

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, April 27, 2022** 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.

*We 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 any public hearing item you may email [pcpubliccomment@tooelecity.org](mailto: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 for public hearing items at the designated points in the meeting.*


**AGENDA**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Recommendation** on a City Code Text Amendment Request by Zenith Tooele, LLC to Revise the Terms of Section 7-11a-18 of the Tooele City Code Regarding Exterior Building Material Requirements for Multi-Family Residential Development. **(Continued from December 8, 2021, January 12, 2022, and April 13, 2022 Planning Commission Meetings)**
4. **Recommendation** on the Hunter Minor Subdivision Request by Kathy Curtis to Create 3 Lots on 0.82 Acres Located at 240 West Utah Avenue in the R1-7 Residential Zoning District.
5. **Discussion** on Proposed Revisions to the Planning Commission Bylaws.
6. **City Council Reports**
7. **Review and Approval** of Planning Commission Minutes for the Meeting Held on April 13, 2022.
8. **Planning Commission Training** on Water.
9. **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.

## MEMORANDUM

**To:** Tooele City Planning Commission

**From:** Jim Bolser, AICP, Director 

**Date:** April 22, 2022

**Re:** Staff Review of Applicant-Submitted Text Amendment – Multi-Family Design Standards

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**Subject:**

During the April 13, 2022 Planning Commission meeting, the Commission reviewed and heard testimony on a revised City Code text amendment application by Zenith Tooele, LLC, application number P21-1235 regarding proposed amendments to Section 7-11a-18 of the City Code dealing with exterior building material standards for multi-family developments. Following review, the Commission voted to continue the review of the application and requested staff provide input regarding the application. This memo intended as response to that request.

There is one item of note that should be stated prior to getting into the specifics of the application. During the discussion on this request there was a question raised by the applicant about the manner in which the front of a building is determined for apartment style buildings within a single complex. Clarification on this question becomes an important foundation to the analysis of the remainder of the topic as to knowing how these provisions will be applied to development applications whether in their existing form or as proposed to be amended. There are various considerations to determining the front of a building with multiple orientations such as apartments, i.e. street facing façades and internal parking area and amenities façades. Such considerations include: 1) addressing of buildings are done off of streets rather than access points to the buildings; 2) the term frontage is defined by the adjacent right-of-way which is used to determine front setbacks in many development types; 3) access points for pedestrians and residents of the dwelling units; and 4) relation to the community, surround development, and the general public, i.e. as a loose comparison single-family dwellings are only relative to the public on the street side, not the rear yards. There are viable discussion points to determine which façade of a multi-family building such as an apartment truly is the front of the building. Clarity is brought to this question in Section 7-11a-6 of the City Code. Specifically, Subsection (1) states “[a]s a general rule, buildings shall be oriented to the public rights-of-way and to internal circulation systems, in that order of priority.” In addition, this Chapter of the City Code goes on to make a number of references based on frontage, which is defined by the location of the adjoining street. In consideration of all of these points and the terms of the City Code, staff’s position on this question is that the front façade for an apartment building would be that façade that faces the adjacent street for buildings located towards the perimeter of a project site. For buildings towards the interior of a project site or not adjacent to a street, the determination of the front façade of the building would be that facing the internal circulation of the project.

### The Nature of the Request

In review of the existing City Code language and the applicant’s proposed revisions to that language, it appears there are two fundamental questions at issue with this request: 1) the percentage or proportion of building façade area that is required to be of a set of specific building materials; and 2) what that set of building materials includes. Before getting into those two questions, the applicant proposes to set up a minimum criteria for application of the proposed language. That criteria includes four factors: 1) a multi-family dwelling project consists of two or more buildings; 2) those buildings each contain 12 units or more; 3) those buildings each have at least two entrances providing access to the same number of units in the building in the same manner on opposite sides of the building; and 4) one side of the building providing access to the units is the front façade. To the first criterion, the number of buildings within a multi-family project is largely determined

by the project itself based on property size and type of development proposed but by and large the number of multi-family projects we have seen in our community that consisted of a single building only is in the clean minority making this criteria largely applicable to all multi-family applications. The same can be said about the second criterion as to number of multi-family project applications containing less than 12 units in the buildings unless they are of a different style, i.e. townhomes rather than apartments or condominiums, making this criteria also largely applicable to all multi-family applications for an apartment or condominium project. To the third criterion, the International Building Code will, almost universally, require multi-family residential buildings of 12 units or more in an apartment or condominium configuration to have two paths of egress for all units rendering this criterion largely applicable to all multi-family applications for an apartment or condominium project as well. There could be an argument made that through some creative design that produces an appropriate egress path on one side that doesn't mimic that of the opposite side of the building now avoids the requirement of this criterion because the egress is not in the same manner. Success in that argument would exempt such an application from the provisions in question altogether since all four criterion would have to hold true for the remaining provisions to become application by the use of "and" in the list of those criteria. The final criterion being that one of the façades providing access is the front façade which can be characterized in the same manner and be subject to similar argument as the third criterion. In examination of these criteria it appears that there is reason to believe that the provisions they attempt to qualify would actually become generally applicable to most if not all multi-family residential applications that are submitted to the City in an apartment or condominium type configuration rather than some subset, thereby rendering the remaining existing language largely inapplicable to these types of applications. As such there likely isn't need for a set of criteria beyond perhaps the first proposed criterion to accomplish the goals of applicability and maintain separation from other multi-family residential configurations such as townhomes.

#### Façade Coverage

To the first question of the percentage or proportion of building façade area that is required to be of a set of specific building materials, the current City Code requirements specify that 50% of the all building facades combined, excluding doors and windows, must be of a certain set of material types. Of that combined sum, 75% of that must be on the front façade. For the purpose of illustration, if a fictitious building had a combined façade area of 1,000 square feet for the entire building, this provision would require 500 square feet ( $1,000 \times 50\%$ ) of specific materials types. Of that 500 square feet, 375 square feet ( $500 \times 75\%$ ) would have to be on the front façade and the remaining 125 square feet could be located elsewhere on the building. The current City Code goes on to say that the combined area of all street facing façades must be at least 40% of that set of building materials. Building on this example where the building is not square, making it longer than it is deep, to make up that 1,000 square feet assuming only the front façade faces a street and the front and rear façades are 400 square feet each, that leaves the sides to be 100 square feet each ( $400 + 400 + 100 + 100$ ). In that proportional scenario where the area of the front façade is emphasized, the 40% requirement would only require 160 square feet ( $400 \times 40\%$ ) of that set of building materials, which is less than what is already required. In a scenario where that same building is located as a corner building at the intersection of two streets then the front and one side façade would be calculated to determine a requirement of 200 square feet ( $(400+100) \times 40\%$ ) of that set of materials; the same 160 square feet on the front façade and another 40 square feet on the street facing side façade. This still falls below the base requirement for the front façade but does play a role in the aesthetic of the one street facing façade. The remaining façade area of the building is then required to be of a second set of building material types.

Under the applicant's proposed language, 50% of the entire building's exterior façade excluding doors and windows must be of a set of building material types. Using the same fictitious building example this would increase the required usage of building materials from that set of materials to 500 square feet ( $1,000 \times 50\%$ ). If distributed evenly amongst the four façades of a building that would result in 125 square feet ( $500 \div 4$ ) on each façade of the building, thereby resulting in a 66.67% reduction in the amount of building materials from that set compared to existing City Code language requirements. The proposed language goes on to create an additional calculation that says that 50% of that calculation must be a more narrowed subset of materials

producing a minimum of 250 square feet ( $500 \times 50\%$ ) from that narrowed set. These calculated quantities would also be applicable to the building as a whole rather than any specified façade as with the current City Code language. If distributed evenly amongst the four façades of a building that would result in 62.5 square feet ( $250 \div 4$ ) on each façade of the building, thereby resulting in an 83.33% reduction in the amount of building materials from that subset compared to existing City Code language requirements. The remaining façade area of the building is then required to be of a second set of building material types.

#### Building Materials Required

The current City Code language for the set of required building materials on multi-family residential buildings specify that the set required in the minimum proportions analyzed above shall be “natural or cultured brick or stone”. The remaining façade area is required to be “brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl”.

The applicants proposed language mimics the same material types identified in the current City Code language except that it proposes to add stucco to the set of required building materials required in the minimum proportions analyzed above. The effect of adding any one of the remaining area materials to the set of minimum area materials could potentially be a building that has all four façades that are 100% made up of only the set of remaining area materials. If that specifically material type is one that is seen as a primary or desired material type or one to be emphasized in the façade design, such a revision may be appropriate. If that one material type is one to be considered more of an accent or supporting material type, then such a change may not be in the best interest of the community.

#### Recommendation

The nature of the subject application as a text amendment to the City Code is defined to be a legislative item meaning that the Planning Commission, and subsequently the City Council reviewing the recommendation of the Commission, has a certain amount of discretion in issuing a decision that is in the best interest of the community. This is an authority entrusted to the Council, and through them to the Commission, by the voting citizens of the community. For this reason, it can be awkward for City staff make a formal recommendation as to what action should be taken in the best interest of the community being such a small subset of that electorate when dealing with such applications. In this case, comparison between the existing City Code language and the applicant’s proposed language provide a stark contrast in decreasing the base requirement for minimum building materials when applying the proposed language versus the current language. When considering the emphasized front façade in the current City Code language, the difference is even more greater. When considering the proposed amendment to the set of minimum required building materials, the minimum requirement could potentially be wiped away altogether if that added material type in the proposed language is considered to be more of a supporting or accent material type. In considering the design of the existing City Code provisions for all residential types, the suggesting would be that the existing set of minimum required building material types is that set that is desired as primary and the remainder being supporting or accent in nature. All considered, the proposed text amendment appears to present a potentially significant change in direction from the current City Code language. Where aspects of aesthetic are very subjective they should be considered with the highest regard towards atmosphere and benefit to the community as they would be applied throughout the community rather than just in one area or on one project. Staff recommends that consideration be paid towards this consideration with a critical eye towards the intended goals and values of the community and balance those with the impact they may have with the housing within our community. Based on the considerations and tones upon which the City Code has been prepared under the guidance of the Planning Commission and City Council along with the applicable goals and objectives of the General Plan, it would appear to suggest that reducing the set of minimum required building materials serves a contrary purpose.

As always, should you have any questions or concerns please feel free to contact me at any time.

**REVISED STAFF REPORT**

April 4, 2022

**To:** Tooele City Planning Commission  
Business Date: April 13, 2022

**From:** Planning Division  
Community Development Department

**Prepared By:** Jim Bolser, Director

**Re: Multi-Family Residential Design Standards – City Code Text Amendment Request**

Application No.: P21-1235  
Applicant: Charles Akerlow, representing Zenith Tooele, LLC  
Request: Request for approval of a City Code Text Amendment regarding a change in the requirements for exterior building materials within multi-family residential developments.

**BACKGROUND**

This application is a request for approval of a City Code Text Amendment for purpose of revising the terms of Section 7-11a-18 of the Tooele City Code regarding the requirements for exterior building materials with multi-family residential development projects. Should this application ultimately prove successful, it would change the generally applicable requirements for all multi-family developments and construction within all multi-family residential zoning districts.

**ANALYSIS**

*City Code.* Chapter 7-11a of the Tooele City Code establishes a number of development and design standards and allowances generally applicable to new developments within the various multi-family residential zoning districts of the city. Among those are the design standards for the exterior materials for buildings built within those developments. Section 7-11a-18, more specifically subsection (1), identifies the minimum requirement for certain material types; brick, stone, stucco, clapboard, wood, block or masonry, and/or vinyl. The complete existing City Code Section 7-11a-18 language can be found in Exhibit “A” to this staff report. The applicant has submitted a request to revise subsection (1) to change the existing minimum requirement for materials to a maximum allowance of those types of building materials. The applicant’s proposal and supporting information can be found in Exhibit “B” to this staff report.

*Analysis.* The applicant’s submitted information, particularly the supporting information, focuses largely on affordable housing and the potential impact the currently adopted design standard could have. There are two aspects of affordable housing in the State of Utah that should be reviewed as background context to this request; what affordable housing is and the state’s requirements regarding affordable housing. To the former, the term “affordable housing” has become a generalized catch-all term to address what the state refers to as low- and moderate-income housing along with the generally understood cost of living and affordability in the housing market. One effect of that generalization is that it has also become quite misunderstood. Tooele City has held numerous public meetings in which comment has been provided by the general public and applicants the make it apparent that just about any project that includes an element of multi-family residential development is considered affordable housing. That is in fact incorrect on multiple accounts. First, multi-

family housing, regardless of type, does not necessarily equate to affordable housing just as single-family housing does not necessarily equate to non-affordable housing under the state model. Their opposites can quite certainly hold true. In fairness the likelihood of multi-family housing falling under the affordability thresholds is higher than with single-family housing but it's not a certainty. The idea of affordability as a general statement is relative to the subject and individual(s) at hand. What's affordable to one individual or individuals is not to another. Where affordability is more specifically outlined is in the state's model for low- and moderate-income housing. These are a set of three specific calculation thresholds of housing costs based on the median household income for the county in which the housing is or is to be located. Calculation of those thresholds from the latest available census data in comparison to the rent figures provided in the applicant's submitted information shows that at least a portion of the applicant's intended project would be counted as meeting low- and moderate-income housing thresholds in Tooele County both with the proposed City Code text amendment and without the proposed City Code text amendment.

