

## **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, May 11, 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 the Proposed Prosperity at Overlake Phase 2 Subdivision Preliminary Plan by Howard Schmidt to Subdivide Approximately 14.11 Acres into 56 Lots Located at Approximately 1280 North Berra Boulevard in the R1-7 Residential Zone.
4. **Recommendation** on the Proposed 400 East Commercial Subdivision Preliminary Plan by Steve Evans Representing MEH Real Estate, LLC, to Subdivide Approximately 19.40 Acres into 9 Lots Located at Approximately 2100 North 400 East in the IS Industrial Service Zone.
5. **Decision** on Planning Commission Resolution 2022-01 A Resolution of the Tooele City Planning Commission Amending the Planning Commission Bylaws and Rules of Procedure.
6. **City Council Reports**
7. **Review and Approval** of Planning Commission Minutes for the Meeting Held on April 27, 2022.
8. **Planning Commission Training** for an Update from the 2022 General Legislative Session.
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.

**STAFF REPORT**

May 4, 2022

**To:** Tooele City Planning Commission  
Business Date: May 11, 2022

**From:** Planning Division  
Community Development Department

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

**Re: Prosperity at Overlake Phase 2 – Preliminary Subdivision Plan Request**

Application No.: P22-64  
Applicant: Howard Schmidt, representing Providence TA, LLC  
Project Location: Approximately 1280 N Berra Boulevard  
Zoning: R1-7 Residential Zone  
Acreage: Approximately 14.11 Acres (Approximately 614,649 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Subdivision Plan in the R1-7 Residential zone regarding the creation of 56 single-family residential lots.

**BACKGROUND**

This application is a request for approval of a Preliminary Subdivision Plan for approximately 14.11 acres located at approximately 1280 N Berra Boulevard. The property is currently zoned R1-7 Residential. The applicant is requesting that a Preliminary Subdivision Plan be approved to allow for the development of the currently vacant site as 56 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. Properties to the west are zoned P Overlake. Properties to the north are zoned R1-7 Residential. Properties to the east are zoned MR-16 Multi-Family Residential. Properties to the south are zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* This subdivision plan proposes to divide the 14 acre property into 55 single-family residential lots and 1 parcel that will be utilized for storm water management. The property is located between Berra Boulevard and the Union Pacific Rail Road Corridor and Drumore Subdivision to the north and Prosperity Phase 1 to the south. The lots range in size from 7,000 square feet up to 16,000 square feet. Each lot in the proposed subdivision meets or exceeds the R1-7 zoning requirements for lot size, lot width and lot frontages.

All roads within the subdivision will be dedicated public rights-of-way and will, after construction and acceptance by the City Council, become the responsibility of Tooele City to maintain. The subdivision will have multiple points of access from recently constructed stubs in the Drumore subdivision to the north and a connection to Prosperity Phase 1 subdivision to the south. The subdivision will also have two connections to Berra Boulevard at 1430 North and 1380 North. The new accesses will directly align with

the opposite existing points of access.

Parcel B will be dedicated to Tooele City and utilized as a storm water detention basin. The applicant will be landscaping the parcel with sod, will be installing an in-ground irrigation system and planting 8 Amur Maple trees around the perimeter of the basin, except where there is a sewer easement. The trees are kept out of the easement to prevent tree roots from penetrating the pipes below the surface.

Fencing. Many of the lots within the subdivision are adjacent to the rail road corridor. In order to maintain consistency with fencing that has been previously installed in Providence, Drumore and Prosperity Phase 1, the applicant will be installing an 8 foot solid masonry fencing along the rear property line of all lots adjacent to the corridor. Lots 217, 218 and 219 are adjacent to a proposed City culinary water well and storage reservoir. These lots will also have the 8 foot solid masonry fence installed along their rear property lines. The developer has agreed to install the fencing along these three lots in partnership with Tooele City and it's water project.

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

## **REVIEWS**

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

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Subdivision Plan by Howard Schmidt, representing Providence TA, LLC, application number P22-64, 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. All lots within the subdivision exceed the minimum requirements of the R1-7 Residential zone for lot size, lot width and lot frontages.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Prosperity at Overlake Phase 2 Preliminary Subdivision Plan Request by Howard Schmidt, representing Providence TA, LLC for the purpose of creating 55 single-family residential lots, application number P22-64, based on the findings and subject to the conditions listed in the Staff Report dated May 4, 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 Prosperity at Overlake Phase 2 Preliminary Subdivision Plan Request by Howard Schmidt, representing Providence TA, LLC for the purpose of creating 55 single-family residential lots, application number P22-64, based on the following findings:”

1. List findings...



EXHIBIT A

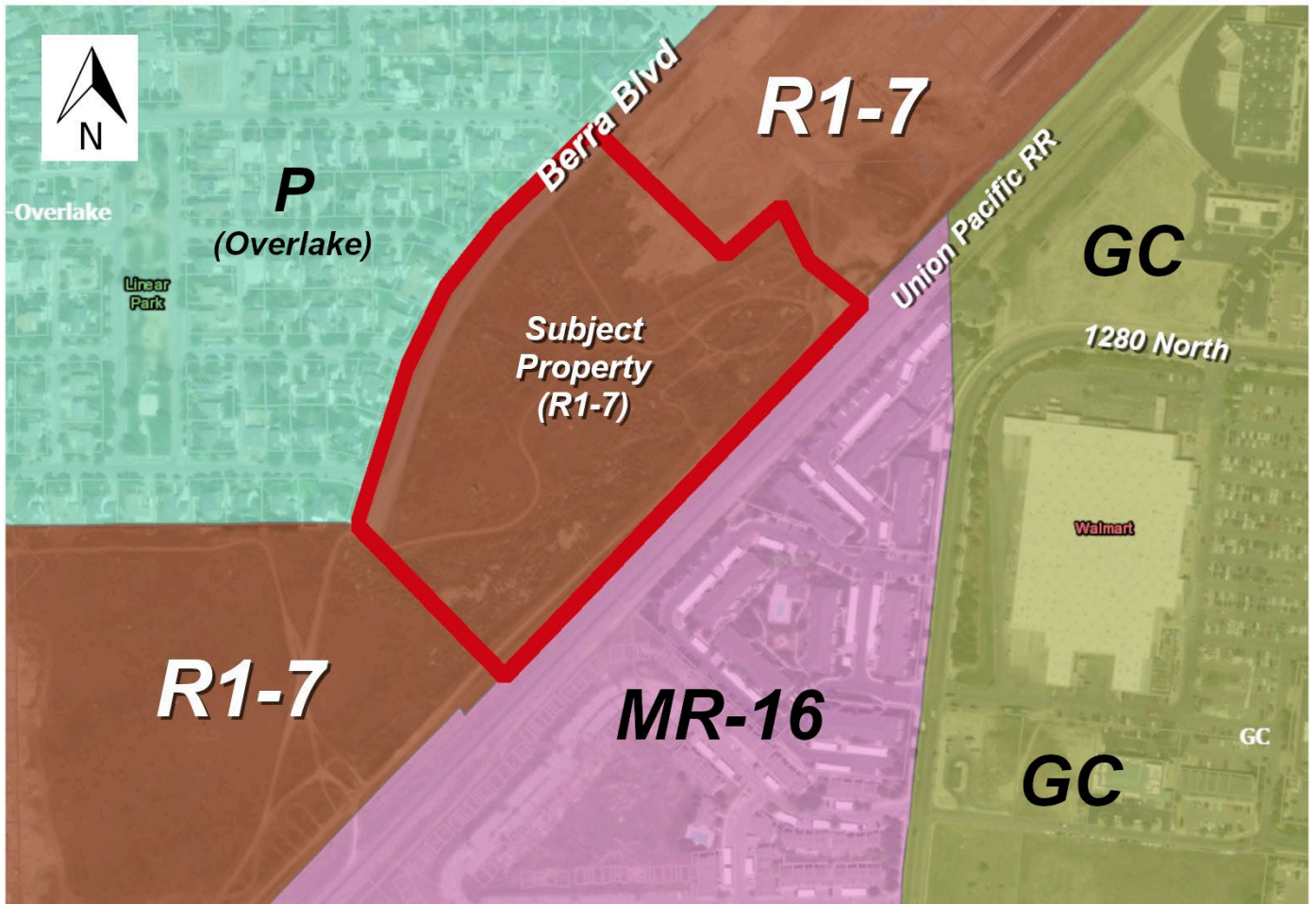
MAPPING PERTINENT TO THE PROSPERITY AT OVERLAKE PHASE 2  
PRELIMINARY SUBDIVISION PLAN

*Prosperity at Overlake Phase 2 Preliminary Subdivision Plan*



*Aerial View*

# Prosperity at Overlake Phase 2 Preliminary Subdivision Plan



Current Zoning

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**



# Subdivision - Preliminary Plan 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 preliminary plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of preliminary plans are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted preliminary plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of preliminary 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					
Date of Submission: 1-20-22	Submittal #: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone: A-7	Acres: 14.11	Parcel #(s):	
Project Name: Prosperity <del>Phase 2</del> at Overlake Phase 2					
Project Address: 1280 W/6 Berra Blvd Tooele UT 84074					
Project Description: Single family residential			Phases: 1	Lots: 55	
Property Owner(s): Providence TA LLC			Applicant(s): Same		
Address: PO Box 95410			Address:		
City: So Jordan	State: UT	Zip: 84095	City:	State:	Zip:
Phone: 801 859 9449	Email: howard@braemarco.com		Phone:	Email:	
Contact Person: Howard Schmidt			Address: PO Box 95410		
Phone: 801-859-9449			City: So Jordan	State: UT	Zip: 84095
Cellular:	Fax:	Email:			
Engineer & Company: Ensign			Surveyor & Company: Ensign		
Address: 169 No Main unit 1			Address: 169 No Main unit 1		
City: Tooele	State: UT	Zip: 840	City: Tooele	State: UT	Zip: 84
Phone: 435-843-3590	Email: schild@ensignutah.com		Phone:	Email:	

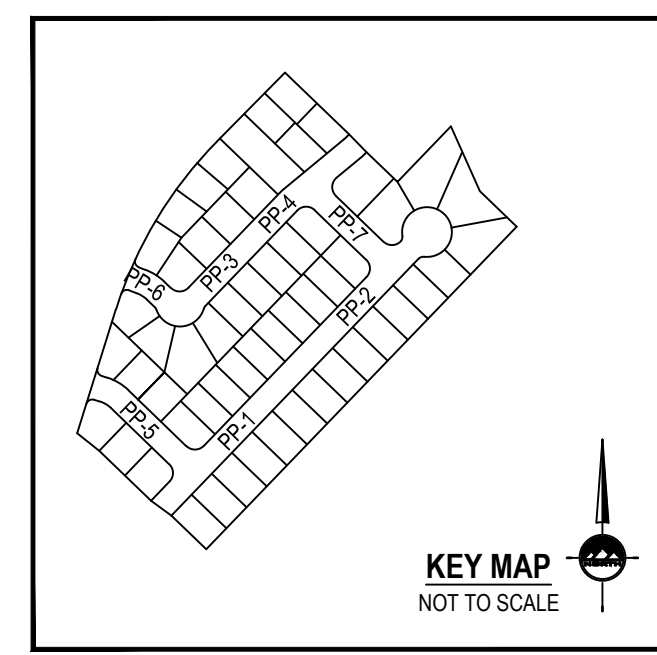
\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This 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:





**BENCHMARK**  
 SOUTHWEST CORNER OF SECTION 16, T3S,  
 R1W, SLSBM FOUND BY TOOELE COUNTY  
 SURVEYOR BRASS MON. W/ RING & LID, DATED  
 2009)  
 ELEVATION = 4787.08'



