

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, August 26, 2020** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

**** NOTICE ****

*Tooele City has implemented Governor Herbert's low risk (yellow) phase guidelines regarding public gatherings. We strongly encourage anyone interested to join the Planning Commission meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecity>. If you would like to submit a comment for a public hearing item you may email pcpubliccomment@tooelecity.org anytime after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read at the designated points in the meeting. If you choose to attend this meeting in person we ask that you maintain social distancing and wear a face covering. **In compliance with public health guidelines Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.***

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** on a Zoning Map Amendment from the R1-7 Residential zoning district to the LI Light Industrial zoning district by Tooele Associates, LP, for 170.87 acres located at approximately 2000 North 1200 West.
4. **Recommendation** on a Subdivision Preliminary Plan request for Settlement Acres by Park Capital Homes, LLC, for property located at approximately 560 West 900 South in the R1-7 Residential zoning district on 1.16 acres.
5. **Recommendation** on a subdivision plat amendment request for Lexington at Overlake Minor Subdivision Plat by Zenith Tooele, LLC for 32.24 acres of property located at approximately 400 West 1200 North in the MR-16 Multi-Family Residential zoning district.
6. **Review and Discussion** on a proposed amendment to the adopted Tooele City Annexation Policy Plan to identify one new potential expansion area and include that area into the adopted Annexation Policy Plan and accompanying Expansion Area Maps.
7. **Review and Approval** of Planning Commission minutes for the meeting held on August 12, 2020 and the minutes for the joint meeting with the City Council held on August 12, 2020.
8. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Andrew Aagard, Tooele City Planner and Zoning Administrator prior to the meeting at (435) 843-2132 or TDD (435) 843-2108.

STAFF REPORT

August 19, 2020

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

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Overlake Industrial Park – Zoning Map Amendment Request

Application No.: P20-389
Applicant: Drew Hall, representing Tooele Associates, LP
Project Location: Approximately 2000 North 1200 West
Zoning: R1-7 Residential Zone
Acreage: 170.87 Acres (Approximately 7,443,097 ft²)
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone regarding reassignment of the subject properties to the LI Light Industrial Zoning District.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 170.87 acres located at approximately 2000 North 1200 West. The property is currently zoned R1-7 Residential. The applicant is requesting a Zoning Map Amendment to the Light Industrial Zoning District to facilitate light industrial manufacturing and heavy commercial development and land uses.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. The purpose of the R1-7 zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The R1-7 Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Residential land use designation. The properties to the north of the subject properties are currently zoned RR-5 Residential and are undeveloped. Properties to the east are zoned R1-7 Residential and are undeveloped. Properties to the south were recently rezoned to I Industrial and are undeveloped land. Properties to the west are zoned RR-5 Residential and GC General Commercial. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The purpose of the LI Light Industrial zoning district is to provide locations for light industrial assembly and manufacturing uses that produce no appreciable negative impact to adjacent properties. This District encourages clean, light industrial and manufacturing uses which provide employment opportunities for

city residents, strengthen the city's tax base and diversify the local economy.

The differences between the LI Light Industrial zone and the R1-7 Residential zone. The LI zone is reserved for commercial and light manufacturing activities with some minimal residential uses such as caretaker apartments for businesses such as storage units. Otherwise residential uses such as single-family homes, duplexes, apartments and so forth are not permitted in the zoning district.

The R1-7 Residential zone is Tooele City's most prevalent single-family residential zone and permits primarily just single-family residential and two family residential uses such as duplexes. Commercial uses in the zone are limited to home occupations and must adhere to the standards of Tooele City's Home Occupation ordinance. There are no industrial or commercial uses permitted within the R1-7 Residential zoning district.

The southern and western portions of the property are already adjacent to Industrial and Commercial zoning districts. However, the eastern and northern portions of the property are adjacent to property that could, potentially, be constructed as single-family residential homes. Is it within the City's best interest to have Light Industrial zoning extending that far inside of the City boundaries and in close proximity to residential zones without appropriate buffer zones? Tooele City has other locations with Light Industrial zoning, however, these areas are buffered from residential zones by State highways, railroad corridors and lesser intensity commercial zoning districts. Staff only poses the question for consideration and does not yield a recommendation one way or another.

Settlement Agreement. The subject properties are a part of the group of properties that are subject to the terms of the settlement agreement that ended the litigation between the City and the developer parties of what was the overall Overlake master planned development. That agreement was approved and took effect in August 2014. One of the terms of that settlement agreement dealt with the amount of land that could be zoned for residential and non-residential purposes. Specifically, Section 9 of the settlement agreement specified a vested cap of 424 acres and 20% of the of the overall development area, which are essentially equal, for non-residential uses. The land use plan for the overall Overlake properties, as a requirement of the settlement agreement, was approved by Ordinance 2015-04 and identified 424 acres for non-residential uses. In the time since, there has been one amendment to the zoning of the overall Overlake properties that changed this count. Ordinance 2019-33 removed 18.18 acres of that 424 acre non-residential total and reassigned it for residential uses. The size of the subject application, if approved, would result in a non-residential acreage above the 424 acre and 20% vested cap identified in the settlement agreement. The settlement agreement establishes a vested cap but that does not prohibit the City from exercising its legislative prerogative to make findings, when appropriate, and approve additional non-residential areas outside of the framework of the settlement agreement.

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

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

- (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
- (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

REVIEWS

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

- 1. Single-Family residential zoning districts will exist immediately adjacent to Light Industrial zoning without any buffers such as a highway, railroad corridor or lesser intensity commercial zones.
- 2. There is little to no development on the surrounding parcels.
- 3. The property currently does not have any frontage onto any major road ways.

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 Overlake Industrial Park Zoning Map Amendment Request by Drew Hall, representing Tooele Associates, LP to reassign the zoning of approximately 171 acres of property to the LI Light Industrial zoning district, application number P20-389, based on the findings listed in the Staff Report dated August 19, 2020:”

1. List any additional findings and conditions...

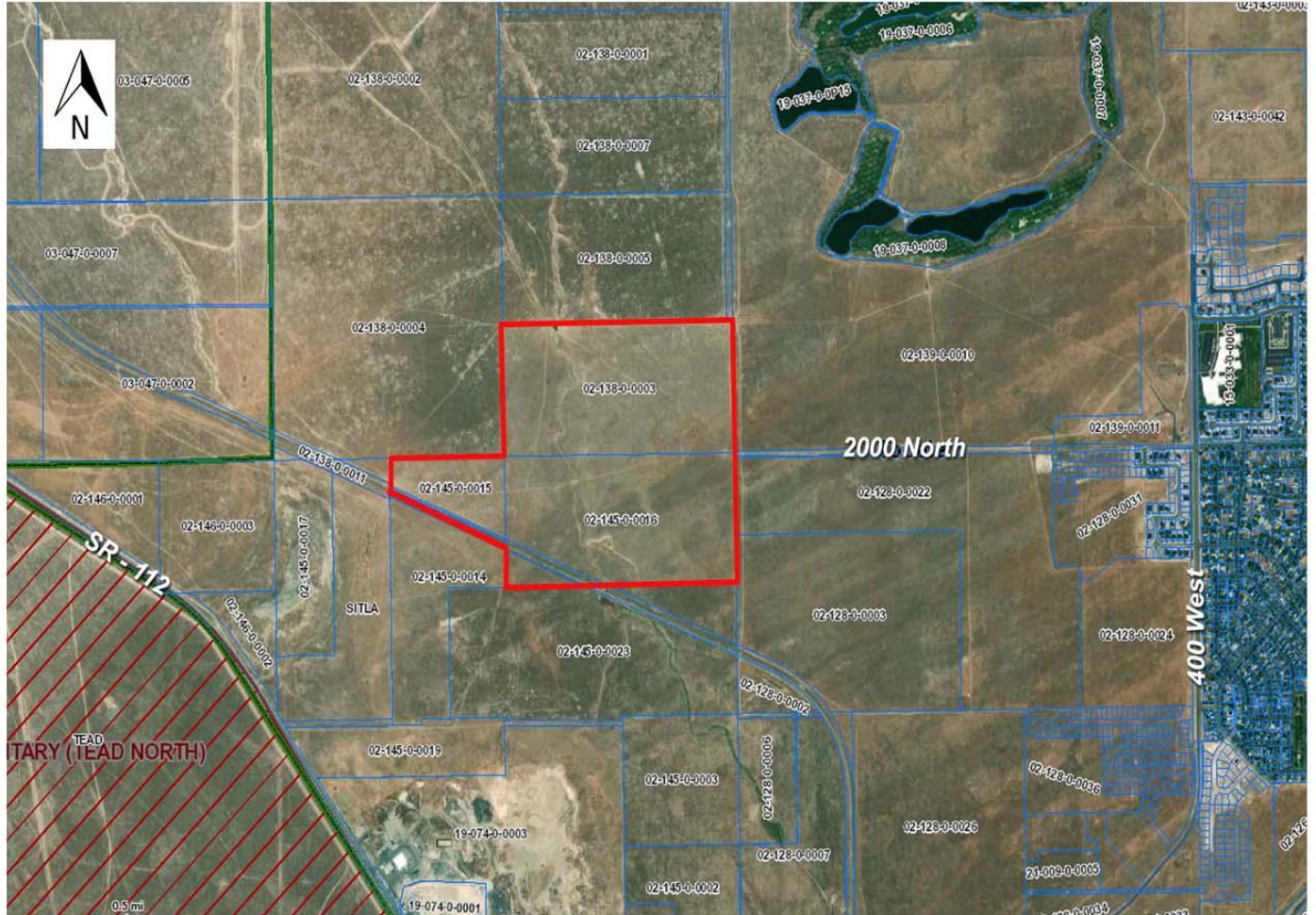
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Overlake Industrial Park Zoning Map Amendment Request by Drew Hall, representing Tooele Associates, LP to reassign the zoning of approximately 171 acres of property to the LI Light Industrial zoning district, application number P20-389, based on the following findings:”

1. List findings...

EXHIBIT A

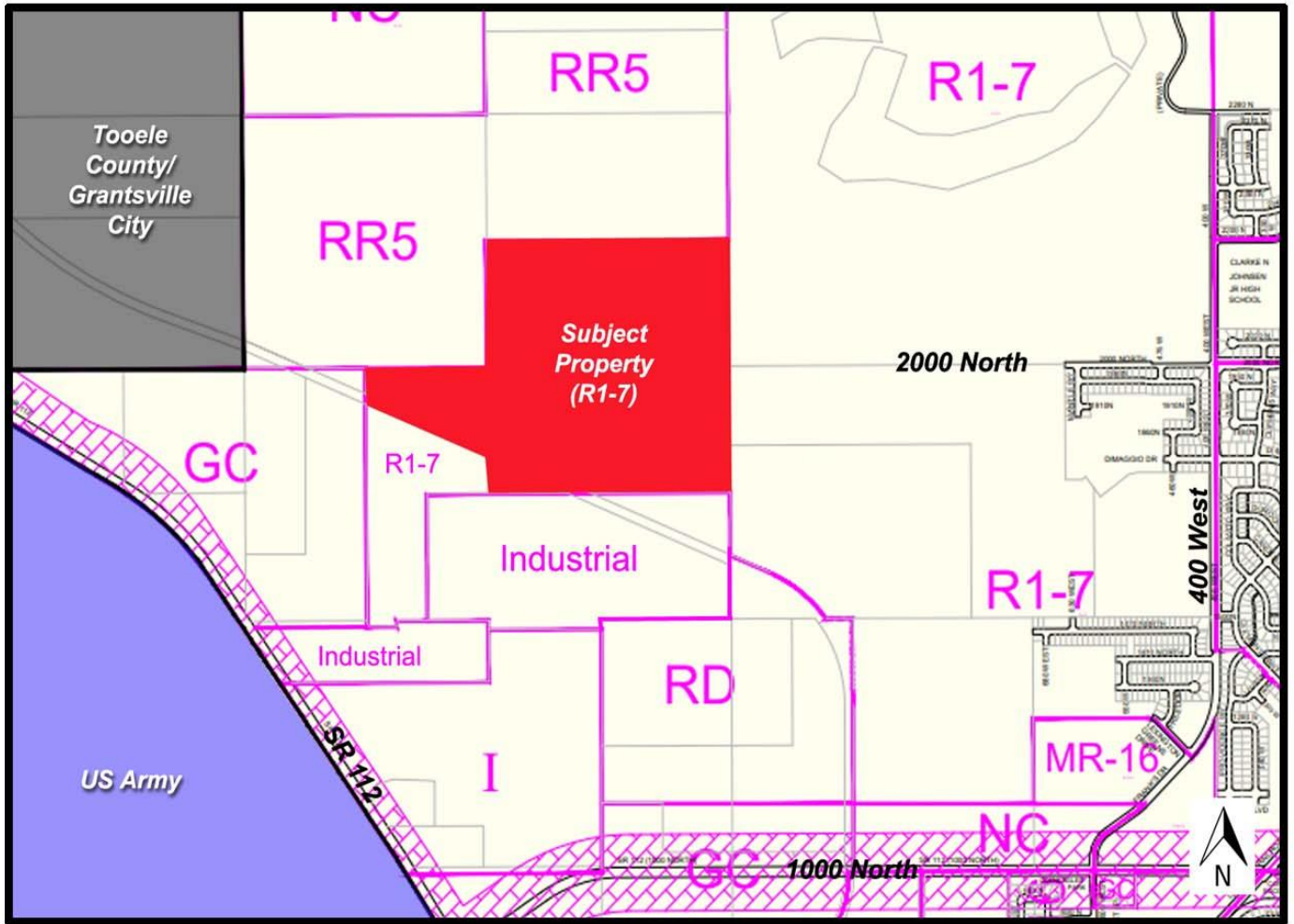
MAPPING PERTINENT TO THE OVERLAKE INDUSTRIAL PARK ZONING MAP AMENDMENT

Overlake Industrial Park Rezone



Aerial View

Overlake Industrial Park Rezone



Aerial View

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Amended Application

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:	Current Map Designation:	Proposed Map Designation:	Parcel #(s):		
7-15-20	R1-7	Light Industrial	(see attached)		
Project Name:			Acres:		
Overlake Industrial Park			170.87		
Project Address:					
1000 N. 1200 West, Tooele, UT 84074					
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: These tax parcels (02-138-0-0003; 02-145-0-0015 and 02-146-0-0016) will provide a transition from residential zoning to the east and industrial zoning to the west.					
Property Owner(s):			Applicant(s):		
Tooele Associates LP			Tooele Associates LP		
Address:			Address:		
1983 N. Berra Blvd.			1983 N. Berra Blvd.		
City:	State:	Zip:	City:	State:	Zip:
Tooele	UT	84074	Tooele	UT	84074
Phone:			Phone:		
(435) 830-6979			(435) 830-6979		
Contact Person:			Address:		
Drew Hall			1983 N. Berra Blvd.		
Phone:			City:	State:	Zip:
(435) 830-6979			Tooele	UT	84074
Cellular:	Fax:	Email:			
(435) 830-6979	N/A	drewhall@concast.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. #:

STAFF REPORT

August 20, 2020

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

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Settlement Acres – Preliminary Plan Subdivision Request

Application No.: P20-15
Applicant: Brett Mascaro, representing Park Capital Homes, LLC
Project Location: Approximately 560 West 900 South
Zoning: R1-7 Residential Zone
Acreage: 1.16 Acres (Approximately 50,529 ft²)
Request: Request for approval of a Preliminary Plan Subdivision in the R1-7 Residential zone regarding the creation of six single-family residential lots.

BACKGROUND

This application is a request for approval of a Preliminary Plan Subdivision for approximately 1.16 acres located at approximately 560 West 900 South. The property is currently zoned R1-7 Residential. The applicant is requesting that a Preliminary Plan Subdivision be approved to allow for the development of the currently vacant property as six new single-family residential lots.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately five dwelling units per acre. Properties to the north of the subject property are zoned R1-7 Residential as are properties to the east and west. Properties to the north and east are currently utilized as a mobile home subdivision. Property the south is zoned GC General Commercial and is currently utilized as the Tooele County Public Works Shops. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The proposed subdivision is pretty straight-forward and proposes to split an existing 1.1 acre parcel into six lots each approximately 7,700 square feet in size. Each lot is 60 feet wide which is the minimum lot width required by the R1-7 Residential zoning district. Each lot meets the minimum development criteria for subdivision development as required by the R1-7 Residential zoning district.

Approximately 10 feet of frontage along 900 South will be dedicated to Tooele City and will complete the public right-of-way along the subdivision frontage. Curb and gutter are already installed and the development will be installing the necessary five foot sidewalk along the entire frontage of the subdivision.

Fencing. There are not any fencing requirements or proposals for this subdivision.

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

REVIEWS

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

1. The subdivision as proposed meets or exceeds all lot standards for lot width, lot size and lot frontages as required by the R1-7 Residential zoning district.
2. The development will be completing the public right-of-way along the entire subdivision frontage on 900 South.

