

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council, and the Tooele City Redevelopment Agency will meet in a Work Session, on Wednesday, April 5, 2017 at the hour of 5:00 p.m. The meeting will be held at the Tooele City Hall Large Conference Room located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting

2. Roll Call

3. Discussion:

- **Resolution 2017-18 A Resolution of the Tooele City Council Approving the Annexation of 49 Acres of Additional Sunset Estates Property into the North Tooele City Special Service District**
Presented by Derrick Larson
- **Canyon Village - Rust - Preliminary Plan Request**
Presented by Jim Bolser
- **Ordinance 2017-09 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from General Commercial (GC) to High Density Residential (HDR) for Approximately 9.15 Acres of Property Located at Approximately 850 North 100 East**
Presented by Jim Bolser
- **Ordinance 2017-10 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Approximately 9.15 Acres of Property Located Near 850 North 100 East from General Commercial (GC) to High Density Residential (HDR)**
Presented by Jim Bolser
- **Ordinance 2017-11 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from General Commercial (GC) to High Density Residential (HDR) for Approximately 8.81 Acres Located at Approximately 600 East 2400 North**
Presented by Jim Bolser
- **Ordinance 2017-12 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Approximately 8.81 Acres of Property Located Near 600 East 2400 North from General Commercial (GC) to High Density Residential (HDR)**
Presented by Jim Bolser

4. Close Meeting

- **Litigation**
- **Property Acquisition**

5. Adjourn

Michelle Y. Pitt
Tooele City Recorder/RDA Secretary

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or michellep@tooelecitey.org, prior to the meeting.

TOOELE CITY CORPORATION

RESOLUTION 2017-18

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION OF 49 ACRES OF ADDITIONAL SUNSET ESTATES PROPERTY INTO THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT.

WHEREAS, the creation of special service districts is governed by U.C.A. Chapter 17D-1 Part 2; the procedure for annexing additional property into an existing special service district is the same as for the existing special service district's original creation; and,

WHEREAS, on June 16, 1999, the City Council approved Resolution 1999-29 for the creation of the North Tooele City Special Service District ("District") for the purpose of maintaining several unique public amenity features of the Overlake subdivisions; and,

WHEREAS, on December 17, 2003, the City Council approved Resolution 2003-62 for the annexation into the District of 30.69 acres, which comprised portions of the Sunset Estates subdivisions; and,

WHEREAS, on January 7, 2015, the City Council approved Resolution 2015-06 for annexation into the District of an additional 5.42 acres into the District, which comprised Sunset Estates phase 5 subdivision; and,

WHEREAS, on August 19, 2015, the City Council approved Resolution 2015-36 for annexation into the District of an additional 10.31 acres into the District, which comprised Sunset Estates phase 6 subdivision; and,

WHEREAS, Tooele City has received a Petition from the Tom Nixon Family Partnership ("Petitioner") to annex an additional 48.69 acres into the District, which comprise Sunset Estates phase 7 and future Sunset Estates phases ("Additional Property") (see the Petition, property maps, and legal description attached hereto as Exhibit A); and,

WHEREAS, because the Additional Property is held in common ownership by Petitioner, Tooele City and the Petitioner are relieved of complying with the Notice, Protest, and Public Hearing requirements of U.C.A. Sections 17D-1-205, 206, and 207, and the annexation may be approved simply by approving this Resolution, obtaining a Certificate of Incorporation from the Utah Lt. Governor, and recording the required documents with the Office of the Tooele County Recorder; and,

WHEREAS, the annexation of additional Sunset Estates property into the District, as proposed by this Resolution, has been requested not only by the Petitioner, but also by current and former members of the City Council, the Planning Commission, and the District's Administrative Control Board; and,

WHEREAS, the purpose of the District in annexing the Additional Property will be to maintain within the Additional Property special features and amenities related to the unique design of public street lighting, public signage, public drainage and flood control, public recreation properties, public street design and traffic calming features, and associated and integral public landscaping (the "Amenities"); and,

WHEREAS, in addition to the above purposes, annexation into the District will also allow Tooele City to impose upon and enforce with the Additional Property the construction and maintenance of Amenities design standards common to the District, including the privately-owned and privately-maintained privacy fence along 400 West Street right-of-way property line, rather than defaulting to Tooele City's regular design standards for such features and Amenities; and,

WHEREAS, the District will maintain only those Amenities formally accepted by and dedicated to Tooele City in the land use approval process; and,

WHEREAS, the City Council finds that it is in the best interest of the City in general and of District residents in particular, including the future residents of the Additional Property, to annex the Additional Property into the District; and,

WHEREAS, to the best of the City's knowledge, all requirements of the law precedent to the approval of this Resolution have been fully met:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that the annexation of the Additional Property into the District is hereby approved, and that the City Recorder is hereby instructed to file and record the necessary documents with the Utah Lt. Governor and the Tooele County Recorder.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

Petition, Property Maps, and Legal Description
of the Additional Property

PETITION
FOR ANNEXATION OF ADDITIONAL AREA TO
THE NORTH TOOELE CITY SEPECIAL SERVICE DISTRICT,
TOODLE CITY, TOOELE COUNTY, STATE OF UTAH

The undersigned persons (hereinafter referred to as the "Petitioners") hereby represent that they are the persons holding title to certain real property in Tooele City, Tooele County, State of Utah, more particularly described below, and referred to hereinafter as the "Additional Area":

SEE EXHIBIT

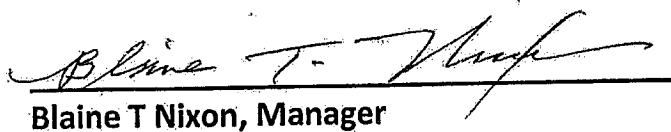
The Petitioners herby represent that there are no other persons holding title to the Additional Area.

The Petitioners desire to receive and accept the rights and responsibilities attendant to annexation of the Additional Area into the North Tooele City Special Service District.

Therefore, the Petitioners herby petition and request that the Additional Area be annexed to the North Tooele City Special Service District.

Dates this *27* day of *February* Signed: *2017*

Tom Nixon Family Partnership



Blaine T Nixon, Manager

1245 E Pine Ridge Circle
Alpine, UT 84003

Order Number: 55534A

Escrow Officer: at

Exhibit "A"

COMPOSITE DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, BASIS OF BEARING BEING N89°41'57"E BETWEEN THE SOUTHWEST CORNER AND SOUTH QUARTER CORNER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN BEING DESCRIBED AS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 9, SAID QUARTER CORNER IS N00°20'00"W 2643.02 FEET FROM THE SOUTHWEST CORNER OF SECTION 9, RUNNING THENCE N89°41'22"E 2640.32 FEET ALONG THE CENTER LINE OF SECTION 9 BETWEEN THE FOUND WEST QUARTER CORNER AND THE FOUND EAST QUARTER CORNER OF SECTION 9; THENCE S00°24'23"E 399.20 FEET ALONG THE CENTER LINE OF SECTION 9 BETWEEN THE FOUND NORTH QUARTER CORNER AND THE FOUND SOUTH QUARTER CORNER OF SECTION 9; THENCE S89°41'35"W 1256.41 FEET; THENCE S00°23'38"E 711.27 FEET TO THE NORTHEAST CORNER LOT 13 SUNSET ESTATES SUBDIVISION PHASE 4 AS RECORDED WITH THE OFFICE OF THE TOOELE COUNTY RECORDER; THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING (6) COURSES; 1) S89°41'58"W 430.50 FEET; 2) S00°22'45"E 10.50 FEET; 3) S74°56'31"W 104.41 FEET; 4) S73°55'57"W 155.10 FEET; 5) S76°45'52"W 104.29 FEET; 6) S89°37'09"W 602.75 FEET TO A POINT ON THE WEST LINE OF SECTION 9; THENCE N00°20'00"W 1213.58 FEET ALONG THE WEST LINE OF SECTION 9 TO THE POINT OF BEGINNING

Order Number: 55534A

Escrow Officer: at



SCHEDULE A

Order Number: 55534A

Client File Number:

1. Effective date: **December 29, 2016 at 7:45 AM**

2. Policy or Policies to be issued:

(a) 2006 A.L.T.A. Owners

Owner's Premium

Amount of Insurance:

\$1,000.00

\$264.00

Proposed Insured:

(b) 2006 A.L.T.A. Loan (Extended)

Loan Premium

Amount of Insurance:

\$0.00

Endorsements:

Endorsement Premium(s) **\$0.00**

Proposed Insured:

To Be Determined

(c) Leasehold

\$

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:
FEE SIMPLE

4. Title to the estate or interest in said land is at the effective date hereof vested in:
B. Thomas Nixon, as to a portion

Tom Nixon Family Partnership, a Utah limited partnership, as to a portion

Tom Nixon Family Partnership, as to a portion

5. The land referred to in this Commitment is in the State of Utah, County of Tooele and is described as follows:

See attached Exhibit "A"

Purported Address:

**THIS COMMITMENT IS INVALID UNLESS SCHEDULE B AND COVER ARE ATTACHED
This Commitment may be subject to a Cancellation Fee**

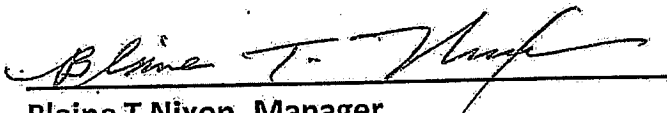
PETITION
FOR ANNEXATION OF ADDITIONAL AREA TO
THE NORTH TOOELE CITY SEPECIAL SERVICE DISTRICT,
TOODLE CITY, TOOELE COUNTY, STATE OF UTAH

To whom it may concern;

As part of the petition for annexation into the North Tooele City Special Service District (NTCSSD) the petitioner will landscape the street frontage along 400 west and 2400 north to Tooele standard as per landscaping. It will include landscaping the 5' park strip with sod, trees spaced 50' apart and automatic sprinkler. Maintenance will be the responsibility of NTCSSD.

