Lane;
thence South 5°09'21" West 71.28 feet along said line;
thence South 5°13'32" West 311.92 feet along said line to and along an existing pipe fence and to a found rebar and cap;
thence North 62°54'13" West 124.96 feet;
thence North 74°48'26" West 27.89 feet;
thence South 87°42'38" West 105.20 feet;
thence North 83°25'45" West 98.41 feet along said fence to a found NCH 6699 rebar and cap;
thence North 75°00'00" West 37.00 feet along said fence to the corner thereof;
thence North 35°29'13" West 65.83 feet;
thence South 36°54'42" West 210.11 feet;
thence North 36°07'47" West 59.51 feet;
thence North 0°01'51" West 153.76 feet;
thence North 89°39'09" East 62.72 feet along and beyond an existing chain link fence to an existing barbed wire fence corner;
thence North 89°39'09" East 62.72 feet along said fence to the left (center bears North 27°56'11" West and the long chord bears North 6°34'17" East 44.50 feet through a central angle of 110°59'04") to a non-tangent line and an existing barbed wire fence corner;
thence North 56°55'42" East 20.27 feet along and beyond an existing barbed wire fence and along said fence the following four calls:
thence North 35°08'09" West 52.68 feet;
thence North 27°27'24" West 145.00 feet;
thence North 4°00'58" West 55.43 feet;
thence South 88°52'40" East 463.33 feet to a wood fence;
thence South 1°11'31" West 125.44 feet along said fence;
thence South 1°05'36" West 145.56 feet;
thence South 88°11'46" East 102.70 feet along said fence to the West line of Pine Meadow Lane;
thence North 88°11'46" East 102.70 feet along the arc of a 174.89 foot radius non-tangent curve to the left (center bears North 48°40'25" West and the long chord bears North 23°06'13" East 109.38 feet through a central angle of 36°26'46") along said line;
thence North 4°52'06" East 76.63 feet along said line, to the Point of Beginning.

Contains 210,225 square feet or 4.83 acres, 2 Lots.

MARCH 21, 2022

Date: _____
Douglas J. Kinsman
License No. 334575

OWNER'S DEDICATION AND CONSENT TO RECORD

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

JAKE AND AMY SUBDIVISION
(AMENDING LOT 3 OF DELAMARE PLANNED UNIT DEVELOPMENT AND LOT 67 OF PIONEER SUBDIVISION ADDITION NO. 4)

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

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

By: JOHN JOHNSON AS JOINT TENANT
By: AMY JOHNSON AS JOINT TENANT

JAKE AND AMY SUBDIVISION
(AMENDING LOT 3 OF DELAMARE PLANNED UNIT DEVELOPMENT AND LOT 67 OF PIONEER SUBDIVISION ADDITION NO. 4)
LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(III) 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 _____ 20____

ROCKY MOUNTAIN POWER
BY _____
TITLE _____

COMCAST

APPROVED THIS _____ DAY OF _____ 20____
BY THE COMCAST CABLE

COMCAST

CENTURY LINK

APPROVED THIS _____ DAY OF _____ 20____
BY THE CENTURY LINK.

CENTURY LINK

CHIEF OF POLICE

APPROVED THIS _____ DAY OF _____ 20____
BY THE TOOELE CITY CHIEF OF POLICE.

TOOELE CITY CHIEF OF POLICE

FIRE CHIEF

APPROVED THIS _____ DAY OF _____ 20____
BY THE TOOELE CITY FIRE DEPARTMENT.

TOOELE CITY FIRE CHIEF

PARKS DEPARTMENT

APPROVED THIS _____ DAY OF _____ 20____
BY THE TOOELE CITY PARKS DEPARTMENT.

TOOELE CITY PARKS DEPARTMENT

COMMUNITY DEVELOPMENT APPROVAL

APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20____

TOOELE CITY COMMUNITY DEVELOPMENT

COUNTY RECORDER

REVIEWED THIS _____ DAY OF _____ 20____
BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD.