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

Noticing. Subdivisions do not require public hearings and therefore noticing is not required.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary Plan Subdivision by Brett Mascaro, representing Park Capital Homes, LLC, application number P20-15, subject to the following conditions:

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

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The subdivision as proposed meets or exceeds all lot standards for lot width, lot size and lot frontages as required by the R1-7 Residential zoning district.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Settlement Acres Preliminary Plan Subdivision Request by Brett Mascaro, representing Park Capital Homes, LLC for the purpose of creating six single-family residential lots at approximately 560 West 900 South, application number P20-15, based on the findings and subject to the conditions listed in the Staff Report dated August 20, 2020:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Settlement Acres Preliminary Plan Subdivision Request by Brett Mascaro, representing Park Capital Homes, LLC for the purpose of creating six single-family residential lots at approximately 560 West 900 South, application number P20-15, based on the following findings:”

1. List findings...

EXHIBIT A

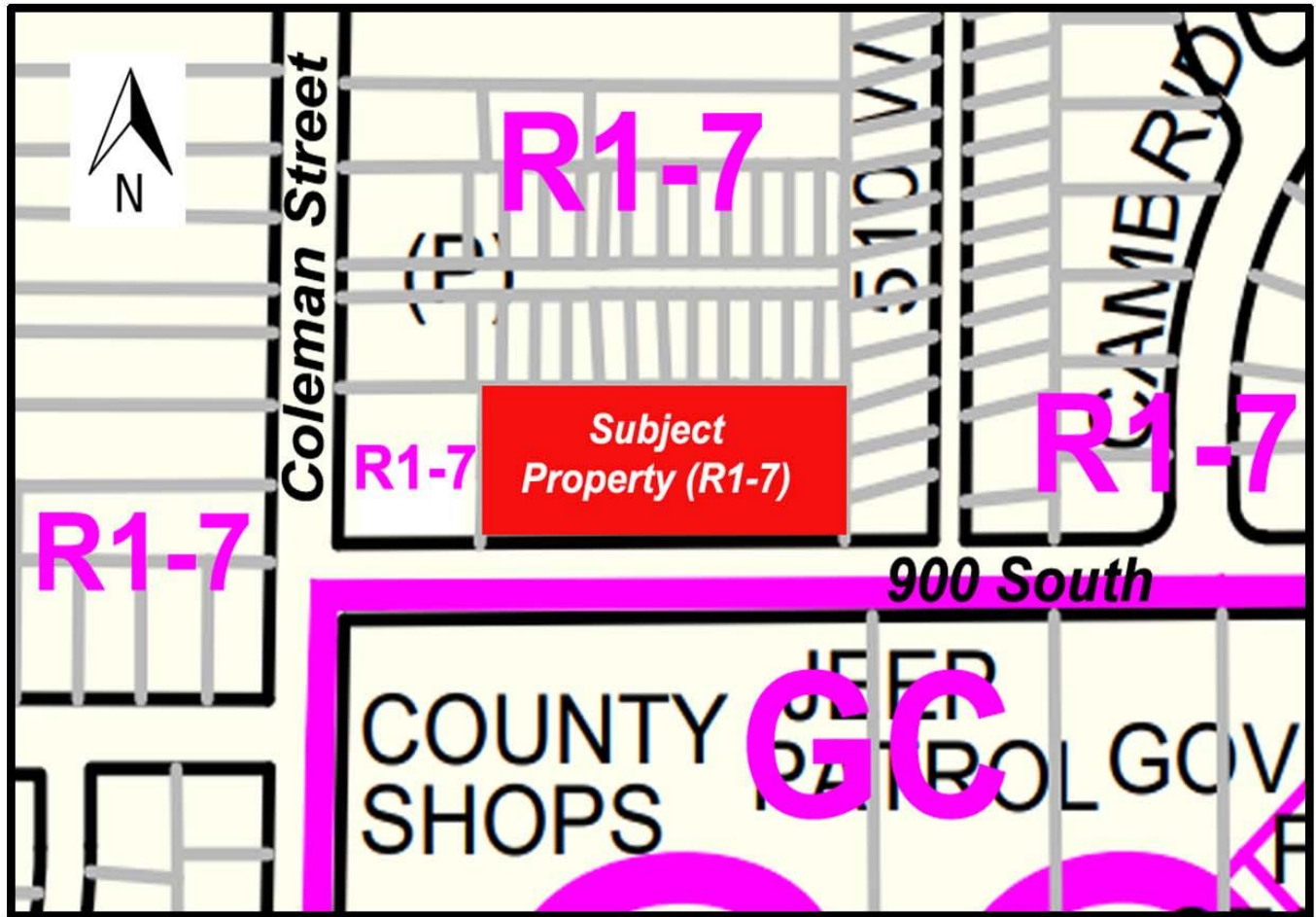
**MAPPING PERTINENT TO THE SETTLEMENT ACRES PRELIMINARY PLAN
SUBDIVISION**

Settlement Acres Subdivision Preliminary Plan



Aerial View

Settlement Acres Subdivision Preliminary Plan



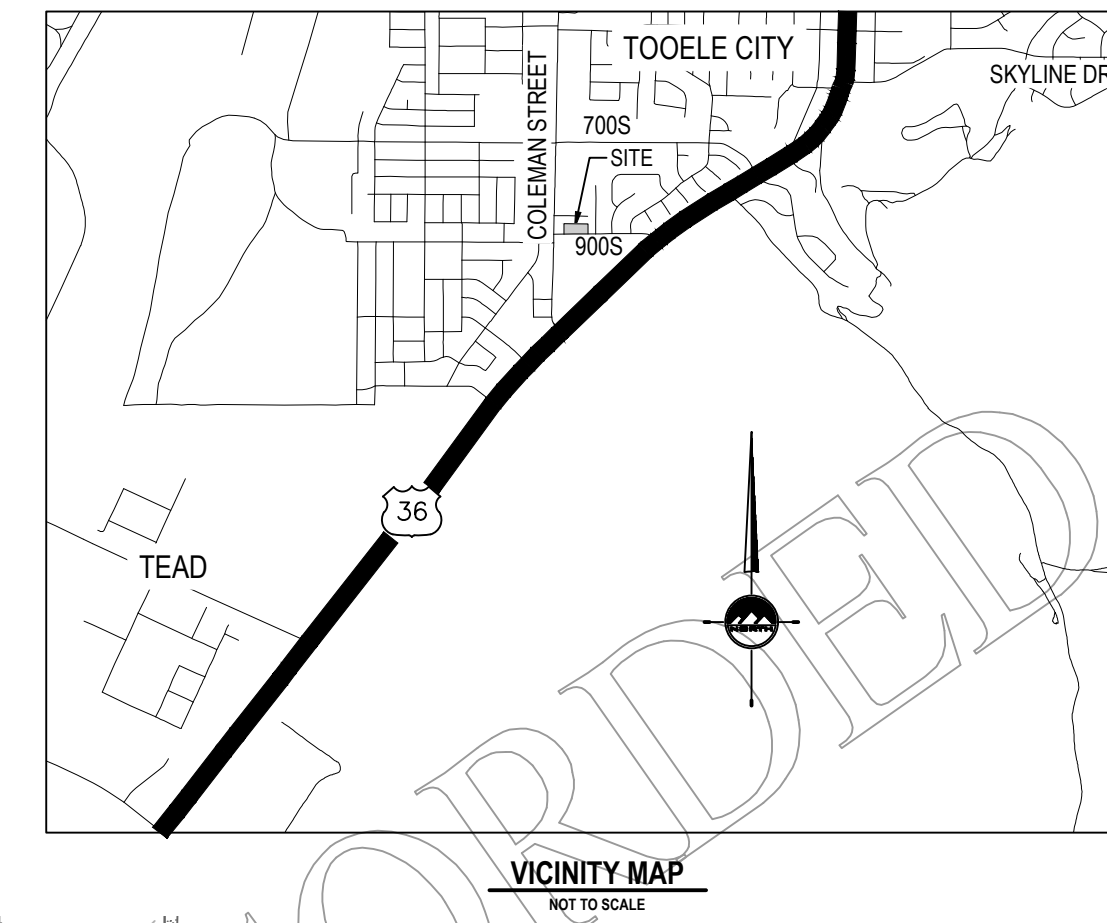
Aerial View

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

SETTLEMENT ACRES SUBDIVISION PRELIMINARY PLAT

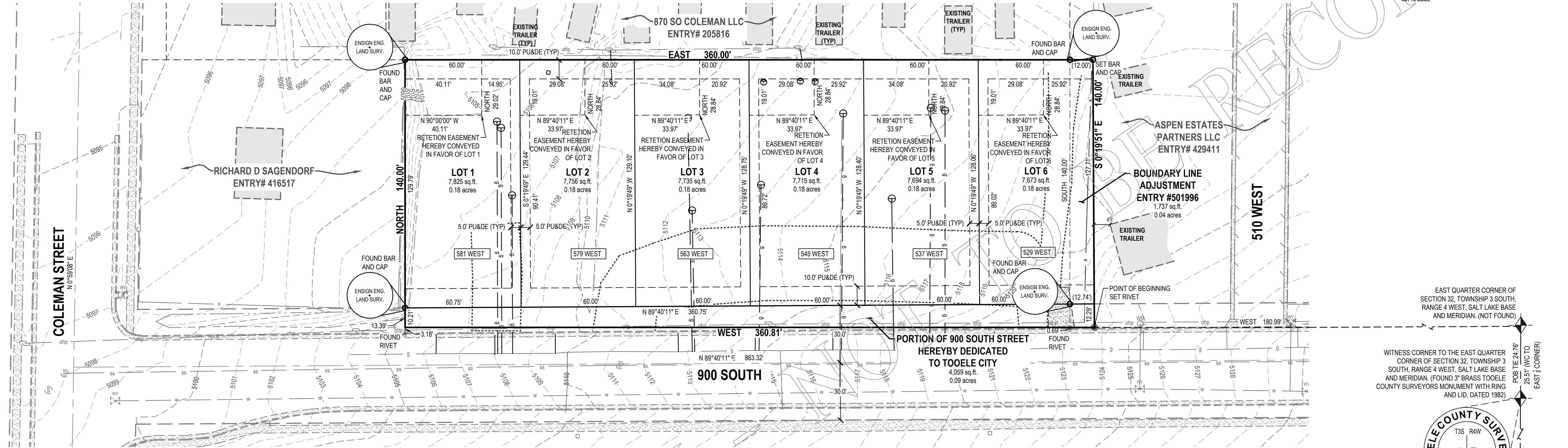
LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



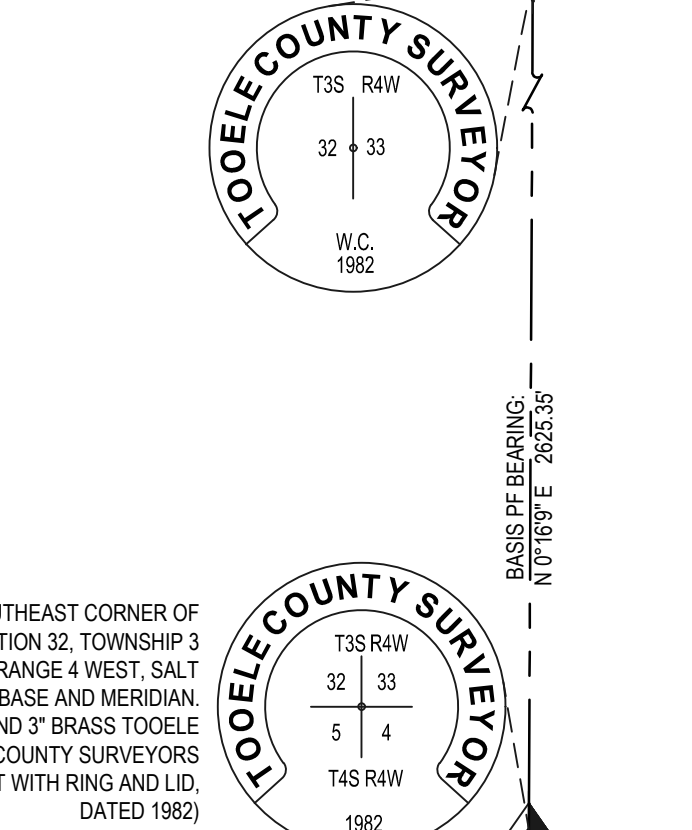
SURVEYOR'S CERTIFICATE
I, Douglas J Kinsman, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat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

BOUNDARY DESCRIPTION
A parcel of land, situate in the Northeast Quarter of Section 32, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:
Beginning at a point which is located North 0°16'09" East 24.76 feet along the Section line and West 180.99 from the Witness Corner to the East Quarter corner of Section 32, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:
thence West 360.81 feet;
thence North 140.00 feet;
thence East 360.00 feet;
thence South 0°19'51" East 140.00 feet to the Point of Beginning.
Parcel contains: 50,457 square feet or 1.16 acres, 6 lots.

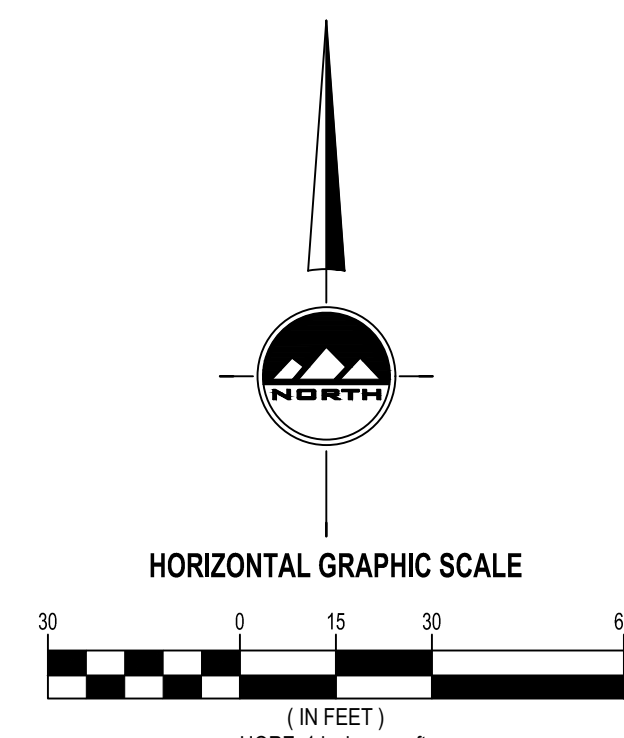
Date JUNE 25, 2020
Douglas J Kinsman
License no. 334575



EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, (NOT FOUND)
WITNESS CORNER TO THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, (FOUND 3" BRASS TOOELE COUNTY SURVEYORS MONUMENT WITH RING AND LID, DATED 1982)
POB TIE 24.76
24.51' (W/C TO EAST 1/4 CORNER)
BASIS OF BEARING: N 0°16'09" E 262.35'



- LEGEND**
- SECTION CORNER
 - SET 5/8"x24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." WILL BE SET AT ALL LOT CORNERS.
 - RIGHT-OF-WAY MARKER
 - RIVET
 - FIRE HYDRANT
 - SANITARY SEWER MANHOLE
 - STORM DRAIN CLEAN OUT
 - SIGN
 - UTILITY POLE
 - CONCRETE
 - EXISTING BUILDING
 - ADJACENT RIGHT OF WAY
 - CENTERLINE
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - FENCE
 - EDGE OF ASPHALT
 - OVERHEAD POWER LINE
 - EXISTING GAS LINE
 - MINOR CONTOURS 1' INCREMENT
 - MAJOR CONTOURS 5' INCREMENT
- NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS SURVEY.



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-803(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 A RECORDED EASEMENT OR RIGHT-OF-WAY.
(1) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
(2) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20____
ROCKY MOUNTAIN POWER
BY _____
TITLE _____

DOMINION ENERGY

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABRIGATION 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 IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-6522.

APPROVED THIS _____ DAY OF _____, 20____
DOMINION ENERGY
BY _____
TITLE _____

NOTE:
1. ZONING IS R1-7.