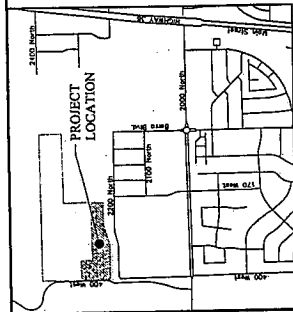
Dates this *27* day of *February* Signed: *2017*

Tom Nixon Family Partnership



Blaine T Nixon, Manager

1245 E Pine Ridge Circle
Alpine, UT 84003



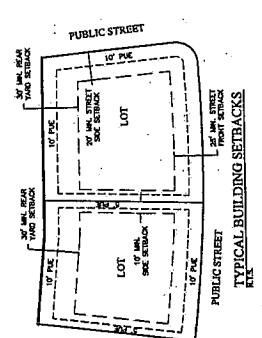
SUNSET ESTATES PHASE 7
 A SUBDIVISION LOCATED IN THE SOUTHWEST 1/4 OF SECTION 9, T3S, RAW, SLB&M
 244 WEST 2200 NORTH
 TOOELE, UTAH

PREPARED BY
FOCUS
 ENGINEERING AND SURVEYING, LLC
 100 WEST 1000 SOUTH
 MIDVALE, UTAH 84041 PH: (801) 352-6073
 www.focusutah.com



Curve Table

CHAIN NUMBER	BEARING	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
C1	S 89° 57' 00" W	S 89° 57' 00" W	111.79	111.79
C2	S 89° 57' 00" W	S 89° 57' 00" W	111.79	111.79
C3	S 89° 57' 00" W	S 89° 57' 00" W	111.79	111.79
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C100	S 89° 57' 00" W	S 89° 57' 00" W	111.79	111.79



QUESTAR GAS
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY _____
 QUESTAR GAS COMPANY

ROCKY MOUNTAIN POWER
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY _____
 ROCKY MOUNTAIN POWER

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

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

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

COUNTY SURVEYOR
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY SURVEYOR

POST MASTER
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE POST MASTER

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

NORTH TOOELE SPECIAL SERVICE DISTRICT
 APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 20____ BY _____

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

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

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

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

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

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

AT&T CABLE TV
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY AT&T CABLE TV

COUNTY TREASURER
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY TREASURER

PARKS DEPARTMENT
 APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE TOOELE COUNTY PARKS DEPARTMENT

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

SUNSET ESTATES SUBDIVISION PHASE 7
 A SUBDIVISION LOCATED IN THE SOUTHWEST 1/4 OF SECTION 9, T3S, RAW, SLB&M
 244 WEST 2200 NORTH
 TOOELE CITY, UTAH
 SHEET 2 OF 2

TOOELE COUNTY RECORDER
 STATE OF UTAH, COUNTY OF TOOELE, RECORDED
 DATE _____ TIME _____

TOOELE COUNTY RECORDER

EXHIBIT A

MAPPING PERTINENT TO THE CANYON VILLAGE - RUST SUBDIVISION

TOOELE CITY CORPORATION

ORDINANCE 2017-09

AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY GENERAL PLAN, LAND USE ELEMENT FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR APPROXIMATELY 9.15 ACRES LOCATED AT APPROXIMATELY 850 NORTH 100 EAST

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

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

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

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

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

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

WHEREAS, the City has received an application for General Plan, Land Use Element Map amendments for approximately 9.15 acres of property (the “Property”), comprised of parcels 18 - 099 - 0 - 0033 and 18 - 099 - 0 - 0004, as shown in the attached Exhibit A; and,

WHEREAS, the City Administration recommends approval of the General Plan, Land Use Element amendment application for the amendment of the General Plan, Land Use Element for the Property from the General Commercial (GC) land use designations to the High Density Residential (HDR) land use designation (see the Staff Report attached as Exhibit B); and,

WHEREAS, approving the present ordinance will not operate to create any land use entitlements other than land use designation under the General Plan, Land Use Element and/or the Zoning Map; and,

WHEREAS, on March 8, 2017 the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

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

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

1. this Ordinance and its proposed amendments to the General Plan, Land Use Element are in the best interest of the City in that they will further economic development, will make possible the availability and reliability of critical municipal services, will make possibility the use of the Property as permitted by law, and are consistent with the desires of the affected property owners (see Exhibit A); and,
2. the General Plan, Land Use Element is hereby amended for the property located near 850 North 100 East as illustrated in Exhibit A, attached.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y Pitt, City Recorder

S E A L

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

Exhibit A

Application for General Plan, Land Use
Element Map amendment

Zoning, general Plan , & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2130 Fax (435) 843-2139
www.tooelecitv.org



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

- (106

Project Information			
Date of Submission: Feb 1 2016	Current Map Designation: GC	Proposed Map Designation: HDR	Parcel #(s): 18-099-0-0003/18-099-0-0004
Project Name: Mountainview Townhomes.			Acres: 9.15
Project Address: 808 N. 100 E Tooele UT / 852 N. 100 S.			
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan			
Brief Project Summary: Building and owning to Rent 125 Townhouses.		Master Plan: O	
Property Owner(s): Price Tooele Company, II, LLC			
Address: 230 E. South Temple		Applicant(s): Matt Carter	
City: SLC	State: UT	City: Covington	State: UT
Phone: 801-478-8000 Ext 103		Phone: 801-643-4521	f()
Contact Person: Matt Carter		Address:	
Phone: - { ; 4 ; ,		City:	State:
Cellular:	Fax:	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 (GRA-). 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 a state or local government employee, as defined in Utah Code Ann. § 63-1-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

Note to Applicant:

Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment to the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2 1/2 months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only			
Received By: [Signature]	Date Received: 2/16/17	Fees: 1.45to. (=

0250576

January 31, 2017

Tooele City
Community Development Department
Attention: Rachelle Custer, Tooele City Planner
90 North Main Street
Tooele, Utah 84074

Ref: 2017 Tooele Multiple Housing Project- approximately 808 & 852 North 100 East Parcel
Number 18-099-0-0003 & 18-099-0-0004

Dear Rachelle,

As you are aware, we are in the process of developing approximately 125 unit townhome project at the address cited above. Per your direction we are submitting application for a Zoning and General Plan Amendment.

Accompanying this cover letter are the following:

1. *Zoning, and General Plan Amendment Application Form*
2. *Signed and Notarized Affidavit Form*
3. *Items listed on the Zoning and General Plan Amendment Application Checklist*
- 1. *Application and processing Fees*
5. *Other supporting material, as applicable to this project.*

We are excited to move forward with the project. This project will be complementary to the surrounding uses and will be a great addition to I00 East. We look forward to working with you and your staff to ensure this application is ready for Planning Commission and Council meetings.

[f you have questions, please call me anytime at 801-643-4521.

Best Regards,

Matthew Carter, Project Manager
2017 Tooele Multiple Housing Project
842 East 2150 South
Bountiful, 84010

801-643-4521

Submission Requirements- Application and Checklist

1. Application fee: Attached \$1,956

2. Completed application form: Attached

3. List of Names and complete mailing addresses (*street number, street name, city, zip code,*) obtained from the Tooele County Recorder's Office, for all property owners of each parcel or lot located within 200 feet of the outside boundary of the subject property(s):

Attached

4. A complete and accurate legal description of the entire area proposed to be redesigned on the map.
Attached and labeled: LEGAL DESCRIPTION

5. On separate sheets of paper, respond to the following questions:

Attached and labeled: **ZONING MAP:**

Attached and labeled: **General Plan MAP:**

General Plan Map Amendment Application, Checklist & Discussions

1. What is the present land use designation of the subject property(s)?
 - a. General commercial.
- 2 Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.
 - a. The proposed, High Density Residential zoning, will match the zoning of the property to the South and benefit the charter school to the North.
 - b. With the current zoning and the approval and buildout of the school on the North and the apartments to the South this would leave this particular property as an island that if developed as high density would be more in line with what is already there.
 - c. This zoning change, to High Density Residential, will result in the subject property and the real property to the south, to act as a buffer between the commercial properties to the West and the SFD to the East.
 - d. The buildout of this property to townhomes will bring a direct positive impact to the retail centers to the West.
 - e. 100 East does not lend itself as a commercial corridor as the traffic flows and visibility are very limited. Commercial properties usually require high traffic and very good visibility.
- 3 What do you anticipate the land being used for?
 - a. We will add 125 units on approximately 9.15 acres with 16 buildings with 3 acres of open space with a playground and basketball court.

- 4 Explain how the proposed land use designation would affect property, surrounding properties, and Tooele City.

The proposed land use is complementary to surrounding uses:

To the North is a charter school, residential adjacent to a Charter School is preferable over commercial uses.

To the South is existing multi-family at 16 units per acre density

The proposed use would face the back side of existing commercial that front main street. New storefronts facing the rear of existing storefronts is not desirable. Commercial visibility of 100 East is zero from main street.

- 5 Explain how the proposed land use designation promotes the goals and objectives of Tooele City.