TOOELE COUNTY RECORDER

CITY COUNCIL

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

CHAIRMAN TOOELE CITY COUNCIL

PLANNING COMMISSION

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

ATTEST:

811 CALL BLUESTAKES @ 811 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. Know what's below. Call before you dig.

LEGEND

- SECTION CORNER
- MONUMENT EXISTING
- MONUMENT PROPOSED
- EXIST REBAR AND CAP
- SET 5/8" x 24" REBAR WITH YELLOW PLASTIC CAP OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
- ADJACENT RIGHT OF WAY
- RIGHT OF WAY
- CENTERLINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- DEED LINE
- TANGENT LINE

FINAL PLAT
JAKE AND AMY SUBDIVISION
 (AMENDING LOT 3 OF DELAMARE PLANNED UNIT DEVELOPMENT AND LOT 67 OF PIONEER SUBDIVISION ADDITION NO. 4)
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

SURVEYOR'S CERTIFICATE

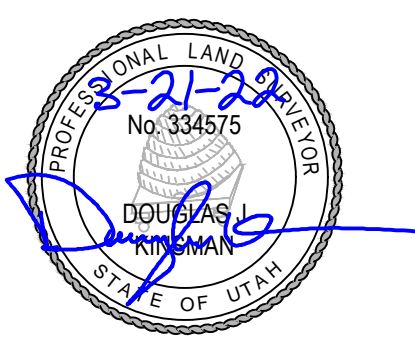
I, Douglas J. Kinman, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 334575, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act. I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots, together with easements, hereinafter to be known as Jake and Amy Subdivision and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

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 thence South 82°28'28" East 20.41 feet to the East line of Pine Meadow Lane;
 thence South 5°09'21" West 17.28 feet along said line;
 thence South 5°13'32" West 311.92 feet along said line and to and along an existing pipe fence and to a found rebar and cap;
 thence North 62°54'13" West 124.96 feet;
 thence North 74°48'26" West 27.89 feet;
 thence South 87°42'38" West 105.20 feet;
 thence North 83°25'45" West 98.41 feet along said fence to a found NCH 6699 rebar and cap;
 thence North 75°00'00" West 37.00 feet along said fence to the corner thereof;
 thence North 35°25'13" West 65.83 feet;
 thence South 38°54'42" West 210.11;
 thence North 36°07'47" West 59.51;
 thence North 0°01'51" West 153.76 feet;
 thence North 89°58'09" East 62.72 feet along and beyond an existing chain link fence to an existing barbed wire fence corner;
 thence Northernly 52.30 feet along the arc of a 27.00 foot radius non-tangent curve to the left (center bears North 27°50'11" West and the long chord bears North 6°34'17" East 44.50 feet through a central angle of 110°59'04") to a non-tangent line and an existing barbed wire fence corner;
 thence North 56°55'42" East 202.27 feet to and beyond an existing barbed wire fence and along said fence the following four calls:
 thence North 35°08'09" West 52.68 feet;
 thence North 27°27'24" West 145.00 feet;
 thence North 4°00'58" West 95.43 feet;
 thence South 88°52'40" East 463.33 feet to a wood fence;
 thence South 1°11'31" West 125.44 feet along said fence;
 thence South 1°15'38" West 145.56 feet;
 thence South 88°11'46" East 102.70 feet along said fence to the West line of Pine Meadow Lane;
 thence Northeasterly 111.25 feet along the arc of a 174.89 foot radius non-tangent curve to the left (center bears North 48°40'25" West and the long chord bears North 23°06'13" East 109.38 feet through a central angle of 36°26'46") along said line;
 thence North 4°52'06" East 76.63 feet along said line, to the Point of Beginning.

Contains 210,225 square feet or 4.83 acres, 2 Lots.

MARCH 21, 2022
 Date
 Douglas J. Kinman
 License No. 334575



OWNER'S DEDICATION AND CONSENT TO RECORD

Known all men by these presents that we the undersigned are the owner(s) of the hereon described tract of land and hereby cause the same to be divided into lots together with easements as set forth hereinafter to be known as:

JAKE AND AMY SUBDIVISION
 (AMENDING LOT 3 OF DELAMARE PLANNED UNIT DEVELOPMENT AND LOT 67 OF PIONEER SUBDIVISION ADDITION NO. 4)

The undersigned owner(s) hereby convey to Tooele City and to any and all public utility companies providing service to the hereon described tract a perpetual, non-exclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of public utility service lines and facilities. The undersigned owner(s) also hereby convey any other easements as shown to the parties indicated and for the purpose shown hereon.