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

**ENSIGN**  
 THE STANDARD IN ENGINEERING

**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

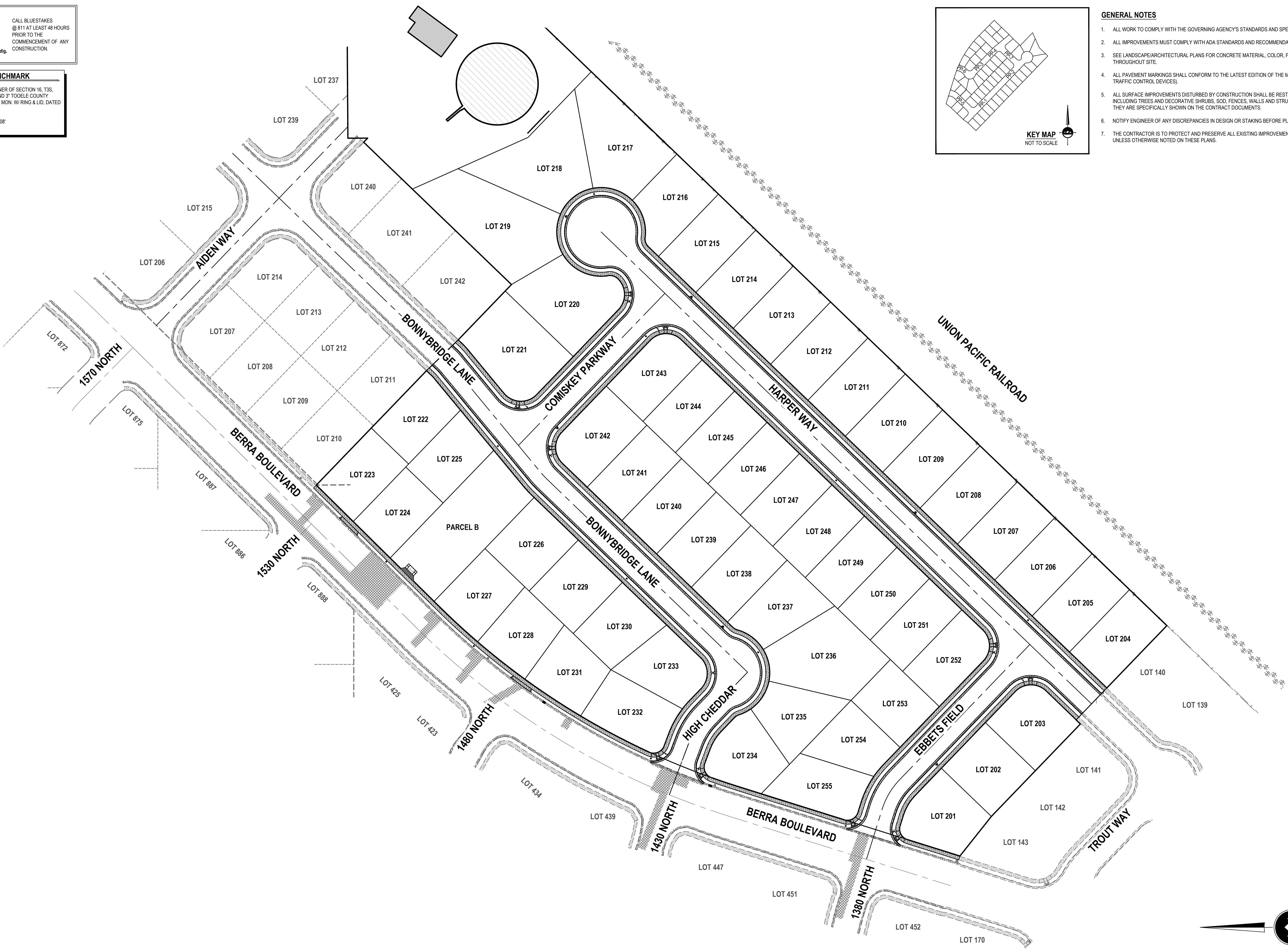
**CEDAR CITY**  
 Phone: 435.865.1453

**RICHFIELD**  
 Phone: 435.896.2983

**WWW.ENSIGNENG.COM**

FOR:  
 HOWARD SCHMIDT  
 PO BOX 95410  
 SOUTH JORDAN, UTAH 84095

CONTACT:  
 HOWARD SCHMIDT  
 PHONE: 801-859-9449

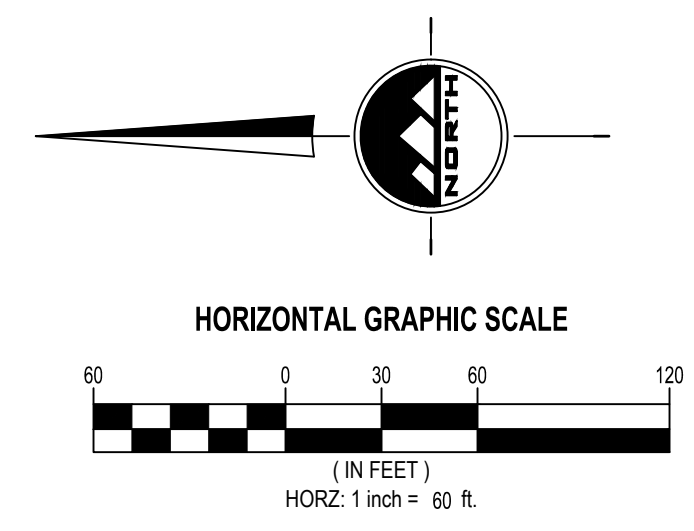


**PROSPERITY AT OVERLAKE**  
**PHASE 2 PRELIMINARY**  
 400 WEST AND 1000 NORTH  
 TOOELE, UTAH 84074

**For Review**  
 04/20/2022 1:04:41 PM

**OVERALL SITE PLAN**

PROJECT NUMBER: 8008C  
 PRINT DATE:  
 DRAWN BY: C. CHILD  
 CHECKED BY: J. CLEGG  
 PROJECT MANAGER: C. CHILD



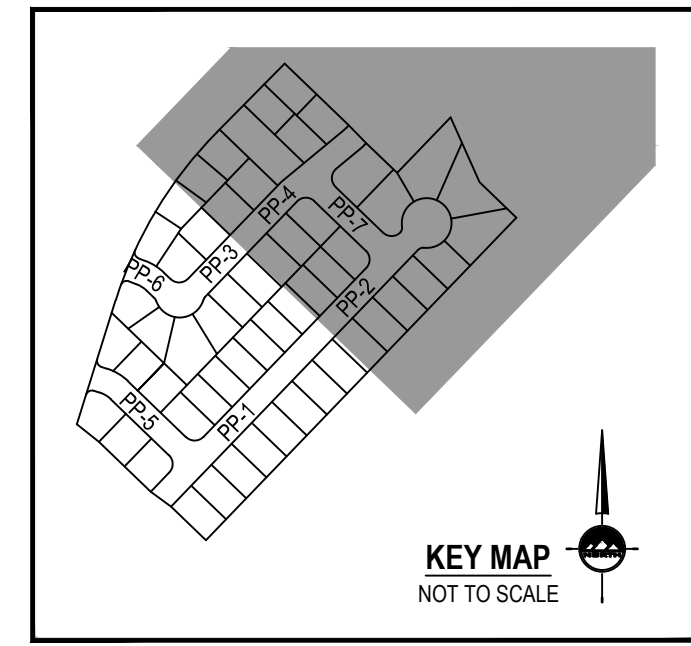
**C-100**



**811**  
Know what's below.  
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CALL BLUESTAKES  
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- SCOPE OF WORK:**  
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS.
- 1 ASPHALT PAVEMENT: 3" OR 5" THICK ASPHALTIC CONCRETE WITH 9" OR 10" UNTREATED BASE COURSE PER GEOTECHNICAL REPORT PER DETAIL 3 & 4C-500.
  - 2 6" THICK, 5' WIDE CONCRETE SIDEWALK PER TOOELE CITY STANDARD PLAN NO. 231R AND SPECIFICATIONS.
  - 3 30" TYPE "A" CURB AND GUTTER PER TOOELE CITY STANDARD PLAN NO. 205 R AND SPECIFICATIONS.
  - 4 HANDICAP ACCESS RAMP TO BE CONSTRUCTED SIMILAR TO APWA STANDARD PLAN NO. 235. CONTRACTOR TO FIELD FIT AND SHALL CONSTRUCT IN A WAY NOT EXCEED MAXIMUM SLOPES. INSTALL WITH DETECTABLE WARNING SURFACE PER TOOELE CITY STANDARD PLAN NO. 238R AND SPECIFICATIONS.
  - 5 "STOP" SIGN PER TOOELE CITY STANDARD PLAN NO. 284R AND M.U.T.C.D. STANDARD PLANS
  - 6 STREET SIGN PER TOOELE CITY STANDARD PLAN NO. 292R, NO. 294R, AND SPECIFICATIONS.
  - 7 INSTALL STREET LIGHTS PER TOOELE CITY STANDARDS AND SPECIFICATIONS PLAN NO. 743 R.
  - 8 INSTALL 8" SOLID MASONRY FENCING ALONG THE RAILROAD CORRIDOR.
  - 9 SAWCUT EXISTING ASPHALT PAVEMENT TO PROVIDE A CLEAN EDGE FOR THE TRANSITION BETWEEN EXISTING AND PROPOSED ASPHALT PAVEMENT, PER TOOELE CITY PLAN NO. 381R.
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*For Review*  
04/20/2022 1:04:41 PM

SITE PLAN

PROJECT NUMBER  
8008C

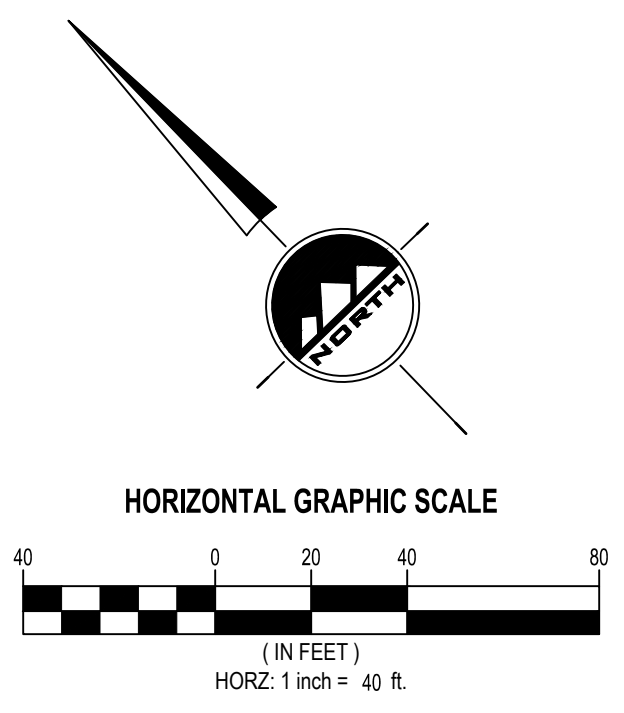
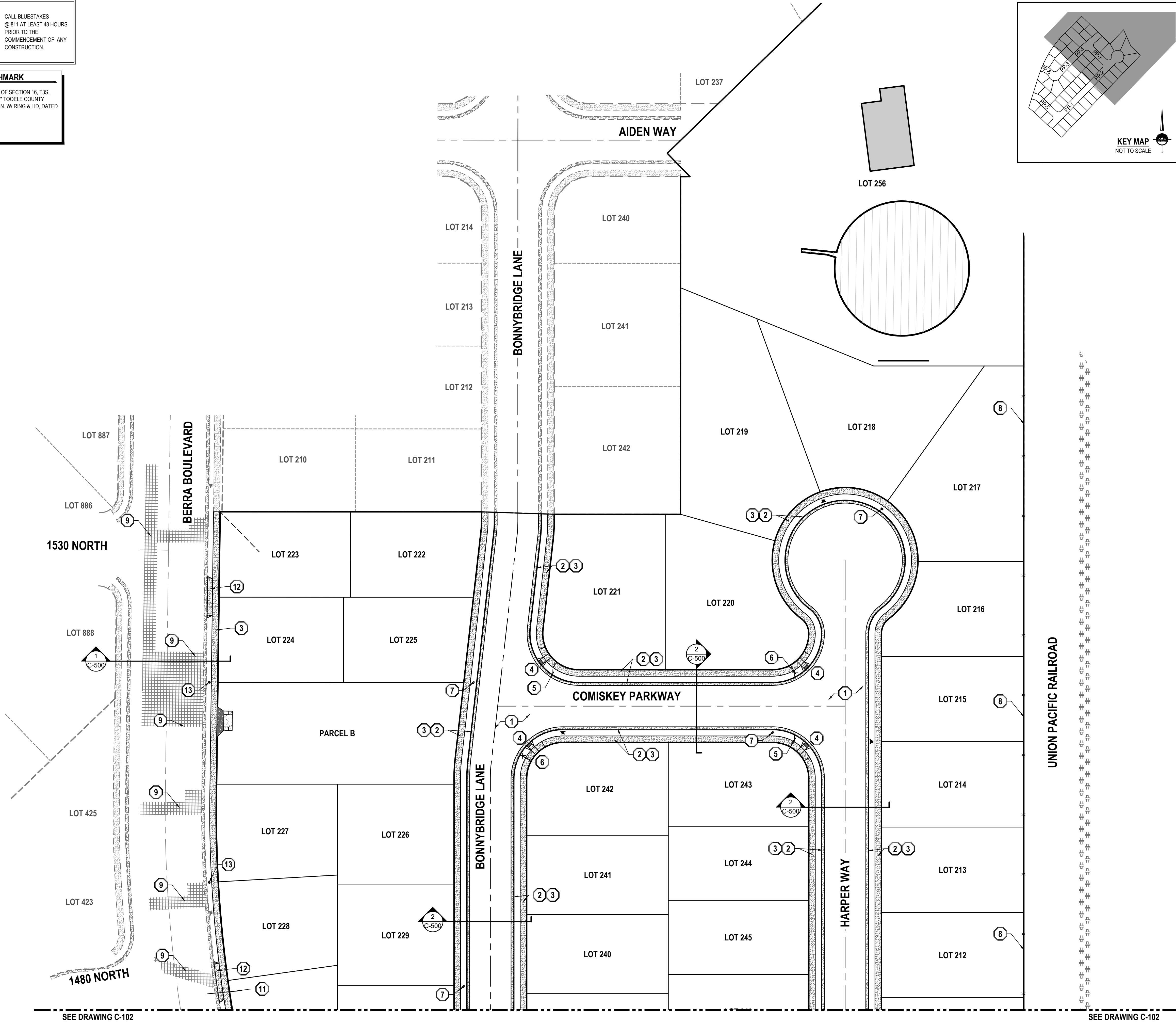
PRINT DATE

DRAWN BY  
C. CHILD

CHECKED BY  
J. CLEGG

PROJECT MANAGER  
C. CHILD

**C-101**



SEE DRAWING C-102

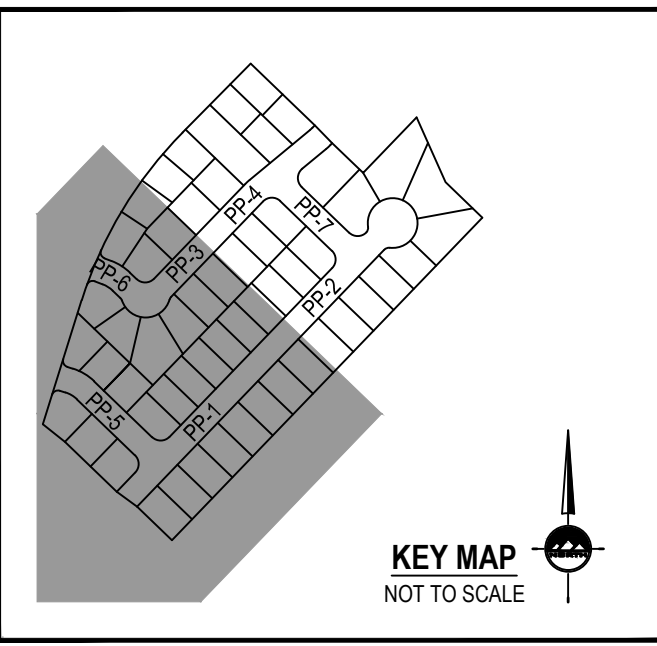
SEE DRAWING C-102



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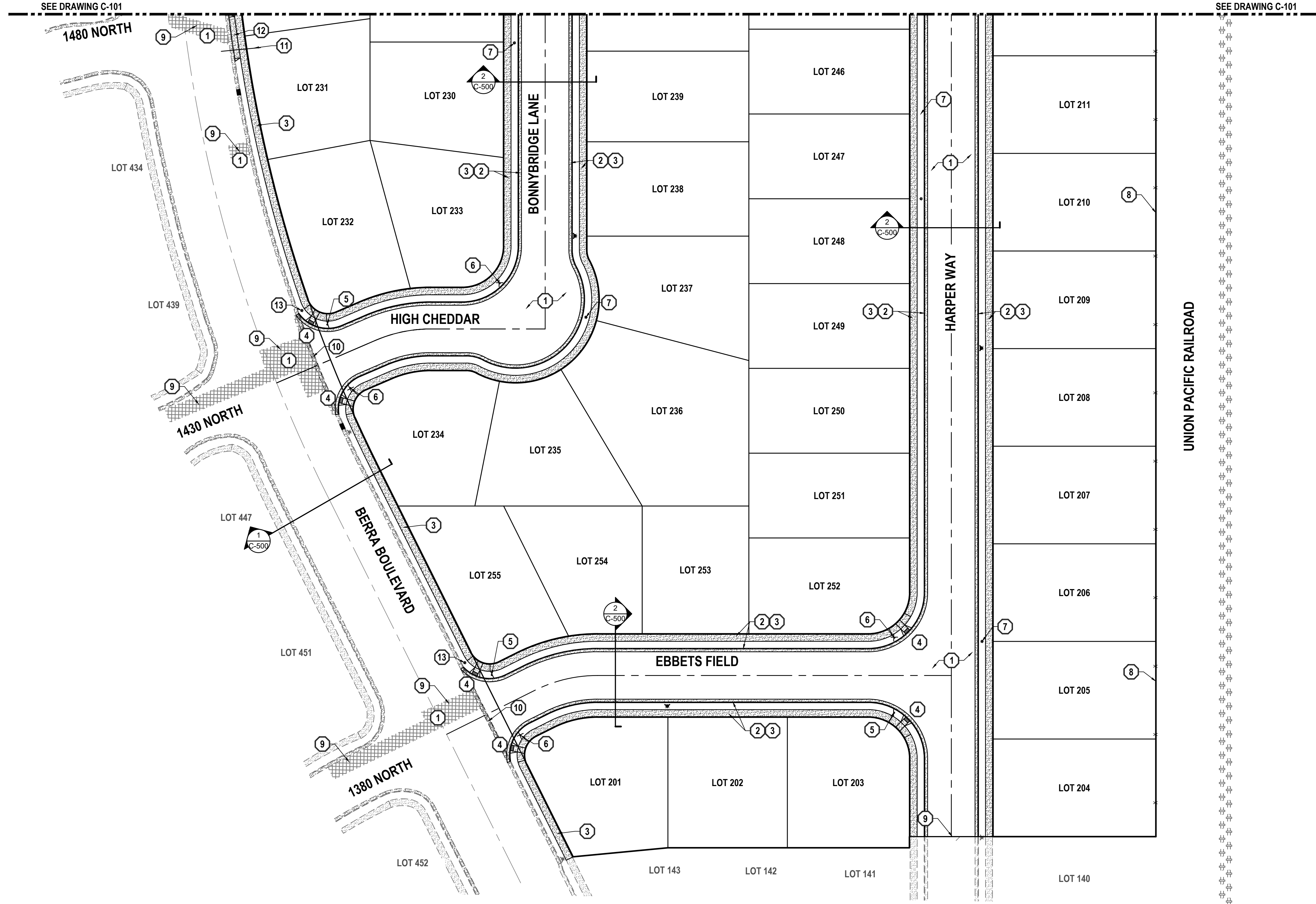
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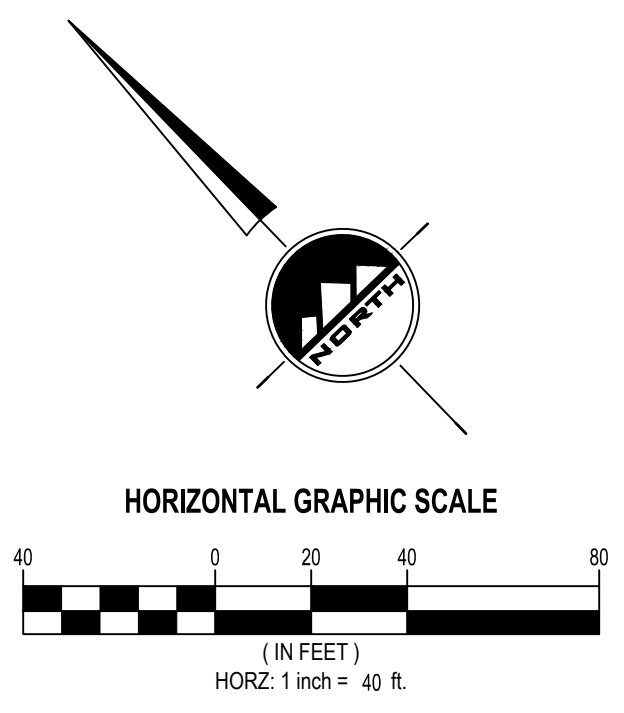
FOR:  
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CONTACT:  
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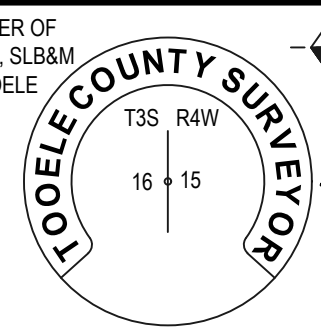
**C-102**



**KEY NOTES**

1. SHARED ACCESS EASEMENT - 20' DEEP OFF THE ROW X 30' WIDE, 15' CENTERED ON EACH SIDE OF THE LOT LINE. (TYP)
2. SET STREET MONUMENT PER TOOELE CITY STANDARDS AND SPECIFICATIONS
3. FOUND STREET MONUMENT
4. PARCEL "B" HEREBY DEDICATED TO TOOELE CITY PENDING APPROVAL OF LANDSCAPING PLANS BY TOOELE CITY PARKS DEPARTMENT.
5. LOT 227 DRIVEWAY TO BE LOCATED ON THE NORTH END OF THE LOT.