DEVELOPER
BRETT MASCARO
2892 N BELLFLOWER BLVD STE 359
LONG BEACH, CA 90815
562-449-5072

HEALTH DEPARTMENT

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

TOOELE COUNTY HEALTH DEPARTMENT

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

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

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

COMMUNITY DEVELOPMENT

APPROVED AS TO FORM THIS _____ DAY OF _____, 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:

PLANNING COMMISSION

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

SETTLEMENT ACRES SUBDIVISION PRELIMINARY PLAT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

ENSGN

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

SALT LAKE CITY
Phone: 435.251.0209

LAYTON
Phone: 435.863.1100

CEDAR CITY
Phone: 435.863.1433

RICHFIELD
Phone: 435.866.2983

www.ensgn.com

SHEET 1 of 1
PROJECT NUMBER: T1311A
MANAGER: D. KNSMAN
DRAWN BY: C. CHILD
CHECKED BY: D. KNSMAN
DATE: 6/25/20

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

BENCHMARK
FOUND WITNESS CORNER TO THE EAST
QUARTER CORNER OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 4 WEST
SALT LAKE BASE AND MERIDIAN
ELEV = 5133.99'

GENERAL NOTES

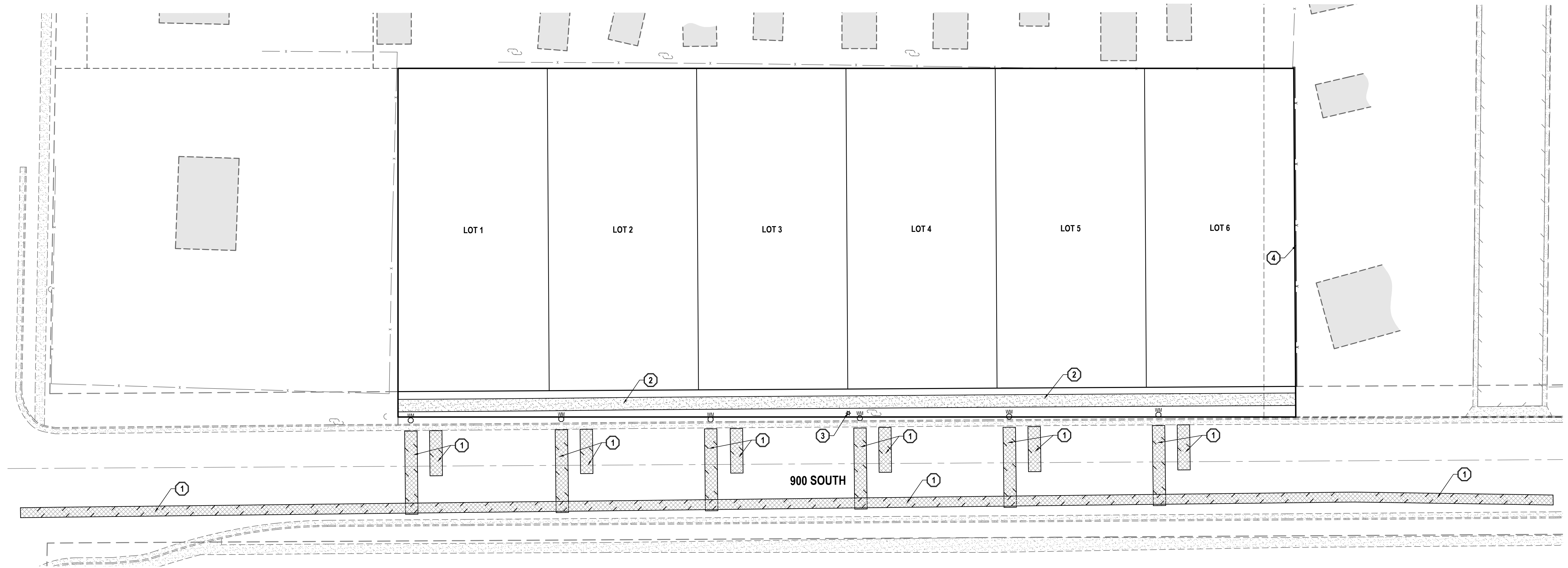
1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
4. ALL SURFACE IMPROVEMENTS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

SCOPE OF WORK:

PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① ASPHALT PAVEMENT PER TOOELE CITY STANDARDS AND APWA 255, MATCH EXISTING SEE DETAIL 2/C-500.
- ② 6" THICK, 5' WIDE CONCRETE SIDEWALK PER TOOELE CITY STANDARD PLAN NO. 231R AND SPECIFICATIONS.
- ③ INSTALL RESIDENTIAL STREET LIGHTS PER TOOELE CITY STANDARDS AND SPECIFICATIONS AND PLAN NO. 743 R.
- ④ NEW FENCE OR RELOCATED EXISTING FENCE. NEW FENCE, MATCH EXISTING, SEE OWNER FOR ADDITIONAL INFORMATION.

NOTE: MAY CONTAIN KEYNOTES THAT ARE NOT USED ON THIS SHEET.



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

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.866.1453

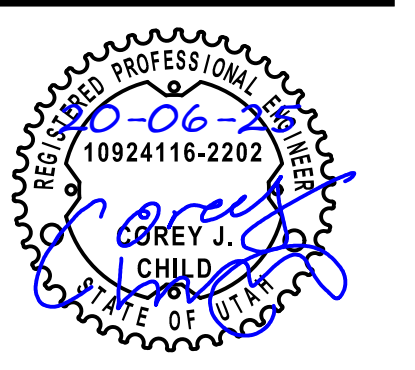
RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
PARK CAPITAL HOMES, LLC
2892 N BELLFLOWER BLVD STE 354
LONG BEACH, CA 90815

CONTACT:
BRETT MASCARO
PHONE: 562-449-5072

**SETTLEMENT ACRES SUBDIVISION
PRELIMINARY DESIGN
900 SOUTH
TOOELE CITY, UTAH**

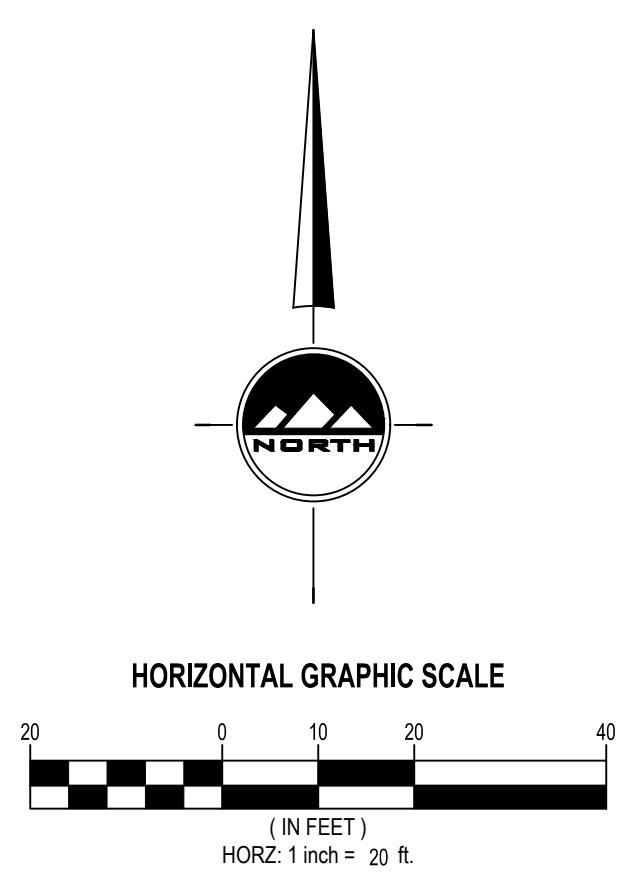


NO.	DATE	REVISION	BY
1			
2			
3			
4			
5			
6			
7			
8			

SITE PLAN

PROJECT NUMBER: T1311A
PRINT DATE: 2020-06-25
DRAWN BY: C. CHILD
CHECKED BY: J. CLEGG
PROJECT MANAGER: D. KINSMAN

C-100



STAFF REPORT

August 20, 2020

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

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Lexington Greens 5 Lot Minor Subdivision – Subdivision Plat Amendment Request

Application No.: P20-372
Applicant: Charles Akerlow, representing Zenith Tooele, LLC
Project Location: Approximately 400 West 1000 North
Zoning: MR-16 Multi-Family Residential Zone
Acreage: 32.24 Acres (Approximately 1,404,374 ft²)
Request: Request for approval of a Subdivision Plat Amendment in the MR-16 Multi-Family Residential zone amending the Lexington at Overlake 5 Lot Minor Subdivision Plat (8 lots when including the road dedication parcels).

BACKGROUND

This application is a request for approval of a Subdivision Plat Amendment for approximately 32.24 acres located, at approximately 400 West 1000 North. The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Subdivision Plat Amendment be approved to amend the existing Lexington At Overlake 5 Lot Minor Subdivision Plat. This application was originally heard by the Planning Commission at the August 12th Planning Commission. The Planning Commission voted unanimously to forward a positive recommendation on the subdivision plat. However, due to a communication error between staff and the applicant an incorrect version of the subdivision plat amendment was presented to and approved by the Planning Commission. Therefore the current and most up-to-date plat is being presented to the Planning Commission for recommendation. This plat includes the 5 lots for future development and 3 lots for roadway dedication.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Multi-Family Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately 16 dwelling units per acre. The purpose of the MR-16 zone is to “provide an environment and opportunities for high density residential uses, including single family detached and attached residential units, apartments, condominiums and townhouses.” The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the Multi-Family Residential land use designation. Properties to the north, west and east are zoned R1-7 Residential. Properties to the south are zoned NC Neighborhood Commercial. All surrounding properties are currently vacant, undeveloped land. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Subdivision Layout. The original subdivision plat established property lines for lots ranging in sizes from 5.2 acres up to 7.5 acres for the purposes of ownership and future development. The proposed plat amendment shifts some of the lot lines and reconfigures the subdivision plat. The plat still involves five

lots with the biggest difference being lot 102 has increased in size up to 11 acres and lot 3 has been reduced in size to nearly 2 acres.

This subdivision plat amendment also includes dedication of Franks Drive, Berra Boulevard, Carole's Way (1200 North) and 680 West rights-of-way as dedicated public streets. The applicant will construct the improvements and the road will be maintained by Tooele City.

Criteria For Approval. The criteria for review and potential approval of a Subdivision Plat Amendment request is found in Sections 7-19-10, 11 and 35 of the Tooele City Code.

REVIEWS

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

1. This subdivision plat amendment is solely for the purpose of establishing new property lines for ownership as well as dedication of right-of-way for Franks Drive and Berra Boulevard. This plat does not entitle any development or construction. All entitlements and developability, including infrastructure, easements, and property dedications as needed, must be established through further land use applications and approvals according to the Tooele City Code.

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

1. Prior to recordation of the Final 5 lot minor subdivision plat, the developer will provide all required out of plat public utility, drainage and ingress and egress easements, as shown on the plat.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Subdivision Plat Amendment by Charles Akerlow, representing Zenith Tooele, LLC, application number P20-372, 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. The developer of the parcel(s) will be required to provide all road dedications, water rights, utility improvements and all other improvements and dedications required with a standard subdivision or site plan development when each parcel develops.
6. Each parcel will be required to undergo all required subdivision approvals when each parcel develops.

7. This plat does not entitle any development or construction.
8. All entitlements and developability, including infrastructure, easements, and property dedications as needed, must be established through further land use applications and approvals according to the Tooele City Code.
9. Prior to recordation of the Final 5 lot minor subdivision plat, the developer will provide all required out of plat public utility, drainage and ingress and egress easements, as shown on the plat.

This recommendation is based on the following findings:

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

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2020:”

1. List any additional findings and conditions...

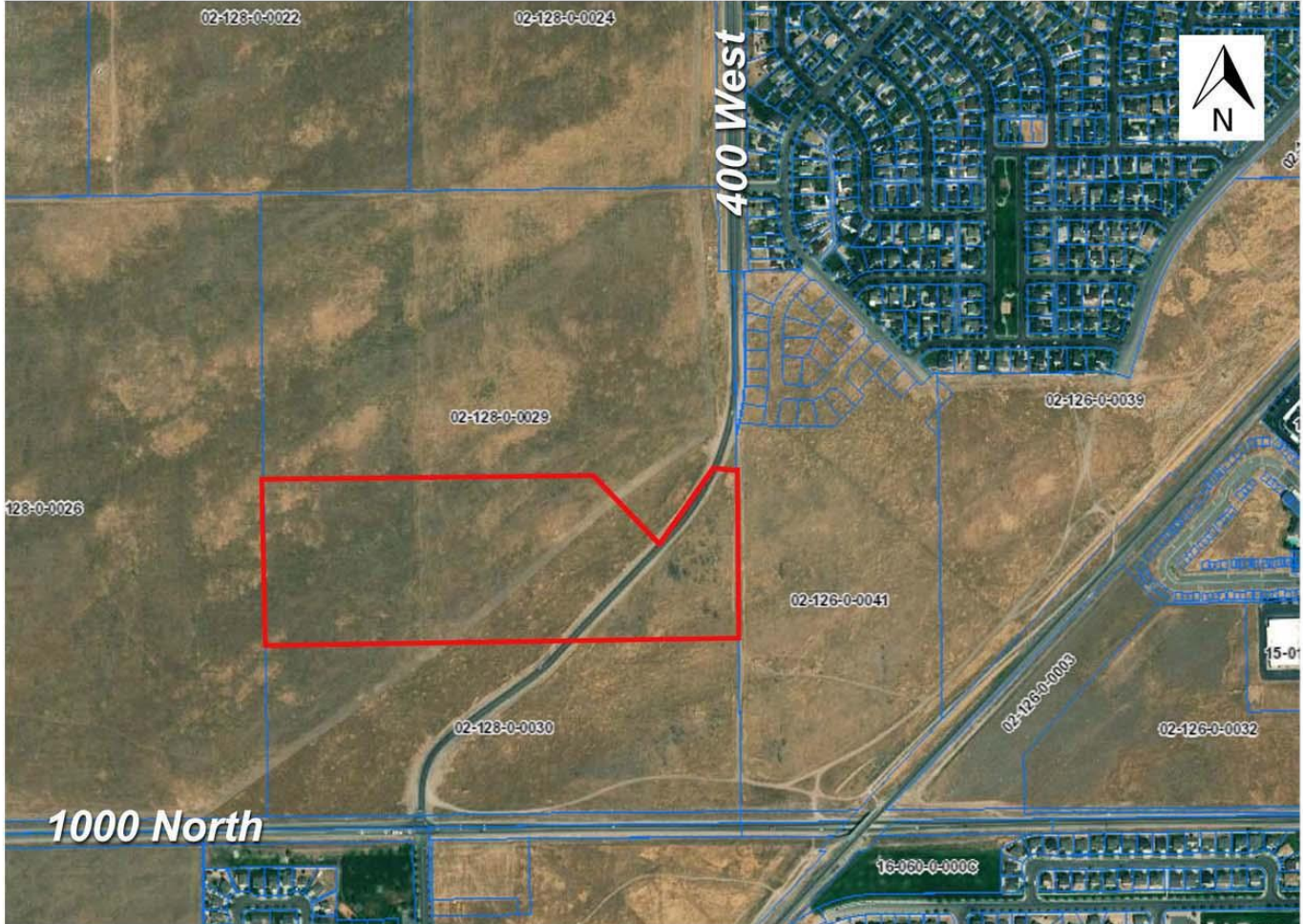
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the following findings:”

1. List findings...

EXHIBIT A

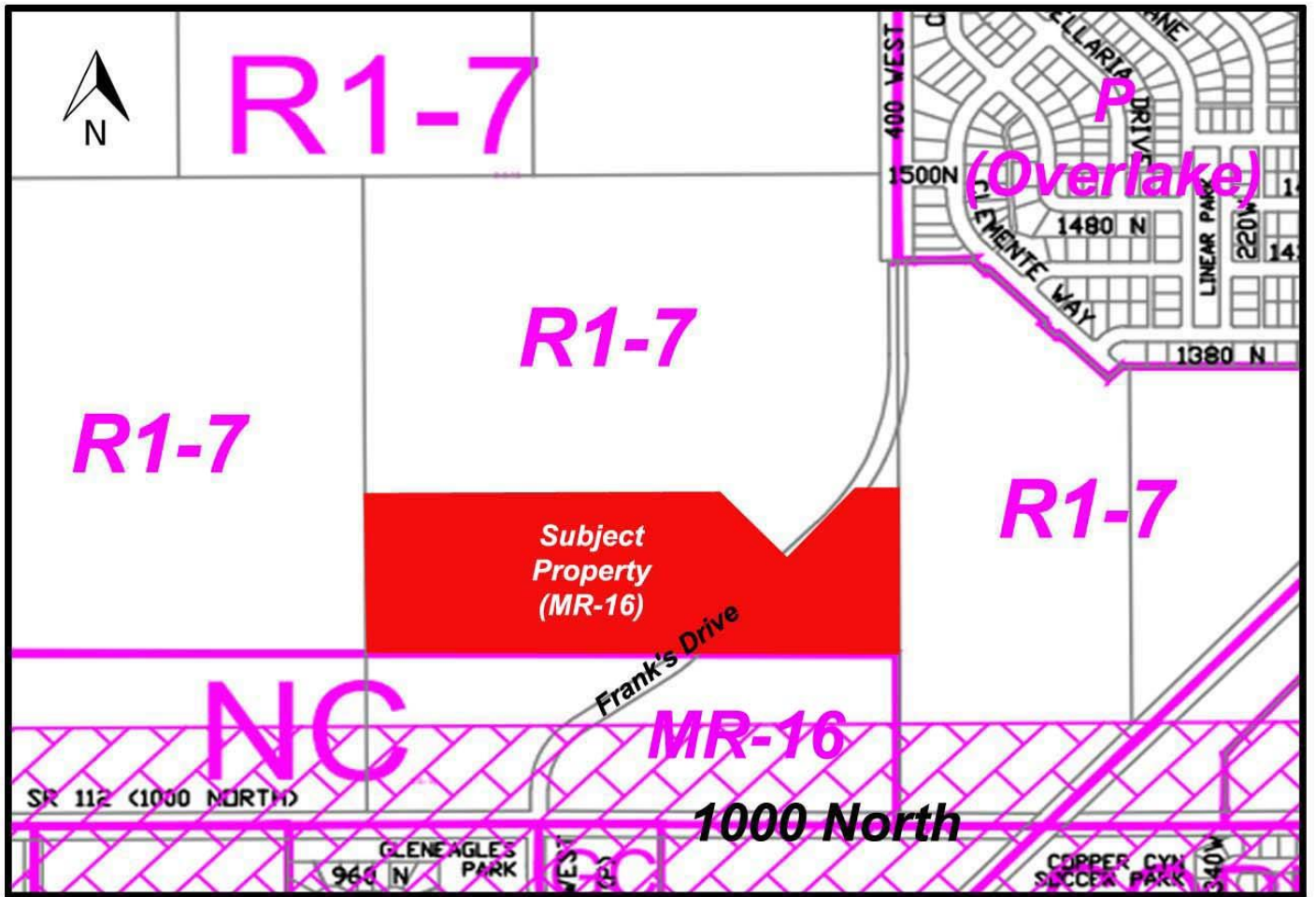
**MAPPING PERTINENT TO THE LEXINGTON GREENS 5 LOT MINOR
SUBDIVISION SUBDIVISION PLAT AMENDMENT**