To the latter, the only requirements for the provision of low- and moderate-income housing for a municipality are to provide a calculated proportion based on that municipality's population and to adopt strategies that could encourage the possibility of housing units that would fall under the low- and moderate-income housing thresholds. There is not a requirement for every residential development project to meet those terms or requirements whereby the adoption of the proposed City Code text amendment based on a justification of providing affordable housing, or any other justification, would in fact apply to every residential development application. Nevertheless, Tooele City is fully compliant and exceeds our requirements for the provision of low- and moderate-income housing units and the establishment of strategies to encourage the possibility of additional such housing units. Information on each of these points is outlined in the Affordable Housing Plan Element of the Tooele City General Plan.

There is one additional consideration applicable to the subject request. Although any change to increase or decrease material types with new construction has a corresponding impact on the costs of that construction, there is another intrinsic impact that should be considered. That impact is aesthetics and the impact that changes to those aesthetics has not only on the residents of the development but also the residents in the area of the development and the community in whole. The existing Tooele City Code provision in question provides an allowance for a variety of material types that could be considered for compliance with this requirement. Although the different types of materials allowed naturally provides the opportunity for variety and variation in themselves that can contribute to the aesthetic and quality of life and the development, reduction or removal of those material types correspondingly reduces or removes those aesthetic benefits as well. Simply put, a fundamental aspect to the design standards adopted for any type of development in any community is the desire of that community to determine what they want their community to look like and feel like to residents of and visitors to the community. This aspect played a central role in the original adoption of the multi-family residential design standards in 2005 as well as the revisions to those standards, the most recent of which was in 2019.

***Following the Planning Commission's initial review of the subject request on December 8, 2021, the applicant requested the opportunity to further consider and revise the language proposed for this amendment. In the time since, the applicant has submitted a few revisions for review by staff. Where the nature of the amendment proposed is legislative in nature and a private applicant proposal, the staff did not perform an analysis on the appropriateness of the amendment proposal but provided comment to the applicant only on the enforceability and legality elements of the revised language submittals. The applicant has settled on revised proposal language which can be found in Exhibit "D" to this report.***

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

as:

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

## **REVIEWS**

**Planning Division Review.** The Tooele City Planning Division has completed their review of the City Code Text Amendment request and has issued the following comments:

1. The proposed text amendment would have a direct affect and impact on the aesthetic of multi-family residential developments around the community.
2. The proposed text amendment would naturally have an impact on construction costs but those costs do not necessarily translate to compliance or non-compliance with requirements regarding low- and moderate-income housing.
3. Tooele City meets and exceeds all requirement for the provision of and planning for ow- and moderate-income housing.

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

**Building Division Review.** The Tooele City Building Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The proposed text amendment would not affect the Building Division's ability to review, approve, and inspect multi-family residential structures.

**Tooele City Fire Department Review.** The Tooele City Fire Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. The proposed text amendment would not affect the fire department's ability to respond to an emergency or fight a fire.

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

## **STAFF RECOMMENDATION**

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

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

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Multi-Family Residential Design Standards City Code Text Amendment Request by Charles Akerlow, representing Zenith Tooele, LLC, application number P21-1235, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Multi-Family Residential Design Standards City Code Text Amendment Request by Charles Akerlow, representing Zenith Tooele, LLC, application number P21-1235, based on the following findings:”

1. List findings ...



**EXHIBIT A**

**EXISTING TOOELE CITY CODE SECTION 7-11a-18**

**7-11a-18. Design Standards: Building Materials.**

1. Exterior Finishes. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.
2. Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

**EXHIBIT B**

**PROPOSED LANGUAGE ASSOCIATED WITH THE  
MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS  
CITY CODE TEXT AMENDMENT**

**7-11a-18. Design Standards: Building Materials.**

1. Exterior Finishes. Exterior building materials shall be natural or cultured stone, stucco, fiberboard, cement fiberboard, natural wood, wood fiberboard, clapboard, block-masonry and/or vinyl. The use of brick or stone is encouraged up to no more than 25% of the surface of the apartment building and where its use does not defeat the objectives of Tooele City's Moderate Income Affordable Housing Plan. ~~Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right of way or exterior street shall utilize at least 40% of these allowable materials.~~
2. Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

**EXHIBIT C**

**APPLICANT SUBMITTED INFORMATION**

Ordinance, General Plan, & Master Plan  
Text Amendment Application

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



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

Project Information			
Date of Submission: 11-16-21		Applicant Name: Zenith Tooele LLC	
Address: 8371 So. State St., Suite 202, Sandy, Utah 84070			
Phone: 801-913-5959	Alternate Phone:	Email:	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____			
Brief Summary of Proposal: Change Language Section 7-11a-18 Tooele City Code. Please see attached.			

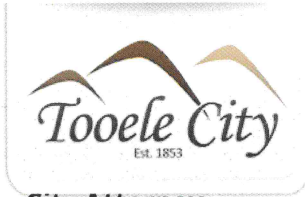
\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This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

**Note to Applicant:**

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

2211211

For Office Use Only			
Received By: JESSI	Date Received: 11/18/2021	Fees: 2000 <sup>00</sup>	App #: Rect# 4410573



### City Attorney

[Roger Baker](#)

Tooele City Attorney

90 North Main Street

Tooele, UT 84074

Phone: 435.843.2120

Fax: 435.843.2129

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[Title 7. Chapter 11a. Design Standards: Multi-Family Residential](#)

## Title 7. Chapter 11a. Design Standards: Multi-Family Residential

[7-11a-1. Defined Terms](#)

[7-11a-2. Purpose and Scope](#)

7-11a-5. Context and Setting

7-11a-6. Design Standards: Building Orientation

7-11a-7. Design Standards: Vertical Alignment

7-11a-8. Design Standards: Horizontal Alignment, Facades

7-11a-9. Design Standards: Windows

7-11a-10. Design Standards: Building and Dwelling Unit Entries

7-11a-11. Design Standards: Project Entrances

7-11a-12. Design Standards: Landscaping

7-11a-13. Design Standards: Parking and Internal Circulation

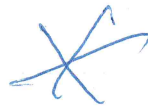
7-11a-14. Design Standards: Signage

7-11a-15. Design Standards: Lighting

7-11a-16. Design Standards: Utilities

7-11a-17. Design Standards: Walls and Fences

7-11a-18. Design Standards: Building Materials



(1) Exterior Finishes. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.

(2) Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

(Ord. 2019-08, 03-20-2019) (Ord. 2012-10, 04-18-2012) (Ord. 2005-05, 03-02-2005)

7-11a-19. Design Standards: Color

7-11a-20. Design Standards: Vents

7-11a-21. Design Standards: Dumpster Enclosures



**7-11a-24. Design Standards: Zoning**

**7-11a-25. Deviation From Design Standards**

**7-11a-26. Figures**

**7-11a-27. Photo Groups**

Click Here for a .pdf copy of **Title7 Chapter11a**

Please Note: Every attempt has been made to keep this online Tooele City Code up-to-date; however, there may be discrepancies between this online code and that which is actually adopted. If you have questions about the Tooele City Code or for the most recent update, please call (435) 843-2120 or email [attorney@tooelecity.org](mailto:attorney@tooelecity.org).

PROPOSED TEXT AMENDMENT TO  
Section 7-11a-18, Tooele City Code

It is proposed that the text of Section 7-11a-18 of the Tooele City Code, be changed to read as follows:

*“Exterior building materials shall be natural or cultured stone, stucco, fiberboard, cement fiberboard, natural wood, wood fiberboard, clapboard, block-masonry and/or vinyl. The use of brick or stone is encouraged up to no more than 25% of the surface of the apartment building and where its use does not defeat the objectives of Tooele City’s Moderate Income Affordable Housing Plan.”*

We recommend and formally request that Tooele City make a change to the city’s codes and/or policy to address the rising costs of providing Affordable Housing and to honor the goals and objectives of the Tooele City Moderate Income Housing Plan adopted in 2018.

As the Housing Plan points out, HB295, passed by the Utah Legislature encourages a community to provide a “reasonable opportunity for a variety of affordable housing for moderate income households.” Because of the high cost of materials and the interruptions in the supply chain resulting from Covid-19, moderate income housing costs have increased at Lexington Greens over 26.3% in one year! Homes that were at \$325,000 a year ago are now \$475,000 for the same sized home, which squeezes out of the market a large group of ‘entry-level & move-up’ homebuyers. If they have a \$30,000 down payment, which is small and rare, the monthly mortgage payment would be \$2,110.24 plus taxes and insurance which could add another \$400 per month. At that point people look to rental. As originally designed, the Lex Apartment units rent for between \$950 for one-bedroom and up to \$1,600 for a three-bedroom unit. They also were designed with exteriors of between 25% and 30% of the surface less windows. This becomes an affordable option for the moderate-income person,

while at the same time, providing ample square footage for their needs – which include multiple indoor & outdoor amenities, while staying within the 30% guideline of the amount spent each month on housing costs.

The Housing Plan points out on page 21 the following:

The only City ordinance that would be a barrier to affordable housing or Fair Housing, is the single family, multi-family residential standards (Title 7, Chapters 11a and 11b). These ordinances establish minimum standards for enclosed garages, square footage, minimum masonry percentage and minimum architectural features such as front porches, decorative windows, articulated roof lines, articulated building elevations and others which can increase the cost of a housing unit.

The problem is that the City staff has “upped the ante” and diverted away from the idea of “minimum materials” to the idea of “maximum materials”. On The Lex Apartments the City is now requiring 50% of the skin of the building be masonry (Brick) with 75% of that number being required on the front façade of each building. Those percentages, as mentioned, are higher than Salt Lake City or Sandy. We have attached the rendering which we presented to the City which does not meet these requirements and yet which, by any measure, is a handsome looking building and a very attractive addition to the City.

The added costs for the requirements in Chapter 7-11a-18, just for the outside of the building, adds more than \$600,000 to the costs according to our contractor. It is not a rental feature to the moderate-income renters. This demographic group, which is the bulk of those in the moderate-income level, will simply not pay higher rents for a rental unit that has more brick on the outside. Those rents are likely to be \$1,100 for one bedroom and \$1,840 for 2 bedrooms.

We respectfully request a change in the text of the Code or a provision providing for an exception to this section when necessary.





**EXHIBIT D**

**PROPOSED REVISED LANGUAGE ASSOCIATED WITH THE  
MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS  
CITY CODE TEXT AMENDMENT**

## 7-11a-18. Design Standards: Building Materials.

1. Exterior Finishes.
  - a. Exterior building materials shall be natural or cultured brick or stone over at least 50% percent of the entire building facade (not including windows and doors), the remaining 50% being brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl. At least 75% of the 50% shall be on the front building facade. All building facades that face a public right-of-way or exterior street shall utilize at least 40% of these allowable materials.
  - b. *In the event that a Multiple Family Project Plan, as defined in this Chapter 7-11a:*
    - i. *consists of two-or-more multifamily buildings of at least 12 units per building in a Project; and*
    - ii. *the buildings each have two building entries which each provide access to the same number of units in the building in the same manner on opposite sides of the building, one of which is the frontage façade; and*
    - iii. *the building façade opposite the frontage façade contains the same number, size, area coverage, and style of all building Design Elements, including windows, balconies, and vertical Elements, as defined in this Chapter 7-11a, contained on the frontage façade; then at least 50% of the entire building exterior excluding windows and doors must be of masonry material, of which at least 50% must be brick or stone. The remaining 50% of the exterior, excluding windows and doors, must consist of brick, stone, stucco, clapboard, wood, block/masonry, and/or vinyl.*
  - c. *Masonry material is defined as brick, stucco and/or stone.*
2. Roof. Roof materials shall be architectural asphalt or composition shingles (at least 30-year), ceramic or clay tiles, or other long-lived weather-resistant materials.

**STAFF REPORT**

April 21, 2022

**To:** Tooele City Planning Commission  
Business Date: April 27, 2022

**From:** Planning Division  
Community Development Department

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

**Re: Hunter Minor Subdivision – Minor Subdivision Request**

Application No.: P21-1252  
Applicant: Kathy Curtis  
Project Location: 240 West Utah Avenue  
Zoning: R1-7 Residential Zone  
Acreage: .82 Acres (Approximately 35,879 ft<sup>2</sup>)  
Request: Request for approval of a Minor Subdivision in the R1-7 Residential zone regarding the creation of three single-family residential lots.

**BACKGROUND**

This application is a request for approval of a Minor Subdivision for approximately .82 acres located at 240 West Utah Avenue. The property is currently zoned R1-7 Residential. The applicant is requesting that a Minor Subdivision be approved to divide the existing lot into three single-family residential lots.

**ANALYSIS**

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

*Subdivision Layout.* The property is a .82 acre parcel that has double frontages. The longer frontage is 230 North Street with the shorter frontage being Utah Avenue. The property currently has an existing home that fronts and accesses Utah Avenue along with many existing sheds and agriculture related accessory buildings.