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

By: JOHN JOHNSON AS JOINT TENANT
 By: AMY JOHNSON AS JOINT TENANT

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH) S.S.
 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 said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, _____ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____ RESIDING IN _____ COUNTY.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH) S.S.
 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 said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, _____ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____ RESIDING IN _____ COUNTY.

JAKE AND AMY SUBDIVISION

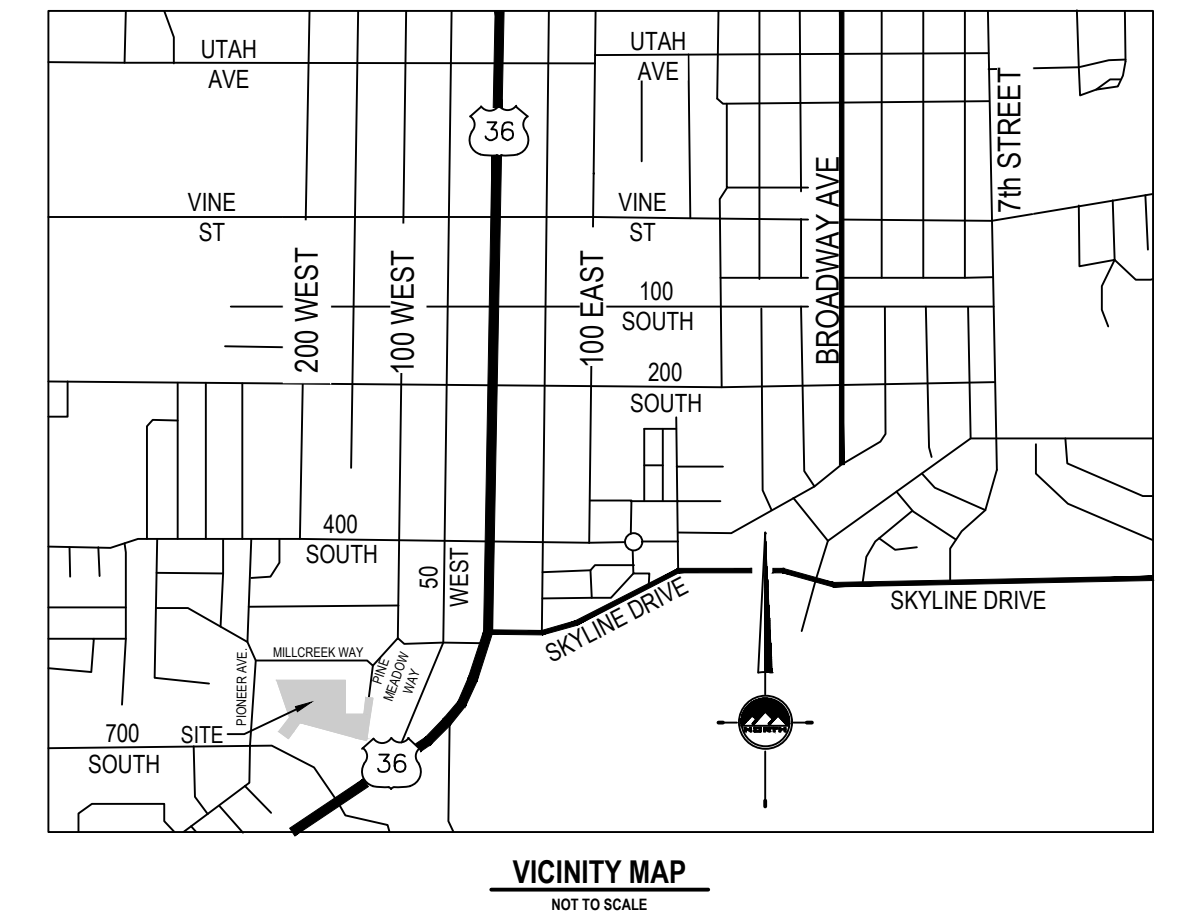
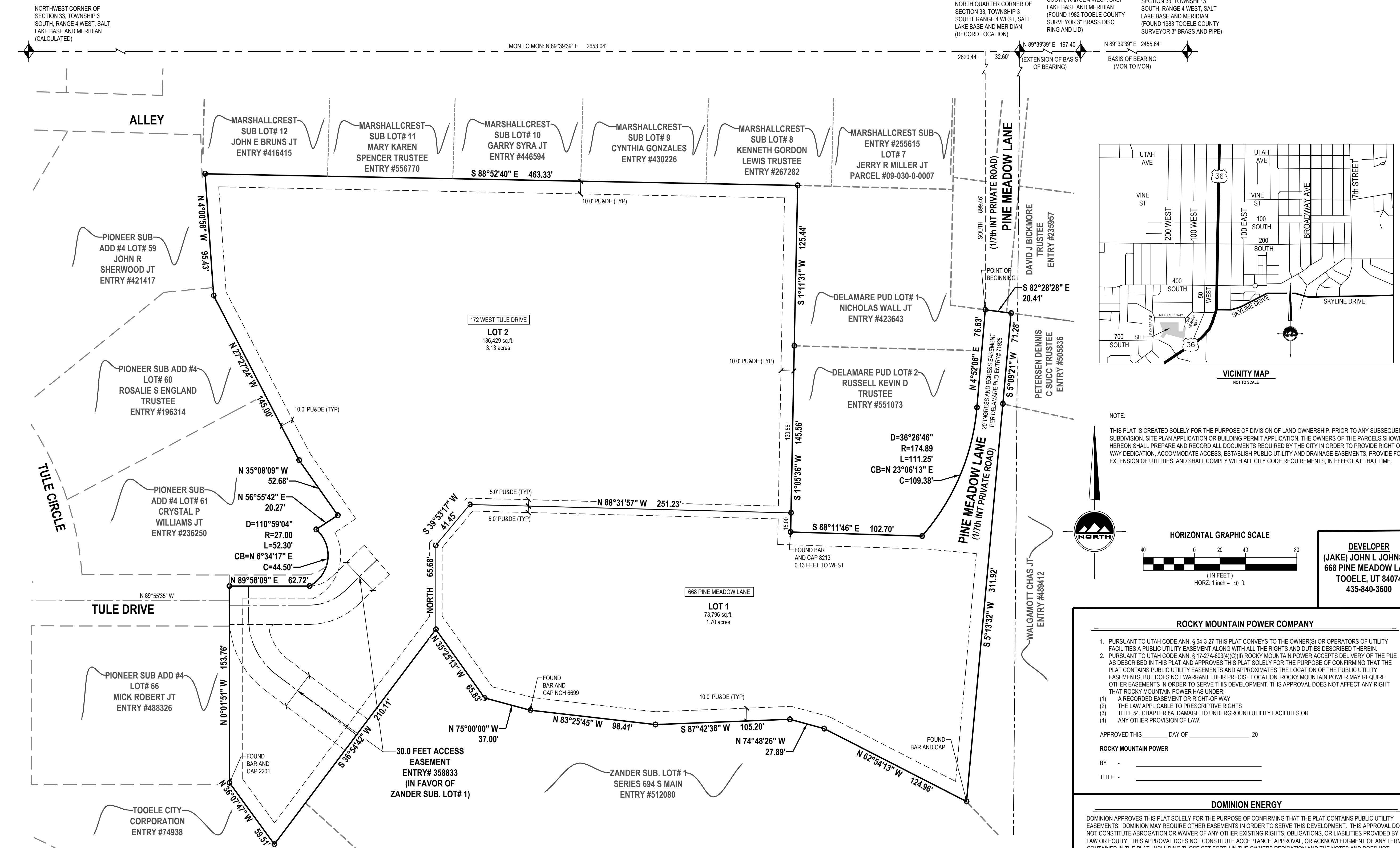
(AMENDING LOT 3 OF DELAMARE PLANNED UNIT DEVELOPMENT AND LOT 67 OF PIONEER SUBDIVISION ADDITION NO. 4)
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SHEET 1 OF 1