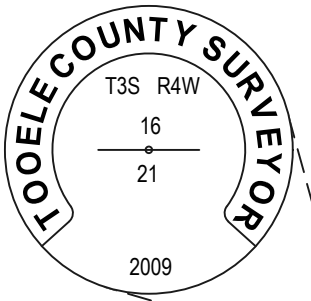
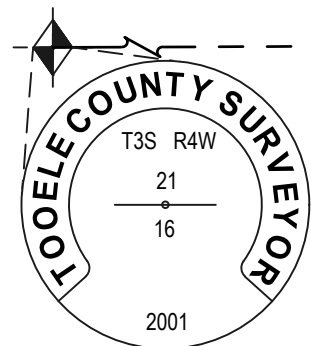
EAST QUARTER CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT) NO DATE



**PRELIMINARY PLAT  
PROSPERITY AT OVERLAKE SUBDIVISION PHASE 2**

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

NORTH QUARTER CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT, DATED JULY 2001)



SOUTH QUARTER CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT WITH RING AND LID) DATED 2009

- NOTES:**
1. OFFSET PINS TO BE PLACED IN TOP BACK OF CURB, 5/8" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSIGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS
  2. EACH LOT IS RESPONSIBLE FOR MAINTAINING THE CITY'S PARK STRIP THAT ADJOINS THAT LOT.
  3. CORNER LOTS WITH ONE ADDRESS ARE RESTRICTED TO HAVING A DRIVE APPROACH BEING ALONG THE ADDRESSED FRONTAGE. CORNER LOTS WITH TWO ADDRESSES CAN HAVE A DRIVE APPROACH ON EITHER OR BOTH FRONTAGES.
  4. PARCEL "B" HEREBY DEDICATED TO TOOELE CITY.
  5. LOT 227 DRIVEWAY TO BE LOCATED ON THE NORTH END OF THE LOT.

**LEGEND**

	EXISTING STREET MONUMENT		BOUNDARY LINE
	PROPOSED STREET MONUMENT TO BE SET		ADJACENT PROPERTY LINE
	SECTION CORNER		SECTION LINE
	5/8" x 24" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."		CENTER LINE
	PUBLIC UTILITY AND DRAINAGE EASEMENT		EASEMENT LINE
	ACCESS EASEMENT		RIGHT OF WAY LINE
	PUBLIC DRAINAGE EASEMENT		ADJACENT RIGHT OF WAY LINE
			TANGENT LINE

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

**PRELIMINARY PLAT  
PROSPERITY AT OVERLAKE SUBDIVISION PHASE 2**

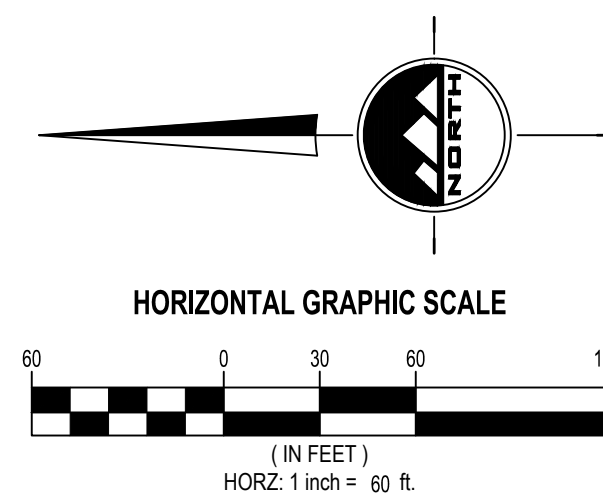
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN TOOELE CITY, TOOELE COUNTY, UTAH

**SHEET 2 OF 2**

**ENSIGN**  
TOOELE  
159 North Main Street Unit 1  
Tooele, Utah 84074  
Phone: 435.843.3590  
Fax: 435.578.0108  
www.ensigneng.com

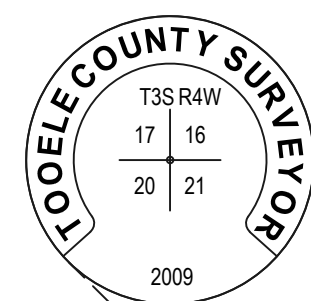
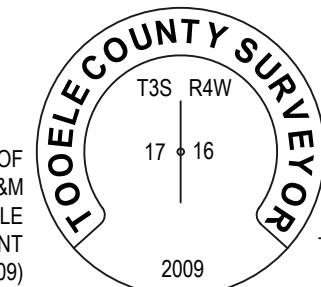
**SALT LAKE CITY**  
LAYTON  
CEDAR CITY  
RICHFIELD

PROJECT NUMBER : 8008C  
MANAGER : C. CHILD  
DRAWN BY : C. CHILD  
CHECKED BY : D. KINSMAN  
DATE : 2022-04-20



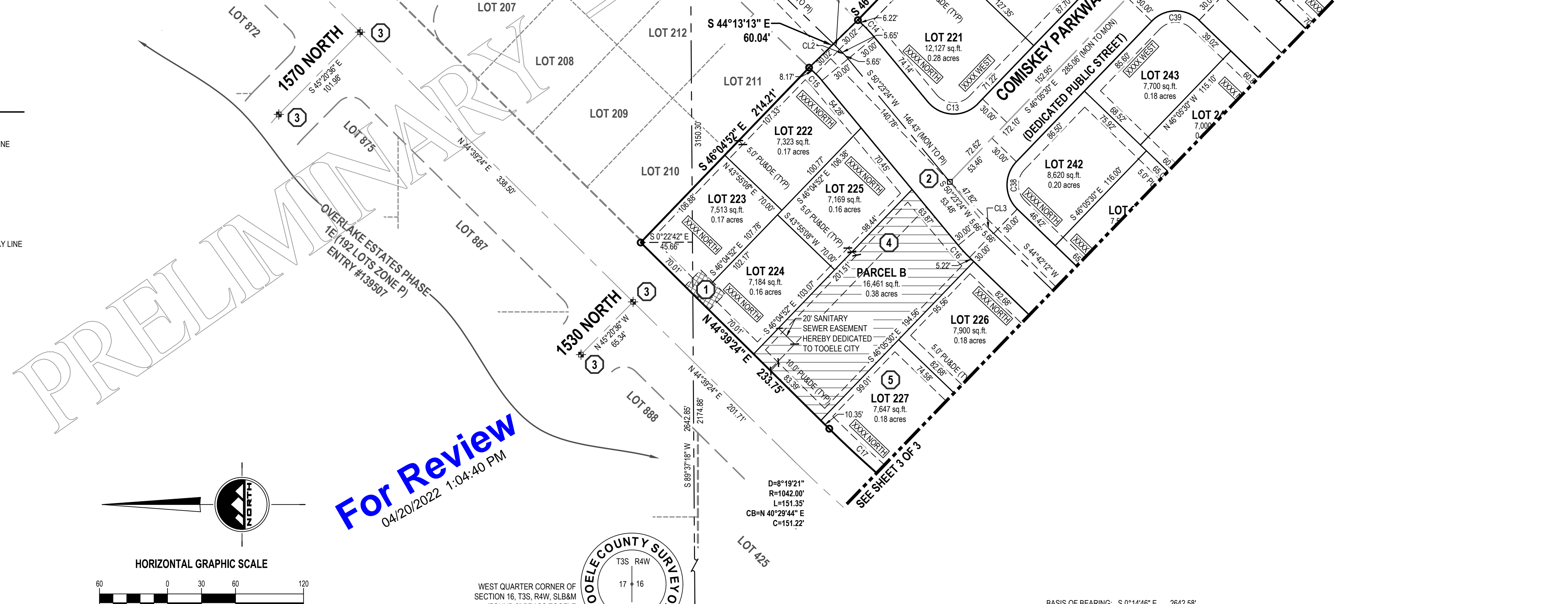
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WEST QUARTER CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT WITH RING AND LID, DATED 2009)



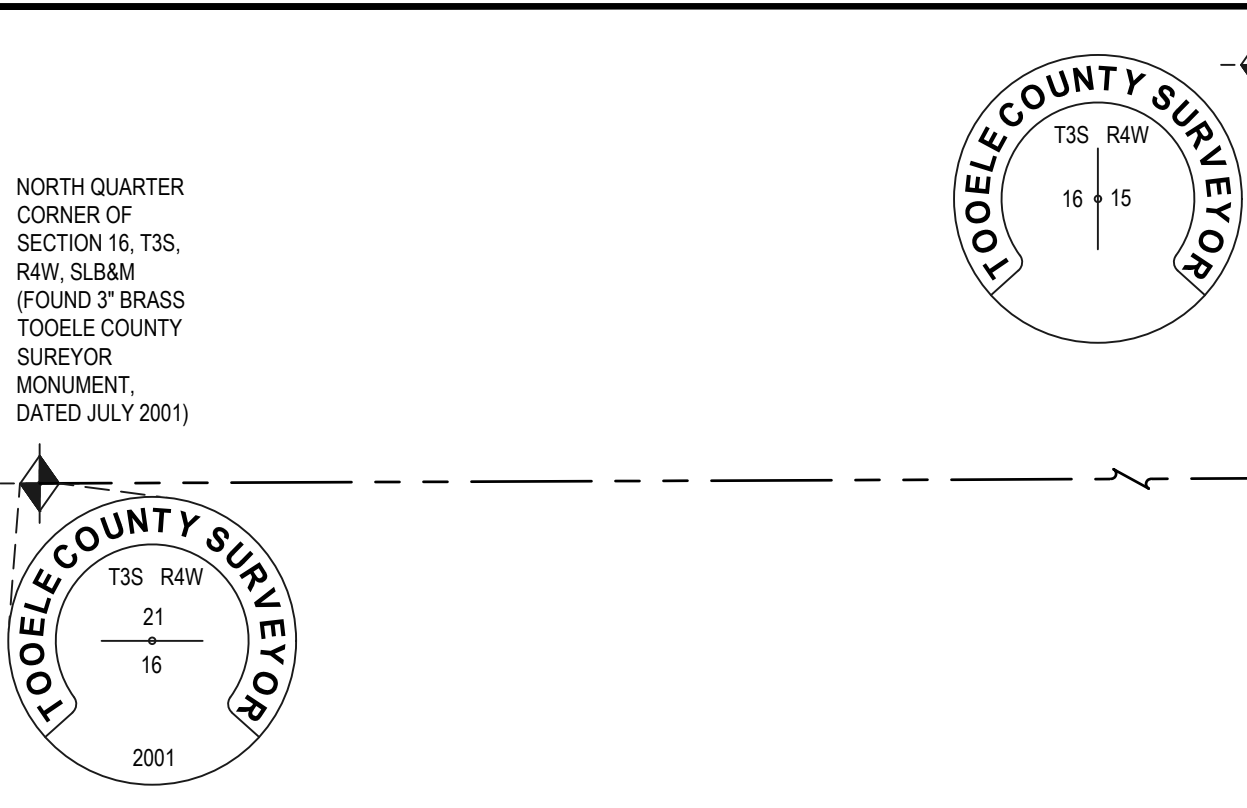
SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB8M (FOUND 3" BRASS TOOELE COUNTY SUREYOR MONUMENT WITH RING AND LID) DATED 2009

BASIS OF BEARING: S 0°14'46" E 2642.58'



RECORDED





- KEY NOTES**
- 1 SHARED ACCESS EASEMENT - 20' DEEP OFF THE ROW X 30' WIDE, 15' CENTERED ON EACH SIDE OF THE LOT LINE. (TYP)
  - 2 SET STREET MONUMENT PER TOOELE CITY STANDARDS AND SPECIFICATIONS
  - 3 FOUND STREET MONUMENT
  - 4 PARCEL "B" HEREBY DEDICATED TO TOOELE CITY PENDING APPROVAL OF LANDSCAPING PLANS BY TOOELE CITY PARKS DEPARTMENT.
  - 5 LOT 227 DRIVEWAY TO BE LOCATED ON THE NORTH END OF THE LOT.

- NOTES:**
1. OFFSET PINS TO BE PLACED IN TOP BACK OF CURB, 3/4" x 24" REBAR WITH YELLOW PLASTIC CAP STAMPED "ENSGN ENG. & LAND SURV." TO BE PLACED AT ALL OTHER LOT AND BOUNDARY CORNERS
  2. EACH LOT IS RESPONSIBLE FOR MAINTAINING THE CITY'S PARK STRIP THAT ADJOINS THAT LOT.
  3. CORNER LOTS WITH ONE ADDRESS ARE RESTRICTED TO HAVING A DRIVE APPROACH BEING ALONG THE ADDRESSED FRONTAGE. CORNER LOTS WITH TWO ADDRESSES CAN HAVE A DRIVE APPROACH ON EITHER OR BOTH FRONTAGES.
  4. PARCEL "B" HEREBY DEDICATED TO TOOELE CITY.
  5. LOT 227 DRIVEWAY TO BE LOCATED ON THE NORTH END OF THE LOT.

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

**PRELIMINARY PLAT**  
**PROSPERITY AT OVERLAKE SUBDIVISION PHASE 2**  
 LOCATED IN THE SOUTHWEST QUARTER  
 OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH

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

**SALT LAKE CITY**  
 Phone: 801.251.0503

**LAYTON**  
 Phone: 801.567.1100

**CEDAR CITY**  
 Phone: 435.863.1453

**RICHFIELD**  
 Phone: 435.866.2463

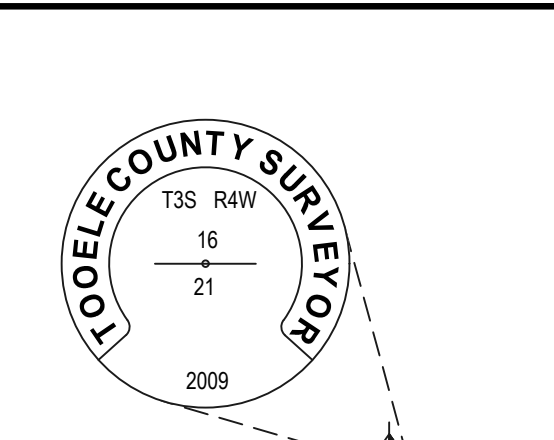
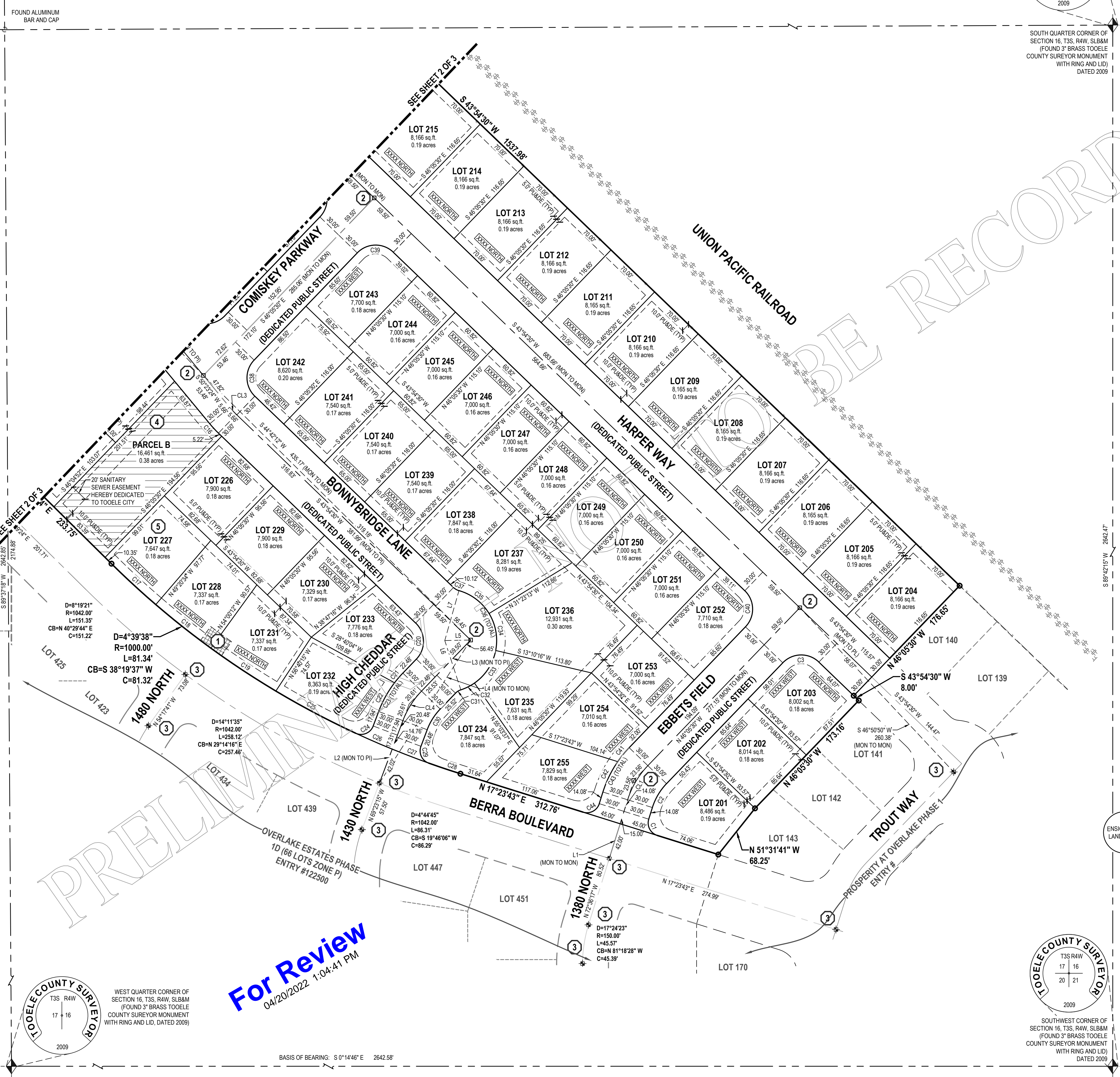
**ENSGN**  
 WWW.ENSGNENG.COM