The applicant plans to split the parcel into three single-family residential lots. Lot 3 will maintain the existing home as well as an existing carport and the home will still continue to access Utah Avenue. There is an existing shed on the property that will be too close to the new property line, that shed will be removed thus eliminating the issue. Lot 3 maintains 7,242 square feet, more than the minimum requirement of 7,000 square feet and with the removal of the shed, no new non-conformities will be created in regards to the home or existing detached accessory structures on lot 3.

Lot 1 will maintained 12,032 square feet and is a simple rectangle with frontage and access to 230 North Street. Lot 2 is the largest of the three lots with 16,605 square feet including a jog to the east behind lot 1.



There are existing sheds and shipping containers on lot 2 that will be removed.

The subdivision as proposed meets or exceeds all minimum requirements of the R1-7 Residential zoning district for lot sizes, lot widths and lot frontages. The subdivision does not result in any new non-conformities in regards to existing buildings on the site and new property line locations.

There is no need of dedication of right-of-way and frontage improvements such as curb, gutter and sidewalk for 230 North and Utah Avenue have already been installed.

Criteria For Approval. The criteria for review and potential approval of a Minor Subdivision request is found in Section 7-19-35 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.

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Minor Subdivision by Kathy Curtis, application number P21-1252, 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 minimum requirements of the R1-7 Residential zoning district for lot sizes, lot widths and lot frontages.
7. The subdivision does not result in any new non-conformities in regards to existing

buildings on the site and new property line locations.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Hunter Minor Subdivision Minor Subdivision Request by Kathy Curtis, for the purpose of subdividing .82 acres located at 240 W Utah Avenue into three residential lots, application number P21-1252, based on the findings and subject to the conditions listed in the Staff Report dated April 21, 2022:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Hunter Minor Subdivision Minor Subdivision Request by Kathy Curtis, for the purpose of subdividing .82 acres located at 240 W Utah Avenue into three residential lots, application number P21-1252, based on the following findings:”

1. List findings...

**EXHIBIT A**

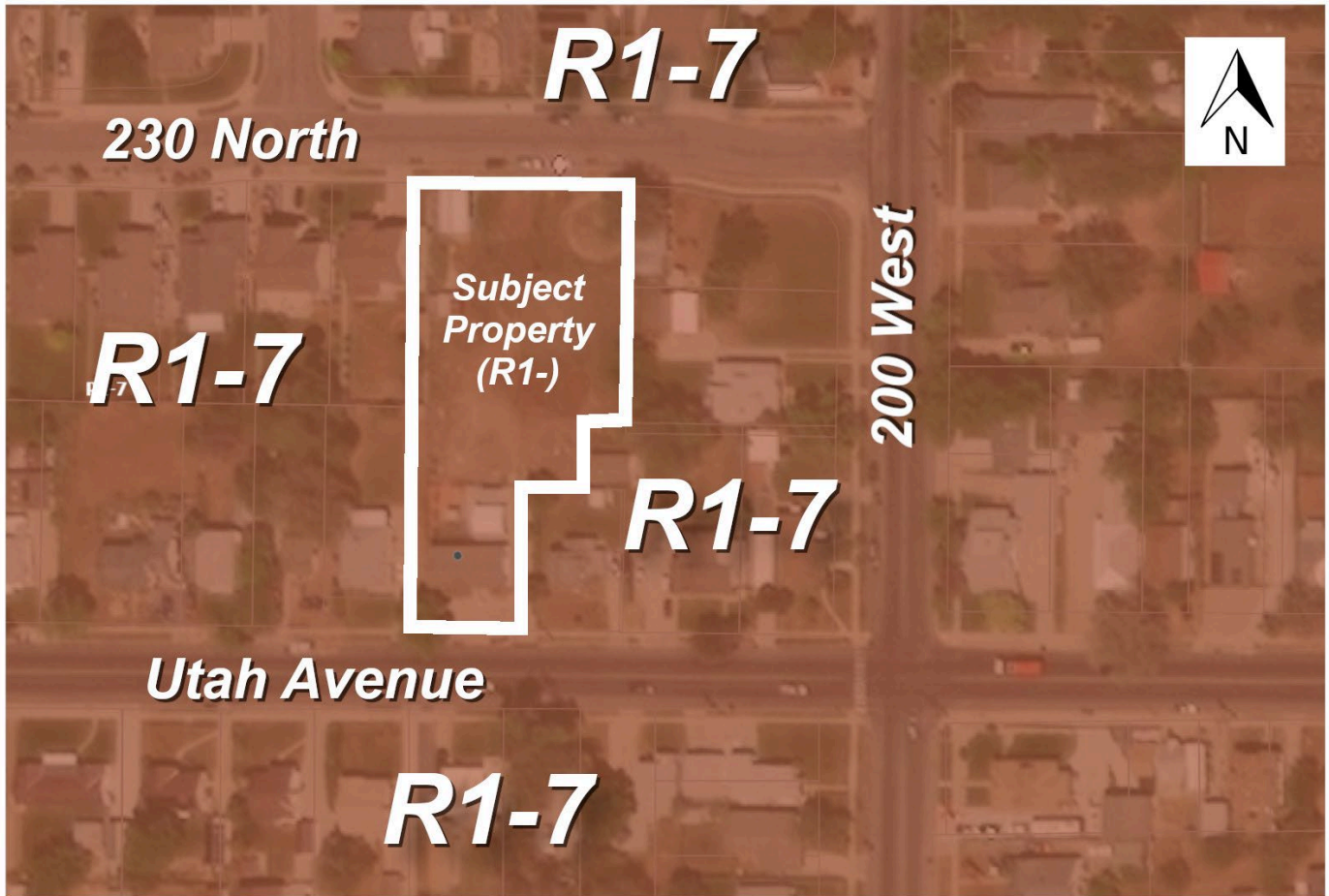
**MAPPING PERTINENT TO THE HUNTER MINOR SUBDIVISION MINOR  
SUBDIVISION**

***Hunter Minor Subdivision***



***Aerial View***

**Hunter Minor Subdivision**



**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**

Minor Subdivision Application  
 Community Development Department  
 90 North Main Street, Tooele, UT 84074  
 (435) 843-2132 Fax (435) 843-2139  
[www.tooelecity.org](http://www.tooelecity.org)

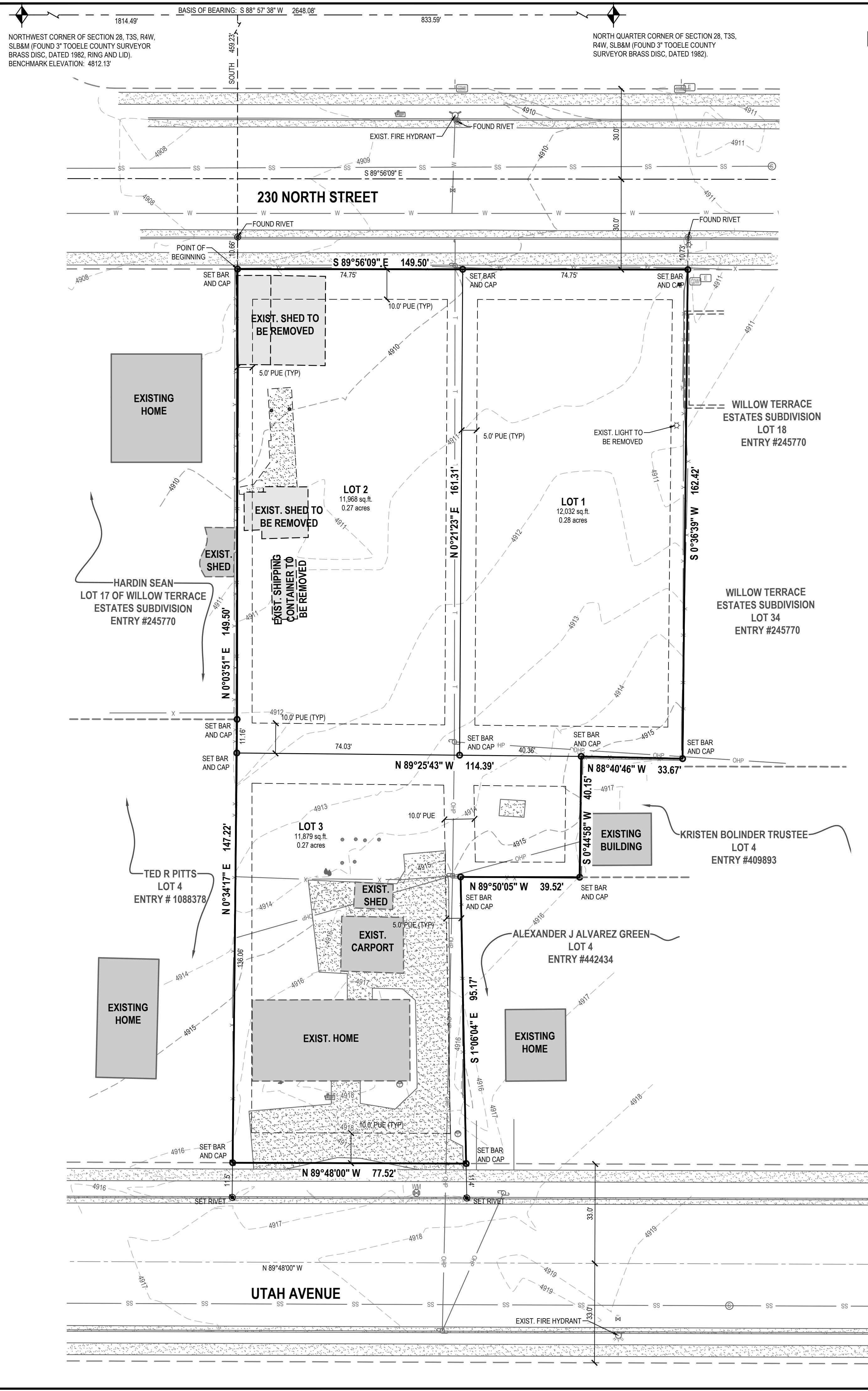


Notice: The applicant must submit copies of the plat and plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of plat and plans are submitted, the plat and plans are subject to compliance reviews by the various city departments and may be returned to the applicant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

Project Information					P19-405	
Date of Submission: 5/30/19	Submittal #: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone:	Acres:	Parcel #(s): 02-086-0-0048		
Project Name: Hunter Minor Subdivision						
Project Address: 240 W. Utah Ave						
Project Description: Parcel Split				Phases: 1	Lots: 3	
Property Owner(s): Kathryn Hunter			Applicant(s): same as owner			
Address: 240 W. Utah Ave			Address:			
City: Tooele	State: UT	Zip: 84074	City:	State:	Zip:	
Phone: 435-849-2793	Email: koffer.hunter@gmail.com		Phone:	Email:		
Contact Person: Same as above			Address:			
Phone:			City:	State:	Zip:	
Cellular:		Fax:	Email:			
Engineer & Company: Ensign Engineering			Surveyor & Company: Ensign Engineering			
Address: 1109 N. Main #1			Address: 1109 N. Main #1			
City: Tooele	State: UT	Zip: 84074	City: Tooele	State: UT	Zip: 84074	
Phone: 435-843-3590	Email:		Phone: 435-843-3590	Email:		

\*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.