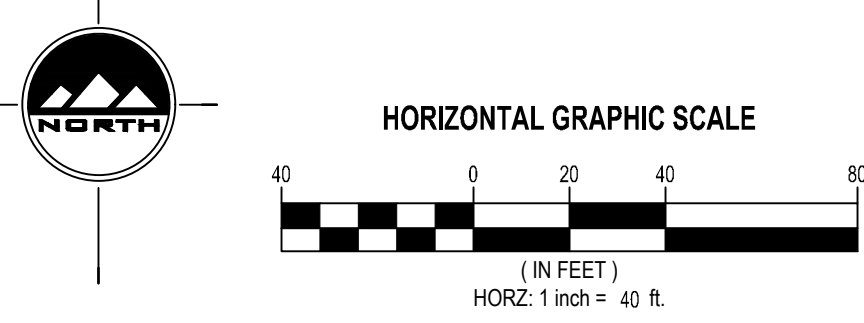
ENSGN
 TOOELE: 169 North Main Street Unit 1, Tooele, Utah 84074, Phone: 435.843.3590, Fax: 435.578.0108
 SALT LAKE CITY: 1500 North Main Street Unit 1, Layton, Utah 84040, Phone: 801.541.1180, Fax: 435.861.1453
 CEDAR CITY: 1500 North Main Street Unit 1, Richfield, Utah 84701, Phone: 435.862.2825
 WWW.ENSGNENG.COM

TOOELE COUNTY RECORDER

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



NOTE:
 THIS PLAT IS CREATED SOLELY FOR THE PURPOSE OF DIVISION OF LAND OWNERSHIP. PRIOR TO ANY SUBSEQUENT SUBDIVISION, SITE PLAN APPLICATION OR BUILDING PERMIT APPLICATION, THE OWNERS OF THE PARCELS SHOWN HEREON SHALL PREPARE AND RECORD ALL DOCUMENTS REQUIRED BY THE CITY IN ORDER TO PROVIDE RIGHT OF WAY DEDICATION, ACCOMMODATE ACCESS, ESTABLISH PUBLIC UTILITY AND DRAINAGE EASEMENTS, PROVIDE FOR EXTENSION OF UTILITIES, AND SHALL COMPLY WITH ALL CITY CODE REQUIREMENTS, IN EFFECT AT THAT TIME.



DEVELOPER
 (JAKE) JOHN L JOHNSON
 668 PINE MEADOW LANE
 TOOELE, UT 84074
 435-840-3600

ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
 2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 (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 _____, 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 1-800-368-8532.

APPROVED THIS _____ DAY OF _____, A.D. 20____
 DOMINION ENERGY
 BY: _____
 TITLE: _____

<p>CITY ENGINEER'S APPROVAL</p> <p>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY ENGINEER</p> <p>TOOELE CITY ENGINEER</p>	<p>CITY ATTORNEY'S APPROVAL</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY ATTORNEY.</p> <p>TOOELE CITY ATTORNEY</p>	<p>CITY COUNCIL</p> <p>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL.</p> <p>CHAIRMAN TOOELE CITY COUNCIL</p>	<p>COMMUNITY DEVELOPMENT APPROVAL</p> <p>APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20____, BY THE TOOELE CITY COMMUNITY DEVELOPMENT.</p> <p>TOOELE CITY COMMUNITY DEVELOPMENT</p>	<p>COUNTY SURVEY DEPARTMENT</p> <p>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE # ###-###-###</p> <p>TOOELE COUNTY SURVEY DIRECTOR</p>	<p>COUNTY TREASURER APPROVAL</p> <p>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY TREASURER.</p> <p>TOOELE COUNTY TREASURER</p>	<p>PLANNING COMMISSION</p> <p>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY PLANNING COMMISSION.</p> <p>CHAIRMAN TOOELE CITY PLANNING COMMISSION</p>	<p>COUNTY HEALTH DEPARTMENT</p> <p>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT.</p> <p>TOOELE COUNTY HEALTH DEPARTMENT</p>
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TOOELE CITY CORPORATION

RESOLUTION 2022-58

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH PAUL HANSEN ASSOCIATES, L.L.C. FOR CITY ENGINEERING SERVICES.