**SHEET 3 OF 3**

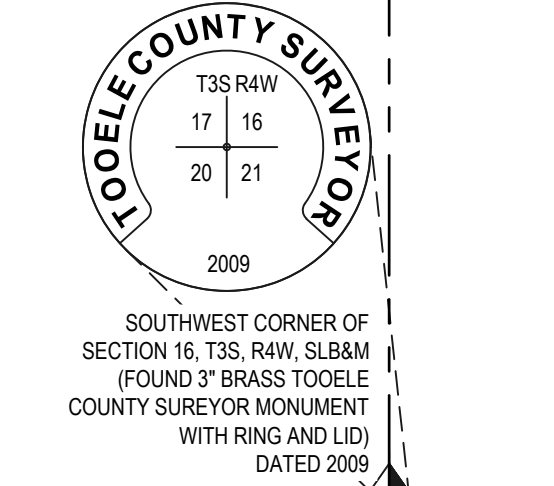
PROJECT NUMBER : 8008C  
 MANAGER : C. CHILD  
 DRAWN BY : C. CHILD  
 CHECKED BY : D. KINSMAN  
 DATE : 2022-04-20

**PRELIMINARY PLAT**  
**PROSPERITY AT OVERLAKE SUBDIVISION PHASE 2**

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



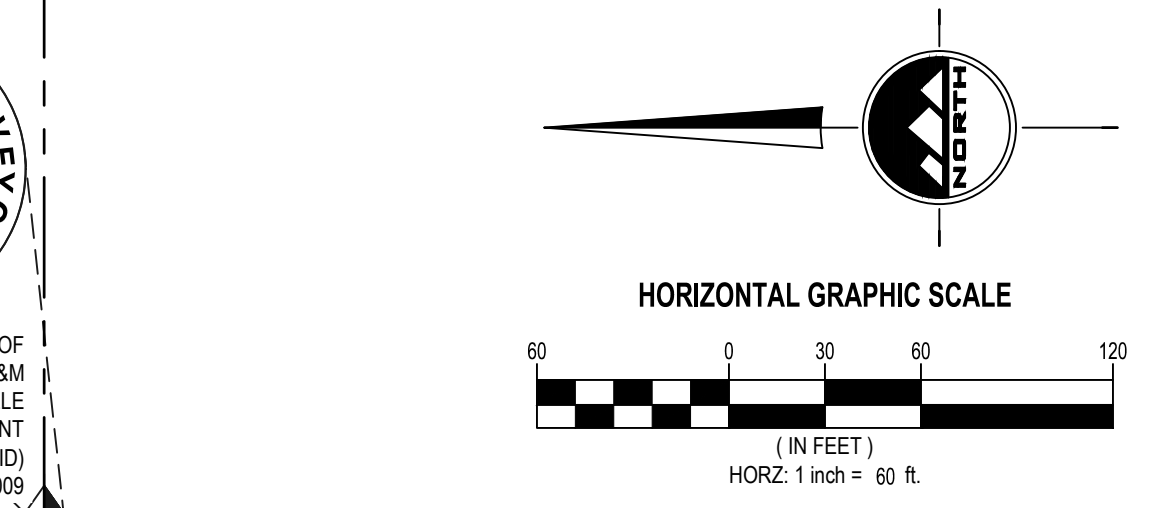
SOUTH QUARTER CORNER OF SECTION 16, T3S, R4W, SLB&M FOUND 3\"/>



SOUTHWEST CORNER OF SECTION 16, T3S, R4W, SLB&M FOUND 3\"/>

**LEGEND**

	EXISTING STREET MONUMENT		BOUNDARY LINE
	PROPOSED STREET MONUMENT TO BE SET		ADJACENT PROPERTY LINE
	SECTION CORNER		SECTION LINE
	5/8\" x 24\" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED \"ENSGN ENG. & LAND SURV.\"		CENTER LINE
	PUBLIC UTILITY AND DRAINAGE EASEMENT		EASEMENT LINE
	ACCESS EASEMENT		RIGHT OF WAY LINE
	PUBLIC DRAINAGE EASEMENT		ADJACENT RIGHT OF WAY LINE
			TANGENT LINE



**For Review**  
 04/20/2022 1:04:41 PM

BASIS OF BEARING: S 0°14'46\"/>

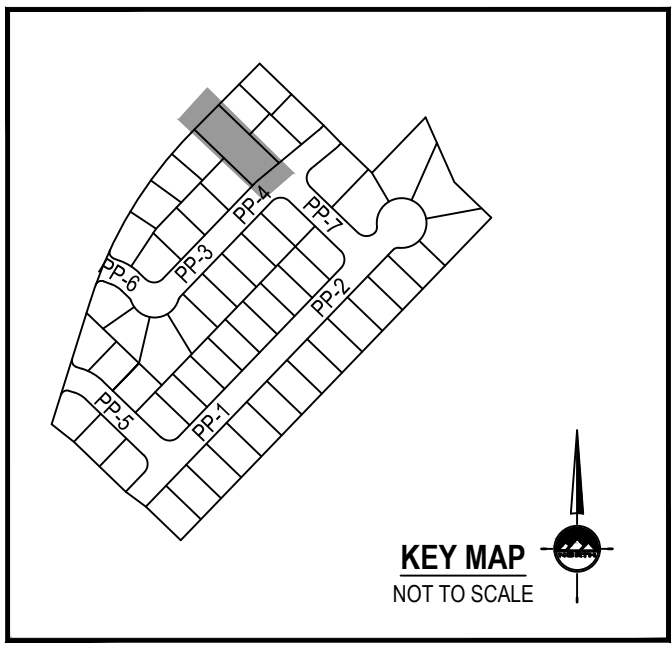


**811**  
Know what's below.  
Call before you dig.

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

**BENCHMARK**

SOUTHWEST CORNER OF SECTION 16, T3S,  
R4W, S16&M FOUND 3' TOOELE COUNTY  
SURVEYOR BRASS MON. W/ RING & LID, DATED  
2009)  
ELEVATION = 4787.08'



- 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 AMUR MAPLE TREE W/ ROOT WATERING SYSTEM. SEE LANDSCAPING DETAIL SHEET L-200.
  - 2 GROUND COVER PER TOOELE CITY - SOD AREA W/ RAINBIRD SPRAYED HEADS & MAXIS OR 2'-3" DIA. NEPHI ROCK & GRAVEL COLOR PER TOOELE CITY OR EQUIV. DECORATIVE ROCK OVER WEED BARRIER. SEE LANDSCAPING DETAIL SHEET L-200.
  - 3 SEE UTILITY PLANS FOR WATER LATERAL SIZES
  - 4 BACKFLOW PREVENTER WITH STANDARD GORILLA GAGE ENCLOSURE PER TOOELE CITY STANDARDS.
  - 5 IRRIGATION CONTROLLER

**WATER USAGE CALCULATIONS**  
LANDSCAPE USAGE: AREA X WATER USAGE PER ACRE

SOD AREA @ 4 AF/ACRE  
TOTAL SOD AREA: 0.39 ACRE  
SOD USAGE: 1.56 AF  
TOTAL LANDSCAPE USAGE = 1.56 AF

**Landscape**

Qty	Symbol	Common Name	Plant Size
8		AMUR MAPLE	2" Cal.
Total: 8			

**Irrigation**

Qty	Symbol	Description
-		Wilkins Model 375, FEBCO LF860
-		Rain Bird 100-PGA Globe
-		Irritrol Total Control R Series
-		Pipe Sleeve 2x Diameter
-		Mainline: 1 1/4" Schedule 40 PVC
-		XT-700 XERIGATION DRIP TUBE

**\*\* NOTES \*\***  
THIS PLAN WAS DRAWN FOR GRAPHIC CLARITY ONLY. PLEASE PLACE ALL MAINLINE AND LATERAL LINES IN ADJACENT LANDSCAPE AREAS. SOME FIELD MODIFICATIONS MAY BE NEEDED TO AVOID ON SITE OBSTRUCTIONS.

**ENSIGN**  
THE STANDARD IN ENGINEERING

**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:  
HOWARD SCHMIDT  
PO BOX 95410  
SOUTH JORDAN, UTAH 84095

CONTACT:  
HOWARD SCHMIDT  
PHONE: 801-859-9449

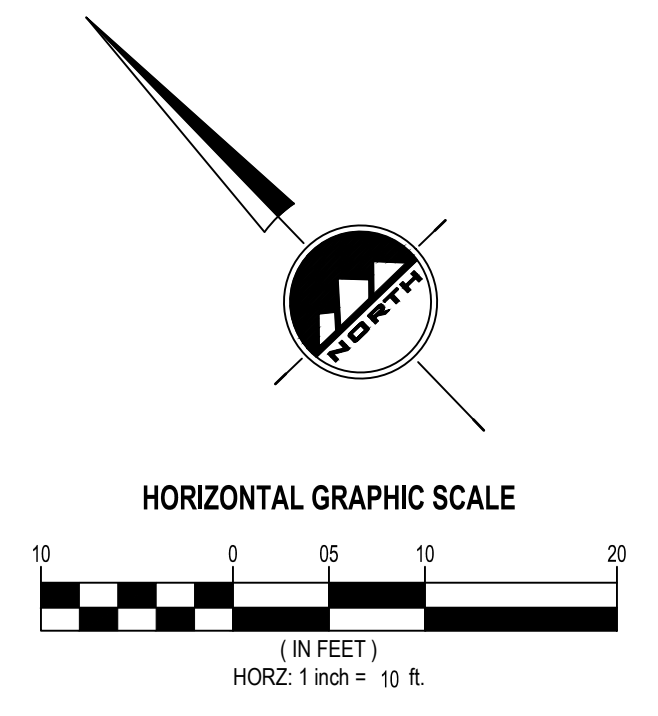
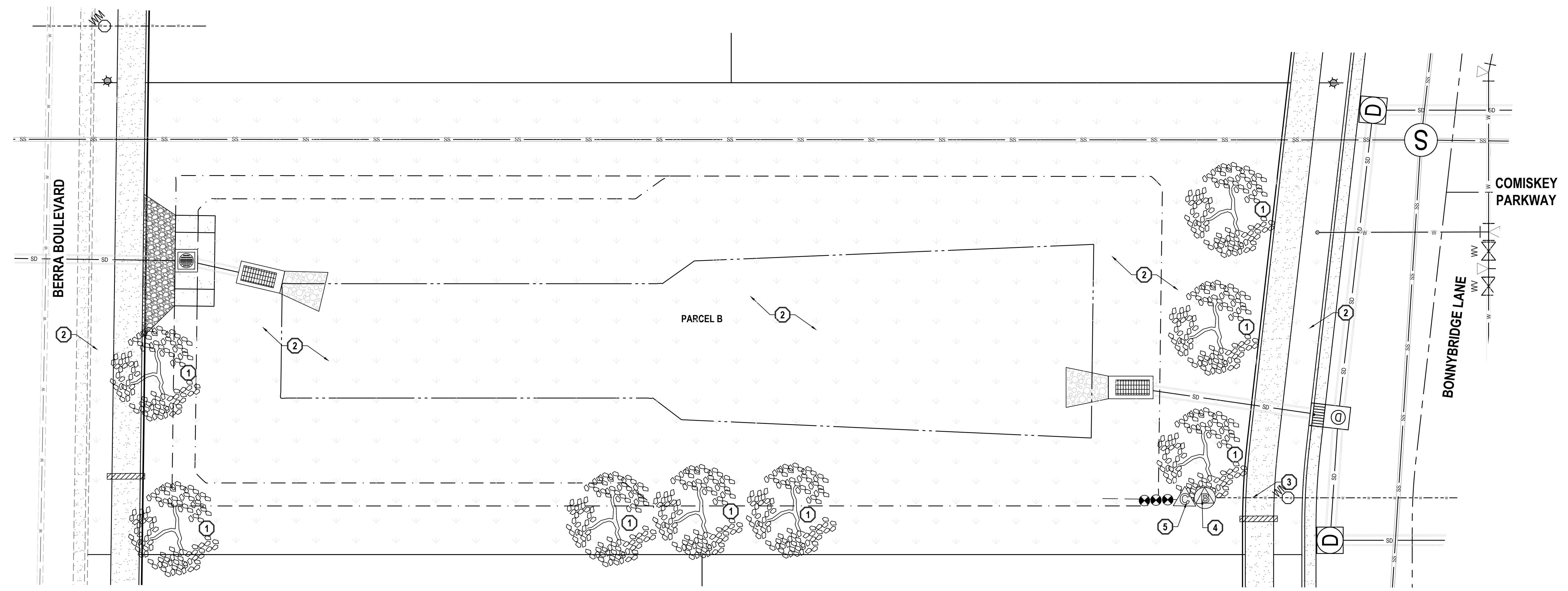
**PROSPERITY AT OVERLAKE  
PHASE 2 PRELIMINARY**  
400 WEST AND 1000 NORTH  
TOOELE, UTAH 84074

**For Review**  
04/20/2022 1:04:44 PM

**PARCEL B  
DETENTION BASIN  
LANDSCAPE AND  
IRRIGATION PLAN**

PROJECT NUMBER: 8008C  
PRINT DATE: 2022-04-20  
DRAWN BY: C. CHILD  
CHECKED BY: J. CLEGG  
PROJECT MANAGER: C. CHILD

**L-100**



**STAFF REPORT**

May 5, 2022

**To:** Tooele City Planning Commission  
Business Date: May 11, 2022

**From:** Planning Division  
Community Development Department

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

**Re: 400 East Commercial – Preliminary Subdivision Plan Request**

Application No.: P21-950  
Applicant: Steve Evans, representing MEH Real Estate, LLC  
Project Location: Approximately 2100 North 400 East  
Zoning: IS Industrial Service Zone  
Acreage: 19.4 Acres (Approximately 845,064 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Subdivision Plan in the IS Industrial Service zone regarding the creation of 9 industrial use lots and the associated rights-of-way.

**BACKGROUND**

This application is a request for approval of a Preliminary Subdivision Plan for approximately 19.4 acres located at approximately 2100 North 400 East. The property is currently zoned IS Industrial Service. The applicant is requesting that a Preliminary Subdivision Plan be approved to create 9 lots that will be utilized as light industrial / heavy commercial development.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Light Industrial land use designation for the subject property. The property has been assigned the IS Industrial Service zoning classification. The IS Industrial Service zoning designation is identified by the General Plan as a preferred zoning classification for the Light Industrial land use designation. The property has IS zoning to the north and to the east. Properties to the south are zoned LI Light Industrial. Properties to the west are zoned GC General Commercial and IS Industrial Service. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The preliminary subdivision plan proposes to subdivide 19.4 acre parcels of record into commercial / industrial lots of varying sizes to facilitate commercial / industrial development. Lots within the subdivision range in size from 6.33 acres, 4.7 acres and .5 acres. Each lot within the subdivision meets the minimum requirements of the IS Industrial Service zoning district for lot width and lot size minimums.

The subdivision proposes significant dedication of rights-of-way for public roads. The dedication will include half the right-of-way for 400 East, 2200 North street and the majority of 470 East right-of-way. The development will also be constructing all of the necessary frontage improvements such as curb, gutter, park strip and sidewalk along their frontages.

Two of the lots, lot 108 and 109 are large and double fronting lots. This has been arranged to

accommodate business that is interested in locating on these properties. Both frontages will be maintained by the businesses that occupy those properties. This issue was raised with the applicant and they have verified that this is how those double frontages will be addressed.