For Office Use Only					
Land Use Review:	Date:	Water Superintendent Review:	Date:	City Engineer Review:	Date:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:	Director Review:	Date:
Fire Flow Test					
Location:		Residual Pressure:	Flow (gpm):	Min. Required Flow (gpm):	
Performed By:		Date Performed:	Corrections Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments Returned:	Date: <input type="checkbox"/> Yes <input type="checkbox"/> No



**PRELIMINARY PLAT  
HUNTER MINOR SUBDIVISION**  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

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

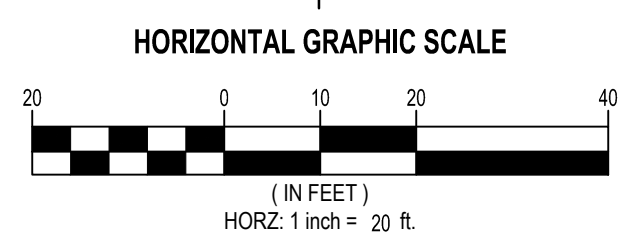
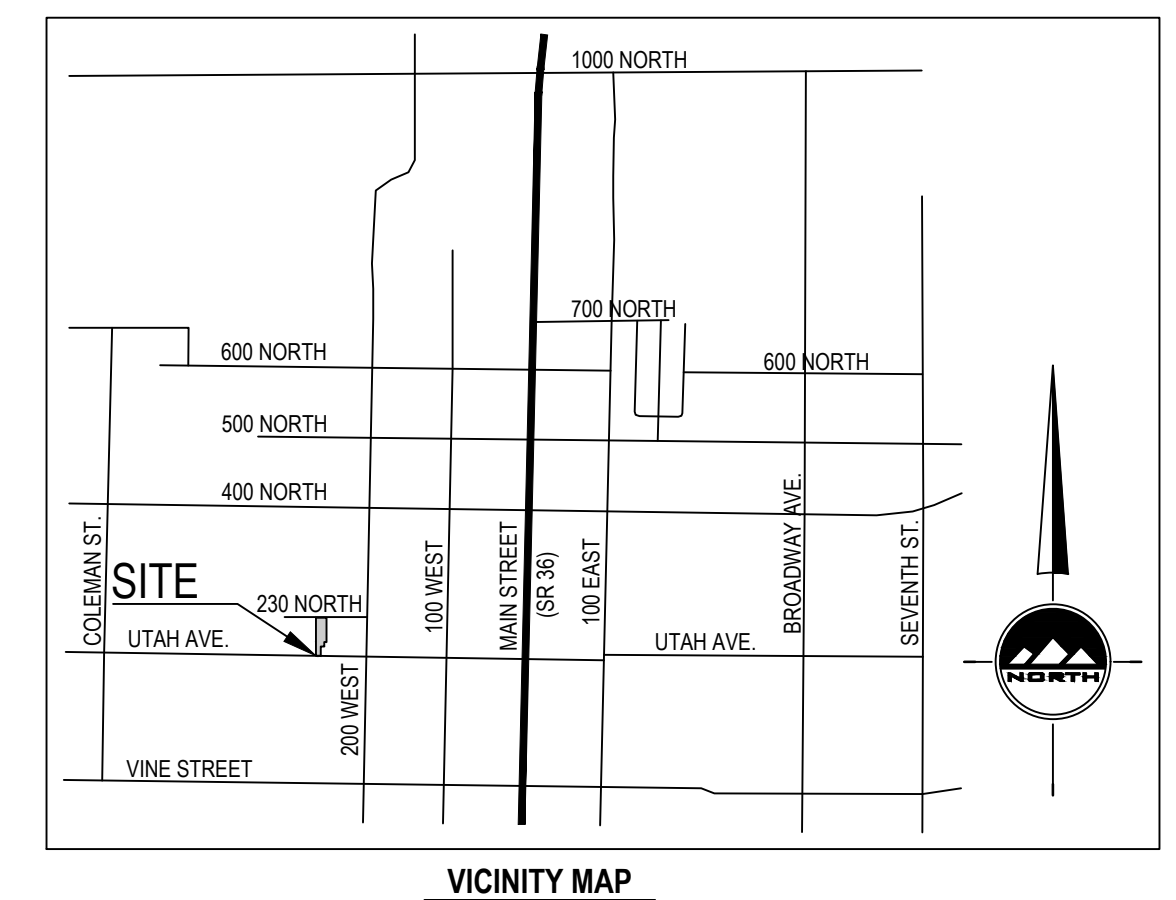
**BENCHMARK**  
NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SLB&M,  
TOOELE CITY, TOOELE COUNTY, UTAH.  
ELEV = 4812.13'

<b>PLANNING COMMISSION</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE TOOELE CITY PLANNING COMMISSION.
CHAIRMAN TOOELE CITY PLANNING COMMISSION	
<b>CHIEF OF POLICE</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE TOOELE CITY CHIEF OF POLICE.
TOOELE CITY CHIEF OF POLICE	
<b>PARKS DEPARTMENT</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE TOOELE CITY PARKS DEPARTMENT.
TOOELE CITY PARKS DEPARTMENT	
<b>COUNTY HEALTH DEPARTMENT</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE TOOELE COUNTY HEALTH DEPARTMENT.
TOOELE COUNTY HEALTH DEPARTMENT	
<b>FIRE CHIEF</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE TOOELE CITY FIRE DEPARTMENT.
TOOELE CITY FIRE CHIEF	
<b>CENTURY LINK</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE CENTURY LINK.
CENTURY LINK	
<b>COUNTY RECORDER</b>	
REVIEWED THIS _____ DAY OF _____, 20__	BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD.
TOOELE COUNTY RECORDER	
<b>COMCAST</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE COMCAST CABLE
COMCAST	
<b>POST MASTER</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE POST MASTER
POST MASTER	
<b>CITY ATTORNEY</b>	
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__	
TOOELE CITY ATTORNEY	
<b>SCHOOL DISTRICT</b>	
APPROVED THIS _____ DAY OF _____, 20__	BY THE TOOELE COUNTY SCHOOL DISTRICT
TOOELE COUNTY SCHOOL DISTRICT	

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

**BOUNDARY DESCRIPTION**  
A parcel of land, situate in the Northwest Quarter of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:  
Beginning at the Northeast corner of Lot 17 of the 'Willow Terrace Estates Subdivision', as recorded August 25, 2005, under Entry no. 245770, in the Tooele County Recorder's office, which is located South 88°57'38" West 833.59 feet along the Section line, and South 459.23 feet from the North Quarter Corner of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:  
thence South 89°56'09" East 149.50 feet along the South line of 230 North Street;  
thence South 0°36'39" West 162.42 feet along an existing, long-standing fence line;  
thence North 88°40'46" West 33.67 feet along an existing, long-standing fence line;  
thence South 0°44'58" West 40.15 feet along an existing, long-standing fence line;  
thence North 89°50'05" West 39.52 feet along an existing, long-standing fence line;  
thence South 1°06'04" East 95.17 feet along an existing, long-standing fence line, and the extension thereof, to the North line of Utah Avenue;  
thence North 89°48'00" West 77.52 feet, along said North line;  
thence North 89°48'00" West 77.52 feet, along said North line, long-standing fence line, to the Southeast corner of said Lot 17;  
thence North 0°35'51" East 149.50 feet along the East line of said Lot 17, to the Point of Beginning.  
Parcel contains: 35,879 square feet, or 0.82 acres.

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



**DEVELOPER**  
KATHY HUNTER  
240 WEST UTAH AVE.  
TOOELE, UT 84074  
KATHY HUNTER  
435-849-2793

NOTE:  
1. SETTLEMENT CANYON IRRIGATION WILL BE PROVIDED BY OWNER  
2. 2" X 24" REBAR AND CAP TO BE SET AT ALL LOT CORNERS.

- LEGEND**
- SECTION CORNER
  - EXISTING STREET MONUMENT
  - PROPOSED STREET MONUMENT
  - SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED 'ENSIGN ENG. & LAND SURV.'
  - PUE = PUBLIC UTILITY EASEMENT
  - BOUNDARY LINE
  - CENTER LINE
  - EASEMENTS

**COMMUNITY DEVELOPMENT**

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

A.D. 20\_\_

TOOELE CITY COMMUNITY DEVELOPMENT

**CITY ENGINEER**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

TOOELE CITY ENGINEER

**ROCKY MOUNTAIN POWER COMPANY**

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

ROCKY MOUNTAIN POWER

BY \_\_\_\_\_

TITLE \_\_\_\_\_

**CITY COUNCIL**

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

ATTEST: CITY RECORDER

**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\_\_ BY \_\_\_\_\_

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

**PRELIMINARY PLAT  
HUNTER MINOR SUBDIVISION**

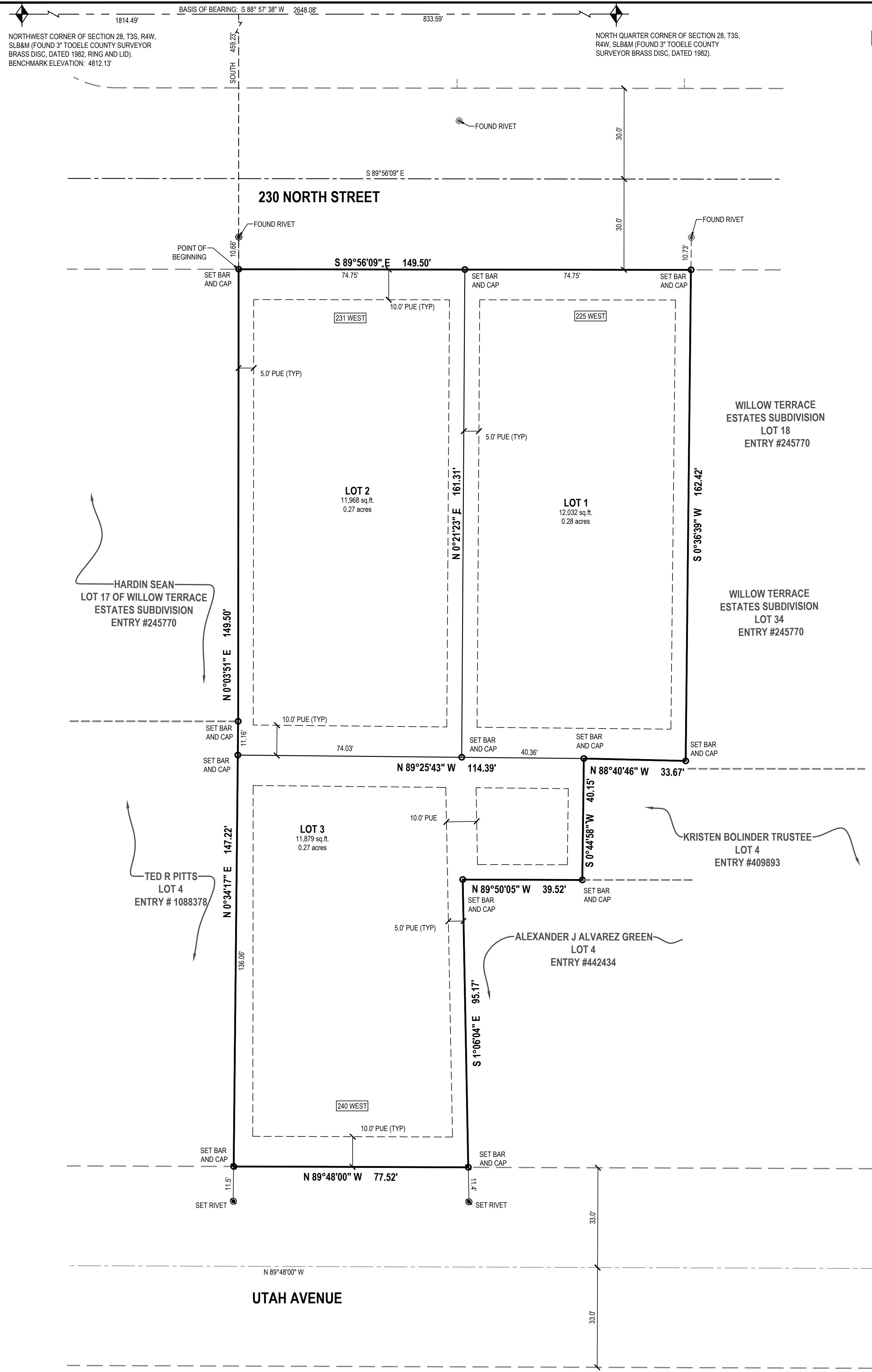
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE  
AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

**ENSIGN**  
TOOELE  
169 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435-843-3590  
Fax: 435-578-0108  
WWW.ENSIGNENG.COM

**SALT LAKE CITY**  
Phone: 801-255-0504  
**LAYTON**  
Phone: 801-561-1100  
**CEAR CITY**  
Phone: 435-865-1453  
**RICHFIELD**  
Phone: 435-886-2883

**SHEET 1 OF 1**

PROJECT NUMBER: T1504A  
MANAGER: D. KINSMAN  
DRAWN BY: C. CARPENTER  
CHECKED BY: D. KINSMAN  
DATE: 2019-08-01



# FINAL PLAT

## HUNTER MINOR SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, 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 Licensed Land Surveyor, and that I hold certificate No. 334575 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as HUNTER MINOR SUBDIVISION and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**

A parcel of land, situate in the Northwest Quarter of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northeast corner of Lot 17 of the 'Willow Terrace Estates Subdivision', as recorded August 25, 2005, under Entry no. 245770, in the Tooele County Recorder's office, which is located South 88°57'38" West 833.59 feet along the Section line, and South 459.23 feet from the North Quarter Corner of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 89°56'09" East 149.50 feet along the South line of 230 North Street;  
 thence South 0°36'39" West 162.42 feet along an existing, long-standing fence line;  
 thence North 88°40'46" West 33.67 feet along an existing, long-standing fence line;  
 thence South 0°44'58" West 40.15 feet along an existing, long-standing fence line;  
 thence North 89°50'05" West 39.52 feet along an existing, long-standing fence line;  
 thence South 1°06'04" East 95.17 feet along an existing, long-standing fence line, and the extension thereof, to the North line of Utah Avenue;  
 thence North 89°48'00" West 77.52 feet, along said North line;  
 thence North 0°34'17" East 147.22 feet, along an existing, long-standing fence line, to the Southeast corner of said Lot 17;  
 thence North 0°03'51" East 149.50 feet along the East line of said Lot 17, to the Point of Beginning.

Parcel contains: 35,879 square feet, or 0.82 acres.