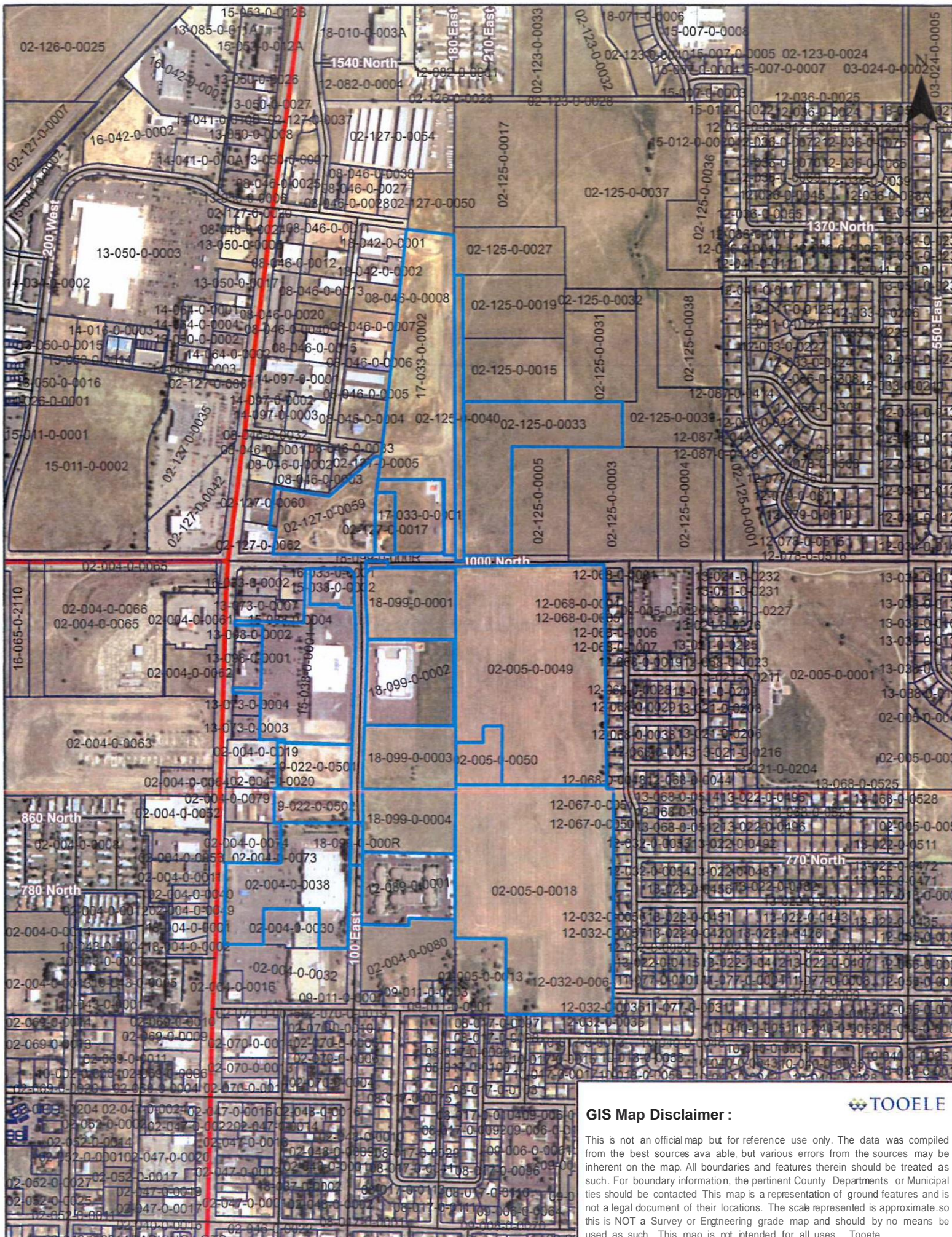
a Among the goals of Tooele city are the following:

- i. Goal #1 Support the Commercial Properties in the area
- ii. Goal #2 Compatibility to the properties in the area

b. Description of how we support City Goals

Goal #1. The town house project supports these goals by supporting the commercial property directly on Main Street as we will build 125 units with approximately 500 residents that will have shopping available to them within walking distance .

Goal #2. The town house project supports these goals by being compatible with the school to the North, the apartments to the South and the residential properties to the East.



GIS Map Disclaimer :



This is not an official map but for reference use only. The data was compiled from the best sources available, but various errors from the sources may be inherent on the map. All boundaries and features therein should be treated as such. For boundary information, the pertinent County Departments or Municipalities should be contacted. This map is a representation of ground features and is not a legal document of their locations. The scale represented is approximate so this is NOT a Survey or Engineering grade map and should by no means be used as such. This map is not intended for all uses. Tooele

EXHIBIT A

**MAPPING PERTINENT TO THE MOUNTAINVIEW TOWNHOMES GENERAL PLAN
LAND USE ELEMENT MAP AMENDMENT**

Untitled Map

Write a description for your map.

Legend







-  Copper Canyon Elementary School
-  Copper Canyon Elementary School
-  Fantastic Plastic
-  Main St@ 2055 N
-  Mountain Land Physical Therapy
-  MountainWestWorx



Exhibit C

Planning Commission Meeting Minutes

TOOELE CITY PLANNING COMMISSION MINUTES
March 8, 2017

Date: Wednesday, March 8, 2017
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Matt Robinson, Chairman
Shauna Bevan, Vice-Chairwoman
Chris Sloan
Ray Smart
Melanie Hammer
Russell Spendlove
Phil Montano
Brad Clark

City Employees Present:

Roger Baker, City Attorney
Rachelle Custer, City Planner
Paul Hansen, City Engineer

Council Members Present:

Chairwoman Winn
Councilman McCall

Minutes prepared by Cami Cazier.

Chairman Robinson called the meeting to order at 7:00 p.m. He recognized and welcomed Girl Scout Troop #2339.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Robinson.

2. **Roll Call**

Matt Robinson, Present
Shauna Bevan, Present
Chris Sloan, Present
Ray Smart, Present
Melanie Hammer, Present
Russell Spendlove, Present
Phil Montano, Present
Brad Clark, Present

3. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #3 and #4 will be introduced together, as they represent the same property. These requests are for approval of a General Plan Land Use Element Map amendment and Zoning Map amendment for approximately 9.15 acres consisting of parcels 18-099-0-0003 and 18-099-0-0004 located at approximately 850 North 100 East. The property is currently zoned GC General Commercial. The applicant is requesting an HDR Zoning District to construct 125 townhomes. The proposal will consist of sixteen buildings and three acres of open space with playground equipment and a basketball court. The HDR Zoning District allows for up to sixteen units per acre; the proposal is for approximately fourteen units per acre. This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not approve any development, unit numbers, etc. The applicant will have to come back and go through the subdivision and site plan approval process for multi-family at the time he decides to develop.

The property to the north is Scholar Academy and the property to the south is Lakeview Apartments. The property to the west is commercial development and east is zoned R1-7 for single family residential uses. High density residential generally creates a good buffer between commercial and single family residential uses.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment Matt Carter, application number 2170087, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Smart expressed a concern about the past drought conditions for Tooele City and the availability of water for other new housing developments as well as this property.

Ms. Custer responded that each development is required to bring their own water rights. The State only allots so many water rights per aquifer, so they will be required to bring water rights in from the State.

Commissioner Smart asked if the State has done tests to measure the amount of water available.

Ms. Custer responded that the City continually develops new water sources to provide for the community.

Chairman Robinson opened the public hearing. Per Mr. Baker's suggestion, Chairman Robinson stated that all public comments for this item will apply to both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Andrea Cahoon came forward. She was representing the purchaser of the property. As a resident of Tooele City, she believes that the location for this development is perfect because it's close to grocery stores, a school, and Main Street. She couldn't think of any good commercial uses for the property.

Chairman Robinson closed the public hearing at 7:08 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes General Plan, Land Use Element Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

4. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #3.

Chairman Robinson opened the public hearing for the Zoning Map amendment. There were no additional comments.

Chairman Robinson closed the public hearing at 7:10 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes Zoning Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

5. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #5 and #6 will be introduced together, as they represent the same property. This application is a request for approval of a General Plan, Land Use Element Map amendment and Zoning Map amendment for approximately 8.81 acres located on the east side of SR 36, at approximately 600 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting a High Density Residential zoning to construct 38 to 54 townhomes and 96 garden style, walk up apartments. High Density Residential does allow up to 16 units per acre which would allow for a maximum of 140 units. The parcel is 19.61 acres with 600 East master planned to divide the parcel. The applicant is leaving the west 8 acres as General Commercial retail development with the east 8.81 acres proposed to be High Density Residential. The property to the west is General Commercial, and north is zoned Research and Development which is a Commercial Land Use. South is Light Industrial and is currently developed with Light Industrial uses and some medical offices. East is zoned Rural Residential and is in the County.

There is a property owner in opposition of this amendment. More information was included in the Commissioner's packets. One of the existing businesses has a concern regarding mixing children and families that come with High Density Residential with industrial truck traffic. Ms. Custer also received a phone call from another adjacent property owner who did not submit anything in writing. However, he expressed that he supports the High Density Residential on the east portion of the lot, but strongly feels the west portion should remain General Commercial.

This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not give any development rights or approvals. The applicant will have to come back and meet all of Tooele City's Codes with their development for any approvals.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment by Rob Heywood representing The Ritchie Group, LC, application number 2170062, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Sloan asked for clarification on the map shown overhead for the adjacent property owner's area of concern.

Ms. Custer referred to the photo and pointed out the area in question. She also pointed out a dirt road that would separate the High Density Residential and the General Commercial.

Chairman Robinson opened the public hearing for both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Alan Cohen came forward. He, along with his sons that were also present, are the owners of the subject property. They are also the sole owners of an LLC called Bear-All, LLC, which has title to the subject property. His family has been in business in Salt Lake City for 90 years. Currently, his sons, who are the fourth generation of their business, are the managers. As a means of diversifying themselves, they purchased this land about 10-11 years ago in the height of the real estate boom. It was their intention to hold the property 3-5 years and then team up with developers or put it up for sale. At the time, the property was in the Greenbelt. Believing that Tooele was in a growth phase, they chose to change the zoning. Shortly after however, the real estate market crashed.