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

## **REVIEWS**

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

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Subdivision Plan by Steve Evans, representing MEH Real Estate, LLC, application number P21-950, 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. All lots within the subdivision meet or exceed all minimum lot size, lot width and frontage requirements of the IS Industrial Service zoning district.



## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the 400 East Commercial Preliminary Subdivision Plan request by Steve Evans, representing MEH Real Estate, LLC for the purpose of creating 9 commercial / industrial lots, application number P21-950, based on the findings and subject to the conditions listed in the Staff Report dated May 5, 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 400 East Commercial Preliminary Subdivision Plan Request by Steve Evans, representing MEH Real Estate, LLC for the purpose of creating 9 commercial / industrial lots, application number P21-950, based on the following findings:”

1. List findings...

**EXHIBIT A**

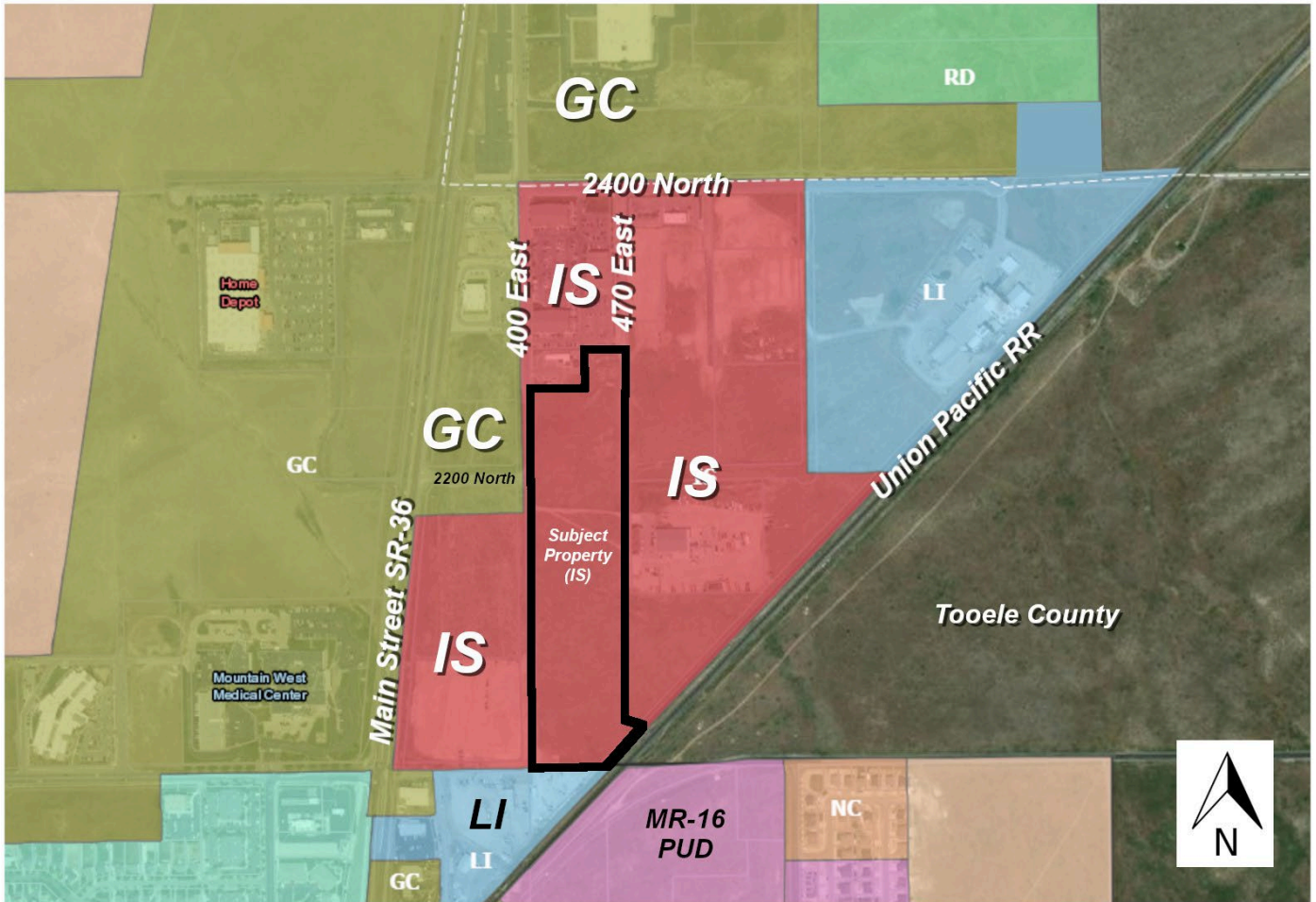
**MAPPING PERTINENT TO THE 400 EAST COMMERCIAL PRELIMINARY  
SUBDIVISION PLAN**

***400 East Commercial Preliminary Subdivision Plan***



***Aerial View***

# 400 East Commercial Preliminary Subdivision Plan



**Current Zoning**

**EXHIBIT B**

**PROPOSED DEVELOPMENT PLANS**



# Subdivision - Preliminary Plan 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 preliminary plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of preliminary plans are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted preliminary plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of preliminary 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						PZ1-950					
Date of Submission:	9-2-2021	Submittal #:	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone:		Acres:	9 +/-	Parcel #(s):	02.144.0-0035		
Project Name:	400 E COMMERCIAL										
Project Address:	APPROX 2100 N 400 E										
Project Description:	SUBDIVISION					Phases:	1 to 3		Lots:	16	
Property Owner(s):	ENS LLC				Applicant(s):	MEH REAL ESTATE LLC					
Address:	783 S. DEER HOLLOW RD				Address:	1676 PROGRESS WAY					
City:	Tooele	State:	UT	Zip:	84074	City:	TOOELE	State:	UT	Zip:	84074
Phone:		Email:		Phone:	435 849 5409		Email:				
Contact Person:	STEVE EVANS				Address:	1676 PROGRESS WAY					
Phone:	435 849 5409				City:	TOOELE	State:	UT	Zip:	84074	
Cellular:	435 496 3107			Fax:		Email:	STEVE @ STM BUILDERS.COM				
Engineer & Company:						Surveyor & Company:					
Address:	6949 S. High Tech Dr Suite 200					Address:	6949 S. High Tech Dr Suite 200				
City:	Midvale	State:	UT	Zip:	84128	City:	Midvale	State:	UT	Zip:	84128
Phone:	801-352-0075		Email:	amoreno@focusutah.com		Phone:	801-352-0075		Email:	jlundberg@focusutah.com	

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

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:	Comments Returned: Date:		
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		



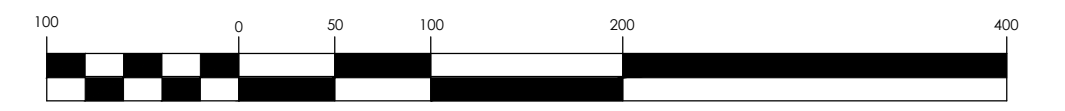
# 400 E COMMERCIAL

PRELIMINARY PLAT

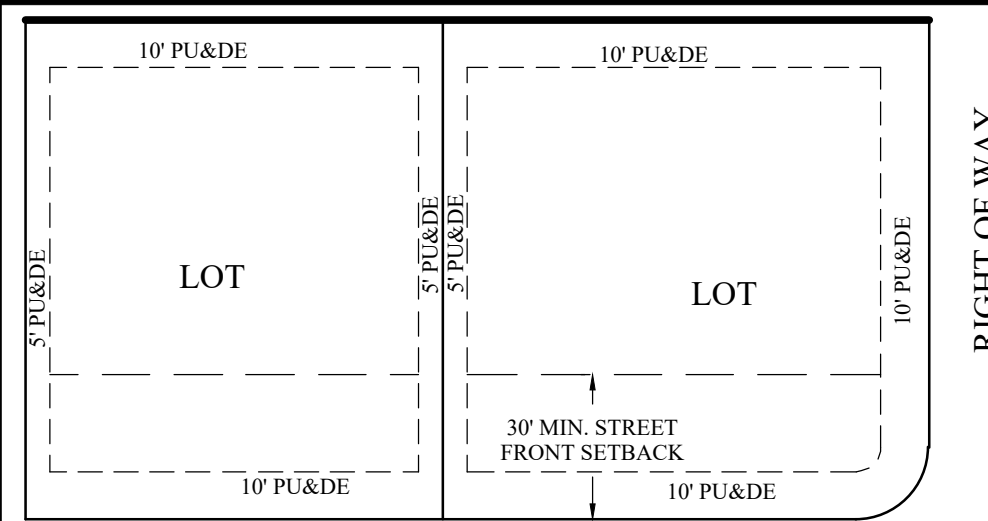
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SALT LAKE BASE & MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH



GRAPHIC SCALE

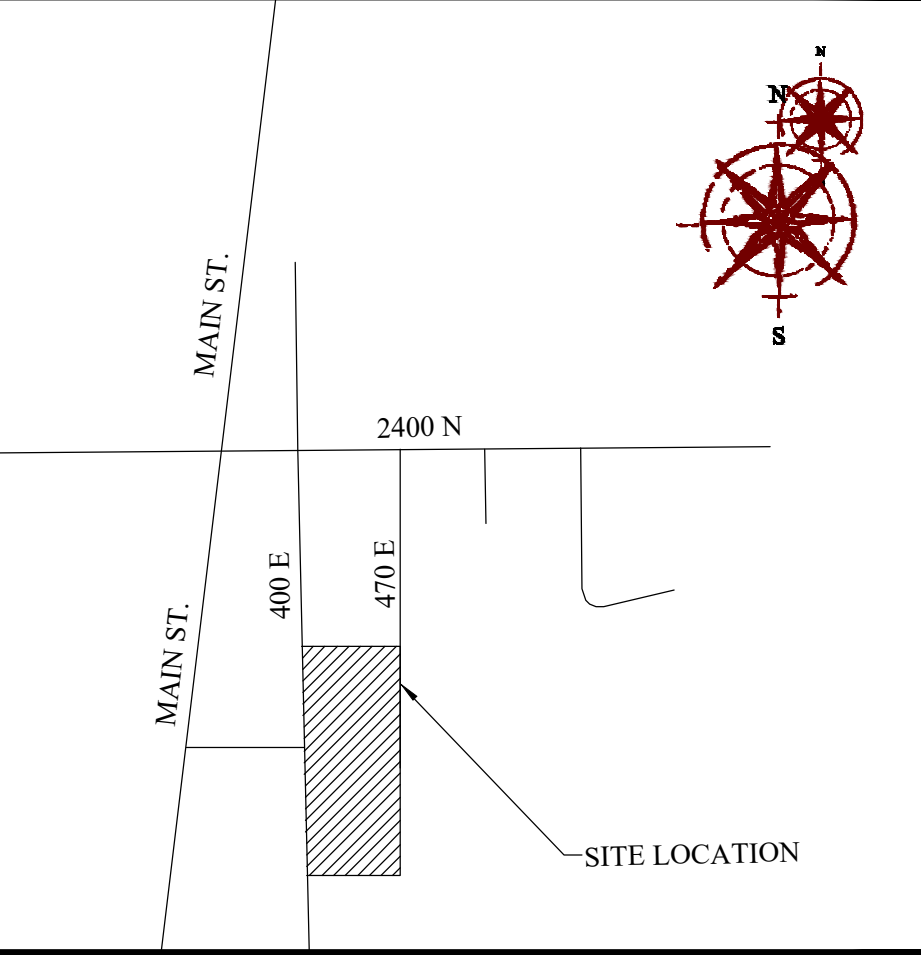


(IN FEET)  
1 inch = 100 ft.



FRONT  
RIGHT OF WAY  
TYPICAL BUILDING SETBACK  
(ZONE IS)

N.T.S.



VICINITY MAP

N.T.S.

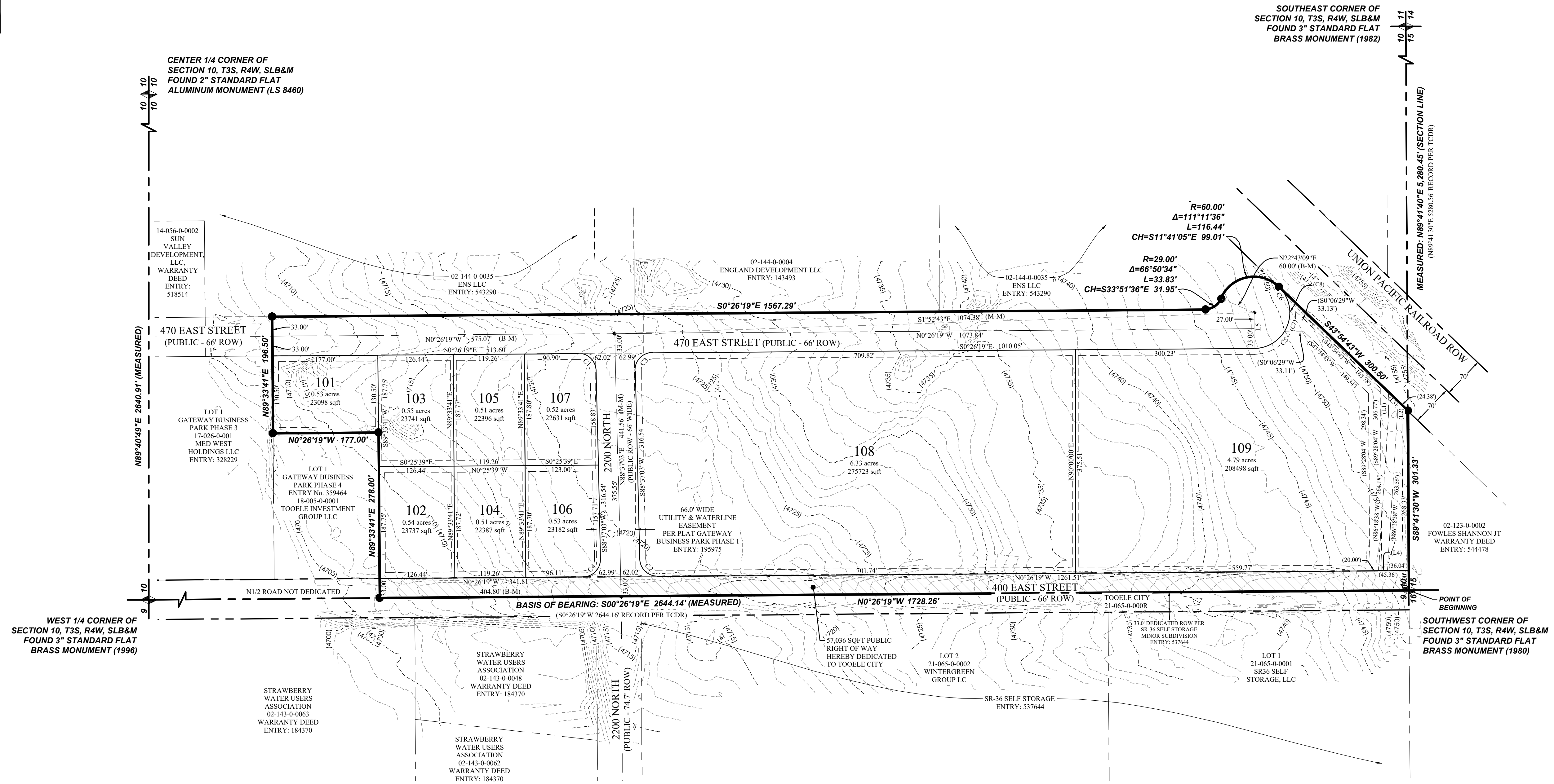
### LEGEND

- BOUNDARY
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY LINE
- CENTERLINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE

- SECTION MONUMENT (FOUND)
- STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS
- BOUNDARY TO MONUMENT
- MONUMENT TO MONUMENT
- TOOELE COUNTY DEPENDENT RESURVEY

### NOTES:

- #5 X 24" REBAR & CAP (FOCUS ENG) TO BE SET AT ALL REAR LOT CORNERS. NAILS OR PLUGS TO BE SET IN TOP BACK OF CURB AT EXTENSION OF SIDE LOT LINES.
- P.U. & D.E.=PUBLIC UTILITY AND DRAINAGE EASEMENT.
- ALL LOTS WILL BE REQUIRED TO PROVIDE ON-SITE 100 YEAR RETENTION



PAGE: 2 OF 2    DATE: 11/2/2021

OWNER/DEVELOPER  
GTM BUILDERS  
1676 PROGRESS WAY TOOELE, UTAH  
84074  
(801) 301-8951  
CONTACT: SHAWN HOLSTE

PREPARED BY  
**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
699 S. BRIGHAM STREET, SUITE 200  
MIDVALE, UTAH 84047 P.O. BOX 352-0075  
www.focusllc.com