Lexington Greens 5 Lot Minor Subdivision Plat Amendment



Aerial View

Lexington Greens 5 Lot Minor Subdivision Plat Amendment



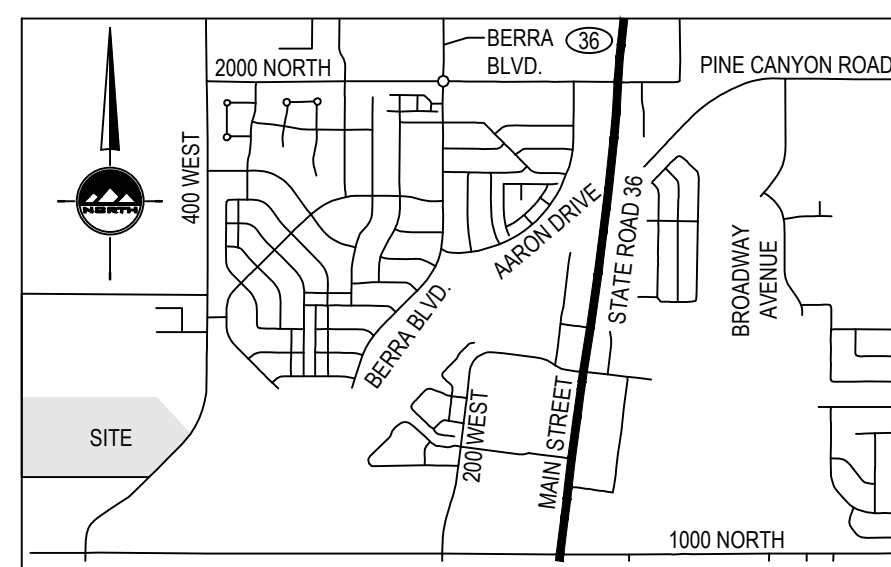
Current Zoning

EXHIBIT B
PROPOSED DEVELOPMENT PLANS

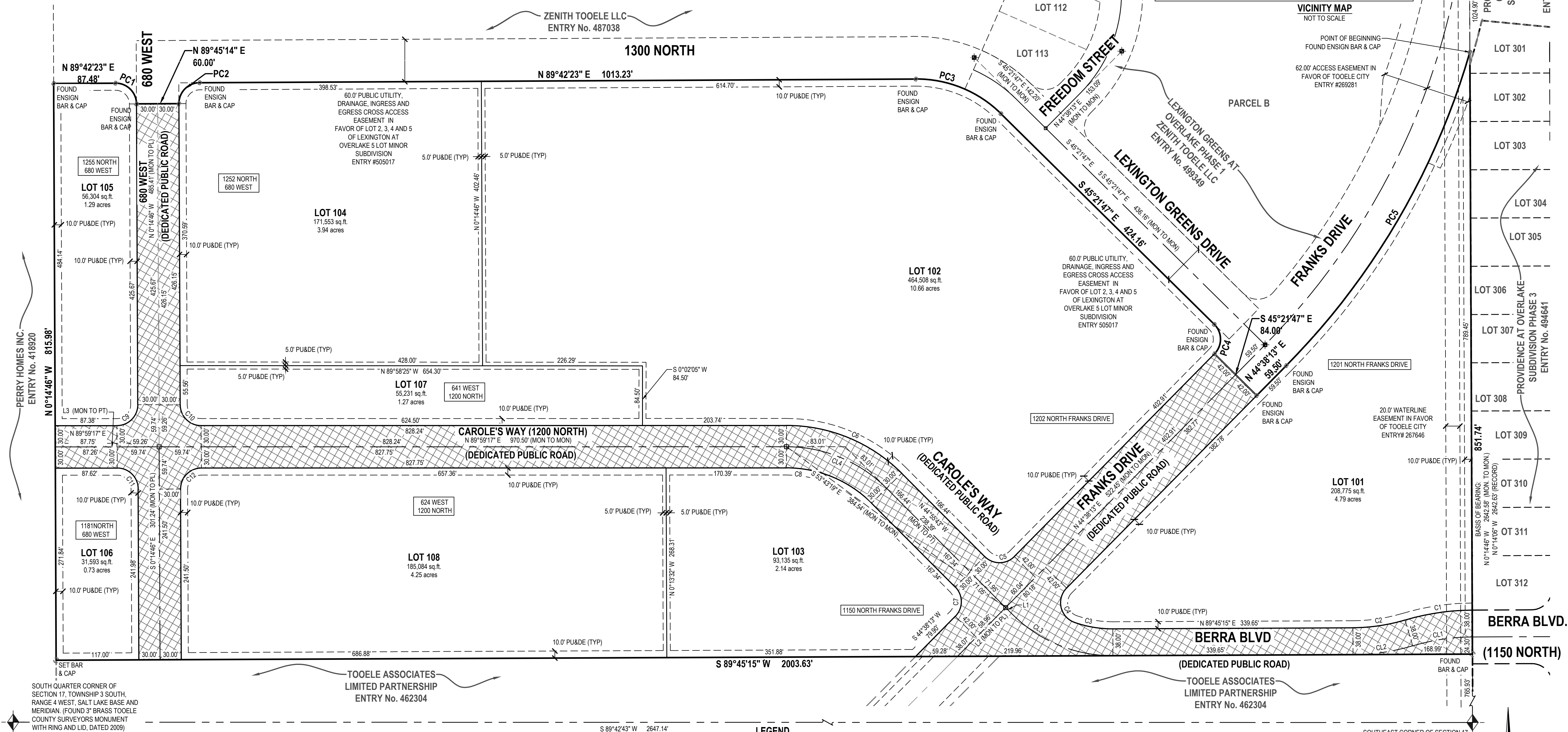
LEXINGTON AT OVERLAKE SUBDIVISION

FINAL PLAT

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION)
 LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



LINE TABLE			CENTER LINE CURVE TABLE					
LINE	BEARING	LENGTH	CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
L1	N44°55'43"W	13.20'	CL1	300.00'	85.64'	16°21'24"	S81°34'18"W	85.35'
L2	N44°38'13"E	97.03'	CL2	300.00'	85.67'	16°21'39"	N81°34'25"E	85.37'
L3	S89°59'17"W	147.00'	CL3	200.00'	158.19'	45°19'02"	S67°35'14"E	154.10'
			CL4	200.00'	157.37'	45°04'59"	N67°28'13"W	153.34'



SURVEYOR'S CERTIFICATE

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

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southeast Quarter of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and in Tooele County, Utah, more particularly described as follows:

Beginning at a point on the West line of "Providence at Overlake Subdivision Phase 2 Amended" recorded in the Tooele County Recorder's Office as entry number 462225, book 20, page 56, also located on the Section line, which is located South 0°14'46" East 1024.90 feet along the Section line from the East Quarter Corner of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 0°14'46" East 851.74 feet along the Westerly boundary of said Providence at Overlake Subdivision Phase 2 Amended, to and along "Providence at Overlake Subdivision Phase 3" recorded in the Tooele County Recorder's Office as entry number 494641, book 20, page 90, also along the Section line;

thence South 89°45'15" West 2003.63 feet;

thence North 0°14'46" West 815.98 feet;

thence North 89°42'23" East 87.48 feet;

thence Southeastly 46.26 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 0°17'37" West, and the long chord bears North 44°43'48" East 41.70 feet, through a central angle of 89°51'18");

thence North 89°45'15" East 60.00 feet;

thence Northeastly 46.31 feet along the arc of a 29.50-foot radius non-tangent curve to the right (center bears North 89°45'14" East, and the long chord bears North 44°43'48" East 41.70 feet, through a central angle of 89°51'18");

thence North 89°42'23" East 1013.23 feet;

thence Southeastly 133.31 feet along the arc of a 170.00-foot radius tangent curve to the right (center bears South 0°17'37" East, and the long chord bears South 67°49'42" East 129.92 feet, through a central angle of 44°55'51");

thence South 45°21'47" East 424.16 feet;

thence Southeastly 46.34 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears South 44°38'13" West, and the long chord bears South 0°17'47" East 41.72 feet, through a central angle of 90°00'00");

thence South 45°21'47" East 84.00 feet to the Southeastly line of Franks Drive;

thence North 44°38'13" East 59.50 feet along said Southeastly line;

thence Northeastly 519.10 feet along the arc of a 1042.00-foot radius tangent curve to the left (center bears North 45°21'47" West, and the long chord bears North 30°21'25" East 514.04 feet, through a central angle of 28°33'36");

along the Easterly line of Franks Drive, to the Point of Beginning.

Parcel contains: 1,469,817 square feet, or 33.74 acres, 8.10 acres.

Date: AUGUST 5, 2020

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 hereon described tract of land and hereby cause the same to be divided into lots and streets, together with easements as set forth hereafter to be known as:

LEXINGTON AT OVERLAKE SUBDIVISION

(AMENDING AND EXTENDING LOTS 1-5 OF THE LEXINGTON AT OVERLAKE 5 LOT MINOR SUBDIVISION)

The undersigned owner(s) hereby dedicate to perpetual use if the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to Tooele City and to any and all public utility companies a perpetual, nonexclusive easement over the public utility and drainage easements shown on this plat, the same to be used for drainage and for the installation, maintenance and operation of utility lines and facilities.

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

By: Zenith Tooele LLC
 Charles W. Akerlow (Managing Director)

By: Lexington Apartments LLC
 Charles W. Akerlow (Managing Director)

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
 County of Tooele

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

Notary's Full Name & Commission Number _____

My Commission Expires _____ A Notary Public Commissioned in Utah

TOOELE COUNTY SURVEY DEPARTMENT APPROVAL

APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY SURVEY DEPARTMENT. RECORD OF SURVEY FILE #2018-0074.

TOOELE COUNTY SURVEY DIRECTOR _____

COMMUNITY DEVELOPMENT APPROVAL

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

TOOELE CITY COMMUNITY DEVELOPMENT _____

ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNERS 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 ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____, 20____.

DOMINION ENERGY _____

BY _____

TITLE _____

CITY COUNCIL APPROVAL

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

CHAIRMAN TOOELE CITY COUNCIL _____

CITY ATTORNEY'S APPROVAL

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

CITY ENGINEER'S APPROVAL

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

TOOELE COUNTY TREASURER APPROVAL

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

CITY ATTORNEY'S APPROVAL

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

CITY ENGINEER'S APPROVAL

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

TOOELE COUNTY RECORDER

RECORDED # _____

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____

FEES _____

TOOELE COUNTY RECORDER _____

PLAT BOUNDARY CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
PC1	29.50'	46.26'	89°51'18"	S45°21'58"E	41.67'
PC2	29.50'	46.31'	89°57'08"	N44°43'48"E	41.70'
PC3	170.00'	133.31'	44°55'51"	S67°49'42"E	129.92'
PC4	29.50'	46.34'	90°00'00"	S0°21'47"E	41.72'
PC5	1042.00'	519.40'	28°33'36"	N30°21'25"E	514.04'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	338.00'	96.50'	16°21'27"	S81°34'19"W	96.17'
C2	282.00'	74.81'	16°21'39"	N81°34'25"E	74.56'
C3	162.00'	55.16'	19°30'32"	S80°29'29"E	54.89'
C4	29.50'	59.40'	115°22'27"	S13°03'00"E	49.86'
C5	29.50'	46.56'	90°26'04"	N89°51'15"E	41.88'
C6	230.00'	180.98'	45°04'59"	N67°28'13"W	176.34'
C7	29.50'	46.11'	89°33'56"	N0°08'45"W	41.56'
C8	170.00'	133.76'	45°04'59"	N67°28'13"W	130.34'
C9	29.50'	46.46'	90°14'03"	N44°52'16"E	41.80'
C10	29.50'	46.22'	89°45'57"	S45°07'44"E	41.63'
C11	29.50'	46.22'	89°45'57"	N45°07'44"W	41.63'
C12	29.50'	46.46'	90°14'03"	S44°52'16"W	41.80'

COUNTY HEALTH DEPARTMENT APPROVAL

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

TOOELE COUNTY HEALTH DEPT. _____

PLANNING COMMISSION APPROVAL

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

CHAIRMAN TOOELE CITY PLANNING COMMISSION _____

DEVELOPER

ZENITH DEVELOPMENT LLC
 2040 MURRAY HOLLADAY ROAD, SUITE 204
 SLC, UTAH 84117
 801-428-3755

ENSIGN

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

SALT LAKE CITY
 Phone: 801.292.0208

LAYTON
 Phone: 801.547.1100

CECILIA CITY
 Phone: 435.865.1453

RICHFIELD
 Phone: 435.898.2963

WWW.ENSIGNENG.COM

COUNTY TREASURER APPROVAL

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

CITY ATTORNEY'S APPROVAL

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

CITY ENGINEER'S APPROVAL

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

COUNTY HEALTH DEPARTMENT APPROVAL

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

TOOELE COUNTY HEALTH DEPT. _____

PLANNING COMMISSION APPROVAL

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

CHAIRMAN TOOELE CITY PLANNING COMMISSION _____

TOOELE COUNTY RECORDER

RECORDED # _____

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____

FEES _____

TOOELE COUNTY RECORDER _____

3rd Review 8/5/2020 MM APPROVED MBN

STAFF REPORT

August 20, 2020

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

From: Planning Division
Community Development Department

Prepared By: Jim Bolser, Director

Re: Droubay Road – Annexation Policy Plan Amendment Request

Application No.: P20-450
Applicant: Tooele City
Project Location: Approximately 700 North Droubay Road
Acreage: Approximately 61 Acres (Approximately 2,657,160 ft²)
Request: Request for approval of an Annexation Policy Plan Amendment regarding the establishment of one new Expansion Area.

BACKGROUND

This application is a request for approval of an Annexation Policy Plan Amendment for the purpose of establishing one new Expansion Area covering a combined approximately 61 acres. The simplified purpose of the Annexation Policy Plan is to identify areas outside of the currently incorporated boundaries of a city that may be considered for potential annexation. Annexation Policy Plans map out these areas, referred to as Expansion Areas, and discuss policies for consideration, requirements for services and implications of annexing or not annexing properties in each identified Expansion Area. Inclusion of property in a community's Annexation Policy Plan is not a guarantee that annexation will happen on any timeline or at all. Inclusion in an Expansion Area also provides no assurance to property owners that they have a right to be annexed, only that they are eligible to have their petition considered. With the ongoing review and preparation of a new General Plan by the City, it is important to note that this application is a proposal to amend the City's current Annexation Policy Plan that was adopted in October 2010, amended by the City Council in June 2020 to include three new Expansion Areas, and not the draft elements of the General Plan under consideration. Should any or all of this application be ultimately approved by the City Council, that information will be automatically included into the draft General Plan.