They have tried to sell the land as a Commercial Property for the past 6-7 years but have been unsuccessful. They have used four different real estate agents and have used various pricing strategies and incentives. They have also utilized the internet, direct mail and other resources, all to no avail. Based on the advice of several qualified experts, they decided to build apartments on half the property and retain the other half as Commercial. They have already been approached by at least two developers who are interested in the Commercial side.

Mr. Cohen believes this to be a growth opportunity not only for them, but for the surrounding businesses that currently exist, including the medical offices, fast food restaurants, gas station, Home Depot, and adjacent furniture store. He believes that Tooele City will attain growth through the tax base. He also believes the UTA Park & Ride will be an advantage to everyone. He expressed his gratitude to Rachelle Custer and Paul Hansen for their assistance in this process.

James Knight came forward next. He represented Skretting, which is a fish feed manufacturer near the subject property. He asked for the color satellite photo of the subject property to be shown overhead again. He mentioned a letter that he had given to the Commission in regards to his concerns for these amendments. This letter is attached to the minutes as Exhibit A.

Skretting purchased their land from a private owner in 2008, which was Nelson and Sons. Nelson and Sons is still the corporate entity name that they use, however they operate under Skretting. Nelson and Sons was originally located in Murray, Utah and operated there for about 100 years. Over that time, the city grew and they had to find another place to relocate. When they purchased the land in Tooele around 1996, there was concern that the same situation would occur; that the city would develop residential areas around them.

Mr. Knight pointed out that the land south and east of 2400 North belongs either to Skretting or ENS, a joint partnership of Skretting's. That land is all zoned Light Industrial and they have no intent to sell that land for residential use. Also near the subject property is C.R. England, which also has truck traffic. Clean Harbors is also nearby, which takes care of industrial hazardous waste. The land for the medical buildings to the west was purchased from Skretting, as well as the Pit Stop Carwash. It is Skretting's intent to continue to sell their land for light industrial use.

Mr. Knight stated that Skretting has been actively involved in the community and employ many residents of Tooele. They predict a 23% growth in their business this year. Their main concern is safety for the City's residents, and they believe that transport trucks and children just don't go well together.

Commissioner Sloan asked for more specific details about truck traffic in the subject area, such as how many per day. Mr. Knight answered that about 3,000 trucks traveled through their area last year, and they predict even more this year as a result of the predicted 23% business growth. He also pointed out that they operate 24 hours/day, even in the winter when it gets dark earlier. This is a concern because High Density Residential typically brings young families, and Mr. Knight worries about young children around the busy truck traffic.

Mary Alice Shields-Watkins came forward next. She represented the land directly to the east of the subject property. It is zoned RR-5 and is in the County. It's approximately 150 acres and they have no intention of disposing of or selling the land. Her concern is trespassing on their property. It is currently being farmed. Trespassers have used a dirt road that runs along the north side of the railroad tracks and it has crept further north, getting closer to Droubay Road. She is concerned that use of this dirt road will increase with residential development in the area.

Mr. Baker pointed out that this is a rail crossing that would not be allowed by the railroad to be developed or improved in any way. It's not part of the City's transportation master plan. Any development of any nature on that property would probably require something obstructing traffic crossing the railroad.

Commissioner Hammer asked for clarification about which property Mr. Baker was referring to. Mr. Baker responded that he was referring to any property developed in the City that was on the west side of and adjacent to the railroad tracks. They probably would be required to obstruct the crossing of those tracks from that development.

Rob Heywood came forward to address the Commission next. He works for the Ritchie Group, which is the development partner for the Cohen brothers on this property. He referenced the letter from James Knight, which addressed the concerns of Skretting. Mr. Heywood wanted to address the traffic concerns pointed out in the letter. He doesn't believe that this truck traffic is different from other truck traffic throughout the rest of the City. While he shares concern for children, he assured the Commission that traffic engineers and the site design plan team would consider those issues when developing the site. He stated that while all the land to the south of 2400 was in control of Skretting, they also desired to have control of their land to the north of the subject property. With the coming growth of that area, whether Light Industrial or Commercial,

housing is a chief need for the workforce employees. Their market research shows that there is a demand for housing in Tooele City, and they hope to be able to provide a beautiful, desirable place to live that is close to many of the work opportunities provided by Skretting and others.

Commissioner Smart expressed a concern about the odor coming from the Skretting facility. He related a story about his family's dairy that was constantly taken to court over the smell, and they eventually gave up the business over it. He worries that potential residents would complain to Skretting enough to run them out.

Mr. Heywood responded that the odor problem was an issue that they had been researching. He has personally conducted many "sniff tests" and believes that the traffic issue is more of a problem than the smell.

Mr. Cohen returned to the podium to talk about research that they have conducted on the smell problem. He passed out folders to the Commission that held the research data that he has compiled. This information is included at the end of these minutes. Mr. Cohen made sixteen visits to the subject property on various dates and times beginning Oct. 25, 2016 and ending on Feb. 28, 2017. At no time did he observe any unusual odors. His research includes wind speeds and direction as provided by the National Weather Service of Salt Lake City. Mr. Cohen admitted that the research he conducted was not scientific. However, he concluded that if such a problem exists, it is slight and insignificant to his investment goals and that the risk, if any, is his and is acceptable.

Commissioner Spendlove remarked that he believes the smell to be a problem, and noticed it just that morning near Home Depot. He worries that it will negatively affect the property owner's ability to find tenants.

Mr. Cohen responded that he has tried to find ways to monitor the air on a continuing basis, but has been unable to find such equipment. He reiterated that he is satisfied with the risk.

Mr. Knight returned to the podium. He did not receive a copy of the odor study conducted by Mr. Cohen. He was uncomfortable that the data was not scientific. He was also concerned that he was not aware of Mr. Cohen making visits to his property. Mr. Knight pointed out that his facility did not operate during the month of December, and January and February were slow months. As a result, the odor issue should not have been a problem anyway during those months when Mr. Cohen conducted his study. Their busy time is during the summer, when children are outside more often. Mr. Knight also mentioned that his company continues to make efforts to help the odor problem.

Chairman Robinson closed the public hearing at 7:45 p.m.

At the advice of Mr. Baker, Chairman Robinson stated that the letter from Skretting and the research study and accompanying letter be included as part of the public comments in the public hearing.

Mr. Baker added to the discussion that he has lived or worked in Tooele since 1993, and while driving on SR-36 has noticed that under moist, winter conditions with a north breeze, the air is pungent. Mr. Baker spoke with Chris Nelson and his brothers in 1995, 1996, and several times after that. He recalled being told by them that they were forced to leave West Jordan because of odor concerns from encroaching residential development. The complaints about the odor became very strong from the residents. When Nelson and Sons moved to their current location in Tooele, it was outside the Tooele City limits and was the Tooele County Industrial Park. The land was developed by the County and then became owned by the England family and others. It was annexed sometime later, and at that time, the Nelsons expressed to Mr. Baker why they moved out here and expressed concern that the situation may happen to them again, i.e., conflicts due to residential development encroaching on their facility.

Commissioner Sloan asked Mr. Baker who instigated the annexation request, the City or property owners?

Mr. Baker didn't recall, but believes it may or may not have been part of the Tooele Associates Annexation that happened about the same time.

Commissioner Montano related a story about a similar issue regarding the Brickyard Plaza in Salt Lake City. They were also forced to relocate as a result of their operations bothering nearby residents. Commissioner Montano is very familiar with the subject property and is aware of the odor, but commended the facility for their continued attempts at improving the problem. It is much better than it was in the past.

Commissioner Montano also expressed his favorable view of personal property rights. He believes that property owners have the right to develop their property as needed, and diversifying may be the best solution to protect their investment.

Commissioner Sloan was in agreement with Commissioner Montano about being pro personal property rights. He is in the real estate profession, and has been a part of situations similar to this one. Commissioner Sloan remarked that in the state of Utah, less than 23% of the housing is available to people making less than \$50,000 per year. Market studies indicate that we have a tremendous housing shortage, especially rental properties.

Commissioner Sloan admitted that he was struggling with this issue. He agreed that the subject property could be a nice, walkable community. Additionally, he said that nothing makes a better buffer between Commercial and Residential than High Density Residential. Odor and traffic issues aside, he stated that he was likely to favor the property owner in this situation because it is in the public good to develop this sort of product in this area. In our City, we constantly hear of the need for commercial opportunities. Despite the fact that people believe that if we build a Costco, people will move here, it actually works the other way around. Without appropriate housing, we are unlikely to get new commercial businesses. That being said, Commissioner Sloan warned that he will be "mean and nasty" when an actual development plan comes before the Commission, particularly with the traffic and safety issues.

Commissioner Smart added that he agrees with supporting personal property rights. However, he believes that the property owners are fully aware of the situation, and they know that once people move in, the residents have the ability to complain and create problems for the property owners and neighboring businesses.

Commissioner Sloan clarified that he understands that the property owners say that they will take full responsibility of any issues that may arise. However, he believes that once they have sold the property, the owners will be gone and any problems will become the responsibility of someone else. Having been in the development business, he knows what typically happens in these situations.

Mr. Baker pointed out to Commissioner Sloan that this is likely the only opportunity to be “mean and nasty” if he had concerns about the development. By law, once a property is rezoned, then the City must approve development applications consistent with that zoning. By law, the Commission is not required to approve zoning changes. Those are policy issues that the Commission and City Council set.