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	29.50	89°03'23"	45.85	S44°05'22"W	41.37
C2	29.50	89°03'21"	45.85	S44°05'22"W	41.37
C3	29.50	90°56'38"	46.82	N45°54'38"W	42.06
C4	29.50	90°56'38"	46.82	N45°54'38"W	42.06
C5	60.00	136°05'15"	142.51	N68°02'32"W	111.29
C6	60.00	247°16'53"	258.95	N56°21'34"E	99.90

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
(C7)	60.00	20°41'16"	21.66	S68°03'04"E	21.55
(C8)	60.00	57°41'22"	60.41	N72°45'37"E	57.89

LINE	DIRECTION	LENGTH
(L1)	N89°48'43"W	36.39
(L2)	N89°48'43"W	22.51
(L3)	S43°54'43"W	20.76
(L4)	S00°26'19"E	15.04

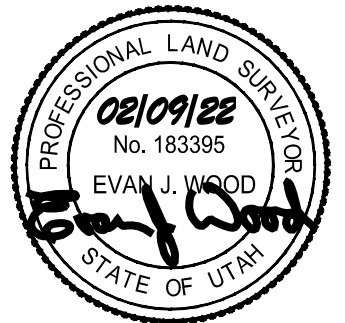
LINE	DIRECTION	LENGTH
L5	N90°00'00"W	60.00

# 400 E COMMERCIAL

LOCATED IN THE SW1/4 OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE & MERIDIAN  
TOOELE CITY, TOOELE COUNTY, UTAH

PRELIMINARY - FOR REVIEW ONLY

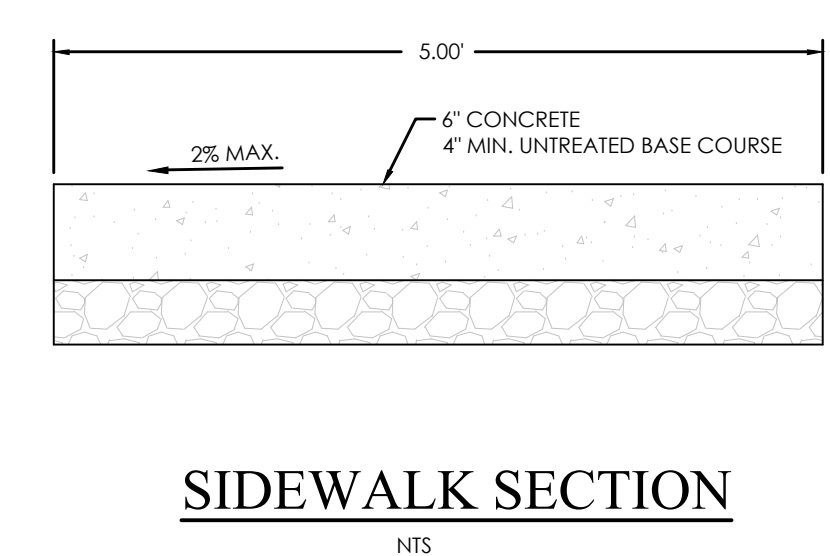
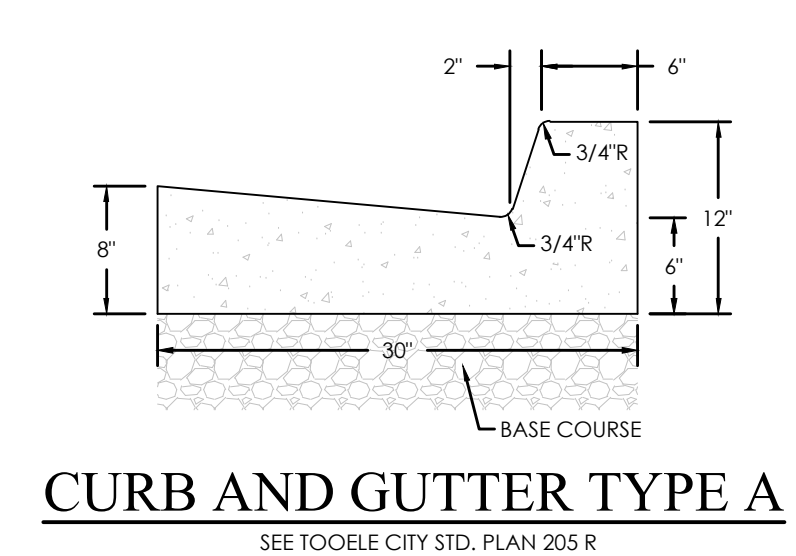
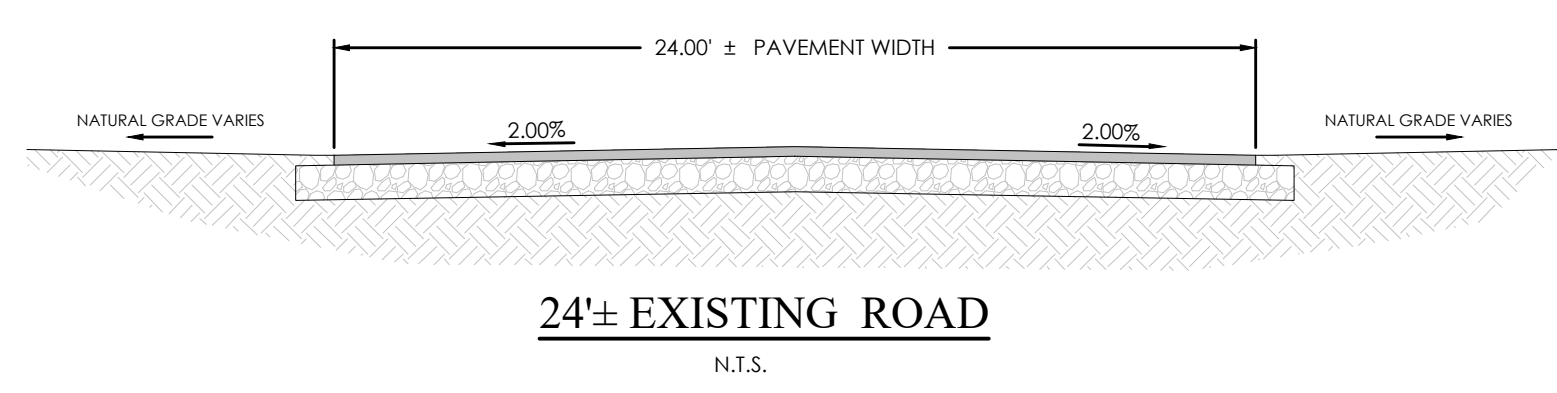
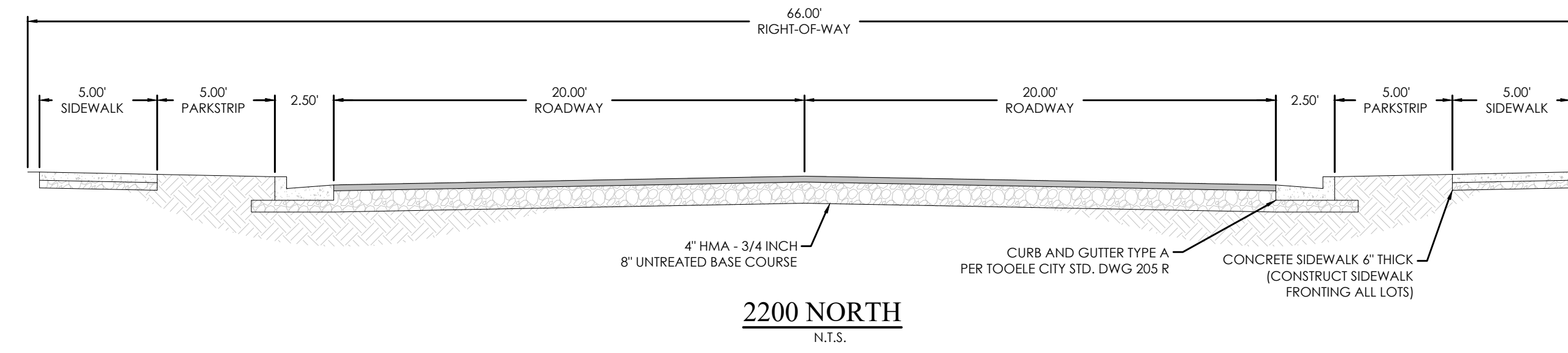
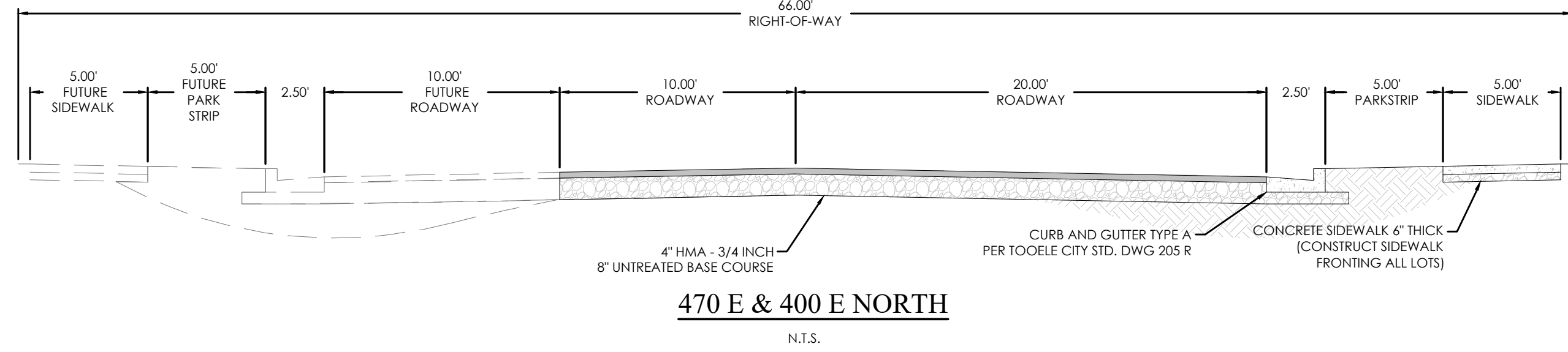
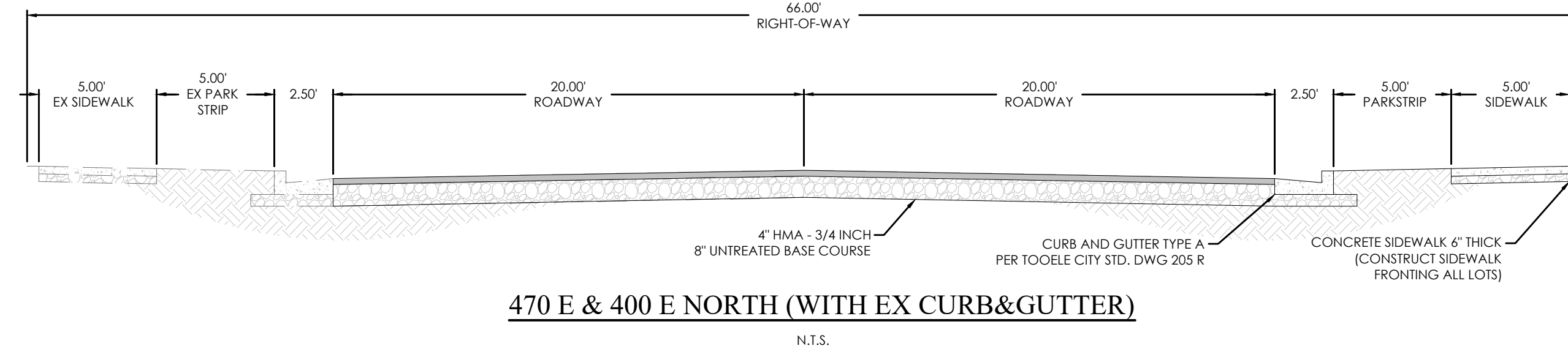
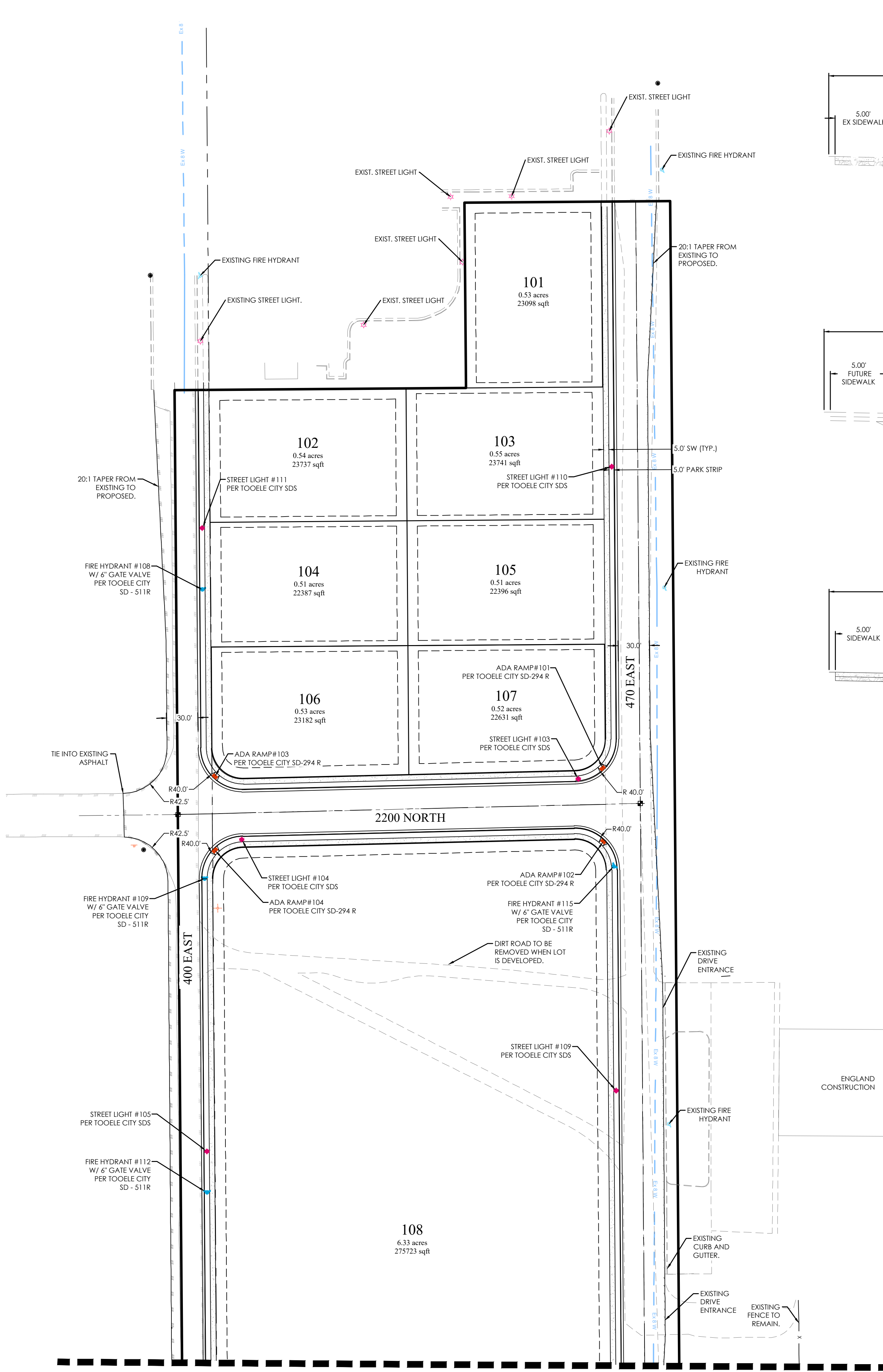
PAGE 2 OF 2