WHEREAS, Utah Code §10-1-202 authorizes municipalities to enter into contracts; and,

WHEREAS, Tooele City Code §1-6-9 authorizes the Tooele City Mayor to sign contracts on behalf of the city pursuant to Tooele City Council resolution; and,

WHEREAS, the City has a continuing need for quality city engineering services, and has contracted with Paul Hansen Associates, L.L.C. for these services for about 23 years, during which Mr. Hansen has rendered excellent service; and,

WHEREAS, the Tooele City Council and Administration find that it is in the best interest of Tooele City to contract with Paul Hansen Associates, L.L.C. for city engineering and related services; and,

WHEREAS, a copy of the proposed contract is attached hereto as Exhibit A; and,

WHEREAS, such contract provides for a term of four years beginning July 1, 2022, and adjusts for inflation; and,

WHEREAS, Paul Hansen, P.E. will be appointed to and serve as the Contract City Engineer for the duration of this proposed contract; and,

WHEREAS, under the contract, Paul Hansen Associates, L.L.C. will provide engineering interns and assistants, as necessary, to assist in city engineering services:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized on behalf of Tooele City to sign a contract with Paul Hansen Associates, L.L.C. for city engineering services under the terms set forth in Exhibit A, and that Paul Hansen is hereby appointed Contract City Engineer for Tooele City for the term of the contract.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(For)

(Against)

ATTEST:

Michelle Y. Pitt, Tooele City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Professional Services Contract 2022-2025

PROFESSIONAL SERVICES CONTRACT

TOOELE CITY CORPORATION, a municipal corporation of the State of Utah, (hereinafter “City”), and PAUL HANSEN ASSOCIATES, L.L.C. of Sandy, Utah, a limited liability company organized and licensed to do business in the State of Utah, (hereinafter “Contractor”) enter into this Contract effective July 1, 2022 (the “Effective Date”).

1. General Recitals.

- a. Whereas, City desires to obtain and continue receiving assistance from Contractor in meeting certain of its needs relating to the provision of city engineering services for Tooele City; and,
- b. Whereas, Contractor is willing and able to assist City with the services; and,
- c. Whereas, the parties desire to reduce to writing the Contract between them for Contractor’s assistance with the services:

Now, therefore, in consideration of the promises and covenants hereinafter contained, it is agreed by and between the parties hereto as follows:

2. Services.

- a. Description. The Contractor shall provide the following services to the City:
 - (1) Review, evaluate, and process site plans and subdivision proposals submitted to the City;
 - (2) Evaluate and assist in the preparation of bond agreements between development applicants and the City;
 - (3) Serve as a technical resource for the City’s culinary water, secondary water, storm water, sanitary sewer, street, planning, and other divisions;
 - (4) Assist in the formation and operation of special service districts;
 - (5) Evaluate, recommend, and coordinate the design and construction of public improvements;
 - (6) Review and make recommendations regarding reimbursement agreements;
 - (7) Coordinate, communicate, and meet with City officers, employees, contractors, and the public concerning the aforementioned duties;
 - (8) Have Paul Hansen represent the City as the Contract City Engineer.
- b. Additional Services. The City may request additional services by written task order supplement. The City and the Contractor shall negotiate the terms and compensation for additional work requested by task order supplement.
- c. Disclaimer of Right of Control. Contractor shall perform its duties competently in accordance with applicable law and accepted engineering practices. The City expressly disclaims any right to control the Contractor in the specifics of the performance of the Contractor’s duties.
- d. Contractor Personnel. The parties agree that the Contractor may perform its duties through the personal services of Paul Hansen or another of Contractor’s qualified employees.

- e. Availability. Contractor agrees to designate and maintain certain and specific hours during which its designated representative generally will be available at the City offices or by electronic communication, as necessary, in support of the activities required under the terms of this Contract.
- f. Anticipated Hours. Contractor and the City recognize that the Contractor's billed hours will vary as duties demand. However, the parties estimate that over the course of the contract the Contractor will devote an average of approximately 32 hours per week under the role of Contract City Engineer to fulfill the Contractor's obligations, and an average of approximately 32 hours per week under the role of Engineering Intern.