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



**COUNTY SURVEY DEPARTMENT APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE TOOELE COUNTY SURVEY DEPARTMENT.  
 RECORD OF SURVEY FILE # 2019-0042-01

TOOELE COUNTY SURVEY DIRECTOR

**COUNTY TREASURER APPROVAL**

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

TOOELE COUNTY TREASURER

**PLANNING COMMISSION APPROVAL**

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

CHAIRMAN TOOELE CITY PLANNING COMMISSION

**COUNTY HEALTH DEPARTMENT**

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

TOOELE COUNTY HEALTH DEPARTMENT

**CITY ATTORNEY**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

TOOELE CITY ATTORNEY

**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 together with easements as set forth hereafter to be known as:

### HUNTER MINOR SUBDIVISION

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

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

By: Kathryn Hunter

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF UTAH \_\_\_\_\_ J.S.S.  
 County of TOOELE

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

personally appeared before me, the undersigned Notary public, in and for said County of \_\_\_\_\_ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication, \_\_\_\_\_ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

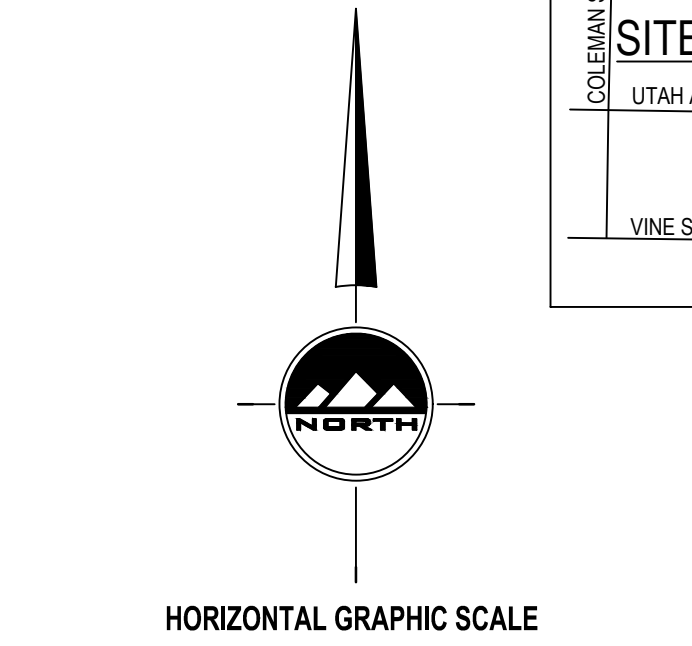
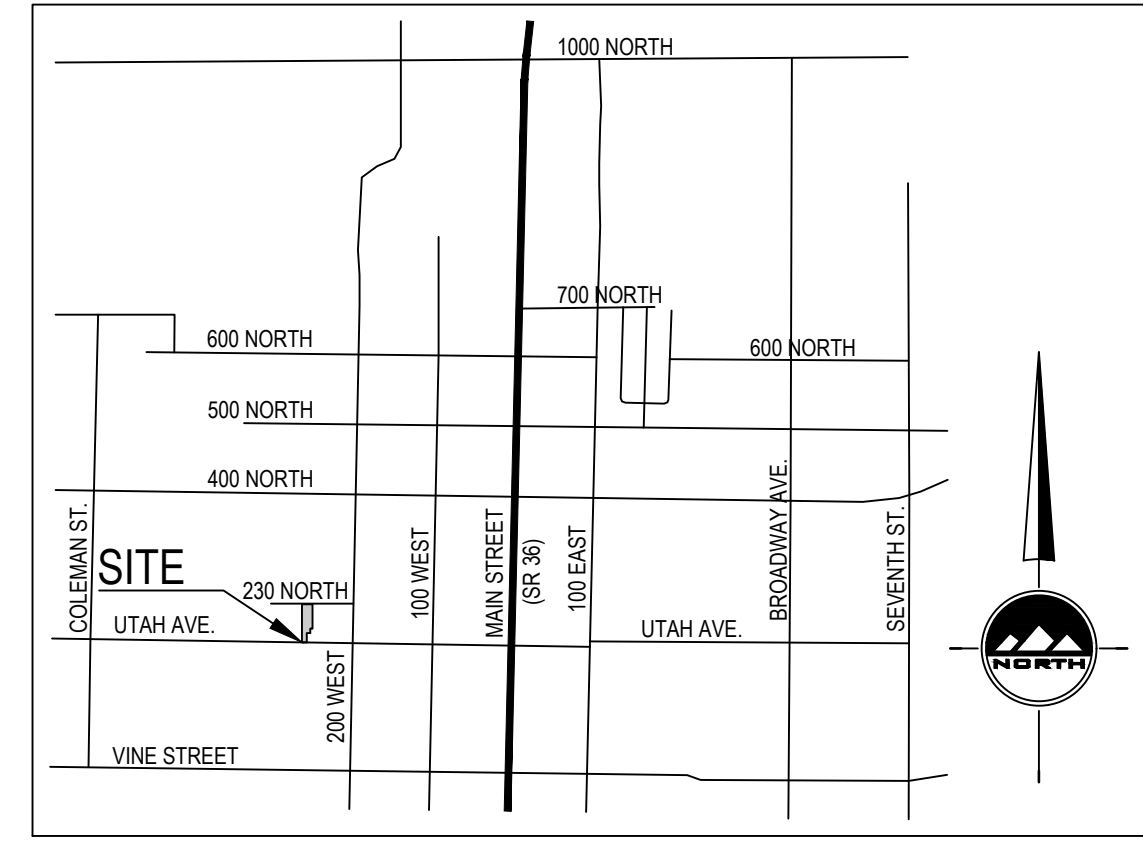
STATE OF UTAH \_\_\_\_\_ J.S.S.  
 County of TOOELE

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

personally appeared before me, the undersigned Notary Public, in and for said County of \_\_\_\_\_ in the State 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 Limited Liability Company executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.



- LEGEND**
- SECTION CORNER
  - EXISTING STREET MONUMENT
  - PROPOSED STREET MONUMENT
  - SET 5/8" x 24 REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
  - PUE = PUBLIC UTILITY EASEMENT
  - BOUNDARY LINE
  - CENTER LINE
  - EASEMENTS

DEVELOPER  
**KATHY HUNTER**  
 240 WEST UTAH AVE.  
 TOOELE, UT 84074  
**KATHY HUNTER**  
 435-849-2793

**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 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\_\_\_\_ BY \_\_\_\_\_

DOMINION ENERGY TITLE - \_\_\_\_\_

**COMMUNITY DEVELOPMENT**

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

TOOELE CITY COMMUNITY DEVELOPMENT

**CITY ENGINEER**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

TOOELE CITY ENGINEER

**ROCKY MOUNTAIN POWER COMPANY**

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

2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(U) 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 - \_\_\_\_\_

**CITY COUNCIL**

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

ATTEST: CITY RECORDER

# FINAL PLAT

## HUNTER MINOR SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH

**ENSGN**

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

SALT LAKE CITY  
 Phone: 801.265.0329  
 LAYTON  
 Phone: 801.541.1100

CEDAR CITY  
 Phone: 435.862.9453

RICHFIELD  
 Phone: 435.886.2983

**SHEET 1 OF 1**

PROJECT NUMBER: T1504A  
 MANAGER: J. KINSMAN  
 DRAWN BY: C. CARPENTER  
 CHECKED BY: D. BISHOP  
 DATE: 2019-08-01

**TOOELE COUNTY RECORDER**

RECORDED # \_\_\_\_\_

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE

REQUEST OF: \_\_\_\_\_

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

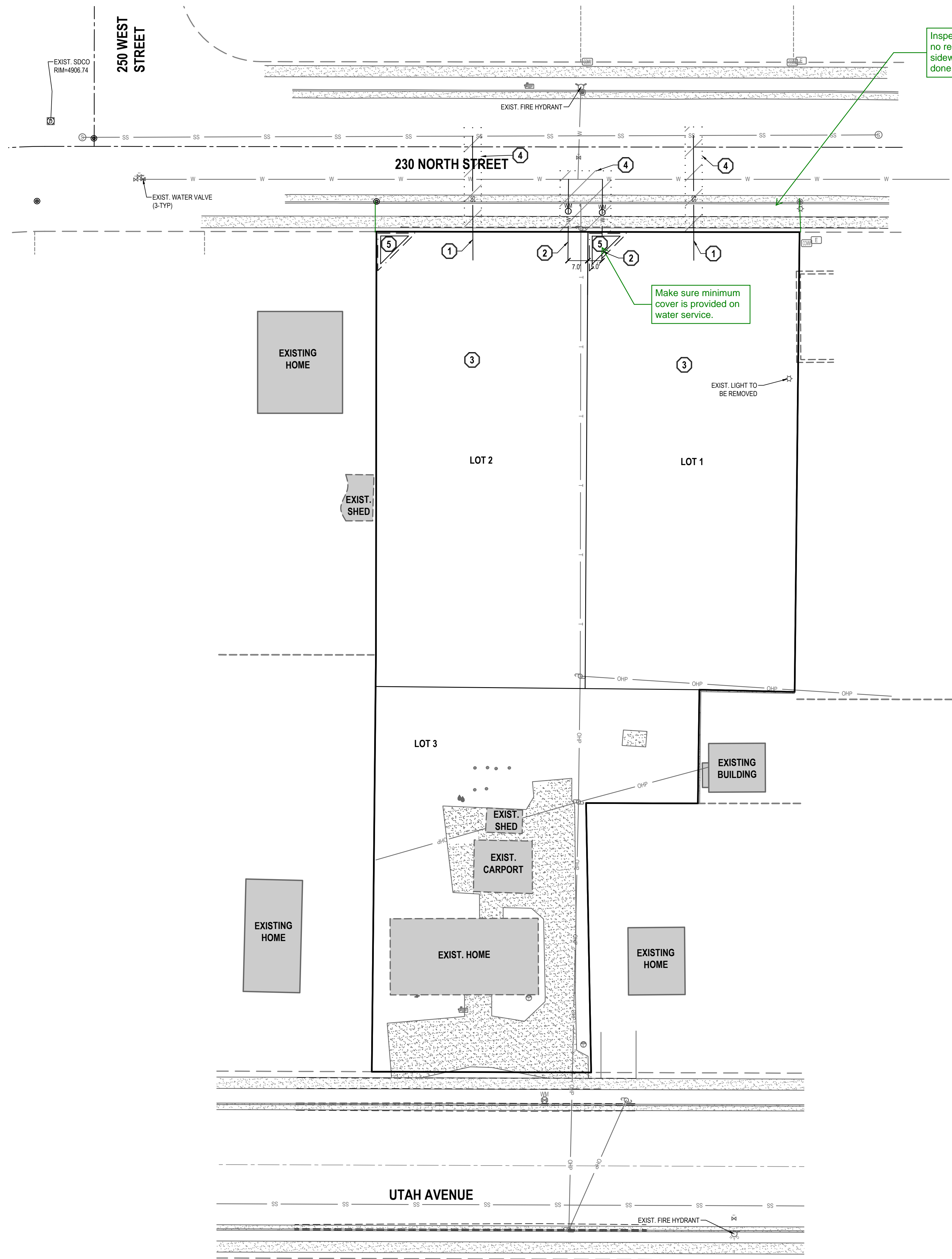
FEE \$ \_\_\_\_\_

TOOELE COUNTY RECORDER





**BENCHMARK**  
 NORTHWEST QUARTER OF SECTION 38,  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SLB&M,  
 TOOELE CITY, TOOELE COUNTY, UTAH.  
 ELEV = 4812.13'



Inspectors to verify no repairs to sidewalk need to be done.

Make sure minimum cover is provided on water service.

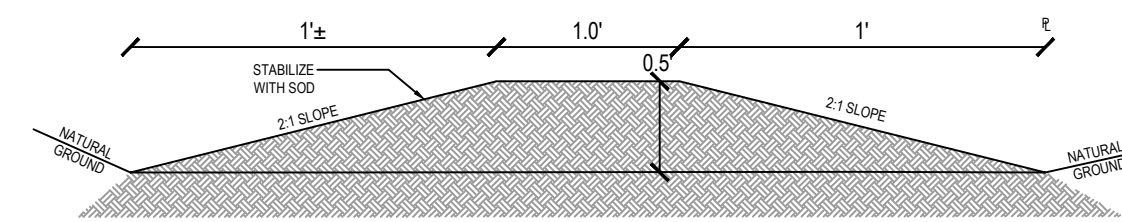
**GENERAL NOTES**

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
3. ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER TOOELE CITY STANDARD PLANS AND SPECIFICATIONS.
4. ALL WATER INFRASTRUCTURE TO BE INSTALLED PER TOOELE CITY OR APWA STANDARD PLANS AND SPECIFICATIONS.
5. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.
6. DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
7. PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
8. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
9. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

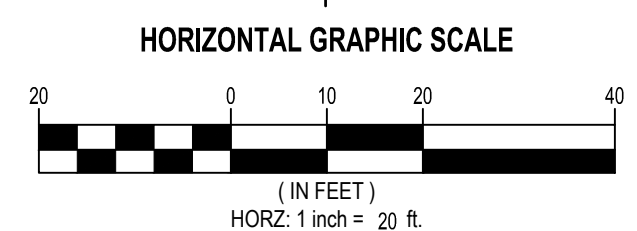
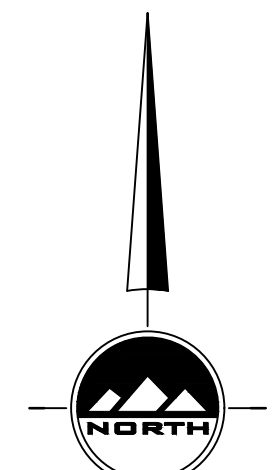
**SCOPE OF WORK:**

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. INSTALL 4" SANITARY SEWER SERVICE LATERAL @ 2.0% MINIMUM SLOPE PER APWA PLAN NO. 431, TYPICAL.
2. INSTALL 1" CULINARY WATER SERVICE AND METER TO TOOELE CITY STANDARDS, TYPICAL. SEE SHEET C-200.
3. STORM DRAIN RUN OFF TO BE CONTAINED ON INDIVIDUAL LOTS THROUGH GRADING.
4. SAW CUT, REMOVE AND PROPERLY DISPOSE OF EXISTING ASPHALT PAVEMENT, CONCRETE CURB AND GUTTER, AND CONCRETE SIDEWALK.
5. INSTALL RETENTION BERM SEE DETAIL ON THIS SHEET.