**FOR REVIEW ONLY**

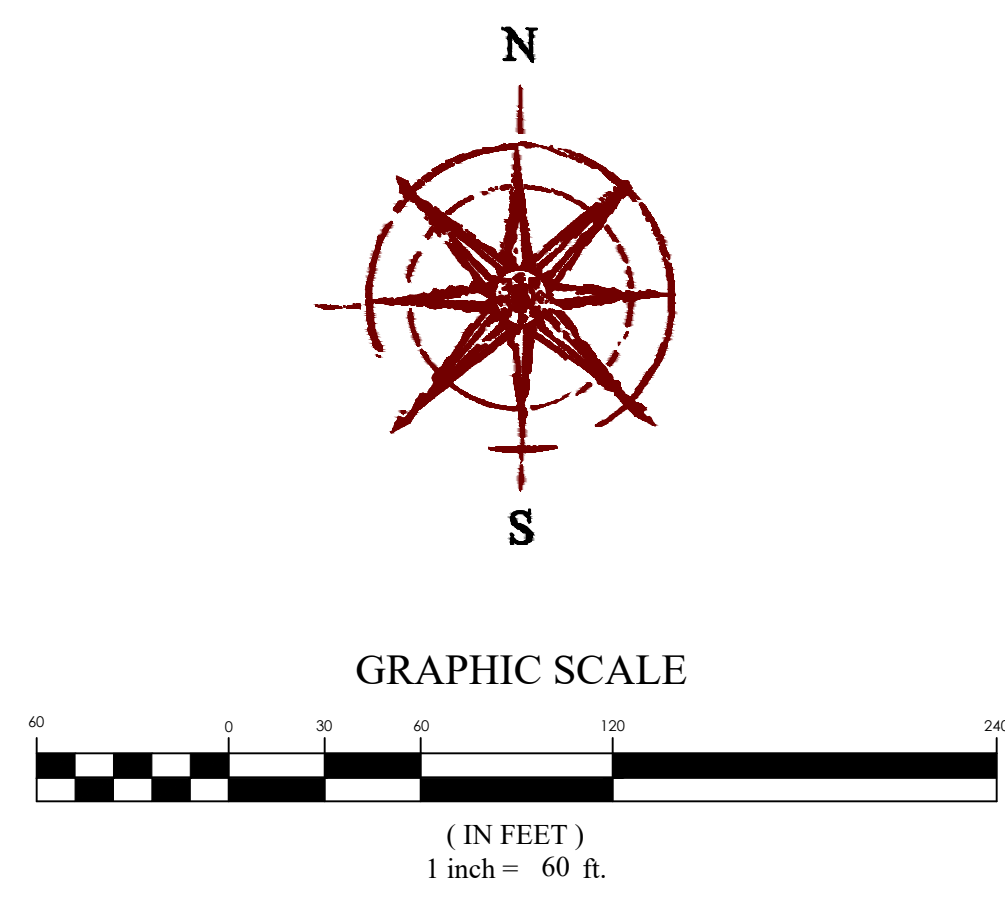
**400 E COMMERCIAL**  
 400 E 2200 N TOOELE, UTAH  
**SITE PLAN**



**LEGEND**

[Symbol]	BOUNDARY
[Symbol]	ROW
[Symbol]	CENTERLINE
[Symbol]	LOT LINE
[Symbol]	EASEMENT
[Symbol]	15" STORM DRAIN
[Symbol]	8" SANITARY SEWER
[Symbol]	8" CULINARY WATER
[Symbol]	8" SECONDARY WATER
[Symbol]	CONTOUR MAJOR
[Symbol]	CONTOUR MINOR
[Symbol]	EXIST. STORM DRAIN
[Symbol]	EXIST. SANITARY SEWER
[Symbol]	EXIST. CULINARY WATER
[Symbol]	EXIST. FENCE
[Symbol]	EXIST. CONTOUR MAJOR
[Symbol]	EXIST. CONTOUR MINOR
[Symbol]	SIGN
[Symbol]	STREET LIGHT
[Symbol]	SD MH, INLET, AND COMBO
[Symbol]	SEWER MANHOLE
[Symbol]	CULINARY VALVE, TEE, & BEND
[Symbol]	SECONDARY VALVE, TEE, & BEND
[Symbol]	WATER BLOW-OFF
[Symbol]	FIRE HYDRANT
[Symbol]	STREET MONUMENT (TO BE SET)
[Symbol]	EXIST. STREET MONUMENT
[Symbol]	EXIST. SD INLET & MH
[Symbol]	EXIST. SEWER MH
[Symbol]	EXIST. VALVE, TEE, & BEND
[Symbol]	EXIST. FIRE HYDRANT
[Symbol]	SPOT ELEVATION

**NOTES**  
 1. DIMENSIONS ARE MEASURED FROM FACE OF CURB  
 2. EACH LOT OWNER IS RESPONSIBLE FOR COORDINATING WITH TOOELE CITY FOR SEWER AND WATER MODELING.



MATCH SHEET C3.1

**REVISION BLOCK**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

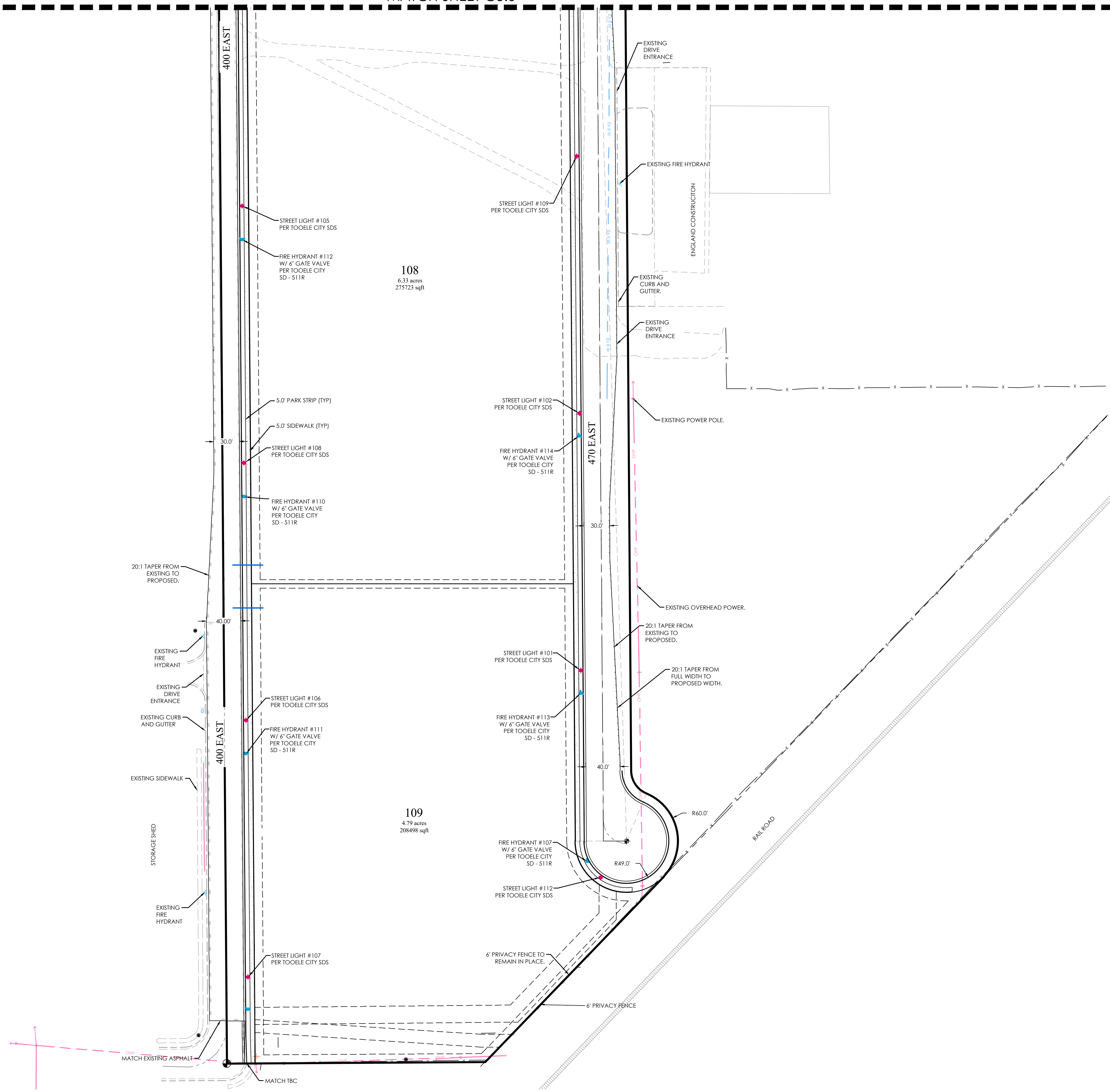
**SITE PLAN**

Scale: 1"=60'	Drawn: AMO
Date: 04/01/2022	Job #: 21-0130
Sheet:	C3.0





MATCH SHEET C3.0



**LEGEND**

- BOUNDARY
- ROW
- CENTERLINE
- LOT LINE
- EASEMENT
- 15" STORM DRAIN
- 8" SANITARY SEWER
- 8" CULINARY WATER
- 8" SECONDARY WATER
- CONTOUR MAJOR
- CONTOUR MINOR
- EXIST. STORM DRAIN
- EXIST. SANITARY SEWER
- EXIST. CULINARY WATER
- EXIST. FENCE
- EXIST. CONTOUR MAJOR
- EXIST. CONTOUR MINOR
- SIGN
- STREET LIGHT
- SD MH, INLET, AND COMBO
- SEWER MANHOLE
- CULINARY VALVE, TEE, & BEND
- SECONDARY VALVE, TEE, & BEND
- WATER BLOW-OFF
- FIRE HYDRANT
- STREET MONUMENT (TO BE SET)
- EXIST. STREET MONUMENT
- EXIST. SD INLET & MH
- EXIST. SEWER MH
- EXIST. VALVE, TEE, & BEND
- EXIST. FIRE HYDRANT
- SPOT ELEVATION

**NOTES**

- DIMENSIONS ARE MEASURED FROM FACE OF CURB
- EACH LOT OWNER IS RESPONSIBLE FOR COORDINATING WITH TOOELE CITY FOR SEWER AND WATER MODELING.

**GRAPHIC SCALE**

(IN FEET)  
1 inch = 60 ft.

**FOR REVIEW ONLY**

**400 E COMMERCIAL**  
400 E 2200 N TOOELE, UTAH  
**SITE PLAN**

REVISION BLOCK	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

**SITE PLAN**

Scale: 1"=60'  
Date: 04/01/2022  
Sheet: C3.1

Drawn: AMO  
Job #: 21-0130



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**TOOELE CITY PLANNING COMMISSION**

**RESOLUTION 2022-01**

**A RESOLUTION OF THE TOOELE CITY PLANNING COMMISSION AMENDING THE TOOELE CITY PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE.**

**WHEREAS**, Utah Code §10-9a-301(1) requires each municipality in the State of Utah to enact an ordinance establishing a Planning Commission; and,

**WHEREAS**, Article 5 of the Tooele City Charter establishes that Tooele City shall have a Planning Commission made up of seven members; and,

**WHEREAS**, Article 5 of the Tooele City Charter further states that the terms of office of the appointive members of the Planning Commission and the manner of filling vacancies occurring during a term shall be prescribed by Ordinance of the City Council; and,

**WHEREAS**, Section 2-3-1 of the Tooele City Code creates and establishes the Planning Commission; and,

**WHEREAS**, Chapter 2-3 of the Tooele City Code establishes the duties, organization, and basic operations of the Planning Commission; and,

**WHEREAS**, on March 28, 2001, the Tooele City Planning Commission approved Bylaws and Rules of Procedure to more specifically guide the duties and operations of the Commission in support of Chapter 2-3 of the Tooele City Code; and,

**WHEREAS**, on October 23, 2013, the Tooele City Planning Commission approved revisions to the Bylaws and Rules of Procedure by a vote of 6-0; and,

**WHEREAS**, during the 2021 General Legislative Session of the Utah State Legislature, House Bill 409 was passed and signed into law by the Governor which, in part, required a minimum amount of annual training for Planning Commission members on topics that fall within the scope of their duties and responsibilities; and,

**WHEREAS**, the Planning Commission members have been receiving regular training on the various land use, policy, and legal responsibilities and obligations of serving on and carrying out the business of the Commission; and,

**WHEREAS**, during calendar year 2021, all Tooele City Planning Commissioners surpassed the minimum training requirement established in House Bill 409 (2021); and,

**WHEREAS**, one such training involved an in depth examination, review, and discussion regarding their adopted Bylaws and Rules of Procedure; and,

**WHEREAS**, during the training regarding the adopted Bylaws and Rules of Procedure it was identified that there may be revisions needed to modernize and maintain applicability of the Bylaws and Rules of Procedure; and,

**WHEREAS**, during additional training regarding the adopted Bylaws and Rules of Procedure on April 13, 2022, the discussion focused on specific revisions needed to modernize and maintain applicability of the Bylaws and Rules of Procedure; and,

**WHEREAS**, during their regular business meeting of April 27, 2022, the Planning Commission conducted a detailed discussion and review of prepared revision proposals to the adopted Bylaws and Rules of Procedure; and,

**WHEREAS**, on April 28, 2022, notice to the general public was issued making available for review and written comment the proposed revisions to the Tooele City Planning Commission Bylaws and Rules of Procedure; and,

**WHEREAS**, it is proper and appropriate to routinely review the policies and procedures for the business being conducted by Tooele City including the Planning Commission, for clarity, predictability, relevance, applicability, legality, and appropriateness; and,

**WHEREAS**, it is proper and appropriate to revise provisions of those City policies and procedures found to be antiquated, to have diminished in applicability and appropriateness, to be unclear or to have diminished relevance, or to lead to difficulties in the predictability of their application, and to modernize provisions to adapt to changing conditions and federal and state laws:

**NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY PLANNING COMMISSION** that the Bylaws and Rules of Procedure for the Tooele City Planning Commission are hereby revised and amended as provided in **Exhibit A**.

This Resolution shall take effect immediately upon approval.

**IN WITNESS WHEREOF**, this Resolution is passed by the Tooele City Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**TOOELE CITY CORPORATION PLANNING COMMISSION**

For

Against

\_\_\_\_\_  
Matt Robinson

\_\_\_\_\_  
Matt Robinson

\_\_\_\_\_  
Chris Sloan

\_\_\_\_\_  
Chris Sloan

\_\_\_\_\_  
Melanie Hammer

\_\_\_\_\_  
Melanie Hammer

\_\_\_\_\_  
Tyson Hamilton

\_\_\_\_\_  
Tyson Hamilton

\_\_\_\_\_  
Nathan Thomas

\_\_\_\_\_  
Nathan Thomas

\_\_\_\_\_  
Weston Jensen

\_\_\_\_\_  
Weston Jensen

\_\_\_\_\_  
Paul Smith

\_\_\_\_\_  
Paul Smith

\_\_\_\_\_  
Melodi Gochis, Alternate

\_\_\_\_\_  
Melodi Gochis, Alternate

\_\_\_\_\_  
Alison Dunn, Alternate

\_\_\_\_\_  
Alison Dunn, Alternate

ATTEST:

APPROVED AS TO FORM:

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

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

SEAL

**EXHIBIT A**

**TOOELE CITY PLANNING COMMISSION  
BYLAWS AND RULES OF PROCEDURE**



Tooele City Corporation  
Planning Commission Bylaws and Rules of Procedure

I. **Organization**

- A. Election of Officers.** The Planning Commission, at its last regular meeting 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.**
1. Alternates shall attend all Commission meetings unless duly excused.
  2. Alternates shall take the place of a regular Commissioner, performing the duties

and functions 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.

3. 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 Alternate Commissioner shall remain sitting on the Commission for the remainder of the meeting and the regular Commissioner shall remain as if an Alternate Commissioner. If less than a full Commission is present when a regular Commissioner arrives after the start of the meeting, the Commissioner may take their seat with the Commission, but shall not take the place of any Alternate Commissioner recognized by the Chair as replacing any regular Commissioner.
4. In the event a regular Commissioner has a need to be excused after the start of a meeting, an Alternate Commissioner shall replace the regular Commissioners for the remainder of the meeting.
5. **Option 1** – It shall be at the discretion of the Chair whether or not Alternate Commissioners not sitting as a replacement for a regular Commissioner:
  - a.
    - i. shall be seated at the side of the dais; and
    - ii. may participate in questioning, discussion, and debate regarding agenda items (but not voting); or
  - b.
    - i. are not to be seated at the side of the dais and shall be seated at a designated location in the meeting room; and
    - ii. shall not participate in questioning, discussion, debate, or voting, except that Alternate Commissioners may offer testimony during advertised and noticed public hearings under the same guidelines as members of the general public offering testimony.

**Option 2** – Alternate Commissioners not sitting as a replacement for a regular Commissioner shall to be seated at the side of the dais. Alternate Commissioners may participate in questioning, discussion, and debate (but not vote) regarding agenda items as outlined for decorum and procedure in these Bylaws and Rules of Procedure.

**Option 3** – Alternate Commissioners not sitting as a replacement for a regular Commissioner are not to be seated at the side of the dais and shall be seated at a designated location in the meeting room. Alternate Commissioners shall not participate in questioning, discussion, debate, or voting, except that they may offer testimony during advertised and noticed public hearings under the same guidelines as members of the general public offering testimony

- 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 Commissioner 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. Abstentions shall not count as an affirmative vote nor a dissenting vote.
- 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 prior to the start of the voting process for the item on which the explanation is desired. Once voting has begun, there shall be no further explanation or discussion on the item being voted upon.
- H. 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.