ANALYSIS

Proposed Expansion Areas. The current Annexation Policy Plan was adopted by the City Council through the approval of Ordinance 2010-15 on October 6, 2010. That Plan was prepared by the firm of Lewis, Young, Robertson, and Burningham, Inc. (LYRB) and identified seven Expansion Areas, lettered A through G. Area F has since been annexed into the City as open space preservation. That current plan was amended and supplemented on June 17, 2020 by approval of Ordinance 2020-25. That amendment created new Expansion Areas H, I, and J. This application would create a single new potential Expansion Area K. Area K is approximately 61-acre triangular-shaped property on the east side of Droubay Road immediately adjacent to the south boundary of the existing Carr Fork Subdivision. The complete analysis and mapping of this proposed amendment to the City's adopted Annexation Policy Plan can be found in Exhibit A to this report.

Review Process. The preparation, review, and approval process for an Annexation Policy Plan, or an amendment thereto, is dictated strictly out of the Utah State Code Section 10-2-401.5. The first step is, following proper notice to defined affected entities, a public meeting in which the application is initially presented before the Planning Commission. Following that meeting, the defined affected entities are provided a 10-day window in which they can provide comment on the proposed Plan or amendment. After the 10-day window, the Planning Commission holds a public hearing, again following proper notice to defined affected entities, on the proposed Plan or amendment. Following the public hearing the Planning Commission makes a recommendation on the proposed Plan or amendment to the City Council and any comment provided by the defined affected entities is included into the proposed Plan or amendment. With the recommendation, the City Council then schedules and holds a public hearing of their own, again following proper notice to defined affected entities. Following the public hearing the City Council would prepare a statement regarding the comment received from the defined affected entities to be included into the Plan or amendment and then makes a final decision on the proposal.

Criteria For Approval. The criteria for review and potential approval of an Annexation Policy Plan Amendment request, as an amendment to the City's General Plan, is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) In considering a proposed amendment to the Tooele City General Plan, 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 General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
 - (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
 - (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
 - (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Annexation Policy Plan Amendment request and has issued the following comment:

1. The Planning Commission and City Council should carefully weigh the proposed amendment to the City's currently adopted Annexation Policy Plan, consider the comments and input received from the defined affected entities and public hearings to render a decision in the best interest of the community.

Noticing. The City has expressed their desire to consider an amendment the Annexation Policy Plan 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 Annexation Policy Plan Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-3 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 amendment may have on the character of the surrounding area.
2. The consistency the proposed amendment has with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements.
3. The consistency and compatibility with the existing uses of adjacent and nearby properties.
4. The consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan.
5. The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan.
6. The overall community benefit of the proposed amendment.
7. 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 Droubay Road Annexation Policy Plan Amendment Request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, 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 Droubay Road Annexation Policy Plan Amendment Request by Tooele City for the purpose of establishing one new Expansion Area, application number P20-450, based on the following findings:”

1. List findings ...

EXHIBIT A

DROUBAY ROAD ANNEXATION POLICY PLAN AMENDMENT

Tooele City Annexation Policy Plan Amendment

Introduction

In September 2010, Tooele City concluded the process of working with the firm of Lewis, Young, Robertson, and Burningham, Inc. (LYRB) to develop what has become the current Annexation Policy Plan for the city. Through the unanimous adoption of City Council Ordinance 2010-15 on October 6, 2010, this plan became the official Annexation Policy Plan for Tooele City in accordance with Utah State Law. In June 2020, Tooele City concluded the process of reviewing and adopting an amendment to the adopted Annexation Policy Plan. With the unanimous adoption of City Council Ordinance 2020-25 on June 17, 2020, the City's adopted Annexation Policy Plan was amended to include three additional potential expansion areas. The contents herein do not replace or overwrite the contents of the currently adopted Annexation Policy Plan, including its adopted amendment, but, upon adoption by the City Council, becomes a supplement and addition to that amended Plan. Some information of this amendment may not be addressed in the currently adopted Annexation Policy Plan due to changes in legal requirements for the adoption of such plans in the time since its adoption. This amendment has been prepared such that all current requirements of the law have been addressed regarding the areas under consideration in this amendment.

Annexation Policy Plan Information

Tooele City is not required to adopt an Annexation Policy Plan. Without an adopted Annexation Policy Plan the City would be prohibited from considering petitions for annexation. Aside from being good practice, an Annexation Policy Plan is required to review and address specific topics and aspects of property annexation. Based on current Utah State Code requirements, the following aspects and topics are required and included within this Annexation Policy Plan Amendment to address the scope of this amendment:

- A map of the Expansion Areas which identify those areas considered reasonable for potential annexation and those that are not.
- A statement of the specific criteria that will guide the city's decision whether or not to approve future annexation petitions, addressing matters relevant to those criteria including:
 - The character of the community
 - The need for municipal services in developed and undeveloped unincorporated areas
 - The city's plans for extension of municipal services;
 - How the services will be financed
 - An estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area
 - The interests of all affected entities
- The justification for excluding from the Expansion Areas any area containing urban development within ½-mile of the city's boundary
- A statement addressing any comments made by Affected Entities at or after the public meeting and public hearings

This amendment, as with the currently adopted Annexation Policy Plan to which it is an amendment, shall be construed neither as an expression of the City's intention or ability to annex property or extend municipal services and infrastructure to any particular property, nor to do so in any particular time frame or at all. Rather it should only be considered as a statement of policy by which consideration of petitions for annexation will be reviewed and areas where that consideration may be possible.

Expansion Area Map

Each Annexation Policy Plan is required by state law to include a map of the Expansion Areas which may be considered by the City for possible inclusion into the City at some point. Identification of properties within an Expansion Area does not suggest or entitle any of those properties to annexation into the city just as it doesn't mean that any properties will be annexed at all. Adoption of an Expansion Area Map represents solely the scope of properties that could be considered for potential annexation. The currently adopted Tooele City Annexation Policy Plan and corresponding mapping is amended to establish and include new Expansion Areas H, I, and J as depicted herein and in the Appendices to this amendment. Utah State Law also states that, if practicable and feasible, annexation boundaries should be aligned with surrounding entities under the following considerations:

- The boundaries of existing local districts and special service districts for sewer, water and other services
- The boundaries of school districts whose boundaries follow city boundaries
- The boundaries of other taxing entities
- To eliminate islands and peninsulas of territory that are not receiving municipal-type services
- To facilitate the consolidation of overlapping functions of local government
- To promote the efficient delivery of services
- To encourage the equitable distribution of community resources and obligations

The City has weighed each of these considerations in determining the proposed Expansion Areas illustrated in the Expansion Area Map. This Tooele City Annexation Policy Plan Amendment anticipates the possible annexation of the following area in addition to those discussed in the currently adopted Annexation Policy Plan and its prior amendment.

Expansion Area K. Expansion Area K is located adjacent to the east edge of Tooele City's current municipal boundaries and is comprised of approximately 61 acres of private property. Area K is a relatively triangular area bounded by: the current incorporated boundary of Tooele City on the west; the current incorporated boundary of Tooele City along the existing Carr Fork Subdivision along most of the northern boundary; private properties in unincorporated Tooele County on approximately the eastern third of this Expansion Area; and other unincorporated private properties on the southeast boundary of Expansion area. The property making up Area K is currently a single undeveloped parcel. This area may be best suited for residential uses. See the Expansion Area Map in Exhibit A to this Plan Amendment for a graphic representation of this Expansion Area.

Annexation Petition Criteria

Utah State Code Section 10-2-401.5(3)(b) specifies that each community's Annexation Policy Plan shall include a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including: 1) the character of the community; 2) the need for municipal services in developed and undeveloped unincorporated areas; 3) the municipality's plans for extension of municipal services; 4) how the services will be financed; 5) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the Expansion Area; and 6) the interests of all affected entities.

Community Character

Tooele City represents the urban hub of Tooele County and serves as the County seat. Historically, the Tooele Valley served as an agricultural community; however, housing affordability and the relative proximity to the Salt Lake Valley have attracted more and more residential growth over the years. This has subsequently led to an increase in commercial opportunity and the need for public services. This Annexation Policy Plan Amendment seeks to embrace and balance the agricultural history of Tooele City, where appropriate, while providing areas for continued residential and commercial growth.

Tooele City must plan carefully for a mix of residential and commercial development that will generate a sustainable and diversified economic base for the community. Because residential development often costs more to service relative to the revenues generated by this development type, it is important to provide for appropriate non-residential development that will generate jobs, increase the property tax base of the area, and generate additional sales tax revenues as well as be consistent with the City's open space preservation priorities. Therefore, the City should consider an appropriate mix of development when considering annexation petitions, taking into consideration the existing and planned land uses already within Tooele City and those that will remain outside of the city that will border an area proposed for annexation.

Need for Municipal Services

The need for services must be outlined on the petition for annexation by the petitioners with a suggestion for how these services are to be provided. For each annexation proposal received, the Planning Commission and City Council must review and consider what services are actually needed, how and when those services are to be provided and financed, and consider the most logical and efficient service provider. The projected growth for each of the Expansion Areas is described below in order to better understand the following discussion of the need for municipal services.

In general, the City should consider, as a minimum, the following factors for all areas of service provision:

1. If the proposed area is in an existing special service district (SSD);
2. Whether or not it would be more logical and efficient for the municipal services to continue to be provided by the SSD;
3. Whether or not municipal services are currently being provided by another jurisdiction;
4. If municipal services are currently being provided by another jurisdiction, whether or not it would be more logical and efficient for the City to contract with that jurisdiction to continue the provision of municipal services;
5. The cost of the capital facilities to be incurred that are associated with the proposed Expansion Area; and
6. Whether or not the capital facilities costs can be entirely offset through developer contributions and impact fees.

Expansion Area K. There are currently no households in this area. While the area currently contains vacant properties, this area is master planned for Rural Residential land uses by the Tooele County General Plan. The property is currently zoned RR-5 Rural Residential by Tooele County. Thus, if developed under Tooele County jurisdiction, it is anticipated that approximately 40 to 55 new residential properties could result from this Expansion Area. Annexation of property in this area would place the developability and anticipated uses under Tooele City control. With the existing zoning designation requiring significantly higher acreages for development than what could be expected under Tooele City jurisdiction, the development potential for residential uses, if annexed, is anticipated to be a higher yield than under County jurisdiction.

Existing Municipal Services. There is current no known water or sewer service within Area H although the portion of the area east of the railroad corridor lies relatively close to water service existing in the Pine Canyon area. There is no centralized storm drain system in the area. There are no developed roads in this area but there is an existing roadway that runs along the southern edge of Area H on the east side of the railroad corridor. What roads are planned would be under Tooele County jurisdiction, unless it becomes a State road. Public safety is provided by the Tooele County Sheriff's Office and the North Tooele County Fire Protection Service District. Mosquito abatement services are provided by the Tooele Valley Mosquito Abatement District.

Future Municipal Service Needs. There is limited developed Tooele City infrastructure extended into the incorporated area immediately adjacent to this area. Water and sewer mainlines have been extended to the current terminus of the 2400 North right-of-way located in the vicinity of the southwest corner of Area H. If this area is annexed into Tooele City, water and sewer infrastructure would need to be extended to the area and service provided by Tooele City. The presence of the railroad corridor and the distance from the current City boundary east of the railroad corridor each present challenges for the extension of utility infrastructure to the portion of Area H east of the railroad. Future developers would be required to design for and install appropriate storm drain facilities. If annexed, Tooele City will be responsible to maintain and regulate the roads, other than State and County roads. Tooele City's Police and Fire Departments would be responsible to provide emergency services to Expansion Area H. Due to the geographic location of this area and the accessibility to the area from the developed portion of the city, particularly the portion east of the railroad corridor, public safety service provision at an appropriate level could be challenging.

Plans for Extension of Municipal Services

Tooele City plans to provide services within its boundaries first and foremost. Tooele City's policy is to consider annexation only in those areas where the City has the potential to efficiently and effectively provide municipal services which may include culinary water, sanitary sewer, road maintenance and regulation, recreation, and public safety services. Petitions for annexation should be required to perform appropriate infrastructure planning and financing to determine the feasibility of and provide for the infrastructure needs within the petitioned annexation area to ensure adequate services can be provided. As stated earlier in this Plan Amendment, the Expansion Area identified herein do not represent areas that *will* be annexed by Tooele City, but rather represents areas that the City may be willing to accept and consider petitions for annexations whether or not those petitions are approved and the property annexed. As future capital facilities are built, they must conform to the appropriate master plans and standards of the City.

At this point, Tooele City has no plans to build any capital facilities in Expansion Area K. Any capital facilities that may be needed would be required of the developers as a condition of annexation and development approval.

How the Services Will be Financed

The construction and development of infrastructure for the provision of services should be financed by the developer installing the improvements as a condition of annexation and development. As a condition of annexation, developers of annexed areas should be responsible to pay for master planning and capital facilities planning with oversight, review, and approval by the City, in at least six areas: transportation, water, sewer, storm drain, public safety, and parks and recreation.

An Estimate of the Tax Consequences

Petitioners for annexation should be required to prepare and submit a report showing the tax consequences to properties covered by the annexation petition and present these to the City with the petition for annexation. The tax impact, among other considerations, within the municipal boundaries should also be reviewed by the City Council before a final decision is made on annexation.

The impact to the City's General Fund are determined largely on the ultimate development pattern and land use types approved and constructed. Using detached single-family residential uses as an example, the implications are two-fold: 1) developed land, typically through a subdivision, would yield more properties that each provide property tax income than does a single piece of undeveloped property; and 2) a development pattern that yields five units per acre, as an example, results in more properties providing property tax revenues than would a development pattern of two or three units per acre. Additionally, the same works in the inverse for expenditures. The more dense the development, as a general statement, the more efficiently utilized the serving infrastructure becomes providing a more favorable cost to expenditure ratios for the City, although public safety service needs typically are higher. Similar is the case for non-residential development patterns, although the density component plays less of a role.

It is not the intent of this Plan Amendment to provide specific tax impacts as the variability of the ultimate development types and patterns and changing tax rates year to year can make significant differences in resulting revenues and expenditures. This Plan Amendment is intended solely to give a general overview of the fiscal impacts of annexation into Tooele City using the tax rates for Fiscal Year 2019-2020.

The property identified within Expansion Area K are currently undeveloped. Properties in this Expansion Area are currently assigned to Taxing District 10 (O.D. Mosquito). The Tooele Valley Mosquito Abatement District is not the only taxing entity or district assigned to properties in these Expansion Areas. As an example, the properties in these Expansion Areas are also a part of the North Tooele County Fire Protection Special District, Tooele County, and Tooele County School District but the tax funding for these other districts make up a portion of the overall rate of Taxing District 10. The Tooele Valley Mosquito Abatement District and North Tooele County Fire Protection Special District represent those districts that could potentially be affected by annexation of properties into Tooele City. Taxing District 10 currently carries the overall taxation rate of 0.013758. Annexing property from this district into Tooele City, thereby reassigning them to taxing district 1 (Tooele City) would adjust their taxation rate to 0.014936. This results in an anticipated tax increase of 8.56% overall to those properties from District 10 through being annexed. From that overall tax rate, Tooele City receives approximately 20% of those tax revenues (a certified tax rate of 0.003024) with the remainder going to various other taxing entities such as Tooele County and the Tooele County School District. Development of properties for anticipated non-residential land uses generally provides a significant increase in taxable value through the transition to improved land and constructed value but the overall difference in this increase tax burden to the property owner is anticipated to remain with a consistent difference between that development activity happening with or without annexation. Development of non-residential land uses would also provide an increase in the number of properties providing tax revenues to the City, albeit to a lesser quantity than residential development as these land uses each typically consume larger areas of land than residential uses. This also does not take into account the added benefit from those non-residential developments that would also generate sales tax which provides another revenue stream for the City as well as the property tax. For properties that would ultimately develop for residential uses, the same generally holds true in the difference in revenues relative to annexation although the overall revenue would not be as significant considering the 45% taxation credit provided to primary residential units. This credit also impacts the cost-benefit ratio for the City as residential uses are typically a net draw on resources on a per unit basis whereas non-residential uses are typically a net gain on the cost of providing services. As an example, development of residential uses on newly

annexed land at an average five units-per-acre density with an average \$250,000 home on each property would provide, on average, around \$2,400 in new property tax revenue per unit, of which around \$485 goes to the City coffers. That adds up to around an additional \$2,425 of property tax revenue (0.012% of the City total General Fund budget) per acre of residential development, not considering the costs from the net draw on resources and services.

Expansion Area K. This Expansion Area contains properties assigned to taxing district 10.