5 EARTH BERM SCALE: NONE



**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: 435.865.1453

**RICHFIELD**  
 Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
 KATHY HUNTER  
 240 WEST UTAH AVE  
 TOOELE, UT

CONTACT:  
 KATHY HUNTER  
 PHONE: 435-849-2793

**HUNTER MINOR SUBDIVISION**  
**FINAL DESIGN**  
 240 WEST UTAH AVENUE  
 TOOELE, UTAH 84074

For Review  
 08/01/2019 10:57:36 AM

**SITE PLAN /  
 UTILITY PLAN**

PROJECT NUMBER: T1504A  
 PRINT DATE: 8/1/19  
 DRAWN BY: C. CARPENTER  
 CHECKED BY: C. CHILD  
 PROJECT MANAGER: D. KINSMAN

**C-100**

Tooele City Corporation  
Planning Commission Bylaws and Rules of Procedure

I. Organization

- A. Election of Officers.** The Planning Commission, at its ~~first~~ *last* regular meeting ~~in January~~ of each year, shall elect a Chairperson (Chair) and Vice Chairperson (Vice Chair) for the next calendar year. No member shall serve more than two consecutive terms as Chairperson. Alternate Planning Commissioners shall not be eligible for election as the Chair or Vice Chair.
- B. The Chair to Preside at Commission Meetings.** The Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.
- C. Duties of the Chair.**
1. To call the Commission to order on the day and the hour scheduled and proceed with the order of business.
  2. To announce the business before the Commission in the order in which it is to be acted upon.
  3. To receive all motions and propositions presented by the members of the Commission.
  4. To put to vote all actions which are properly moved, or which necessarily arise in the course of proceedings, and to announce the results of motions.
  5. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice.
  6. To authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission.
  7. To maintain order and decorum at the meetings of the Commission.
  8. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.
  9. Recognize speakers and Commissioners prior to receiving comments and presentations.
  10. To declare adjournment of meetings.
- D. Duties of the Vice Chair.** The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of the Chair.
- E. Temporary Chair.** In the event of the absence or the disability of both the Chair and the Vice Chair, the Chair, the Vice Chair and/or the remaining Commission shall appoint another Planning Commission member to serve as Chair until the Chair or Vice Chair returns. The appointment of a Temporary Chair shall be made during the public meeting by motion and sustaining vote of a majority of the Commission. In such event, the temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission. Upon their return, the Chair or Vice Chair shall take over the meeting as the Chair of the Planning Commission.

II. Rights and Duties of Members

- A. Ethics.** The Planning Commission shall utilize and comply with the Utah Municipal Officers' and Employees' Ethics Act in the Utah State Code.
- B. Duties of the Alternates.** Alternates ~~will perform all the duties and functions of a regular Planning Commissioner, except that he or she cannot serve as Chair and~~ shall attend all

Commission meetings unless duly excused. Alternates shall take the place of a regular Commissioner in the event that a regular Commissioner is not present at a meeting. In the absence of a regular Commissioner, the Alternate to replace that regular Commissioner shall first be the Alternate appointed in the same manner, i.e. a Mayor's appointed Alternate to replace a Mayor's appointed regular Commissioner, followed by an Alternate appointed in a different manner, i.e. a City Council appointed Alternate to replace a Mayor's appointed regular Commissioner. Alternates shall perform the duties and functions of a regular Commissioner when sitting as a replacement for a regular Commissioner. In the event that a regular Commissioner arrives after the start of the meeting where an Alternate has been recognized by the Chair as replacing the regular Commissioner, the regular Commissioner shall assume their seat on the Commission at the beginning of the next agenda item.

- C. Meeting Attendance.** Every member of the Commission shall attend the sessions of the Commission unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the Community Development Department. The City Planner shall inform the Chair of the absences. Members present at any meeting of the Commission shall act in the capacity of a Commissioner with Alternates serving in the place of excused or absent Commissioners.
- D. Term of Office and Vacancy.** Article 5 of Tooele City Charter states that "The terms of office of the appointive members of the Planning and the manner of filling vacancies occurring during a term shall be prescribed by Ordinance of the Council," see Section 2-3-3 of the Tooele City Code.
- E. Conflict of Interest.** A Planning Commission member may declare a conflict of interest regarding specific agenda items. Members of the Planning Commission who feel they or any other member of the Commission may have an actual or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the conflict to the Commission in the public meeting. The Commission may then vote to decide whether a disqualification is justified. After being disqualified, a Planning Commission member shall not participate in the discussion and vote of that matter, nor attempt to use his/her influence with other Commissioners either before, during, or after the meeting. Below are some guidelines for conduct:
1. There may be a conflict of interest if there are personal, familial, or financial ties between a Planning Commissioner and a proponent/opponent of any item of business, or as otherwise determined under the Tooele City Code or Utah State law.
  2. A Planning Commissioner may not appear before the Commission through his/her employment as an advocate or agent for an applicant.
  3. A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence Planning Commission decisions.
  4. A Planning Commissioner must not use the power of office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.
- F. Abstention.** Any Commissioner abstaining from a vote shall declare their abstention prior to discussion and consideration of the item and is strongly encouraged to step away from the Commission during the review and voting on the item but may remain seated at the table during the discussion. Reasons for abstention must be stated at the time of the abstention. The Chair may request any Commission who has declared their abstention but desired to remain seated to step away from the Commission during that agenda item if the Chair determines it necessary to maintain the fundamental fairness of the Commission's

review. An abstention shall not be cause for the abstaining Commissioner to be replaced with an alternate Commissioner.

- G. Explaining the Vote.** Any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so following recognition from the Chair. Explanations shall only be allowed following completion of the voting process for the item on which the explanation is desired.
- GH. Meeting Schedule.** All meetings of the Planning Commission shall be held in compliance with Utah's Open and Public Meeting Law. Regular meetings of the Planning Commission shall be held bimonthly on the second and fourth Wednesdays of the month or at times and dates determined by the Planning Commission. The Planning Commission, at its last regular meeting of each year, shall adopt a schedule for regular meetings, including the specific dates of those meetings, for the next calendar year. Special meetings of the Planning Commission may be called by, or at the request of, the Chair or any three Planning Commission members upon giving the same notice as is required for regular meetings. When, because of unforeseen circumstances, it is necessary for the Planning Commission to hold an emergency meeting to consider matters of an emergency or urgent nature, the Commission shall provide the best notice practicable. No such emergency meeting of the Planning Commission shall be held unless an attempt has been made to notify all of its members and a majority of the Commission agrees to hold the meeting.
- H/. Reconsideration of Commission Decisions.** The Planning Commission may reconsider any of its decisions upon the petition of an interested party affected entity to the item upon which the decision was made. An interested party affected entity must, within 30 days of the Planning Commission decision, submit a written petition for reconsideration to the Planning Commission. The petition must identify the decision of the Planning Commission that the request relates to and state the basis of said request. The request, if timely filed, shall be placed on the next available Planning Commission agenda. Prior to a reconsideration, the Planning Commission must vote in a public meeting in the affirmative to reconsider its previous decision. After the Planning Commission has voted to reconsider an item, it may reverse, amend, or uphold its prior decision.
- I/. Agenda Preparation.** Generally, the deadline for requesting placement of an application on any Planning Commission agenda shall be at 5:00 p.m., fifteen days prior to the Planning Commission meetings, to allow appropriate time for notification and staff review. The Planning Commission Chair however, may place an item on any agenda, provided there is sufficient time left to comply with the Utah Open and Public Meetings Act. Requests by the applicant for continuance of matters scheduled for a particular agenda item shall be filed with the Community Development Department by noon of the day of the Planning Commission meeting.
- JK. Quorum and Voting.** Four members of the Commission shall constitute a quorum for the transaction of business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from a vote, however, shall count toward consideration of a quorum. Except as otherwise specifically provided in these Bylaws and Rules of Procedure, a majority vote of the Commission, minimum four concurring votes, shall be required and shall be sufficient to transact any business before the Commission. If less than a quorum is present at a meeting, said meeting shall be canceled or rescheduled with appropriate notices given. Where no quorum is present because of a disqualification on a given agenda item, the Commission shall move to the next agenda item. Planning Commission members may not vote by proxy at any meeting of the Planning Commission. At the conclusion of any vote of

the Commission, the Chair shall declare the result of the vote including:

1. Whether the motion passed or failed;
2. The number of sustaining votes;
3. The number of dissenting votes; and
4. The disposition of the item, i.e. the item is approved, the item is now forwarded to the City Council for review, etc. Following the conclusion of voting, the Chair may request assistance from staff in clarifying or verifying the result, vote counts, or disposition of the item.

L. **Changing a Vote.** No Commissioner shall be permitted to change his/her vote after the decision is announced by the Chair, except when properly reconsidering an item.

**III. Rules of Procedure.** The Planning Commission shall conduct its proceedings consistent with the provisions of Utah law relating to cities. The Chair of the Planning Commission shall rule on all matters of procedure with fundamental fairness. The Chair may be reversed on matters of procedure by majority vote of the non-disqualified Planning Commission members present. Any formal action of the Planning Commission shall be initiated by a motion and shall be seconded prior to a vote. Voting shall be by verbal vote and the Chair shall vote last.

**A. Procedure– Order of Business.**

1. Order of Consideration of Items: The following procedure will normally be observed, however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business. Items e through h pertain to the public hearing portion of the Planning Commission Meeting.
  - a. Item introduction by Chair.
  - b. Staff presentation and recommendation.
  - c. ~~The Planning Commission may ask~~ questions ~~regarding the~~ for the staff presentation and report.
  - d. Applicant presentation ~~of proposal~~.
  - e. Opening of the public hearing, as necessary and noticed.
  - f. ~~Opponents/Proponents~~ Public comments. Members of the public wishing to speak shall be allowed a reasonable opportunity to do so during an open public hearing. Once a member of public has utilized their opportunity to speak, that member should not be allowed to comment again or offer rebuttal to other comments later during the public hearing or after the public hearing is declared closed by the Chair. During public hearings, Commissioners shall listen and refrain responding to public comment, but may request of the Chair to ask a question of a speaker for the sole purpose of clarification of points raised by the speaker. The Chair may interrupt or discontinue a speaker's testimony during a public hearing if their testimony becomes repetitive, disruptive, disrespectful, inflammatory, is contrary to the decorum of the hearing, or lingers beyond reasonable opportunity to provide comment. Once a public hearing is declared closed by the Chair, it shall not be reopened for further comment without a sustaining vote of the Commission.
  - g. Public hearing closed by the Chair.
  - h. Applicant response to the comments presented during the public hearing.
  - i. Planning Commission discussion. The Planning Commission may discuss and deliberate the facts ~~of~~ relevant to the consideration of the application item in preparation for rendering a decision. If additional information is desired, the public hearing portion of the item may be reopened by a

majority vote. The Commission may also ask questions directly to the applicant; or staff; ~~or a member of the public~~ who spoke during the public hearing but doing so shall not be deemed a continuation or reopening of a public hearing.

j. Planning Commission motions ~~vote~~. When Planning Commission discussion has concluded, or otherwise at the discretion of the Chair, the Chair shall call for a motion. The Chair should outline possible actions of approval, denial, continuation, or approval with conditions. Once a motion has been offered there shall be no discussion of the item until after a second has been offered except to request a clarification of the motion offered.

k. Planning Commission discussion. Following a motion and second, the Planning Commission's discussion should be narrowly tailored towards the intent of the motion and the potential impacts or merits for or against that motion.

l. Planning Commission voting. Following the conclusion of discussion, the Chair shall call for a vote of the Commission. Once the first vote has been made there shall be not further discussion or comment allowed until the vote of the Commission has completed.

2. A ten minute recess should be taken every 90 minutes of public meetings or as directed by the Chair. Commissioners may request a recess to the Chair at any time. Recesses should only occur between agenda items unless an extenuating circumstance is determined by the Chair.