3. Compensation.

- a. Rate and Hours. The City shall pay the Contractor at the rate of \$125.00 per hour for services rendered as Contract City Engineer, and \$80.00 per hour for services rendered as Engineering Intern. The Contractor may invoice the City semi-monthly for the services. Recognizing inflationary increases to the cost of living and the cost of business operations, the City shall increase these hourly rates on July 1 of each Contract year by the average Consumer Price Index for the previous 12-month period.
- b. Total Cost Contract. This Contract is a "Total Cost Contract," and as such, the contract rates set out above include costs and expenses associated with the provision of the Contractor's services, except as hereinafter stated. The City will provide the following services: equipment and materials for use by Contractor, office equipment as needed, including but not limited to furniture, computer, office telephone, radio, printing and reproduction services, secretarial help, postage, delivery services, and other materials reasonably and necessarily associated with the performance of the services required under this Contract. The parties stipulate that the City is providing these services, equipment, and materials to facilitate the Contractor's coordination and communication with the City's officers and employees, and that the Contractor's hourly rates have taken into consideration the City's provision of services, equipment, and materials.
- c. Travel Reimbursement. The parties agree that if the City requests the Contractor's representative to travel outside of the local area for business or activities reasonably and necessarily associated with the performance of the services required under this Contract, the City shall reimburse the Contractor for the following reasonable travel expenses: meals, lodging, and transportation expenses. Use of the Contractor's owned vehicle during performance of the services shall be reimbursed at the City established mileage reimbursement rate. Contractor shall submit documentation of its expenses along with any request for reimbursement.
- d. Payment and Limitations. Payment shall be based upon the invoiced number of hours at the contract rate plus travel reimbursements for the preceding half month. The City's obligation under this contract shall not exceed \$340,000 per contract year, not including services requested by task order supplement.

- e. No Benefits. The parties specifically agree that as an independent contractor, Contractor neither claims nor is entitled to benefits accorded City employees.

4. Record Keeping.

Contractor agrees to maintain a record of services rendered on behalf of the City, including the number of hours expended and a description of the services performed. Contractor shall retain these records for a period of three years after the services are performed and shall provide the City access to Contractor's records for review at the City offices upon 72 hours written notice.

5. Contract Term.

This Contract shall commence on the Effective Date and continue for a period of four years. This Contract supersedes all previous contracts between the parties.

6. Termination.

- a. Without Good Cause. This Contract may be terminated without good cause by either party upon ninety (90) calendar days written notice. Should the Contractor desire termination without good cause, Contractor agrees to continue to fulfill its duties for the ninety-day period subsequent to the date of the notice. Should the City desire termination without good cause, the City agrees to retain the Contractor's services for the ninety day period subsequent to the date of the notice.
- b. With Good Cause. Either of the parties may terminate this Contract immediately for good cause upon written notice.
- c. Notice. Notice shall be deemed given when personally delivered or mailed by certified mail. Unless changed by written administrative amendment to this Contract, addresses for each of the parties are as follows:

Contractor: Paul Hansen Associates	City: Tooele City Mayor
1073 East 11780 South	90 North Main
Sandy, Utah 84094	Tooele, Utah 84074

7. Indemnification and Insurance.

- a. City Insurance and Indemnity. City agrees to add Contractor to City's liability insurance policy and to indemnify Contractor against claims by third parties alleging injury caused by the negligence of the Contractor or its employees while performing duties within the scope of this contract.
- b. Contractor Worker's Compensation Insurance. Contractor shall purchase and maintain worker's compensation insurance for all of its employees. At such times as the Contractor has only one employee, Contractor shall purchase and maintain worker's compensation insurance or shall obtain a waiver by Worker's Compensation of Utah.

- c. Contractor Liability Insurance and Indemnification. Contractor agrees to obtain and maintain professional liability insurance for the purpose of claims of liability related to engineering, design, and project management of infrastructure designed by the Contractor for and in behalf of the City. For such claims, Contractor further agrees to indemnify the City and hold the City, its officers, and employees harmless from all claims of liability for injury or damage caused by any negligent acts or omissions of Contractor or any of Contractor's officers, employees, or agents in performance of this Contract to the limit of \$1,000,000.
- d. Evidence of Insurance. Contractor shall provide written evidence of liability and workers compensation insurance to the City within 30 days of the execution of this Contract.

8. Complete Contract.

This Contract 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. Partial Invalidity.

If any provision of this Contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

IN WITNESS WHEREOF, the parties have executed this Contract on this _____ day of _____, 2022.