Commissioner Montano asked Paul Hansen for any comments as far as traffic and road concerns.

Paul Hansen reiterated that they don't have an application for development, just a concept. They haven't yet been through any of the City Code requirements in terms of traffic or other studies. Those studies will be required once an application is filed. The one factor on traffic is that 2400 North is not expected to extend across the rail traffic. Any traffic from 600 East to the end of the cul-de-sac will be either the subject properties' residents or the industrial users on the south side.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele General Plan, Land Use Element Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170062, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 4-3 vote, a negative recommendation will be forwarded to the City Council.**

6. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #5.

Chairman Robinson opened the public hearing for the Zoning Map amendment.

Rob Heywood came forward again. He stated that it was the intention of the land owners to have this be a legacy asset, to hold it indefinitely and not sell it.

Chairman Robinson closed the public hearing at 8:02 p.m.

Chairman Robinson moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele Zoning Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170061, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Nay,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 5-2 vote, a negative recommendation will be forwarded to the City Council.**

7. Recommendation on preliminary plan approval for Canyon Village – Rust - a 15.75 acre 60 lot residential development to be located at approximately 1800 N. Copper Canyon Drive.

Presented by Rachelle Custer

This application is a request for approval of a preliminary plan for approximately 15.75 acres located at approximately 1800 North Copper Canyon Dr. The property is currently zoned HDR High Density Residential to be developed into single family homes. It is proposed to contain sixty lots, with a minimum of 7,000 square foot. There are six 15,000 square foot lots that can be developed as dense as a four-plex in this Zoning District. That will come before the Commission in final plats as they phase it out. This is just preliminary approval for the overall layout, roads, utilities, etc.

Pine Canyon Road is in the County and the County has provided the applicant with the right of way requirements to include the City’s double frontage requirements. There is double frontage along Copper Canyon Drive and Pine Canyon Road, so they will be required to abide by the Tooele City Codes on double frontage standards.

Staff recommends approval of the request for a Preliminary Plan by Adam Nash, representing Growth Aid LLC, application number 2160631, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions are 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 are 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 Fire Department are satisfied throughout the development of the site and the construction of all buildings on the site.
4. Plans are to be stamped and signed by a professional engineer, registered in the State of

- Utah.
5. Double Frontage lot requirements along all double frontage streets, to include establishing an HOA per Tooele City Code 7-19-17.1 shall apply.
 6. Single family and multi-family design guidelines per Tooele City Code 7-11a and 7-11b shall apply.

Commissioner Bevan moved to forward a positive recommendation to the City Council for the Canyon Village – Rust Preliminary Plan, for the purpose of creating 60 residential lots at approximately 1800 North Copper Canyon Drive, application number 2160631, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017.

Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

8. **Review and Approval of Planning Commission Meeting minutes for meeting held February 22nd 2017.**

Commissioner Hammer moved to approve the minutes for the meeting held February 22nd, 2017. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

Councilman McCall commended the Commission for their professional discussion of the items and concerns during the meeting.

10. Adjourn

Commissioner Bevan moved to adjourn the meeting. Chairman Robinson adjourned the meeting at 8:08 p.m.

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

Approved this 22nd day of March, 2017

Matt Robinson, Chairman Tooele City Planning Commission

Exhibit A

Zoning change.

To whom it may concern;

Skretting is a manufacturing company located here in Tooele at 712 East 2400 North. The company was originally located in Murray, Utah under the operating name Nelson and Sons which was privately owned. Nelson and Sons operated in Murray for about 100 years but was forced to relocate due to city grow which left no room to expand.

In 1996 Nelson & Sons purchased land in Tooele to continue their operation, at that time and they also entered into a partnership to purchase approx. 38 acres of land under the name ENS, this was to ensure room for further growth but moreover, to protect against residential grow as had happened in Murray, Utah.

Skretting purchased Nelson & Sons in January 2008 and immediately invested another 12 million dollars to install new receiving bins. We have since invested approximately 1 million dollars every year since, including 2.8 million in 2016. Skretting Tooele is a growing operation which produced 21,000 MT of fish feed in 2016 and we expect to produce 27,000 MT in 2017 for a 23% growth.

Between Skretting and ENS we have investment in nearly all the land south of 2400 North and intend to sell this land for commercial/light industrial use. We have recently turned down 2 offers which would have required the same zoning change that is currently being requested for the land North of 2400 North. The reason for not accepting the highly profitable offer was due to safety concerns. In 2016 the transport truck traffic on this road was about 30 per/day supplying our 24 hour operation, as stated before, we expect to increase sales this year by additional 23% which would result in higher truck traffic. In short, transport trucks and children don't go well together.

We have sold off lots of the land for both the medical building and the carwash located on 400 East. Our intent is to continue to sell the remaining land for commercial/light industrial use, again this would increase transport truck traffic along this road, further endangering young children if a HDR area was to be place along this corridor. We take safety very seriously and were shown by us by turning down 2 offers that were highly profitable, just ensure our residents are not exposed to these traffic dangers.

Skretting is an active community member and has donated too many groups to help the community. Such as;

- Tooele Food Bank
- Special Olympics Utah
- Children's Wish Foundation International
- Huntsman Cancer Institute
- Jared McMakin's Eagle Scout project to build nesting boxes for water fowl
- Community softball team
- Overlake Elementary Focus on Art Program
- Impact (Homeless student fund in Tooele County)
- Kickin' Cancer's Can
- 4-H livestock show in Tooele County
- Little league baseball team
- Disability Mentoring Day

- Back to School Community Closet
- Scholar Academy Night of the Arts

Plus hosted the Tooele County School District Special Education Transition program.

We are very proud of our community and our support in it, including the many local businesses that we support.

In closing, we have turned down offers that would require this zoning change on land we own due to safety concerns and I hope you would do the same for the land North of 2400 North. Our children are too valuable to be exposed to these risks.

Thank you

DRAFT



hiialeah run @ Tooele

Alan Cohen

Phone: 801 201 2927

Email: orandal84@gmail.com

March 8, 2017

Ladies and Gentlemen,

When my partners and I first considered a multi-family development at this location we were warned or informed, however we chose to take it, of a foul odor which sometimes permeated the area. This odor said to be emanating from the factory located at 712 E. 2400 North. Over the course of time and after many visits to the site, I or anyone whom accompanied me, failed to notice anything unusual. However, as a owner of the proposed project, it was very important to be aware if such a drawback existed. Obviously an investment of this magnitude could be substantially impaired if such a condition prevailed. So, after researching and failing to find any technological aids to determine a study methodology, I chose to do a personal study on my own. Below are the results of that study. Though I admit, the findings are not scientific in nature, they have convinced me that, if such a problem exists, it is slight and insignificant to my investment goals and that the risk, if any, is mine and is acceptable.

- 1. All information gathered from National Weather Service Salt Lake City(noaa.gov)***
- 2. Historical Prevailing Wind Speeds and Directions as measured at Salt Lake International Airport, the closest point of comparison***

Note:

a. Some difference may exist between the measurement site and the property site as to wind direction, which is the key event of study here. Therefore one would have to interpolate wind directions in Tooele from the available data. Having spent a great deal of time on the Great Salt Lake in my younger days, I have concluded the data here is very close to valid at the proposed location.



b. The study of Wind Speed and Direction is significant only in the fact that if there were an unusual odor wafting from the factory sight, it would only be noticed were the wind to pass over the proposed multi-family site.

c. In that vain, we should note the following:

Approximate (give or take 10 degrees) True Compass Bearings from the Factory Smoke Stack to Various Locations on the Subject Property.

<i>TO:</i>	<i>540 East</i>	<i>118 degrees</i>
	<i>650 East</i>	<i>135 degrees</i>
	<i>End 2400 N</i>	<i>180 degrees</i>

Therefore, if a problem existed the winds coming from these directions would most affect the subject property.

3. Exhibits shown here are as follows.

Exhibit one: Site visits on Exhibit one were made by the author on the days and times so noted. The exhibit indicates day, time, sky condition, wind speed and approximate direction.

There were 16 visits made on various dates and times beginning October 25, 2016 and ending on February 28, 2017 as noted. At no time were any unusual odors observed.

*Exhibit two: (Consisting of 13 Pages: Page one is the annual data and Pages 2 through 13 are Monthly data)
Historical Prevailing Wind Speeds and Directions as measured at Salt International Airport. (See above)*

CONCLUSIONS:

Considering the data in paragraph (c.) above, the winds which would most affect the site would emanate from between 118 degrees and 180 degrees give or take ten degrees.



Page one of Exhibit two (annual wind speed and direction) indicates the following:

Winds from the designated directions could occur up to 25% of the time. (Considering it is calm 15% of the time) However, half of the time these winds are 10 to 15 knots. (11 to 17 MPH.) Logic would tell us that higher winds would dissipate the odor, if any.

And finally, the 16 visits to the property indicated 0 evidence of any odor under any of the conditions which existed at the time of the visits. So considering the percentages above stated, one would have to conclude that some evidence would have been noticed on, at least, one visit. This was not the case. This in turn would lead one to suspect that the warnings received though possible, were perhaps excessive.

I thank you for taking the time to consider this study, and though I freely admit it is far from scientific, the results of the study combined with the many site visits give me confidence there should not be a problem.