~~3. Written comments pertaining to agenda items shall be submitted to the Community Development Department by noon, seven days in advance of the Commission Meeting date.~~

**B. Field Trips.** Planning Commissioners are strongly encouraged to individually visit the site of each item for consideration on an agenda prior to the meeting. On those occasions when the Planning Commission Chair determines a site visit by the Commission collectively ~~inspections are deemed advisable~~ is needed, field trips shall be held prior to the Planning Commission meeting. The time and location of the field trip shall be posted on the agenda. Such field trips shall consist of Commissioners and staff meeting at a designated location(s), travelling individually. ~~Only Planning Commission members and pertinent staff shall be allowed to attend the field trip in the City owned vehicles.~~ The public shall be allowed at the sites of the field trip but shall not be permitted to provide comment during the field trip. Field trips shall be for the purpose of gathering information about the site, not for discussing decisions nor the merits or drawbacks of an application.

**C. ~~Procedure—~~ Motions; and Making Motions.** Any Planning Commissioner may make or second a motion.

1. Motions shall state findings for approval or denial within the motion.

2. Motions should include conditions of approval when appropriate. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.

3. The staff summary should be sufficient in detail to assist the Commission in stating findings.

4. Motions may be repeated for clarification at the request of any Commissioner.

5. Planning Commissioners may request legal advice from the City Attorney in the preparation, discussion, and deliberation of motions.

6. If a motion does not receive sufficient votes to pass, the motion fails and may not be renewed by the author.
- D. Second Required.** Each motion of the Commission must be seconded in order to be voted upon. A motion that fails to be seconded shall be deemed defeated and the agenda item shall be in need of a new motion.
- E. Withdrawing a Motion.** After a motion is stated, the motion shall be in the possession of the Chair but may be withdrawn by the author of the motion prior to the vote.
- F. Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter. ~~When ever possible~~ making a motion to table, the motion shall include a specific date or future Planning Commission meeting (date certain) to continue re-hearing the matter or one or more condition(s) (condition certain) to be completed prior to further review should be stated. Any item tabled for further Commission review for which a public hearing has been noticed, held, and declared closed by the Chair, shall not include further public hearing testimony during the continued review unless specifically requested as a part of the sustained motion to table.
- G. Amending Motions.** When a motion is pending before the Commission, any member may suggest an amendment, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by both the motion author and second in order for it to amend the stated motion. The author ~~and~~ or the second may choose not to accept the amendment.
- H. Amending Amendments to Motions.** An amendment to a motion may be amended, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by only the author and second of the original motion in order for it to amend the stated motion and amended motion. The author ~~and~~ or the second may choose not to accept the additional amendment.
- I. Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion. ~~Only the maker of the original motion may make a substitute motion. In the event a substitute motion receives a second, the substitute motion, at the appropriate time, shall be considered and voted on first. Should the substitute motion pass with an appropriate vote, that motion shall carry as the decision on the item and the original motion is considered dead and not voted upon. Should the substitute motion not pass with an appropriate vote, the substitute motion fails and the original motion is then considered and voted upon.~~
- J. To Reconsider a Motion.** To recall a previous item for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. Motions to reconsider an item may be made any time during a properly noticed Planning Commission meeting prior to consideration of the item by another reviewing body, such as in the event of a recommendation to the City Council. The motion to reconsider must pass with a majority vote of those Commissioners who voted to sustain the original motion. In the event that a motion to reconsider an item is successful, the item shall be re-noticed in the same manner as required for the original consideration and brought back for further Planning Commission review at a future meeting. When the original consideration of the item required a public hearing, an additional public hearing shall not be required as a part of the reconsideration. ~~If it is determined that the original motion should stand as previously approved, no formal vote is necessary. If the original motion is to be amended or voided, a new motion shall be put to a formal vote of the Commission. Motions to reconsider a previous item must take place during the same meeting the original motion was made.~~

- K. **Motion to Recess.** A motion may be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made. If the Chair accepts the motion to break, the Chair may declare the meeting recessed without the need for a second. No motion to reconvene shall be necessary. The Chair need only declare the meeting reconvened.
- L. **Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each Planning Commission meeting. No second is required to the motion to adjourn. The Chair need only declare the meeting adjourned.

IV. **Procedures—Decorum and Debate.**

- A. **Duties of the Chair.** *The Chair, acting as the presiding officer of the Planning Commission, shall have the responsibility of maintaining the decorum of the Commission and the general public during Commission meetings.*
- B. **General Rules of Decorum.** *All members of the Planning Commission shall be responsible for ensuring their own decorum throughout Commission meetings and at any time they are recognized or identified as a member of the Planning Commission outside of meetings. As general rules of decorum for Commissioners:*
  - 1. *Commissioners shall address the Chair with recognition to their role, i.e. “Mister Chair”, “Madam Chair”, etc.*
  - 2. *Commissioners shall refrain from speaking until recognized by the Chair unless:*
    - a. *Responding to a question addressed specifically to them; or*
    - b. *Responding to an response provided to their specific question.*
  - 3. *Commissioners shall request to the Chair the opportunity to speak during review of agenda items. If more than one Commissioner requests the opportunity to speak at the same time, it is the Chair’s discretion as to who speaks first and in what order.*
  - 4. *Commissioners shall refer to any other Commissioner, staff member, or member of the public only in a respectful manner. Commissioners, when addressing or referencing another Commissioner other than the Chair, shall do so in a professional manner and refrain from doing so through the use of common names, i.e. “Commissioner Doe” rather than “John” or “Jane”, etc.*
  - 5. *All discussion on any agenda item shall be confined to the facts of the application and remain germane to the application and avoid reference to other applications. When application review where the Commission has discretion under the law, Commissioners shall confine discussion and actions to the benefit or impact of the application on the community rather than individual opinions or feelings of one or more Commissioners.*
  - 6. *At no time shall a Commissioner be permitted to make personal attacks or question the motives of a member of the general public, applicants, staff members, or other Commissioners. The application, not the individuals is the issue under consideration.*
  - 7. *Commissioners may call upon subject matter experts during discussion and debate, be they staff members experts for the applicant, or experts representing third parties in their official capacity, to answer questions before voting. Questions shall remain germane to the topic and seek clarifications or supporting information that provides clarification. Commissioners may also read from or make reference to published reports or documentation only by providing the specific citation to the report or documentation for the official record. A point of order should be raised if the Chair or a Commissioner feels the questioning of an*



expert or reference of reports or documentation becomes an abuse of the privilege to question, is not germane to the pending application, becomes repetitive or dilatory, serve little purpose to the issue at hand, irrelevant, or if there is question as to the expert's role as an appropriate expert to be questioned.

**B. ~~Procedures—Voting.~~**

- ~~1. Changing a Vote. No Commissioner shall be permitted to change his/her vote after the decision is announced by the Chair, except when properly reconsidering an item.~~
- ~~2. Conflict of Interest Disqualification. See Section II.E of these Bylaws and Rules of Procedure.~~
- ~~3. Abstention. Any Commissioner abstaining from a vote but may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention.~~

**C. Enforcement of Decorum.**

1. The Chair may interrupt a speaker or Commissioner at any time to inform them they are out of order in action, statement, or decorum and call them to order. Any determination by the Chair of being out of order are subject to an objection and sustaining vote of the Commission. Any Commissioner may request the Chair call another Commissioner to order, to be accompanied with a statement as to why it is believed the Commissioner is out of order. It shall be the Chair's discretion whether or not to determined the Commissioner is out of order.
2. Calling a Commissioner to Order. The Chair calling a Commissioner to order shall be considered a warning and may happen more than once at the discretion of the Chair. The Chair, in calling a Commissioner to order, shall make a statement such as "Commissioner Doe is out of order". Upon being called to order, it is the obligation of the Commissioner to return to order. In the event that a Commissioner does not come to order or the Chair has called the Commissioner previously and the Commissioner returns to disorder, the Chair may call for the Commissioner's removal.
3. Removal of a Commissioner. In the event that the Chair calls for the removal of a Commissioner due to disorder of decorum, the Commission shall immediately proceed to a vote on the removal prior to any further discussion or deliberation on the agenda item under consideration. A sustaining vote of the Commission, excluding the Commissioner under consideration for removal, shall be required for removal. In the event there are only four Commissioners present, a vote for removal shall require a unanimous vote of Commissioners present other than the Commissioner under consideration for removal.

**D. Decorum for Debate.** During discussion and debate on an agenda item Commissioners shall confine themselves to the specific case and facts in question and shall avoid personalities or points of personal opinion or feeling. During discussion and debate, Commissioners shall not offer a motion until the Chair has called for a motion or a Commissioner has requested of the Chair the ability to do so and has the Chair's consent. During debate, while the Chair is speaking or taking action on decorum, or the Commission is engaged in any voting, Commissioners shall not disturb the process by whispering, getting up from their seat, walking around, or in any other way.

**A.E. Interruptions and Questions.** No member of the Commission shall interrupt or question another member in discussion or debate without obtaining the Commissioner's consent, and to obtain such consent, shall first address the Chair.

**F. Dilatory Motions and Actions.** A motion is dilatory if it seeks to obstruct or thwart the will

or procedures of the Commission. Any main or other motion that is frivolous or absurd or that contains no rational proposition is dilatory and shall be introduced or recognized by the Chair. Whenever the Chair becomes convinced that one or more members are repeatedly using parliamentary forms for dilatory purposes, he/she should either not recognize these members or he should rule that such motions are out of order.

- CG.** **Removal for Inappropriate Behavior.** The Chair may, at their discretion or the suggestion of a member of the Commission, call for and require the immediate removal of one or more members of the public from a meeting of the Planning Commission upon determining that the individual or individuals are acting in a manner that is:
1. unruly, inappropriate, or disruptive to the conducting of the Commission's business;
  2. likely to continue without such removal; and
  3. necessary for the orderly proceeding of further Commission business.

**DH.** **Recess or Adjournment for Inappropriate Behavior.** The Chair may, at their discretion or at the suggestion or request of a member of the Commission, declare a recess or adjournment of a meeting as a means to curtail or control unruly, inappropriate, or disruptive behavior on the part of a member of the public, staff, or the Commission. In the case of adjournment, all remaining agenda items shall automatically be continued to the next regular Planning Commission meeting agenda, unless a special meeting is called.

**V. ~~Procedures~~– Suspension of Bylaws and Rules of Procedure.**

**A. Suspension or Alteration of Bylaws and Rules of Procedure.** No standing Bylaws and Rules of Procedure of the Commission shall be altered, amended, suspended, or rescinded without the sustaining vote ~~of a majority of all the members~~ of the Commission.

**B. Motions to Suspend.** Any voting member of the Commission may offer a motion to suspend the Bylaws and Rules of Procedure. Any motion to suspend the Bylaws and Rules of Procedure must include a rational basis for doing so that is necessary to maintain the fundamental fairness of the Commission's review and business.

**VI. Amendment of Procedure.**

**A. Amendments.** These Bylaws and Rules of Procedure may be amended at any meeting of the Commission after placement of a proposal to amend the Bylaws and Rules of Procedure on a regular Commission meeting agenda, consideration of the proposal during a public meeting, and upon a majority vote of all of the members of the Planning Commission in attendance, including alternates.

**B. Public Review.** The public shall have the opportunity to review and respond in writing to a proposal to amend the Bylaws and Rules of Procedure prior to adoption by the Planning Commission.

Approved his \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**TOOELE CITY CORPORATION PLANNING COMMISSION**

For

Against

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ATTEST:

APPROVED AS TO FORM:

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

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

SEAL

**Tooele City Planning Commission  
Business Meeting Minutes**

**Date:** Wednesday, April 13, 2022

**Time:** 7:00 p.m.

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

**Commission Members Present:**

Melanie Hammer  
Nathan Thomas  
Chris Sloan  
Tyson Hamilton  
Weston Jensen  
Paul Smith  
Melodi Gochis  
Alison Dunn

**Commission Members Excused:**

Matt Robinson

**City Council Members Present:**

Ed Hansen  
Maresa Manzione

**City Employees Present:**

Andrew Aagard, City Planner  
Jim Bolser, Community Development Director  
Darwin Cook, Parks and Recreation Director  
Paul Hansen, Tooele Engineer  
Jared Steward, Economic Development Coordinator

Minutes prepared by Katherin Yei

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

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Commissioner Sloan.

**2. Roll Call**

Melanie Hammer, Present  
Nathan Thomas, Present  
Chris Sloan, Present  
Tyson Hamilton, Present  
Weston Jensen, Present

Paul Smith, Present  
Melodi Gochis, Present  
Alison Dunn, Present  
Matt Robinson, Excused

**3. Recommendation on a City Code Text Amendment Request by Zenith Tooele, LLC to Revise the Terms of Section 7-11a-18 of the Tooele City Code Regarding Exterior Building Material Requirements for Multi-Family Residential Development. (Continued from December 8, 2021 and January 12, 2022 Planning Commission Meetings)**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented follow up information regarding the City Code text amendment. New Language has been presented for the change of Section 7-11a-18 of the Tooele City Code. In working with the applicant, the revisions are regarding the language. The staff only looked at if the wording is enforceable. The Planning Commission has filled the requirements of a public hearing.