- I. **Requests to Reconsider Commission Decisions.** The Planning Commission may reconsider any of its decisions upon the petition of an adversely affected party to the item upon which the decision was made. An adversely affected party must, within 30 days of the Planning Commission decision, submit a written petition for reconsideration to the Planning Commission. The term “adversely affected party” shall have the meaning assigned in Utah Code Chapter 10-9a. 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.
  - J. **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.
  - K. **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 affirmative votes;
    - 3. The number of dissenting votes; and
    - 4. Abstentions.
    - 5. 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 vote is cast and the next vote is called for 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. 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. Planning Commission questions for the staff.
  - d. Applicant presentation.
  - e. Opening of the public hearing, as necessary and noticed. The opening of the public hearing by the Chair shall include an indication of a reasonable amount of time that will be allowed to each speaker.
  - f. 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 disruptive, disrespectful, inflammatory, is contrary to the decorum of the hearing, or lingers beyond the 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 relevant to the consideration of the application 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 but doing so shall not be deemed a continuation or reopening of a public hearing.
  - j. Planning Commission motions. 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.

- I. 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 no further discussion or comment allowed until the vote of the Commission has been 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 may only occur between agenda items unless an extenuating circumstance is determined by the Chair. 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.
- 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 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. 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. 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 making a motion to table, the motion shall include a specific date or future Planning Commission meeting (date certain) to continue hearing the matter or one or more condition(s) (condition certain) to be completed prior to further review. Any item tabled for further Commission review for

which a public hearing has been noticed, held, and declared closed by the Chair, need 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 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 or the second may choose not to accept the additional amendment in which case the amendment is not considered further and the vote on the original motion proceeds.
- I. Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.

  - 1. Upon a Commissioner offering a substitute motion, the Commission shall vote on whether or not to allow the substitute motion to replace the original motion.

    - a. If the Commission votes to not allow the substitute motion to replace the original motion, the substitute motion is defeated and the Commission shall then return to the original motion for further voting.
    - b. If the Commission votes to allow the substitute motion to replace the original motion, then the substitute motion is then voted upon.

      - i. If the Commission's vote approves the substitute motion, that vote becomes the decision of the Commission for that item.
      - ii. If the Commission's vote does not approve the substitute motion, the substituted motion is defeated and the Commission shall returned to the original motion for further voting.
  - 2. There shall not be allowed more than two substitute motions to be offered and considered by the Commission to any one motion for action.
- J. Planning Commission Recall of Decisions.** 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 only be made for agenda items on which the Commission is acting as the approval authority. Recommendation are not subject to reconsideration. Motions to reconsider an item may be made any time before the conclusion of the next properly noticed Planning Commission meeting. Motions to reconsider an item shall not be allowed following the first vote for reconsideration of that item. 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 be required as a part of the reconsideration.
- K. Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each Planning Commission meeting. No second or vote is required to the motion to adjourn. The Chair need only declare the meeting adjourned. In the event that a Commissioner objects to the adjournment of the meeting, the Chair may continue the meeting or call for a second and vote of the Commission to adjourn.

**IV. 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 unrelated 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. In all circumstances, Commissioners shall not offer criticisms or attacks on other Commissioners for their positions or opinions.
  6. Commissioners should not 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, becomes disruptive to the meeting, serves little purpose to the issue at hand, is irrelevant, or if there is question as to the expert's role as an appropriate expert to be questioned.
- 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 is 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 recess the meeting and/or call for the Commissioner's removal from the meeting.
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. Removal of a Commissioner shall only be for the remainder of consideration of the item at hand and the removed Commissioner shall be allowed to return for all other items on the agenda.

**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. During all discussion or debate, all Commissioners shall follow the General Rules of Decorum as outlined in Section II.B.

**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 as such 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. Dilatory motions shall be considered a violation of decorum and subject to enforcement as such.

**G. 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.

**H. 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. 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 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

\_\_\_\_\_  
Matt Robinson

\_\_\_\_\_  
Matt Robinson

\_\_\_\_\_  
Chris Sloan

\_\_\_\_\_  
Chris Sloan

\_\_\_\_\_  
Melanie Hammer

\_\_\_\_\_  
Melanie Hammer

\_\_\_\_\_  
Tyson Hamilton

\_\_\_\_\_  
Tyson Hamilton

\_\_\_\_\_  
Nathan Thomas

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Nathan Thomas

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Weston Jensen

\_\_\_\_\_  
Weston Jensen

\_\_\_\_\_  
Paul Smith

\_\_\_\_\_  
Paul Smith

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Melodi Gochis, Alternate

\_\_\_\_\_  
Melodi Gochis, Alternate

\_\_\_\_\_  
Alison Dunn, Alternate

\_\_\_\_\_  
Alison Dunn, Alternate

ATTEST:

APPROVED AS TO FORM:

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

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

SEAL

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.**
1. 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.

2. Alternates shall take the place of a regular Commissioner, performing the duties and functions 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.
  3. 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 Alternate Commissioner shall remain sitting on the Commission for the remainder of the meeting and the regular Commissioner shall remain as if an Alternate Commissioner. If less than a full Commission is present when a regular Commissioner arrives after the start of the meeting, the Commissioner may take their seat with the Commission, but shall not take the place of any Alternate Commission recognized by the Chair as replacing any regular Commissioner.
  4. In the event a regular Commissioner has a need to be excused after the start of a meeting, an Alternate Commissioner shall replace the regular Commissioners for the remainder of the meeting.
  5. **Option 1** – It shall be at the discretion of the Chair whether or not Alternate Commissioners not sitting as a replacement for a regular Commissioner:
    - a.
      - i. shall be seated at the side of the dais; and
      - ii. may participate in questioning, discussion, and debate regarding agenda items (but not voting); or
    - b.
      - i. are not to be seated at the side of the dais and shall be seated at a designated location in the meeting room; and
      - ii. shall not participate in questioning, discussion, debate, or voting, except that Alternate Commissioners may offer testimony during advertised and noticed public hearings under the same guidelines as members of the general public offering testimony.
- Option 2** – Alternate Commissioners not sitting as a replacement for a regular Commissioner shall to be seated at the side of the dais. Alternate Commissioners may participate in questioning, discussion, and debate (but not vote) regarding agenda items as outlined for decorum and procedure in these Bylaws and Rules of Procedure.
- Option 3** – Alternate Commissioners not sitting as a replacement for a regular Commissioner are not to be seated at the side of the dais and shall be seated at a designated location in the meeting room. Alternate Commissioners shall not participate in questioning, discussion, debate, or voting, except that they may offer testimony during advertised and noticed public hearings under the same guidelines as members of the general public offering testimony

- 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 Commissioner 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. Abstentions shall not count as an affirmative vote nor a dissenting vote.
- 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 prior to the start of the voting process for the item on which the explanation is desired. Once voting has begun, there shall be no further explanation or discussion on the item being voted upon.
- 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.

**HI.** **Requests to Reconsideration of Commission Decisions.** The Planning Commission may reconsider any of its decisions upon the petition of an **interested adversely affected** party to the item upon which the decision was made. An **interested adversely affected** party must, within 30 days of the Planning Commission decision, submit a written petition for reconsideration to the Planning Commission. The term “adversely affected party” shall have the meaning assigned in Utah Code Chapter 10-9a. 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.

**IJ.** **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 affirmative votes;
3. The number of dissenting votes; and
4. Abstentions.
5. 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 vote is cast and the next vote is called for 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. The opening of the public hearing by the Chair shall include an indication of a reasonable amount of time that will be allowed to each speaker.
  - 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 disruptive, disrespectful, inflammatory, is contrary to the decorum of the hearing, or lingers beyond the 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 no further discussion or comment allowed until the vote of the Commission has been 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 may only occur between agenda items unless an extenuating circumstance is determined by the Chair. 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.

~~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 rehearing 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, need 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 in which case the amendment is not considered further and the vote on the original motion proceeds.
- 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.~~
  - 1. Upon a Commissioner offering a substitute motion, the Commission shall vote on whether or not to allow the substitute motion to replace the original motion.
    - a. If the Commission votes to not allow the substitute motion to replace the original motion, the substitute motion is defeated and the Commission shall then return to the original motion for further voting.
    - b. If the Commission votes to allow the substitute motion to replace the original motion, then the substitute motion is then voted upon.
      - i. If the Commission's vote approves the substitute motion, that vote becomes the decision of the Commission for that item.
      - ii. If the Commission's vote does not approve the substitute motion, the substituted motion is defeated and the Commission shall returned to the original motion for further voting.
  - 2. There shall not be allowed more than two substitute motions to be offered and considered by the Commission to any one motion for action.
- J. **~~To Planning Commission Reconsider~~ Recall of Decisions 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 only be made for agenda items on which the Commission is acting as the approval authority. Recommendation are not subject to reconsideration. Motions to reconsider an item may be made any time before the conclusion of the next properly noticed Planning Commission meeting. Motions to reconsider an item shall not be allowed following the first vote for reconsideration of that item. 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 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.~~

**LK. Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each Planning Commission meeting. No second or vote is required to the motion to adjourn. The Chair need only declare the meeting adjourned. In the event that a Commissioner objects to the adjournment of the meeting, the Chair may continue the meeting or call for a second and vote of the Commission to adjourn.

#### 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 unrelated 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. In all circumstances, Commissioners shall not offer criticisms or attacks on other Commissioners for their positions or

opinions.

6. Commissioners should not 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, becomes disruptive to the meeting, serves little purpose to the issue at hand, is 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 is 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 recess the meeting and/or call for the Commissioner's removal from the meeting.
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. Removal of a Commissioner shall only be for the remainder of consideration of the item at hand and the removed Commissioner shall be allowed to return for all other items on the agenda.

**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. During all discussion or debate, all Commissioners shall follow the General Rules of Decorum as outlined in Section II.B.

**AE.** **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 as such 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. Dilatory motions shall be considered a violation of decorum and subject to enforcement as such.

**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.

DRAFT

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

**TOOELE CITY CORPORATION PLANNING COMMISSION**

For

Against

\_\_\_\_\_  
Matt Robinson

\_\_\_\_\_  
Matt Robinson

\_\_\_\_\_  
Chris Sloan

\_\_\_\_\_  
Chris Sloan

\_\_\_\_\_  
Melanie Hammer

\_\_\_\_\_  
Melanie Hammer

\_\_\_\_\_  
Tyson Hamilton

\_\_\_\_\_  
Tyson Hamilton

\_\_\_\_\_  
Nathan Thomas

\_\_\_\_\_  
Nathan Thomas

\_\_\_\_\_  
Weston Jensen

\_\_\_\_\_  
Weston Jensen

\_\_\_\_\_  
Paul Smith

\_\_\_\_\_  
Paul Smith

\_\_\_\_\_  
Melodi Gochis, Alternate

\_\_\_\_\_  
Melodi Gochis, Alternate

\_\_\_\_\_  
Alison Dunn, Alternate

\_\_\_\_\_  
Alison Dunn, Alternate

ATTEST:

APPROVED AS TO FORM:

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

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

SEAL

**Tooele City Planning Commission  
Business Meeting Minutes**

**Date:** Wednesday, April 27, 2022

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

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

**Commission Members Present:**

Melanie Hammer  
Chris Sloan  
Matt Robinson  
Tyson Hamilton  
Weston Jensen  
Paul Smith  
Melodi Gochis  
Alison Dunn

**Commission Members Excused:**

Nathan Thomas

**City Council Members Present:**

David McCall

**City Council Members Excused:**

Ed Hansen  
Maresa Manzione

**City Employees Present:**

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

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 Chairman Robinson.

**2. Roll Call**

Melanie Hammer, Present  
Chris Sloan, Present  
Matt Robinson, Present



Tyson Hamilton, Present  
Weston Jensen, Present  
Paul Smith, Present  
Melodi Gochis, Present  
Alison Dunn, Present  
Nathan Thomas, 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, January 12, 2022, and April 13, 2022 Planning Commission Meetings)**

*Presented by Jim Bolser, Community Development Director*

Mr. Bolser presented information on the City Code text amendment. The Planning Commission tabled it at the previous meeting, asking for a staff recommendation. There are three options to consider with the application. The first proposal is to decline the application and stick with the original text. The second proposal is to recommend approval to the City Council. The third option is to make specification with a percentage of the minimum being that material. It will provide clarification, establish a percentage that is easy to administer, allows more design for materials and colors. By establishing a higher percentage for front, you maintain and provide a balance in the other areas.

The Planning Commission asked the following questions:

Does the third option change the overall percentage?

Due to this change effecting the entire community, could the applicant have applied for just his property?

Could they choose to eliminate vinyl as an option for main supplies?

They applications they had seen previous have mentioned both minimum and maximum. What are they trying to ask for?

How does this effect double frontage properties?

Mr. Bolser addressed the Commission's concerns. The overall percentage would maintain, but the portion of it that applies to the front would change. An amendment applies to any application. An applicant could have done something through a PUD or development agreement. Maximum was apart of the original application. Through revisions, it is back to minimum with a change to the percentage. When it comes into policy, that material being added, now presents opportunity to be primary and secondary for the entire building. Double frontage is a different part of the code and would not be affected in this change.

**Commissioner Sloan motioned to forward a positive 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, substituting option three that discusses the 60% option.**

Chairman Hamilton seconded the motion. The vote was as follows:

Commissioner Hammer, “Aye”, Commissioner Gochis, “Naye”, Commissioner Sloan, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Smith, “Aye”, and Chairman Robinson, “Aye”. The motion passed.

**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.**

*Presented by Andrew Aagard, City Planner*

Mr. Aagard presented a plat for the property located near 230 North Street and Utah avenue. It is currently zoned R1-7. The plat proposes to split the current lot into 3 smaller lots. Sheds and buildings will need to be removed so there are no non-conformities. The applicant has met or exceeds requirements by the R1-7 district. Staff is recommending approval with conditions listed in the staff report.

**Commissioner Hamilton motioned to forward a positive recommendation of 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, based on the findings and conditions listed in the staff report.** Commissioner Smith seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Smith, “Aye”, and Chairman Robinson, “Aye”. The motion passed.

**5. Discussion on Proposed Revisions to the Planning Commission Bylaws.**

*Presented by Jim Bolser, Community Development Director*

**Mr. Bolser presented the following adjustments, clarifications, and decorum language to the Planning Commission bylaws at the request of the Commission. They are as follows: Section 1: “Organization”, subsection A and C; Section 2: “Rights and Duties of Members”, subsection B, E, F, G, H, I, K, and L; Section 3: “Rules of Procedure”, subsection A, B, F, G, H, I, and J; Section 4: “Decorum and Debate”, subsection, A, B, C, D, E, F and H; Section 5: “Suspension of Bylaws and Rules of Procedure”, subsection B; Section 6: “Amendment of Procedure”, subsection A.**

The Planning Commission had a discussion regarding the duties and best practice of an alternate. By allowing the alternate Commissioners to sit next to the Planning Commission, it presents an unfair advantage to an applicant or the public. An alternate becomes a Commission member for a meeting if a regular Commissioner is absent without being removed for the entirety of the meeting. They found it appropriate to have the direction of the alternates written somewhere; even with the base of “it is the chairman’s discretion.”

Chairman Robinson addressed the duties of an alternate. It does fall at the discretion of the chair. The Planning Commission is a body of seven voting members. By having the alternates sit in the front, it shows there are nine members. The alternates are required to be at the meeting and being asked to sit in the audience to provide clarity for the applicants and public.

Mr. Bolser addressed the Commissions concerns. An alternate is attending when there is a full Commission, but there should be a difference. They are not functioning member of the Commission. The perception of the public and applicants could assume there are nine not seven members.

Mr. Baker presented clarification for section G. The Chair gives every Commissioner before and after the motion a chance to say what they want. Once the voting has begun the voting should not be done to convince another Commissioner. There is time to allow explanation of vote without stretching out voting.

The following discussion points from the Planning Commission were in regards to section F. The text is referring to a single speaker if they are being repetitive, not the overall testimony of the public.

Mr. Baker clarified the terms could be referencing a previous speaker, but with a time limit, repetition won't become an issue.

The following clarification were asked for section I.  
The Commission may ask questions right to staff or the application. The strike should be extended to help clarify wording.

The Planning Commission shared their positive feedback for subsection 5.

**The Planning Commission would like to see the bylaws as a formal action in the next meeting, May 11<sup>th</sup>.**

#### **6. City Council Reports**

Council Member McCall shared the following information from the City Council Meeting: The Fire study report, impact facility plan, and the temporary zoning ordinance regarding garage parking in multi-family residential areas.

Mr. Baker gave the City Council the same presentation on the temporary ordinance and asked the Council to approve it.

#### **7. Review and Approval of Planning Commission Minutes for the Business Meeting Held on April 13, 2022**

The following changes were asked to be made:  
Commissioner Dunn was listed as chairman. Chairman Robinson did not start the meeting.

**Commissioner Hamilton motioned to approve the Planning Commission minutes for April 13, 2022.** Commissioner Hammer seconded the motion. The vote was as follows:

Commissioner Hammer, “Aye”, Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye”  
Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and  
Commissioner Smith, “Aye”. The motion passed.

**8. Planning Commission Training on Water.**

Mr. Hansen presented training on water.

**9. Adjourn**

Chairman Robinson adjourned the meeting at 8:42 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 \_\_\_\_ day of May, 2022

\_\_\_\_\_  
Matt Robinson, Tooele City Planning Commission Chair