The Interests of All Affected Entities

In consideration of the Annexation Policy Plan, the determined Affected Entities would be those taxing entities that provide services to currently unincorporated properties within the various Expansion Areas identified within the plan. Tooele City, desiring to be good neighbors and partners, also includes neighboring jurisdictions in the identified roster of affected entities. The affected entities identified for this amendment to Tooele City’s Annexation Policy Plan include: Tooele County School District, Tooele County (acting not only in their own capacity but also under their jurisdictional responsibility to the Pine Canyon Township area, and the Tooele County Recreation Special District), Tooele Valley Mosquito Abatement District, and North Tooele County Fire Protection Special District. The Tooele County School District currently serves the educational needs of the proposed Expansion Areas and will continue to do so whether or not annexations should occur. Therefore, there are no projected impacts to the Tooele County School District other than the effect of revenues from additional development of land, which could occur with or without annexation. Service obligations currently provided by the North Tooele County Fire Protection Special District would be transferred to the Tooele City Fire Department should annexation occur. Annexation would result in properties being removed from the District’s responsibility resulting not only in a reduction of tax revenues for the District but also a corresponding reduction in service requirements. The City has opted out of the Tooele Valley Mosquito Abatement District. Should annexation occur, properties would be removed from the District’s responsibility resulting not only in a reduction of tax revenues for the District but also a corresponding reduction in service requirements. The governmental organization and leadership of Tooele County in their various capacities, has the underlying responsibility for administering the Pine Canyon Township area as well as their own governmental responsibility and law enforcement through the Tooele County Sheriff’s Office for unincorporated properties within the County. Annexation of properties into Tooele City would transfer the governmental oversight and responsibility for those properties from Tooele County to the City but the County would still receive a proportional tax distribution as they do for all private properties within the county. Grantsville City currently has no properties identified within this Annexation Policy Plan Amendment that are currently within their incorporated boundaries.

The following is a comparison of the services provided by affected entities to the Expansion Areas shown in this Plan Amendment as they currently exist and as they would be provided if annexed into Tooele City.

**TABLE 1
COMPARISON OF SERVICES IN EXPANSION AREAS**

SERVICE	CURRENT PROVIDER	PROVIDER, IF ANNEXED
Education	Tooele County School District	Tooele County School District
Mosquito Abatement	Tooele Valley Mosquito Abatement District	None (Tooele City has opted out of the Tooele Valley Mosquito Abatement District)
Water	Area K: None	Area K: Tooele City
Sewer	Area K: No Services	Area K: Tooele City
Storm Drain	No Services	Tooele City

Roads	None	Tooele City (except for County and State Roads)
Fire Protection	North Tooele County Fire Protection Service District	Tooele City Fire Department
Law Enforcement	Tooele County Sheriff's Department	Tooele City Police Department
Emergency Medical Services	Mountain West Ambulance	Mountain West Ambulance

Exclusions from Expansion Area

One of the requirements from the Utah State Code for Annexation Policy Plans is a justification for the exclusion from identified Expansion Areas of any area containing urban development within one-half mile of the municipality's boundary. That regulation defines urban development to be either a housing development with more than 15 residential equivalent units and an average density greater than one residential unit per acre or a commercial or industrial development for which cost projections exceed \$750,000 for all phases.

A ½-mile buffer was drawn around the existing municipal boundaries to identify any development that could be defined as an urban development that may not be a part of an Expansion Area identified in this Plan Amendment, see Appendix D for mapping of this buffer area. The following areas were identified within the ½-mile buffer and have been excluded along with an explanation for their exclusion:

1. There are three residential neighborhoods located within a ½-mile of Tooele City's northern boundary. These residential developments are part of either the Erda Township or Pine Canyon Township areas. None of these three neighborhoods can be defined as an urban development under the State Code definition. Similarly, according to Tooele County's General Plan, Erda is an agricultural community and includes some of the County's most ideal farmland. The township of Erda faces the greatest development pressure in areas that are already being subdivided into five-acre lots. The County has stated that residents of Erda desire to preserve the agrarian community and maintain the association with the County although the possibility of incorporation of large expanses of the Erda area has also been presented. However, no areas have been excluded from this Annexation Policy Plan Amendment's Expansion Areas that have densities higher than one unit per acre.
2. The Tooele Army Depot administration and maintenance areas are located within the ½-mile buffer of the City. This facility is a United States Government institution and as such is not considered within the Annexation Policy Plan Amendment's Expansion Areas.
3. All other developed areas in the vicinity of the City's current incorporated boundaries, or within ½-mile of those boundaries are already incorporated into other jurisdictions' boundaries whether or not they meet the definition of urban development.

Considerations Of The Planning Commission And City Council

The decision whether or not to annex a piece of property for any purpose is one that should not be taken lightly by the City. In the process of their review, the Planning Commission is charged with the weighty task of not only making a recommendation whether or not the petition for annexation is justified as an asset to the community and whether or not it's best served being annexed or remaining outside of the incorporated boundaries of the city, but also what types of land uses should be allowed. Similarly, in making decisions the City Council, in their role as the municipal governing body, not only has to weigh the recommendations of the Planning Commission but also determine the terms and conditions upon which property is to be annexed, should that be the ultimate decision, to reduce or eliminate the burden on the City's existing infrastructure and services. These are not simple decisions to be made by either body and should not be rushed. It is anticipated, and highly appropriate, that these decisions could be debated, discussed possibly at length, vetted

thoroughly, differing opinions expressed, and decided without unanimous consent, any or all of which would be appropriate. Aside from and in addition to the concerns for infrastructure and services involved with annexation, there are other political, social, and financial considerations that should be considered.

Relationship with Expansion Areas of Other Municipalities

There are no incorporated municipalities in the vicinity of the proposed Expansion Area K, as shown in Appendix B. As such, there are no Annexation Policy Plans from other jurisdictions that should be directly considered in the adoption of this Plan Amendment.

Willingness & Probability of Other Municipality to Annex the Area

Expansion Area K. Currently there are no incorporated communities to the east of Tooele City, thereby making annexation into an incorporated municipality only possible through Tooele City or an incorporation effort to form a new municipality within the county.

Current and Projected Costs of Infrastructure

It is the position of Tooele City that future capital costs for the establishment and construction of infrastructure should be financed by the developer installing the improvements. It is not the City's position that the City should incur costs related to capital improvements into the Expansion Areas.

In developing, considering, and adopting an Annexation Policy Plan Amendment, the Planning Commission and City Council are to consider current and projected costs of infrastructure, urban services, and public facilities necessary to expand the infrastructure, services, and facilities to and into the area being considered for inclusion in the Expansion Area.

Expansion Area K Future Capital Costs. Development within this area after annexation will need to connect to the City's water, sewer, and storm drain utility system, which may first constitute extension of infrastructure to the Expansion Area. If annexed, Tooele City would be responsible to maintain and regulate the roads, once constructed by development activities, other than State and County roads. Tooele City's Police and Fire Departments would be responsible to provide emergency services to Expansion Area K. All other anticipated costs would be of an operations and maintenance nature as typical with the various areas of the existing community.

Consistency with the General Plan for Additional Land Suitable for Development

The City should encourage development within the municipal boundaries as a primary focus in an effort to utilize undeveloped lands first and capitalized on the efficiencies of existing infrastructure before extensions are made to the City's periphery and beyond. Policies should be adopted to encourage the appropriate use of undeveloped lands within the City consistent with its General Plan. If lands within the City are not available to be built on, annexations may be considered when services can be provided consistent with the General Plan.

All annexations should be considered from the point of view of the General Plan. The goals and objectives of the General Plan should serve as a guide to the consideration and land use assignments of the annexed area.

Tooele City is experiencing a pattern of rapid growth that is anticipated to continue. Projections have shown that Tooele City's population can be expected to grow by 10,000 to 15,000 people in the next decade. The City's indicators outside of formal projections suggest that this rate may serve as a baseline for the anticipated growth with actual growth outpacing those projections. The new households that will make up this growth should be accommodated on infill and existing sites within Tooele City's current boundaries primarily and

supplemented by future annexed areas as deemed appropriate. The amount of residential acreage needed for these new households is dependent on the overall density associated with new residential development. In addition, non-residential land uses will also be needed to support a community in which the residents can enjoy the ability to live, work, shop, and recreate.

Inclusion of Agricultural, Forest, Recreational & Wildlife Areas

Tooele City has established and pursued a policy of open space acquisition for the protection of values important to Tooele City residents, including viewsheds, scenic vistas, watershed, drinking water source protection, non-motorized recreation, and wildlife habitat. Some of the areas contemplated for possible annexation by this Plan Amendment present unique opportunities to provide open space, recreation activities, and even agricultural preservation integrated with development.

Agricultural Areas. Although there are no agricultural areas in Area K, there are active agricultural areas included in various the Expansion Areas and should be considered for annexation when it is consistent with the Agriculture Protection Act of Utah, the General Plan, and the desires of the owners of said properties. In general, agricultural areas should be protected from development as feasible, unless it is the desire of the property owners of said lands to develop their properties.

Forested Areas. Forested areas should be considered for annexation with consideration to the preservation and beauty of surrounding environmental land consistent with the General Plan. Hillside protection and cluster housing should be used where practicable to preserve these areas when being considered for annexation. Expansion Area K does not include forested or hillside areas.

Recreational Areas. Recreational areas should be considered for annexation into the City with the intent that municipal services are generally not needed or are minimally needed and the recreational and open space benefits are effectively consistent with the General Plan.

Wildlife Areas. There are an abundance of areas in and around Tooele City that currently enjoy the benefit of wildlife. As annexations occur further into these areas, a balance between the needs of people and the needs of wildlife should be considered and appropriate steps taken to plan for these needs.

Agriculture Protected Areas

This Annexation Policy Plan Amendment intends to recognize Agriculture Protection Areas adopted by the County. Expansion Areas are intended to be sensitive to the future development of these lands with planning in coordination with the property owners in these areas with the intent of protecting agricultural lands consistent with right-to-farm laws. To be included in an agriculture protection area established within Tooele County, land must comply in nature and configuration with the requirements of the state code and applicable Tooele County ordinances. Appendix C to this Plan Amendment shows the relationship between established agricultural protection areas and Expansion Areas of the Tooele City Annexation Policy Plan. Expansion Area K contains no properties within established agricultural protection areas. Nevertheless, these areas should be protected and conserved through the agricultural activities currently operating on those properties until it is the desire of the property owner to have their agricultural designations removed for other types of land use.

Comments From Affected Entities

Tooele City's Planning Commission and City Council, in their capacity as the municipal legislative body, have held multiple public meetings and public hearings to consider this Annexation Policy Plan Amendment.

Compliant with the requirements of the Utah State Code, the City has also provided an opportunity for identified affected entities to provide comment on this Annexation Policy Plan Amendment. From this effort, the City has included the following statements regarding comments and information received from those affected entities during the public comment period as well as a complete logging of the comments and information received from the affected entities:

Log of Affected Entities' Comments and Information Received.

*** To Be Filled in After the Public Input Period has Concluded ***

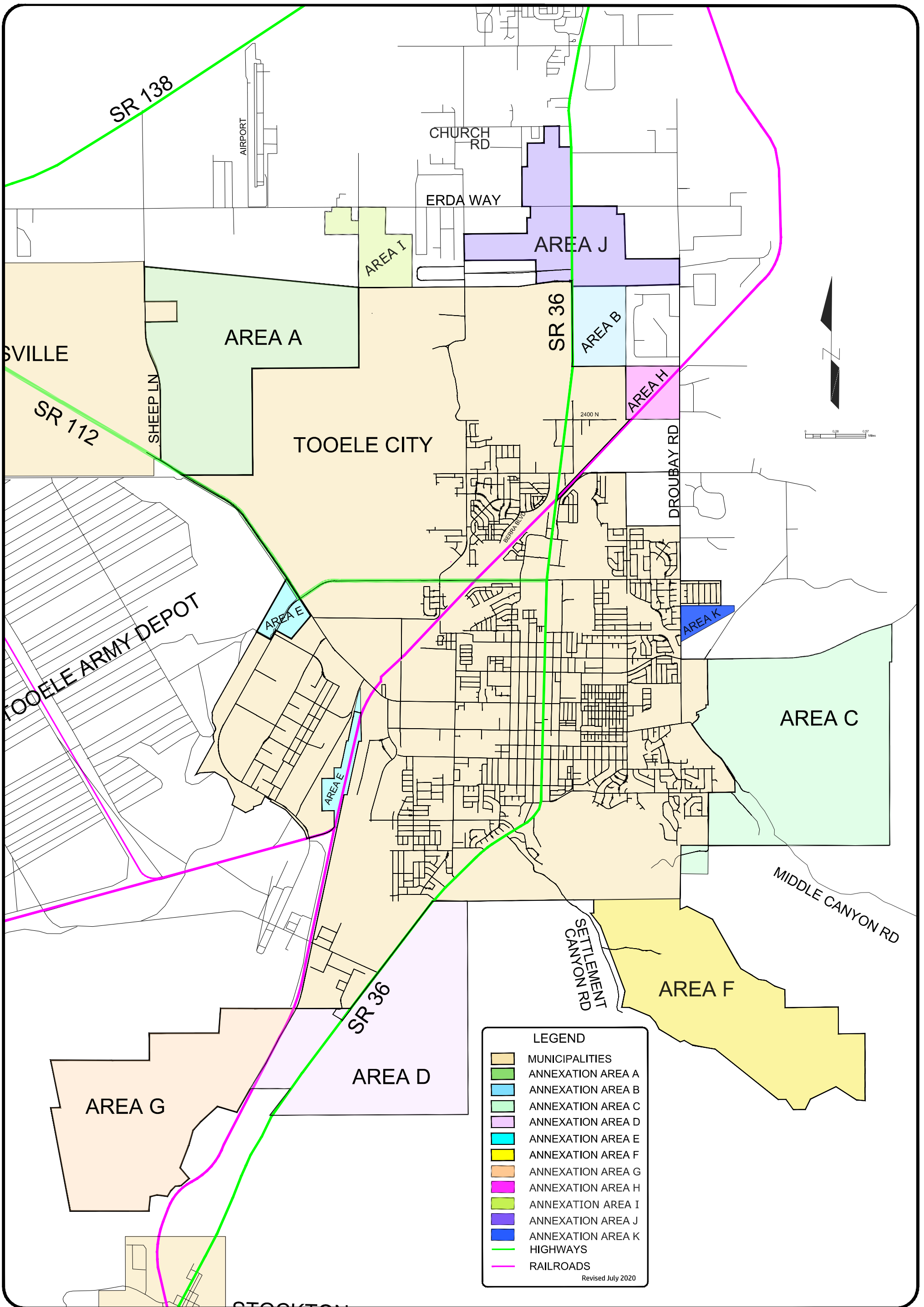
Tooele City Statement from Affected Entities' Comments and Information Received.