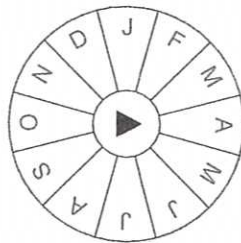
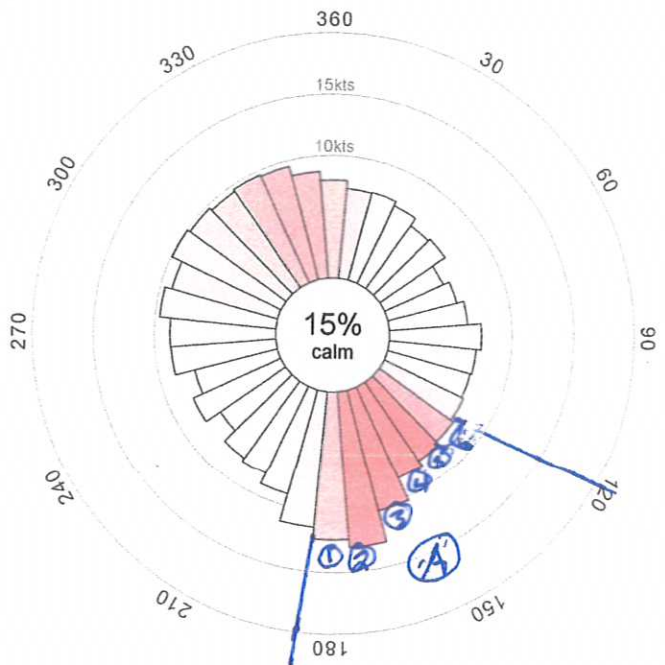
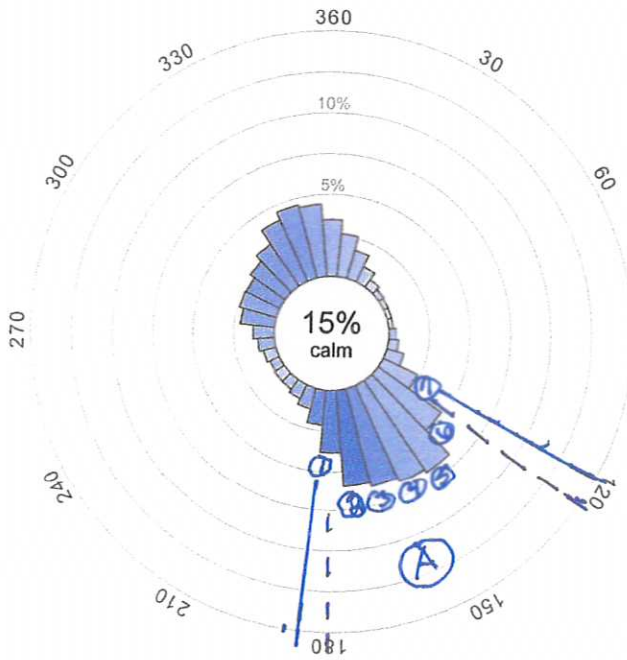
Respectfully submitted

Alan S. Cohen

SITE STUDY EXHIBIT ONE

DATE	SKY CONDITION	TIME	WIND	COMMENT, ODOR??
10/25/2016	Partly Cloudy	3:00 PM	N-5	None
11/1/2016	Over cast	8:45 AM	S 1 to 2	None
11/4/2016	Cloudy Slt Inversion	8:55 AM	S 1 to 2	None
11/7/2016	Cloudy Inversion	12:00 PM	0 to N 5	None
11/22/2016	Partly Cloudy	1:00 PM	0 to N 1	None
12/5/2016	Partly Cloudy	12:00 PM	NW-5	None
12/8/2016	Over cast	10:20 AM	0	None
12-?-16	Cloudy Slt Inversion	1:00 PM	0	None No Smoke
12/30/2016	Inversion	3:00 PM	0	None No Smoke
1/8/2017	Inversion	11:20 AM	N to SW 5	None
1/24/2017	Over cast	10:42 AM	NW 3	None
2/1/2017	Severe Inversion	10:20 AM	NW 3	None
2/17/2017	Cloudy Slt Inversion	9:20 AM	0	None
2/17/2017	Over cast	10:20 AM	NW 2	None
2/28/2017	Partly Cloudy	9:46 AM	NW 5	None

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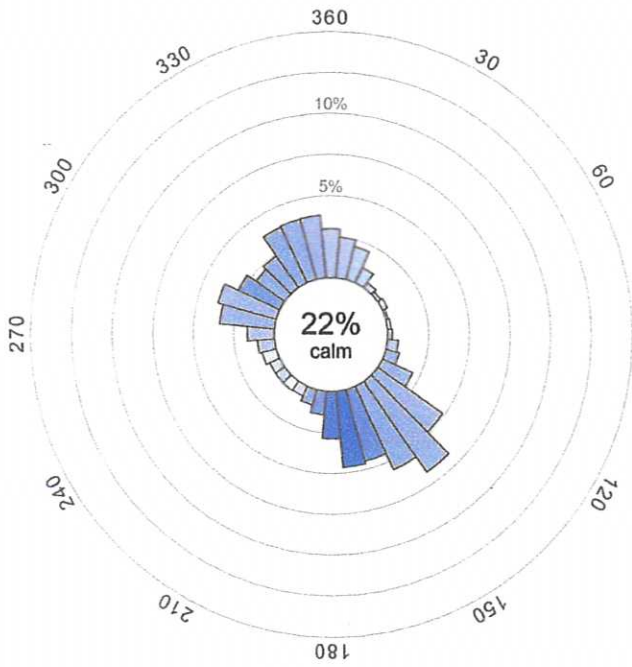


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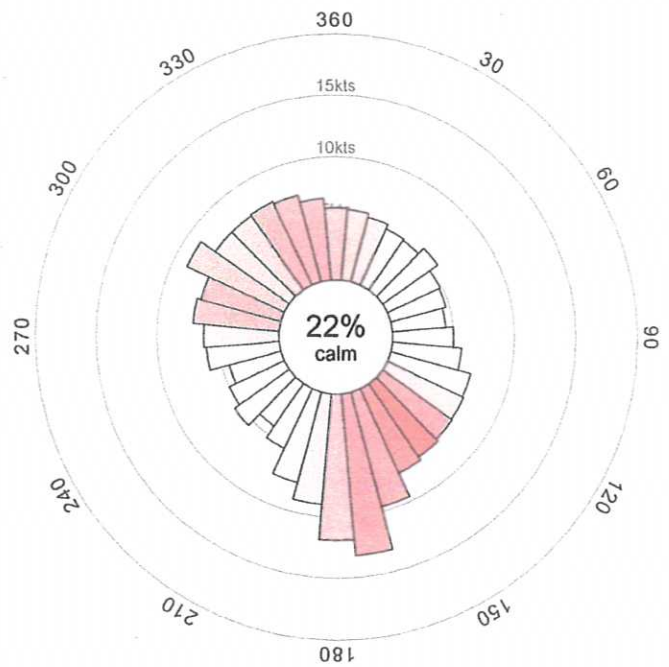
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Frequency by Direction



Average Speed by Direction

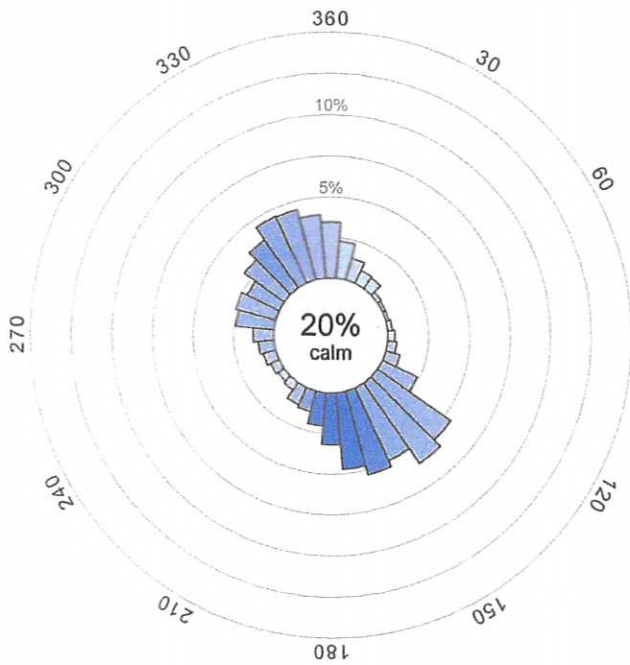


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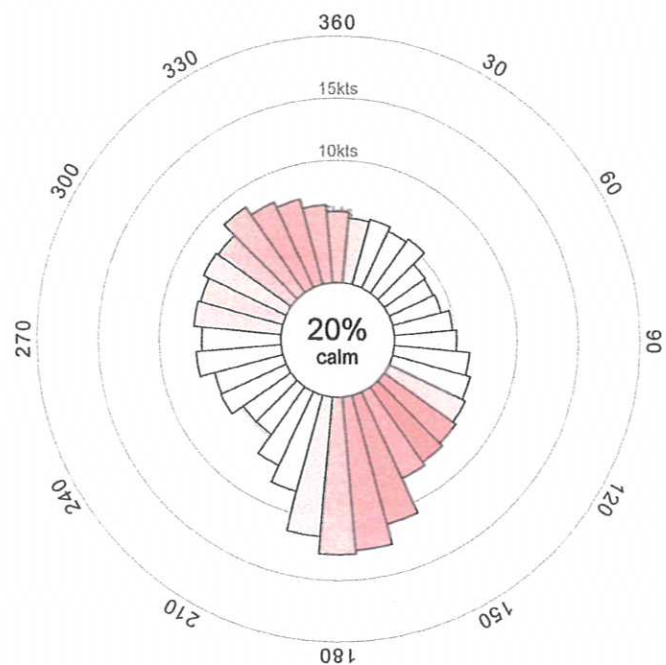
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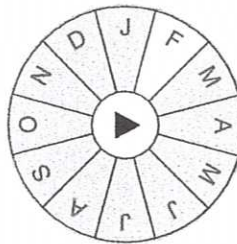
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Frequency by Direction