TOOELE CITY CORPORATION

CONTRACTOR

Debra E. Winn, Tooele City Mayor

Paul Hansen Associates, L.L.C.
By: Paul Hansen

Attest:

Michelle Y. Pitt, Tooele City Recorder

SEAL

Approved as to form:

Roger Evans Baker, Tooele City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2022-59

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR THE HARRIS COMMUNITY VILLAGE PROJECT.

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

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

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

WHEREAS, Tooele City received from the Tooele County Housing Authority a letter dated May 31, 2022, requesting the allocation of 8.35 acre-feet of municipal water rights to the Harris Community Village project (the “Village”), a non-profit collaboration with Friends of Switchpoint and the Community Resource Center, and suggesting that the City utilize a portion of its ARPA funds to pay the fee-in-lieu for those water rights (see the May 31 letter attached as Exhibit B); and,

WHEREAS, the Village will provide a wide variety of important community services including food pantry, meal service, daycare, case management, emergency shelter, day services, patron residency, etc.; and,

WHEREAS, Tooele City desires to take appropriate legislative and administrative actions to increase affordable and attainable housing, and to support the above-referenced community services, which all contribute to a healthier and more inclusive community; and,

WHEREAS, while the June 1 policy severely limits opportunities for residential developments to pay the fee-in-lieu of conveyance, the Village is not a typical residential development, patron residences is only one aspect of the Village’s multi-purpose function

and humanitarian mission, the Village is a non-profit enterprise, the Village is a unique and hybrid mixed-use project, the policy does not prohibit or discourage allowing the fee-in-lieu in such rare instances as the Village, and the purpose of the policy is not undermined or contradicted by allowing the fee-in-lieu for the Village as described herein; and,

WHEREAS, the non-residential development provisions of the June 1 policy have application to the Village and the May 31 request given the numerous non-residential community services provided at the Village for which water is needed, and those provisions allow and encourage the City Council to consider the “social impacts” of a development when considering a fee-in-lieu request; and,

WHEREAS, the City Council believes that approval of the May 31 request is consistent with the spirit and purpose, and the letter, of the June 1 policy, and expressly provided for by considering the Village’s social benefits, and further believes that approval of the May 31 request is in the best interest of the general public health and welfare of Tooele City’s population and community institutions; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby authorizes the use of City ARPA funds to pay, to Tooele City, on behalf of the Harris Community Village project, the fee-in-lieu of water rights conveyance for 8.3 acre-feet of municipal water rights, for the fee amount established in the June 1 policy.

This Resolution is not a precedent, and shall not be considered a precedent, binding upon Tooele City for allowing the payment-in-lieu of water rights conveyance for residential development, and shall not create in the Tooele County Housing Authority or any other person or party a right or entitlement to paying the fee for future Village residential phases or for any other development project whatsoever. The City Council hereby retains its full legislative authority to enact laws, regulations, and policies in the best interest of Tooele City, in their sole discretion.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

May 31, 2022, Letter
Tooele County Housing Authority



May 31, 2022

TOOELE COUNTY HOUSING AUTHORITY

66 West Vine, Tooele, Utah 84074
(435) 882-7875 • Fax (435) 882-7894

Mayor Winn,

On behalf of the Harris Community Village team, I'd like to thank you for your continued support. We are incredibly close to breaking ground and at this time would like to formally request the allocation of 8.35 acre feet of water via Tooele City's ARPA allocation. This request is based on collaboration with Tooele City and Tooele City Council. These shares are critical in our ability to execute successfully on this project.

The water shares will be used to support the operations and critical community services of Harris Community Village. This project will provide a wide variety of community services including the following:

- Food Pantry
- Meal service
- Daycare
- Case management
- Housing
- Emergency Shelter
- Day services and case management

Tooele County Housing Authority has partnered with Friends of Switchpoint to provide these services and operate the Community Resource Center. Together the project has garnered significant public and private support. The contribution of these water shares will allow the project to execute on it's already committed \$25MM dollars. Further, the investment in Tooele will add to the strength and resilience of its community.

Your consideration and support are very much appreciated,

Respectfully,

DeAnn Christiansen
Executive/Development
Director



Exhibit B

June 1, 2022, Fee-in-lieu Policy

City Council Policy

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

Effective Date: June 1, 2022

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

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

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

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

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

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

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

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

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

General.

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

Chairman