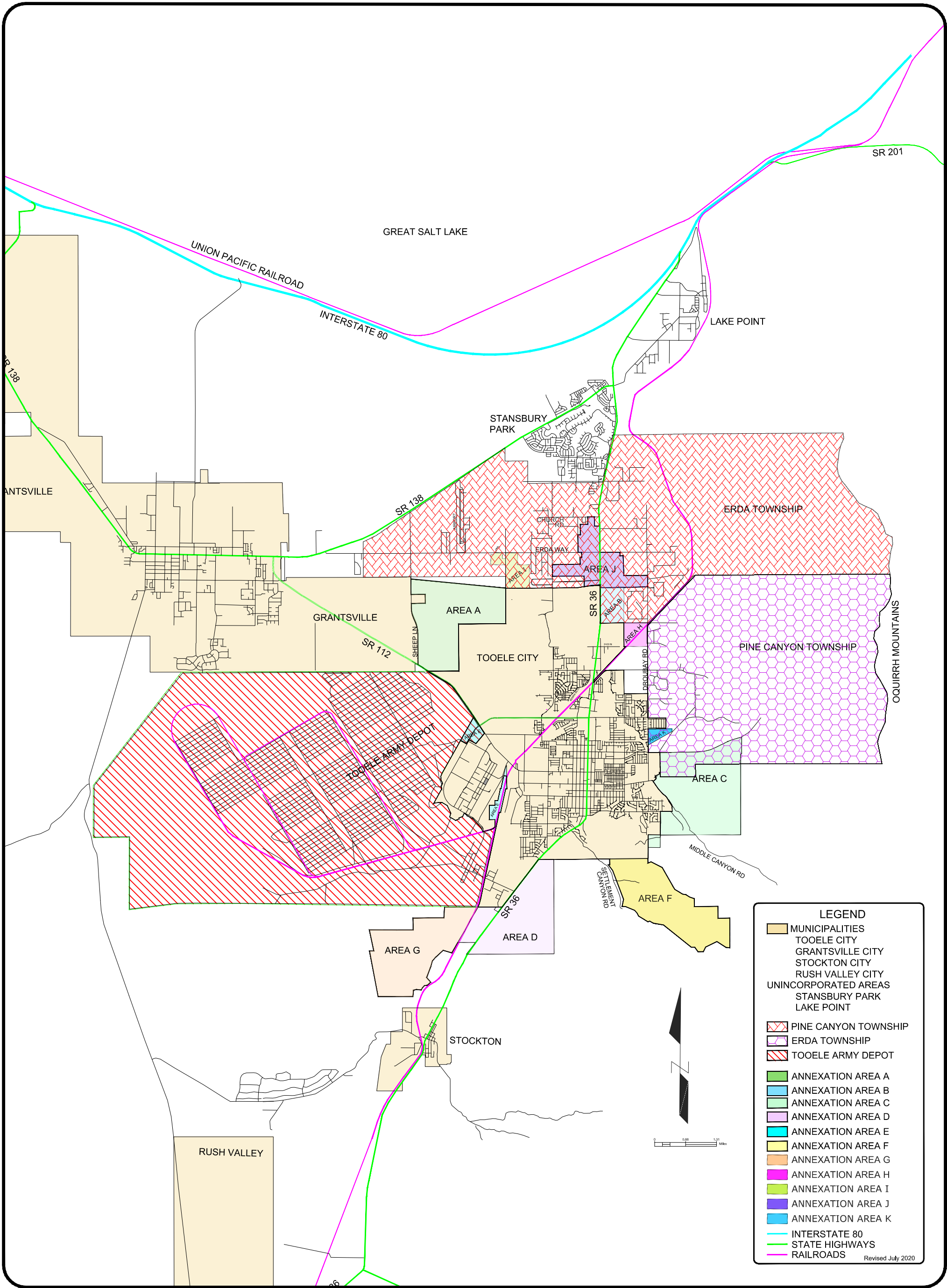
*** To Be Filled in After the Public Input Period has Concluded ***

Appendices: Annexation Policy Plan Maps And Information

This section includes maps and information related to this Annexation Policy Plan Amendment. Included herein are the following maps:

- Appendix A: Expansion Area Map
- Appendix B: Illustration of Surrounding Municipalities
- Appendix C: Agricultural Protection Areas
- Appendix D: ½-Mile Buffer of Tooele City Municipal Boundaries
- Appendix E: Log of Written Comment Received From Affected Entities





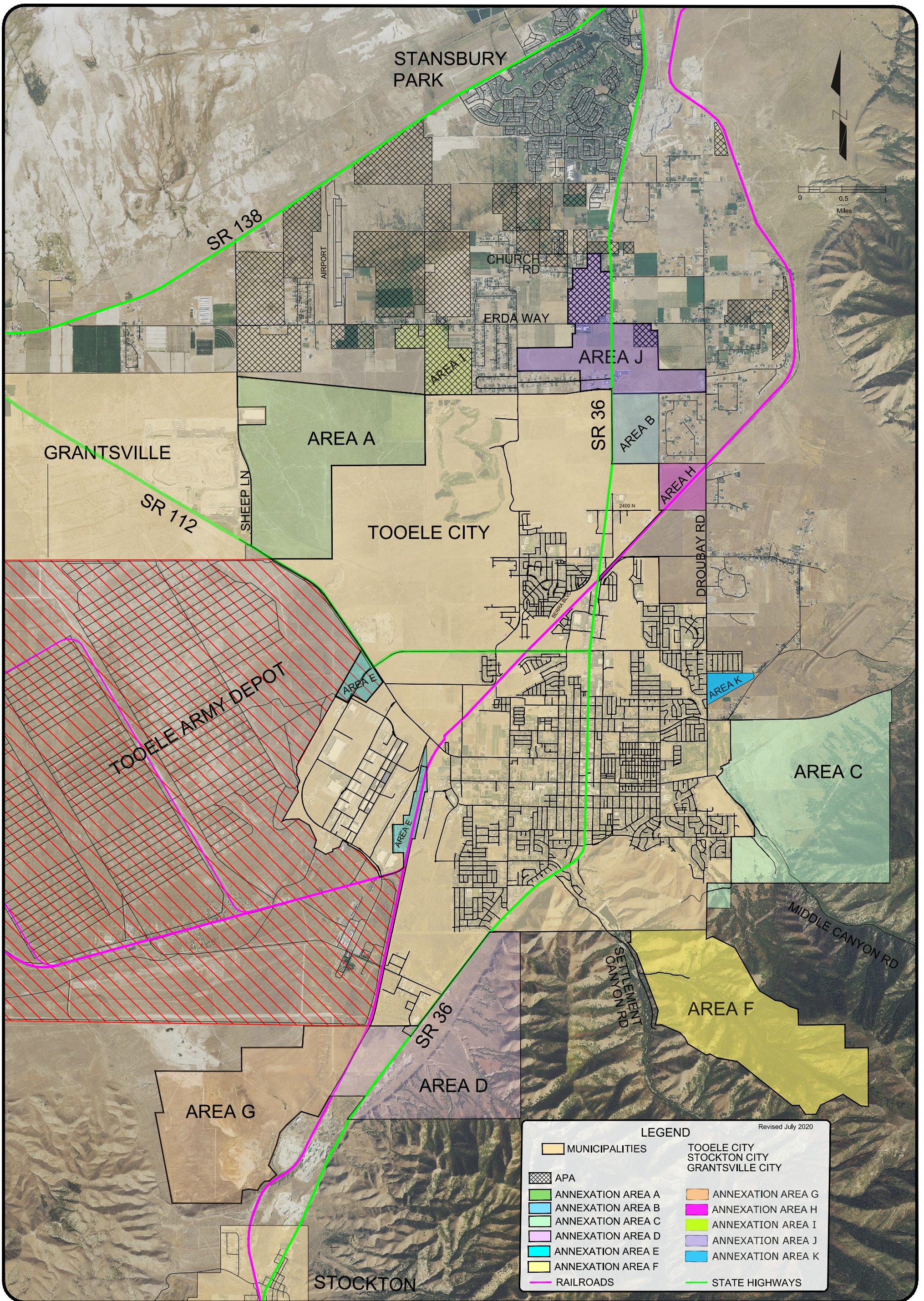
LEGEND

- MUNICIPALITIES
 - TOOELE CITY
 - GRANTSVILLE CITY
 - STOCKTON CITY
 - RUSH VALLEY CITY
 - UNINCORPORATED AREAS
 - STANSBURY PARK
 - LAKE POINT
- PINE CANYON TOWNSHIP
- ERDA TOWNSHIP
- TOOELE ARMY DEPOT
- ANNEXATION AREA A
- ANNEXATION AREA B
- ANNEXATION AREA C
- ANNEXATION AREA D
- ANNEXATION AREA E
- ANNEXATION AREA F
- ANNEXATION AREA G
- ANNEXATION AREA H
- ANNEXATION AREA I
- ANNEXATION AREA J
- ANNEXATION AREA K
- INTERSTATE 80
- STATE HIGHWAYS
- RAILROADS

Revised July 2020

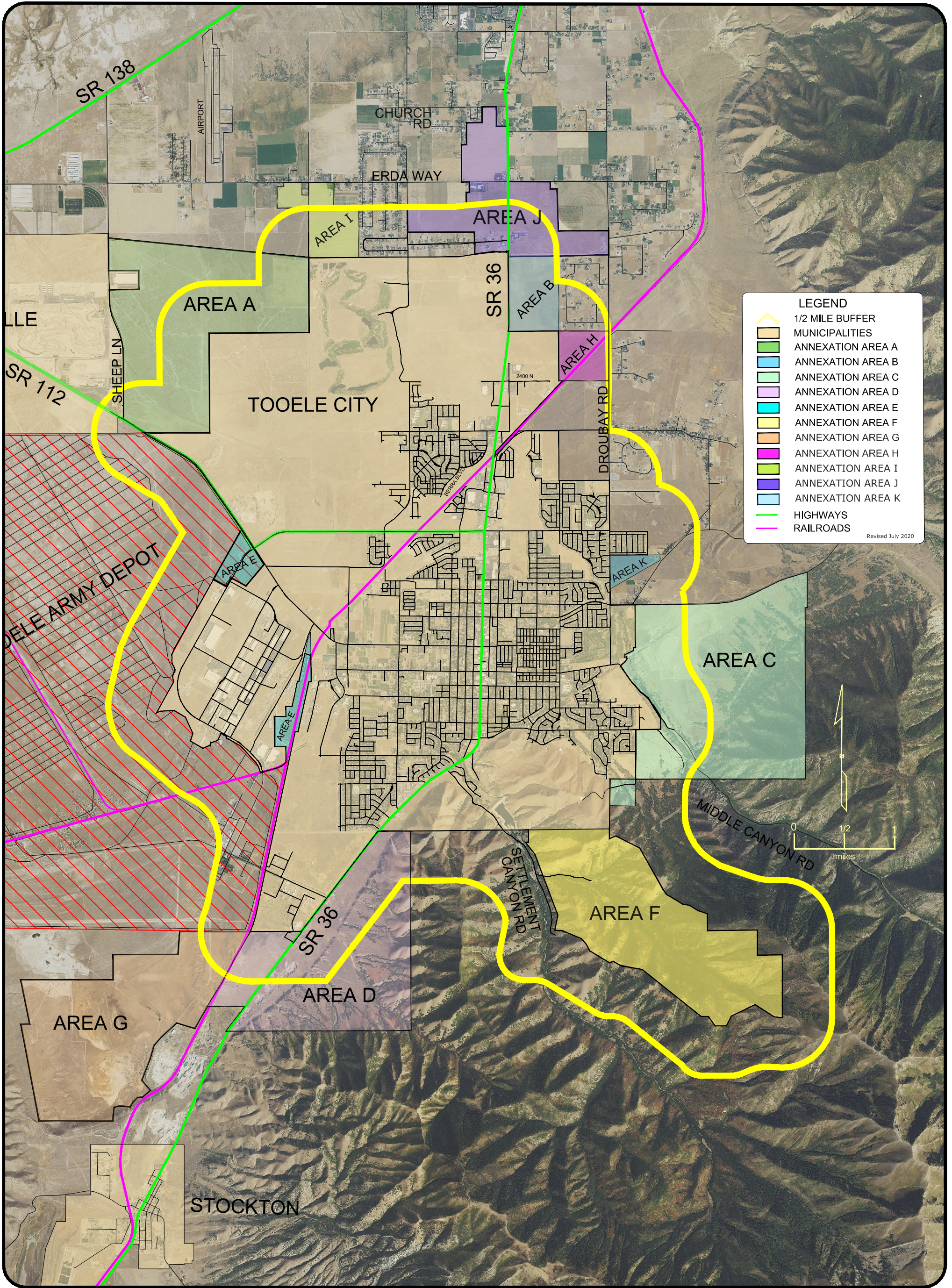
**APPENDIX B
TOOELE CITY GENERAL PLAN
ANNEXATION POLICY PLAN
SURROUNDING MUNICIPALITIES**





APPENDIX C
 TOOELE CITY GENERAL PLAN
 ANNEXATION POLICY PLAN
 AGRICULTURAL PROTECTION AREAS





LEGEND

- 1/2 MILE BUFFER
- MUNICIPALITIES
- ANNEXATION AREA A
- ANNEXATION AREA B
- ANNEXATION AREA C
- ANNEXATION AREA D
- ANNEXATION AREA E
- ANNEXATION AREA F
- ANNEXATION AREA G
- ANNEXATION AREA H
- ANNEXATION AREA I
- ANNEXATION AREA J
- ANNEXATION AREA K
- HIGHWAYS
- RAILROADS

Revised July 2020

Appendix E

***Log of Written Comment Received
From Affected Entities***

DRAFT

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, August 12, 2020

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

Commission Members Present:

Tyson Hamilton
Chris Sloan
Dave McCall
Nathan Thomas
Bucky Whitehouse
Melanie Hammer
Matt Robinson
Bucky Whitehouse

Commission Members Excused:

Ray Smart
Shauna Bevan

City Employees Present:

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

Council Members Present:

Council Member Ed Hansen
Council Member Justin Brady

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 6:00 pm.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Sloan.

2. Roll Call

Dave McCall, Present
Tyson Hamilton, Present
Melanie Hammer, Present
Chris Sloan, Present
Nathan Thomas, Present
Bucky Whitehouse, Present
Matt Robinson, Present

3. Public Hearing and Recommendation on a Zoning Map Amendment from the MR-16 Multi-Family Residential zoning district to the R1-7 Residential zoning district by Ian Brady for 1.08 acres located at 133 West 700 North

Presented by Andrew Aagard

Mr. Aagard stated the property is located just north of 700 North and east of 130 East. It is a parcel of land slightly larger than one acre. There is an existing single family residence located on the property along with some existing accessory structures. The property is currently zoned MR-16 Multi-Family Residential, as is the property to the north, properties to the south are zoned GC General Commercial and R1-7 Residential. There is GC General Commercial zoning to the west and R1-7 Residential to the east. The applicant is requesting the property to be rezoned to R1-7 to eliminate a legal nonconforming status attached to the existing home. The differences between the two zones include, the MR-16 is multi-family residential and R1-7 is for single family residential. The application is a public hearing and notifications were sent out to property owners within 200 feet of the subject property. No comments were registered with the staff.

Chairman Hamilton asked if there were any questions or comments from the Commission, there were none

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

Commissioner Thomas motioned to forward a positive recommendation to the City Council for the Brady Rezone Zoning Map Amendment Request by Ian Brady to reassign the zoning on the subject property located at 133 East 700 North to the R1-7 Residential zoning district, application number P20-572, based on the findings and subject to the conditions listed in the Staff Report dated 8/5/2020. Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

4. Public Hearing and Recommendation on a Zoning Map Amendment from the LI Light Industrial zoning district to the RR-1 Residential zoning district by Samuel Clegg for approximately 1 acre of property located at 77 North 1100 West

Presented by Andrew Aagard

Mr. Aagard stated the property is located immediately adjacent to the Grand Storage project, just west of 1100 West. The zoning on the property is currently LI Light Industrial, as are the properties to the north and south. The City does have an application for the expansion of the storage facility immediately to the south. Properties in the RR-1 Rural Residential zone are used as single family residential and agricultural. The property was left out of the Grand Storage property, with the anticipation that the owner of the project would construct a single family residential home on the property. This property would be a caretaker home for the property, but the LI Light Industrial zone does not permit single family residential structures. A survey has been provided for the subdivision of the parcel that will be one acre and comply with all the

codes of the RR-1 Rural Residential zone. No nonconformities would be created with the RR-1 Rural Residential adjacent to the LI Light Industrial zoning. This item is a public hearing and notices were sent to the adjacent property owners; no comments were received by staff.

Chairman Hamilton asked the Commission if there were any comments or concerns, there were none.

Chairman Hamilton opened the public hearing.

Ms. Tracy Shaw stated she is speaking on behalf of Tooele Self Storage, for which she is the onsite manager for the property immediately to the south that has submitted the application for expansion. The corporate office asked her to make a statement and is not opposed to the rezone, but concerned about the application they have submitted for the design and expansion. The plans have been submitted for approval. They are concerned about how the set backs are done and create some issues with their property expansion. The corporate office would like to convey that that they are no opposed to the rezone provided it would not affect the expansion. If changes need to be made it would be a drastic redesign.

Chairman Hamilton closed the public hearing.

Commissioner Sloan asked about the concerns about the voiced by Ms. Shaw, would this create any problems with their application? Mr. Aagard stated he has not reviewed the proposed site plan in detail for the expansion. The setbacks in a LI Light Industrial zone reflect the same set backs as a residential zone. In this case their RR-1 Rural Residential a 20 foot setback for side yards. With the application coming in before the zoning is ratified that the existing conditions would take place.

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Grand Storage Rezone map Amendment Request by Samuel Clegg, to reassign approximately 1 acre of property located at 77 North 1100 West to the RR-1 Residential zoning district, application number P20-570, based on the findings listed in the Staff Report dated August 5, 2020. Commissioner McCall seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

5. Public Hearing and decision on a Conditional Use Permit to allow a Child Daycare Involving 8 to 16 Children for Beddall'S Childcare located at 904 North 1300 East in the R1-7 Residential zoning district on 0.2 acres.

Presented by Andrew Aagard

Mr. Aagard stated Beddall's Childcare is an existing home business located east of 1300 East and north of 850 North. The property is surrounded by similarly zoned single family residential properties and all properties are zoned R1-7 Residential. Home based daycares involving seven or less children are permitted uses in the R1-7 Residential zone, however if they have daycare children of eight to 16, they require a Conditional Use Permit. The applicant has indicated that

she wishes to increase the size of the home based business up to 16 children as well as inclusion of one additional nonresidential employee at the home, which is permitted by the code. Child pick up and drop off will be conducted on the 80 foot on street frontage located west of the lot. In analyzing the potential vehicle stacking issue, there could be some issues, but a daycare differs from a preschool as there are not arrange pick up and drop times. The pick up or drop off takes place at the availability of the parent or guardian. The time would be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and no comments were registered by staff on the notices that were sent out or in the newspaper.

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

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

Commissioner Hammer stated she had a concern about the adding 16 children in a residential area and having that any additional children may be detrimental to the neighbors. Commissioner Thomas stated it is a valid concern, but they do not know everyone's concerns around this house.