Average Speed by Direction

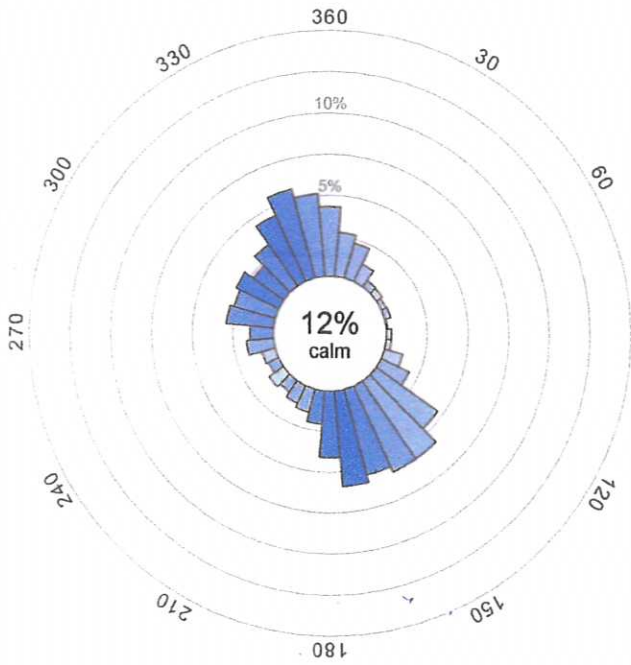


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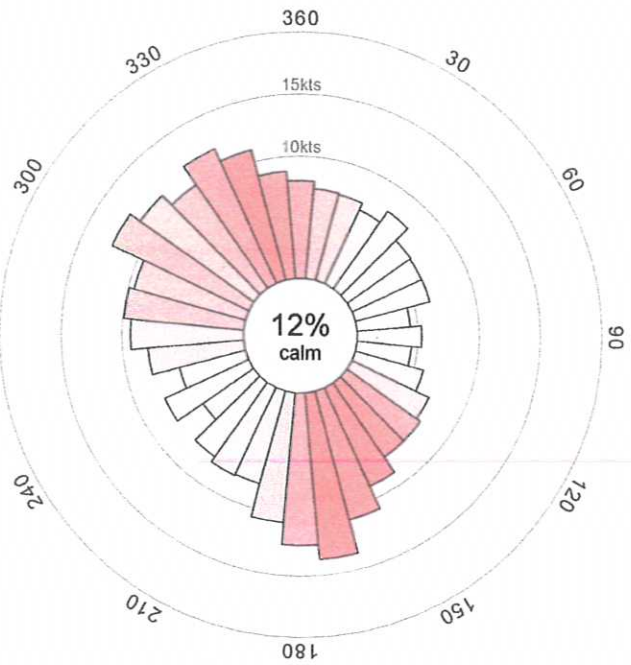
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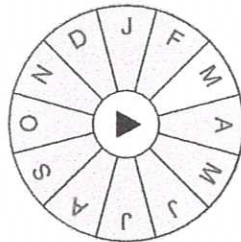
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Average Speed by Direction

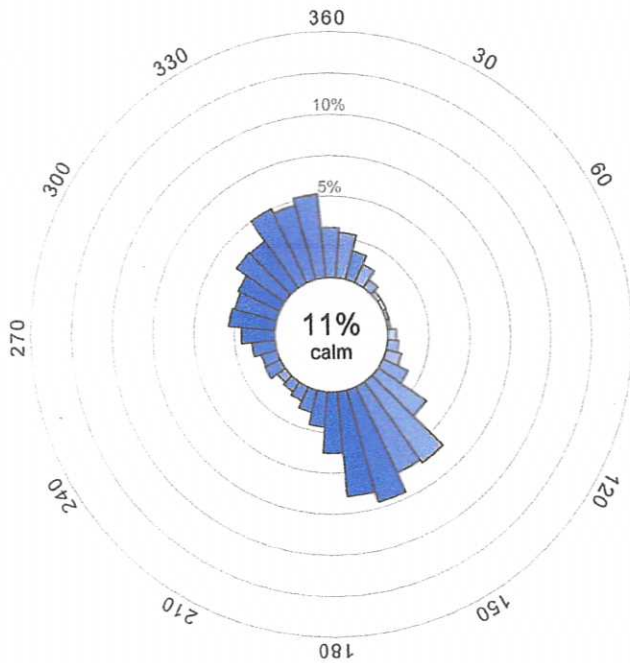


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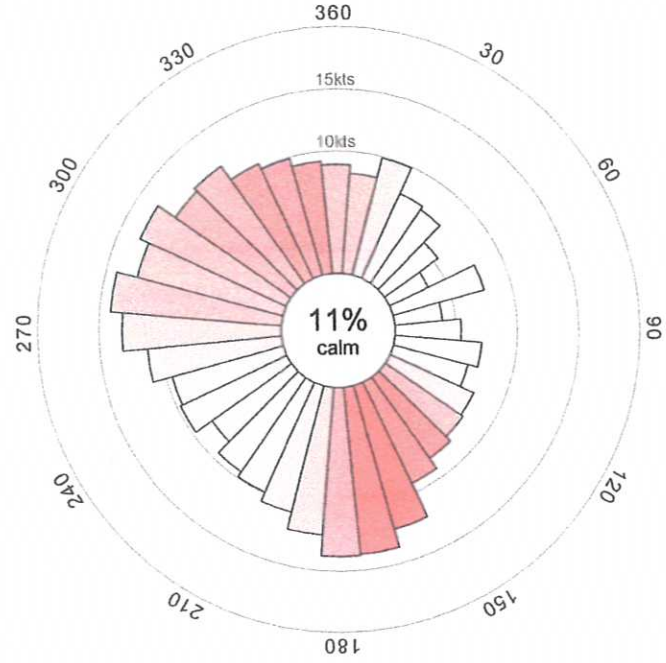
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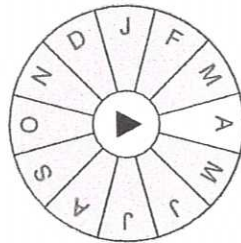
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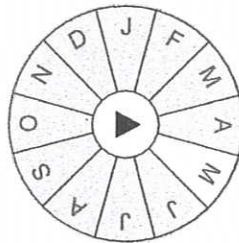
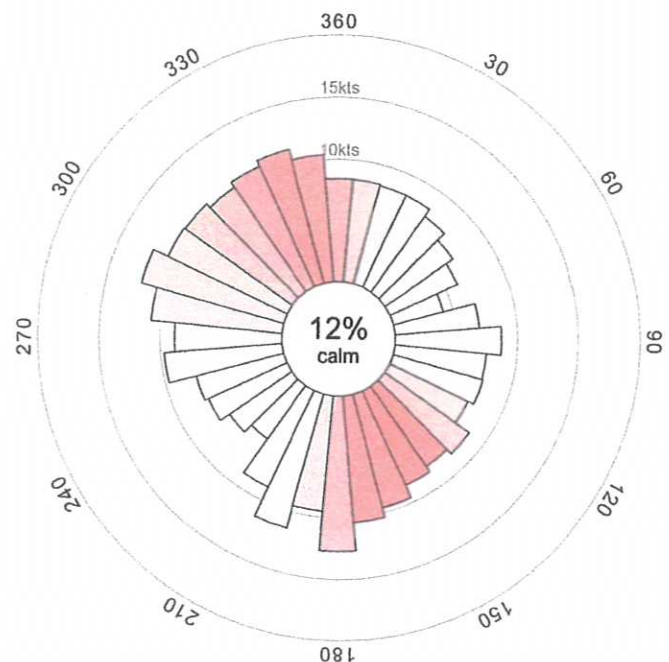
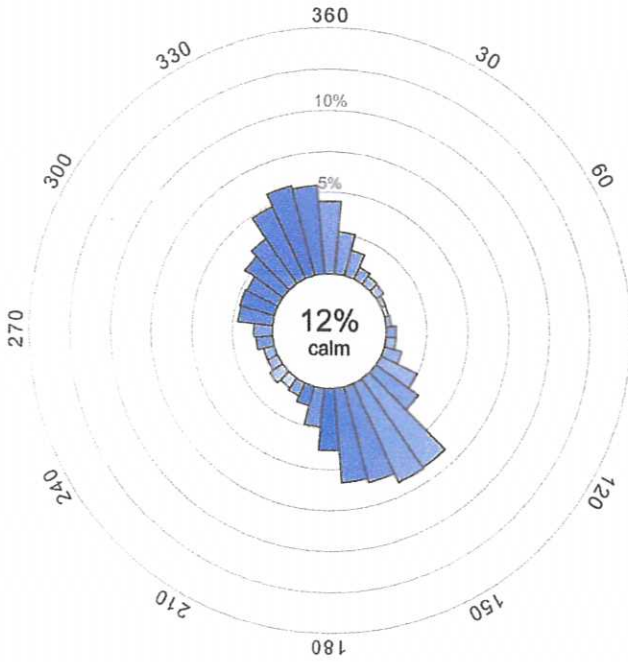