The Planning Commission shared their concerns regarding the following:  
If the code was rewritten to be separate for multi-family, what is the definition of project plan?  
The mention to the direct impact of esthetics to the community, looking at the numbers, is less material that is currently being required.

Mr. Bolser addressed the Commission. The project plan is referring to an application for a specific project including multi-family development. This part of the City Code addresses exterior building materials. The proposal suggests to amend that language.

Mr. Aquirlow addressed the Commission. The problem with the wording the City had couldn't apply to the applicant because they don't truly have a front to the building, because their buildings are turned into the center of the property. They want the same of the entirety of the buildings. Another paragraph of the code will make it flexible for developers producing bigger areas at one time.

The Planning Commission shared additional concerns. The design element could cost the developers more; what is the percentage be to make them cohesive. The Commission would like to hear a recommendation from staff regarding the code change.

Mr. Aquirlow addressed the Commission. The extra cost is not a part of the discussion. It is about the architecture of the project and being cohesive throughout the development. They have two fronts and have entrances on both sides. The materials will be spread around the building and be cohesive throughout all their buildings.

**Commissioner Sloan motioned to table this item until the meeting on March 27<sup>th</sup>, specifically asking for a staff recommendation.** Chairman Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman

Dunn, “Aye,” Commissioner Hamilton, “Aye”, Commissioner Sloan, “Naye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

**4. Public Hearing and Recommendation on a Zoning Map Amendment Request by the Zenith Tooele, LLC to Re-assign the Zoning of 33.82 Acres Located Generally at Approximately 1200 North Franks Drive From the MR-16 Multi-Family Residential Zoning District to the MR-16 PUD Multi-Family Residential Zoning District.**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented a zoning map amendment for the Multi-Family area of Lexington Green projects. The current land use is high density residential. The existing zoning is MR-16. The proposed zoning does not change; a proposed PUD would be added, which allows for configuration changes. The remaining six lots in the area, have received development approval or have active applications with the City. The uses of the lots are locked in. The intent is to take the eight lots and assign a number of dwelling units. The application’s lot amounts in their private agreement will most likely match what the City can enforce. Notices were sent to the public. They did receive three emails from the following: Cristal Grave, Edward Midgley, and Ashley Grant.

The Planning Commission asked the following clarifying questions:

Are they allowed to build two-three story apartments?

Does a PUD require additional amenities?

Are the application requirements something the staff reviews and provides for the Commission?

Mr. Bolser addressed the Commissions questions. By allowing what they are proposing, each lot will be developed separately. They do not require any additional amenities. It is an odd request because a PUD is done in advance usually. PUD is often used for clustering to help preserve an area or provide more room for amenities. They did not require additional drawings since the project is not new and the other projects match this one.

Mr. Aquirlow addressed the Planning Commission. The density is MR-16 which is 16 units to the acre. They minus acreage of streets and left with 29 acres to develop. The way the code is read, if they apply 16 units per acre it becomes a problem to develop any mix of housing.

Commissioner Sloan opened the public hearing.

Brad Romney addressed the Commission regarding the aesthetics of having an apartment complex and property values will be decreased.

Tracy Warming shared her concerns about her property values and the density.

Cameron Banner is concerned with the privacy of their homes with the density.

Camila Brown addressed the concern of lower income housing and government subsidies housing on the community. Part of their HOA is going into the park located near their neighborhood and access should be addressed.

Rod Marcs concern is traffic.

Rachel Guzik shared her concern regarding the parks and on street parking with the additional density.

Valerie Royal addressed the Commission regarding the Parking with the apartments, especially overnight parking.

Mr. Aquirlow addressed the public and Planning Commission. This area will not have subsidized housing. Within the community, there is a dual structure HOA. The single-family pay for their share of the upkeep of the parks and the multi-family have a higher fee they have to pay to maintain their own amenities. Everyone that lives there pays into the HOA fund that helps upkeep the park. They are continuing to expand Franks Drive, hopefully helping mitigate traffic. They have met requirements of parking. In the master plan that the sellers could see, they are buying into a master plan housing community. They are only here to talk about a simple matter of adding PUD that allows adding the mix of housing without changing the zoning.

Adam Sapers has worked with developers and they took in consideration the neighborhood across the street with minimal impact.

Matt Smock shared the developers are trying to blend in with the single-family homes. The HOA is strict about parking and overnight parking. They have aligned themselves with a towing company. Their goal is to keep the streets cleaned.

Commissioner Sloan closed the public hearing.

Mr. Bolser addressed the Commission. It will come back, but only for a design review. Configuration is a staff decision.

Commissioner Sloan addressed the public's concerns regarding home value, referencing a study from the U of U.

**Commissioner Hamilton motion to forward a positive recommendation on a Zoning Map Amendment Request by the Zenith Tooele, LLC to Re-assign the Zoning of 33.82 Acres Located Generally at Approximately 1200 North Franks Drive From the MR-16 Multi-Family Residential Zoning District to the MR-16 PUD Multi-Family Residential Zoning District. Based on the conditions and findings in the staff report.** Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman Dunn, "Aye," Commissioner Hamilton, "Aye", Commissioner Sloan, "Aye", Commissioner Jensen, "Aye", and Commissioner Smith, "Naye". The motion passed.

Mr. Bolser addressed the public. The action is not the final action but a recommendation for the City Council.

Commissioner Hamilton was excused from the remainder of the meeting.

Commissioner Gochis was invited to join the Commission as a voting party.

**5. Public Hearing and Decision on a Conditional Use Permit Request by Christopher Child Representing Burt Brother's Tire and Service to Authorize the "Automobile Service and Repair" Use for 2.08 Acres Located at Approximately 400 East 2400 North in the GC General Commercial Zoning District.**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented a conditional use permit on the property located approximately 400 East 2400 North near Lidiards. The property is zoned GC, General Commercial. The applicant has provided a site plan for review only. The use involves a Burt Brother's Tire service and repair. With no detrimental impact to the roads or surrounding areas, staff is recommending approval with the findings in the staff report. Public notices have been sent out to owners within 200 feet.

Commissioner Sloan opened the public hearing. No one came forward. The public hearing was closed.

**Commissioner Hammer motion to approve the Conditional Use Permit by Christopher Child Representing Burt Brother's Tire and Service to Authorize the "Automobile Service and Repair" Use for 2.08 Acres Located at Approximately 400 East 2400 North in the GC General Commercial Zoning District based on the findings and conditions listed in the staff report.** Commissioner Thomas seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman Dunn, "Aye," Commissioner Gochis, "Aye", Commissioner Sloan, "Aye", Commissioner Jensen, "Aye", and Commissioner Smith, "Aye". The motion passed.

**6. Public Hearing and Decision on a Conditional Use Permit Request by Tier Drop Enterprises, LLC, to Authorize the "Warehouse" Use for 11.55 Acres Located at Approximately 1180 West Utah Avenue in the LI Light Industrial Zoning District**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented a conditional use permit for the property located approximately 1300 west. The zoning map shows it bares two zoning district, LI light Industrial and I, Industrial. The applicant would like to build a warehouse area for the trucking business for storage. The site plan demonstrates only a section is for warehouse area. Notices have been sent out to public within 200 feet.

The Planning Commission shared their concerns regarding the following:

A traffic study being provided, the entrances and exits for the warehouse, and not having specific details to make a proper decision.



Mr. Aagard addressed the Commission's concerns. The site plan application has not been submitted yet. There is property access from Utah Ave and Emerald Road with permission from the private lane owner. Tier Drop Enterprises is expanding and needs a place to store their trucks and trailers. The facility can be used for storage of exclusively uses and goods.

Commissioner Sloan opened the public hearing.

Susan Howard shared an observation about having to declare any hazardous material being hauled or stored.

Mr. Aagard stated if the applicant was going to store hazard material they would need a permit.

The public hearing was closed.

**Commissioner Sloan motion to approve the Conditional Use Permit Request by Tier Drop Enterprises, LLC, to Authorize the "Warehouse" Use for 11.55 Acres Located at Approximately 1180 West Utah Avenue in the LI Light Industrial Zoning District based on the findings and conditions listed in the staff report.** Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Thomas, "Aye", Chairman Dunn, "Aye," Commissioner Gochis, "Aye", Commissioner Sloan, "Aye", Commissioner Jensen, "Aye", and Commissioner Smith, "Naye". The motion passed.

**7. Public Hearing and Decision on a Conditional Use Permit Request by the Tooele City Redevelopment Agency to Authorize the "Contractor's Storage Yard" Use for 3 Acres Located at Approximately 385 South 1200 West in the IS Industrial Service Zoning District.**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented a Conditional Use Permit for contractor's storage yard near 385 South 1200 West. The property is zoned IS, Industrial Service. The applicant is asking for contractor's storage with 5-foot chain-link fence. The applicant's business does pump and discard waste water, but will be disposed at a different location. Notices have been sent out according to State and City law.

Commissioner Gochis shared her concerns about not having obstructive material within the fence.

Mr. Aagard addressed the Commission. The Commission does have the authority to attach a mitigation to an issue if they see fit.

Commissioner Sloan opened the public hearing. No one came forward. The public hearing was closed.

The Planning Commission discussed the pros and cons to having obstructive material in the chain-link fence.

Commissioner Jensen motion to approve the Conditional Use Permit Request by the Tooele City Redevelopment Agency to Authorize the “Contractor’s Storage Yard” Use for 3 Acres Located at Approximately 385 South 1200 West in the IS Industrial Service Zoning District based on the findings and conditions listed in the staff report. Commissioner Dunn seconded the motion.

Commissioner Gochis made a motion to approve the Conditional Use Permit Request by the Tooele City Redevelopment Agency to Authorize the “Contractor’s Storage Yard” Use for 3 Acres Located at Approximately 385 South 1200 West in the IS Industrial Service Zoning District with the condition of adding obstructive material to all four sides of the surrounding fence. Commissioner Smith seconded.

Mr. Johnson clarified that only the maker of the original motion can change the motion.

The Planning Commission discussed the bylaws on making a substitute motion and how to vote.

**Commissioner Gochis motion to approve the Conditional Use Permit Request by the Tooele City Redevelopment Agency to Authorize the “Contractor’s Storage Yard” Use for 3 Acres Located at Approximately 385 South 1200 West in the IS Industrial Service Zoning District with the condition of adding obstructive material to all four sides of the surrounding fence.** Commissioner Smith seconded the motion. The vote was as follows: Commissioner Hammer, “Naye”, Commissioner Thomas, “Naye”, Chairman Dunn, “Naye,” Commissioner Gochis, “Aye”, Commissioner Sloan, “Naye”, Commissioner Jensen, “Naye”, and Commissioner Smith, “Aye”. The motion did not pass.

**Commissioner Jensen motion to approve the Conditional Use Permit Request by the Tooele City Redevelopment Agency to Authorize the “Contractor’s Storage Yard” Use for 3 Acres Located at Approximately 385 South 1200 West in the IS Industrial Service Zoning District based on the findings and conditions listed in the staff report.** Commissioner Dunn seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Chairman Dunn, “Aye,” Commissioner Gochis, “Naye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Naye”. The motion passed.

**8. Recommendation on the Bryant Subdivision Preliminary Plan Request by Clint Bryant to Create a New 1.00 Acre Platted Lot at Approximately 426 North Coleman Street in the RR-1 Residential Zoning District.**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented a preliminary subdivision plan for the Bryant Subdivision. There are currently agricultural structures on the lot. The property is zoned RR-1. The applicant is proposing to subdivide into one-acre lots. The one-acre lot meets and exceeds lot width and lot size. There are existing buildings on site that would be non-conformities that would not be approved. Those buildings will be removed and ten feet of right away will be added. Along with

sidewalk and gutter, Staff is recommending approval of the plan with conditions listed in the staff report.

**Commissioner Hammer motion to forward a positive recommendation on the Bryant Subdivision Preliminary Plan Request by Clint Bryant to Create a New 1.00 Acre Platted Lot at Approximately 426 North Coleman Street in the RR-1 Residential Zoning District based on the findings and conditions listed in the staff report.** Commissioner Dunn seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Chairman Dunn, “Aye,” Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

### **9. City Council Reports**

Council Member Manzione presented a brief overview of the City Council’s meeting. They approved the rezone classification on the 900 south main street development with the conditions they put a fence along the highway and a trail within the development. They approved the Ordinance for the setback. They updated and adopted a culinary impact fee plan. They received results for the Fire Study that was reviewed during the work meeting.

### **10. Review and Approval of Planning Commission Minutes for the Meeting Held on March 23, 2022**

No changes to the minutes.

**Commissioner Jensen motion to approve the Planning Commission minutes from March 23, 2022.** Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Thomas, “Aye”, Chairman Dunn, “Aye,” Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

### **11. Planning Commission Training on the Planning Commission Bylaws.**

Mr. Bolser presented training and review on the Planning Commission bylaws.

### **12. Adjourn**

Vice-Chairman Sloan adjourned the meeting at 10:00 p.m.

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

Approved this \_\_\_\_ day of April, 2022

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Matt Robinson, Tooele City Planning Commission Chair