Commissioner Hammer motioned to approve the Conditional Use Permit request by Alicia & Nathan Beddall, authorizing a child care home occupation involving 8 to 16 children at 904 North 1300 East, application number P20-609, based on the findings and subject to conditions listed in the Staff Report dated August 3, 2020. Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

6. **Public Hearing and Decision on a Conditional Use Permit to allow a Child Daycare Involving 8 to 16 Children for Little Blessings Daycare located at 805 South 780 West in the R1-7 Residential zoning district on approximately 0.16 acres.**

Presented by Andrew Aagard

Mr. Aagard stated that this application is very similar to the previous application. It is located west of 780 West and south of 770 South. It is zoned R1-7 Residential and is surrounded by R1-7 Residential. This application has indicated they would like to have 12 children in their daycare, however the ordinance authorizes 8 to 16. The property has 70 feet of frontage and this is where the child drop off and pick up will occur. The applicant has indicated that there will be a contractual agreement for drop off and pick up times. The times will be staggered. Staff is recommending approval with the conditions listed in the Staff Report. This item is a public hearing and notices were mailed to adjacent properties. No comments were registered by staff.

Chairman Hamilton opened the public hearing, there were no comments.

Chairman Hamilton closed the public hearing.

Commissioner Robinson motioned to approve he Conditional Use Permit Request by Molly Webb, authorizing a child care home occupation involving 8 to 16 children at 805 South 780 West, application number P20-594, based on the findings and subject to the conditions listed in the Staff Report dated 8/4/2020. Commissioner Hammer seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

7. Public Hearing and Decision on a Conditional Use Permit to allow an "Accessory Drive Through Facility" for Oquirrh Brews proposed to be located at 311 South Main Street in the MU-G Mixed Use General zoning district on approximately 1.04 acres.

Presented by Andrew Aagard

Mr. Aagard stated this application is sandwiched between Garden Street and Main Street. The property is currently in the renovation process and the applicant is renovating the existing home on the property for a business. The property is zoned MU-G Mixed Use General, as are all of the surrounding properties. The applicant wishes to expand the renovation activities on the site. The existing home will be utilized as the Pear Place, which will be a craft and learning center. This application pertains to the detached accessory building located to the east and south of the existing home and will be for a proposed coffee shop. Due to building orientation, building traffic will enter from Main Street and exit onto Garden Street. There is approximately 160 feet from the proposed coffee shop and the edge of Main Street and could support approximately 7 to 8 vehicles in a queuing lane. Given the success of other drive through coffee shops in the City it should be anticipated that there will be vehicle queuing. It should be noted that the proposed queuing lane is through the main access and parking area for Pear Place. This could create conflict; however this is all private property and the matter would be resolved by the property owner of the two business. The item is a public hearing and notices were sent to adjacent land owners. No comments or concerns have been registered. Staff is recommending approval based on the four basic conditions listed in the Staff Report.

Chairman Hamilton opened to the Commission for comments or questions.

Commissioner Thomas asked for the name of the business. Mr. Aagard stated that the business in the house is Pear Place. The coffee shop is named Oquirrh Brews.

Commissioner Sloan stated he is a little concerned about the traffic and stacking on Main Street. Vehicles coming down that section of Main Street are going relatively fast. There are other similar businesses with vehicle stacking that extends onto the street. Mr. Aagard stated that it is a legitimate concern and staff shares the same concern. He stated he was unsure about what could be done, with a condition but adds enforcement issues. Commissioner Sloan asked if the ingress will exclude the possibility of someone trying to get back out of the property and onto Main Street. Mr. Aagard stated it is difficult because it is a state highway and is managed by UDOT.

Commissioner Hammer stated that the property owners will need to work out stacking and parking of cars. She stated she is not familiar with Pear place, but how does the parking align with the drive through configuration. Mr. Aagard stated that the site plan shows that the Pear Place parking will be 45 degree angle parking. The vehicles would turn right into the parking stalls. The potential issues would come for the vehicles backing out and trying to get back onto Main Street. It would be an issue of the property owner and business owner.

Commissioner Thomas asked if expanding the exit out to garden Street would allow for a double exit. Mr. Aagard stated that would help only if the owner of the drive though had a system in place for that. There is the room to do that.

Chairman Hamilton opened the public hearing.

Ms. Michelle Jensen, the applicant stated they own the Pear Place and have considered the queuing. The intention is to further develop the entire property. The queuing is hoping to que the coffee shop in the front and have the other business parking in the back.

Commissioner Whitehouse asked for further explanation of queuing. Ms. Jensen stated that they had considered a few things. There could be almost 20 cars for the length of the property and having a walk out delivery. There should be two to three employees at a time. She stated they would address the challenges. Commissioner Whitehouse asked if there was space to double que and have two queuing lines. Ms. Jensen stated that the line kind of bottlenecks right in the beginning of the lane, but there is space to the east.

Mr. Arnold Robison, stated that he is concerned for vehicle stacking. He stated that when the state redid Main Street the parking was reduced and now there is barely room for parking. He stated that Garden Street at that end is very potholed and narrow. It is basically a paved alley.

Commissioner Sloan asked where his property was. He stated two houses to the south.

Ms. Janet Robison was asked to speak in the microphone. They are two houses to the south and have four accesses into the property. They don't want to have a problem getting out of their driveways. She stated that she can see the depth of the property, but it will not be developed to the further and spill out onto Main Street. The traffic off the hill is at all time of day and night. It is not safe for traffic to be backed up on main Street.

Mr. Bryan Parker stated he owns the adjacent property to the south. He stated they have their grandkids play on the fence line. He stated the fence line is a three foot chain link fence and the driveway is shared. He stated they have an attorney draft an agreement for parking. His wife has had to wait to get in their driveway because of work vehicles parked in front of driveway. He has been blocked from the driveway by a vehicle parked in their driveway. He shared concerns about the noise from the drive through. He asked what if a person drives up his driveway. He stated he wishes the Jensen's luck, but he has to do what is right for his family.

Chairman Hamilton closed the public hearing.

Commissioner Robinson stated that most of what they are hearing has to deal with Main Street. That is a UDOT managed road, what options does the City have? He stated he thought UDOT should look at this. Mr. Aagard stated UDOT has seen this as a commercial access for the Pear Place site plan approval. They may not be aware of the drive though for the coffee shop. Commissioner Robinson reaffirmed that that he thinks UDOT should review this. Mr. Aagard stated there will be a site plan review. The site plan application could include a UDOT approval. Commissioner Robinson stated with the Conditional Use Permit, they are required to approve it, if they can mitigate their concerns. Most of the concern that need mitigation are not controlled by the City. Mr. Aagard stated he was pretty sure that was the limit.

Mr. Baker stated he suggested to the Commission for them to exercise their role in determining what the anticipated detrimental affects might be and then a discussion can be had to mitigate those effects with reasonable conditions. If the Commission has determined the detrimental effects, then there could be a discussion about conditions.

Chairman Hamilton stated the issues he had heard were stacking, shared driveway, noise, a three foot fence, traffic on Garden Street.

Commissioner Sloan asked to have the applicant come back to answer a question.

Commissioner Sloan asked Ms. Jensen what her hours of operation would be? Ms. Jensen stated operation would be 6am to 6pm. She stated they had ordered a 6 foot concrete fence along the entire south length of the property.

Chairman Hamilton, the fencing is addressed but that could be a condition. Commissioner Sloan stated it goes from main to Garden, but how does that work if you are sharing a driveway? Chairman stated the sidewalk back to Garden. It is a shared approach driveway.

Commissioner Robinson asked about the timeframe for the site plan? Mr. Aagard stated the site plans are approved administratively by staff. The time it would take would depend on the how long staffs comments are resolved by the applicant. At this point she is waiting for the Conditional Use Permit. There are engineer drawings being worked out. Site plan approvals typically take two to three months.

Commissioner Thomas stated that he looks at the map where Main Street is, there is an approach, but the drawing shows a bigger driveway on the property. Can the applicant have a bigger approach on their own land? Mr. Aagard stated yes.

Chairman Hamilton stated that within that park strip they can do that themselves with approval from UDOT.

Chairman Hamilton stated that the applicant made a statement off the microphone that they will put a concrete fence all the way back to the street and working on widening the approach for both businesses both for Pear Place and Oquirrh Brew with UDOT. Those issues are in works to be mitigated. The fence is also mitigated with the fencing. The Other issues are stacking and

traffic on Garden street. Chairman Hamilton stated that the update of Garden Street is not up to the Planning Commission.

Commissioner Hammer stated stacking on Main Street is there enough room to pull off Main Street. Chairman Hamilton stated with his travels, on the road, he wouldn't do it. He has seen cars pull off, but their cars are in the lane.

Commissioner Hammer stated she is worried about stacking on Main Street. Chairman Hamilton stated there could be a condition or pressure the business owner to keep the stacking off of Main Street. Commissioner Hammer asked if there was a way to get the UDOT things before approving.

Commissioner Thomas stated that there is a concern about stacking and the applicant could address that.

Commissioner Whitehouse asked for the Ms. Jensen to address the plan for the driveway. Ms. Jensen stated that they don't know if there will be 7 to 8 cars in the queue. They do not know when the peak hours will be. They do not anticipate it to be the same time they are using the Pear Place building. There are eight parking spots. There are options to cue. The cars could be run past the drive up window and walk the coffees out to the cars. She stated that they feel comfortable in handling the que. There will be a future parking lot at the back of the property. Commissioner Whitehouse asked how far out is the additional parking lot in the plan. Ms. Jensen stated that the parking lot is hopefully done next year. Chairman Hamilton stated it is dirt and gravel right now and could be used if needed. Ms. Jensen stated it is a large lot and should be able to fit more than 52 parking slots and more buildings.

Chairman Hamilton stated most of the issues were mitigated. Commissioner Sloan stated he has no issue with the mitigation, he has some concern about the approval with access from UDOT did not include this potential of this amount of traffic. He stated he would feel more comfortable if UDOT signed off on this. He travels that road a lot during the day. Mr. Robinson echoed the sentiment. Commissioner Sloan stated there is the room to pull forward, but is concerned that someone will be watching while filling orders. A condition for UDOT is not unreasonable. Chairman Hamilton stated he agreed and other conditions could be wider approach, fencing, and UDOT review.

Mr. Baker asked if a vote would be delayed to obtain UDOT approval or will there be a condition that is subject to UDOT approval. Commissioner Sloan stated he would like to have a condition subject to UDOT approval. Mr. Baker stated that is the more challenging option. There is a permit granted until an external party satisfies the condition. Mr. Baker stated that the Commission has the ability to reasonably delay while gathering information. What can't be done is saying it will not be voted on until something else happens. A reasonable delay is lawful. Mr. Baker gave an example. The Commission could say that they would table the vote for 30 days or four weeks for UDOT's review of this matter. That is a reasonable amount of time. But an indefinite delay is not reasonable. If UDOT has not reviewed the application, then there could be a condition for the drive through with the approval of UDOT.

Commissioner Thomas asked what level of approval would be required from UDOT? Mr. Paul Hansen stated that UDOT be asked to review the existing road access permit. It is a broad look at the permit to see if the permit is sufficient for the intended use.

Commissioner Sloan motioned to approve the Conditional Use Permit Request by Michelle Jensen, authorizing an "Accessory Drive Through Facility" for 311 South Main Street, application number P20-589, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020 and additional conditions being; an approval from UDOT to determine if the current road access permit is appropriate for the expanded use, a six foot masonry fence extending from Main Street at the appropriate location and appropriate spot on Garden Street, and an annotation to the road access permit include a double access.

Commissioner Whitehouse seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

8. Public Hearing and Decision on a Conditional Use Permit to allow an Auto Impound Yard and Vehicle Storage Yard located at 318 South 1200 West in the I Industrial zoning district on approximately 3.18 Acres.

Presented by Andrew Aagard

Mr. Aagard stated the City Council voted to approve the reassignment of zoning on the property to the Industrial zone. The application is regarding a use that is now permitted in the zone with a Conditional Use Permit. The property is located on 1200 West adjacent to Union Pacific Railroad. The property is zoned I Industrial and the surrounding properties are LI Light Industrial. The property in the Tooele County to the west is zoned Manufacturing Distribution. The application is authorizing the use of an auto impound on the property. The impound lot will be used by at least five towing companies for the municipal enforcement and impound rotation. Vehicles will be towed to the site and impounded. It is not anticipated that the tow trucks themselves will be stored at the site. The site is currently fenced with a six foot chain-link fence topped with wire. The applicant has indicated they are willing to place slats in the fence for screening of the vehicles is deemed necessary. Staff does not see screening measures warranted at this location, due to the industrial nature of the surrounding properties. This is a public hearing and notices were mailed to neighboring properties' and no comments were received by staff. Staff is recommending approval with the basic conditions in the Staff Report

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

Commissioner Sloan stated that he is in favor of the business purpose, but is was not in favor about how it was approved.

Chairman Hamilton opened the public hearing, there were no comments

Chairman Hamilton closed the public hearing.

Commissioner Thomas stated he did not see a concern about having vehicles stored, but changing the zoning was not the best approach to allow this to happen.

Commissioner Sloan motioned to approve the Conditional Use Permit Request by Amber Snyder, to authorize an "Auto Impound Yard" at 318 South 1200 West, application P20-639, based on the findings and subject to the conditions listed in the Staff Report dated August 4, 2020. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

9. Recommendation on a Subdivision Plat Amendment request amending the Lexington at Overlake 5 Lot Minor Subdivision Plat by Zenith Tooele LLC for 33.34 acres of property located at approximately 400 West 1000 North in the MR-16 Multi-Family residential zoning district.

Presented by Andrew Aagard

Mr. Aagard stated that this is a subdivision plat amendment that pertains to the large property located north of 1000 North and west of 400 West and Franks Drive. Property is currently zoned MR-16 Multi-Family Residential and is undeveloped. Property to the north is R1-7 Residential, as is property to the east and west. Property to the south is MR-16 Multi-Family Residential and GC Commercial. The proposed Subdivision Plat Amendment amends the Lexington at Overlake five lot minor subdivision plat. The plat amendment shifts some of the lot lines and reconfigures the subdivision plat. The plat still involves five larger lots for future development however lot 102 has increased in size up to 11 acres and lot 3 has been reduced to nearly 2 acres. The plat also establishes utility drainage and access easements. The subdivision plat also provides the dedication of right-of-way to Tooele City for a public street on Franks Drive and future Berra Boulevard. Staff is recommending approval with the basic conditions in the Staff Report.

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

Commissioner Robinson motioned to forward a positive recommendation to the City Council for the Lexington Greens 5 Lot Minor Subdivision Plat Amendment Request by Charles Akerlow, Zenith Tooele, LLC thus amending the Lexington at Overlake 5 Lot Minor Subdivision, application number P20-372, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2020. Commissioner Sloan seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

10. Review and Approval of Planning Commission minutes for meeting held on July 22, 2020.

Commissioner Hammer motioned to approve the minutes. Commissioner Robinson seconded the motion. The vote as follows: Commissioner McCall, "Aye," Commissioner Sloan, "Aye," Commissioner Thomas, "Aye," Commissioner Hammer, "Aye," Commissioner Whitehouse, "Aye," Commissioner Robinson, "Aye," Chairman Hamilton, "Aye." The motion passes.

11. **Adjourn**

Chairman Hamilton declared the meeting adjourned at 7:20p.m.

Commissioner Smart resigned from his Appointment on the Planning Commission just after the close of the meeting.

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

Approved this 12th day of August, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

DRAFT

TOOELE CITY PLANNING COMMISSION MINUTES

Date: Wednesday, August 12, 2020

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

Commission Members Present:

Tyson Hamilton
Chris Sloan
Dave McCall
Nathan Thomas
Bucky Whitehouse
Melanie Hammer
Matt Robinson
Bucky Whitehouse

City Employees Present:

Mayor Debbie Winn
Andrew Aagard, City Planner
Jim Bolser, Community Development Director
Roger Baker, City Attorney
Paul Hansen, City Engineer
Steve Evans, Public Works

Council Members Present:

Council Member Ed Hansen
Council Member Justin Brady
Council Member Scott Wardle
Council Member Melodi Gochis
Council Member Tony Graf

Minutes prepared by Kelly Odermott

Chairman Hamilton called the meeting to order at 7:30 pm.

1. Roll Call

Dave McCall, Present
Tyson Hamilton, Present
Melanie Hammer, Present
Chris Sloan, Present
Nathan Thomas, Present
Bucky Whitehouse, Present
Matt Robinson, Present

2. Joint Discussion on the General Plan Draft

Tooele City Council and the Tooele City Planning Commission had a joint discussion reviewing the General Plan Draft.

3. Adjourn

Chairman Hamilton declared the meeting adjourned at 9:00p.m.

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

Approved this 26th day of August, 2020

Tyson Hamilton, Chairman, Tooele City Planning Commission

DRAFT