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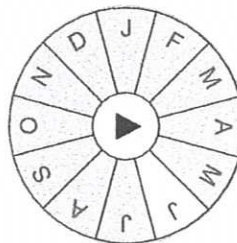
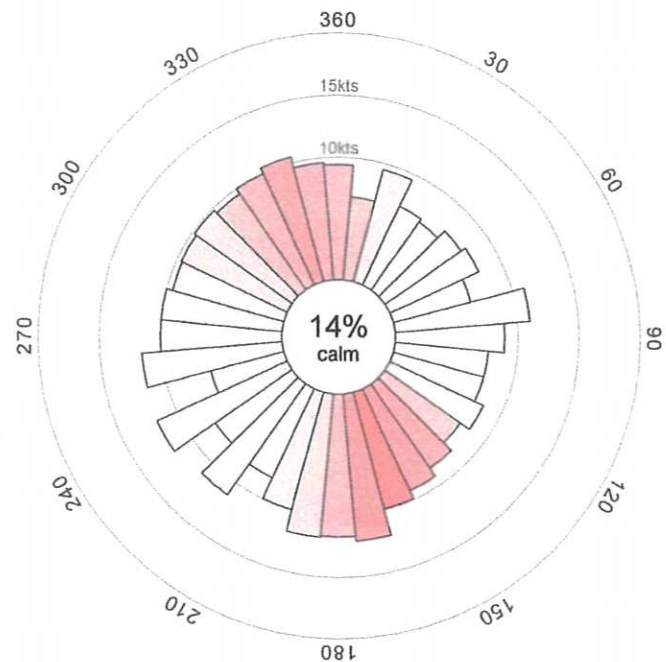
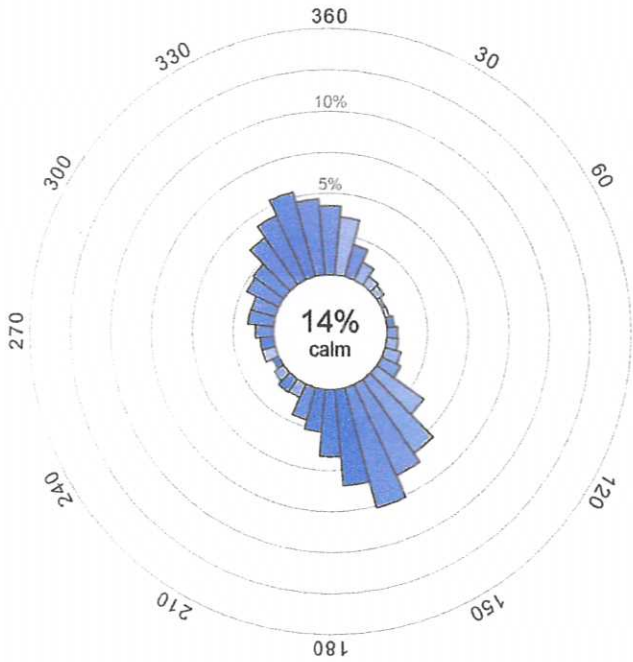


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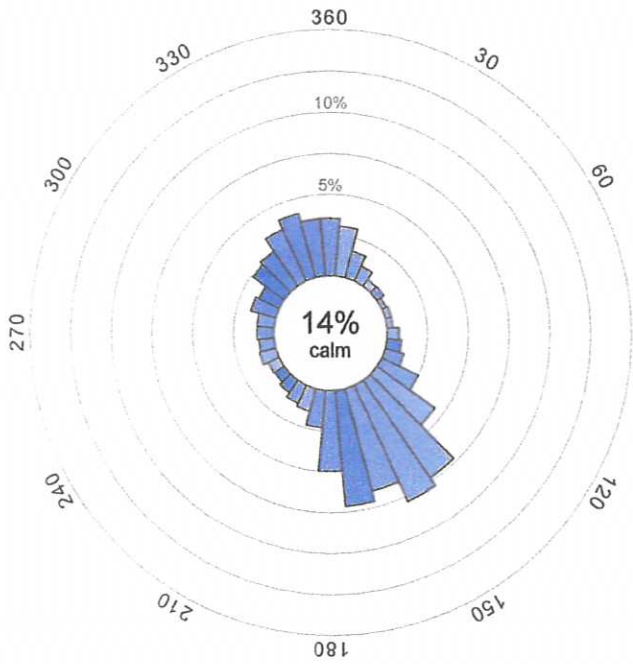


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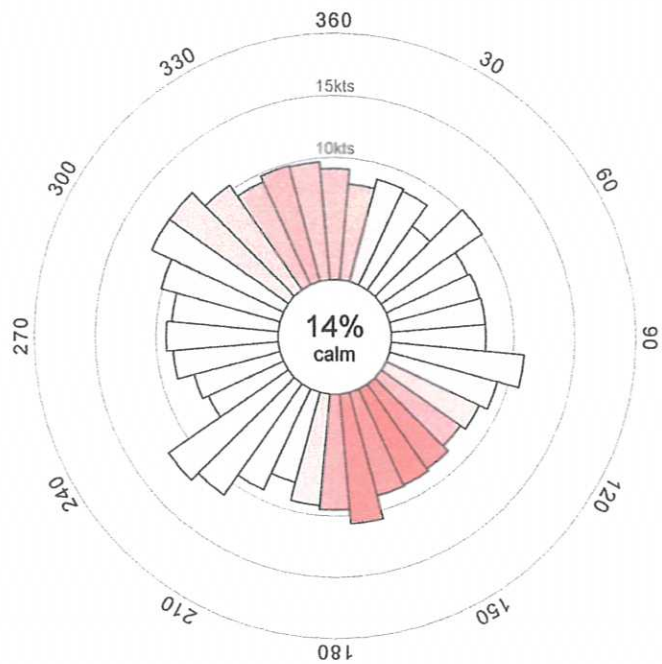
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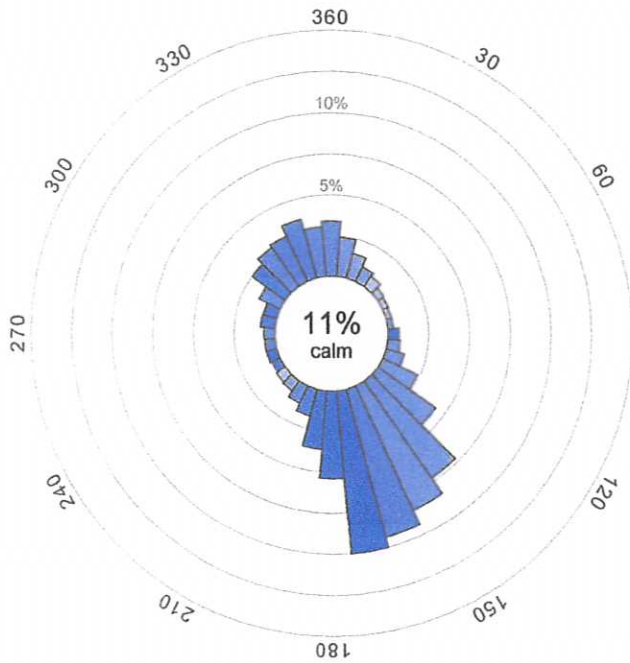


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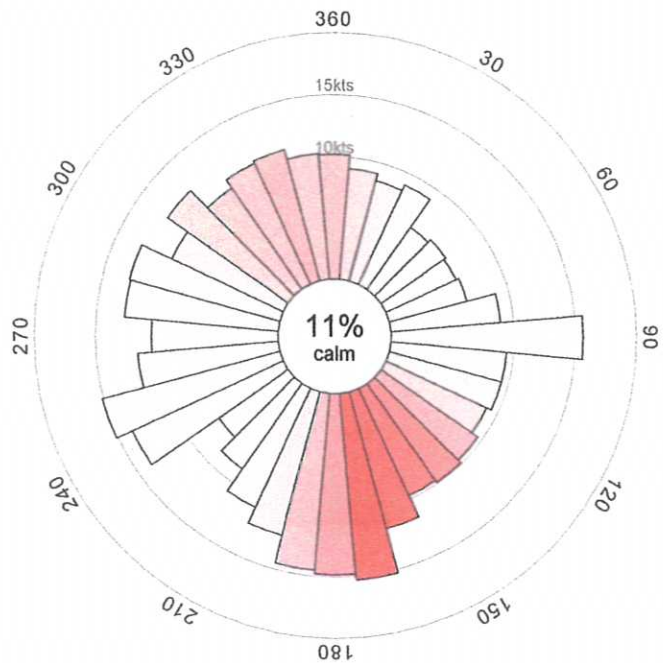
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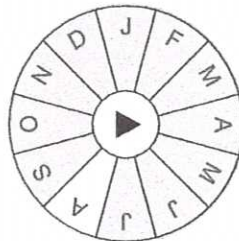
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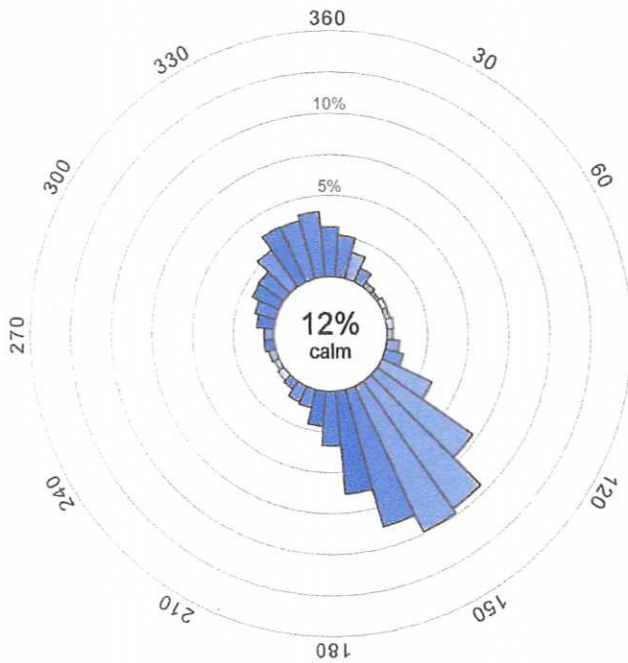


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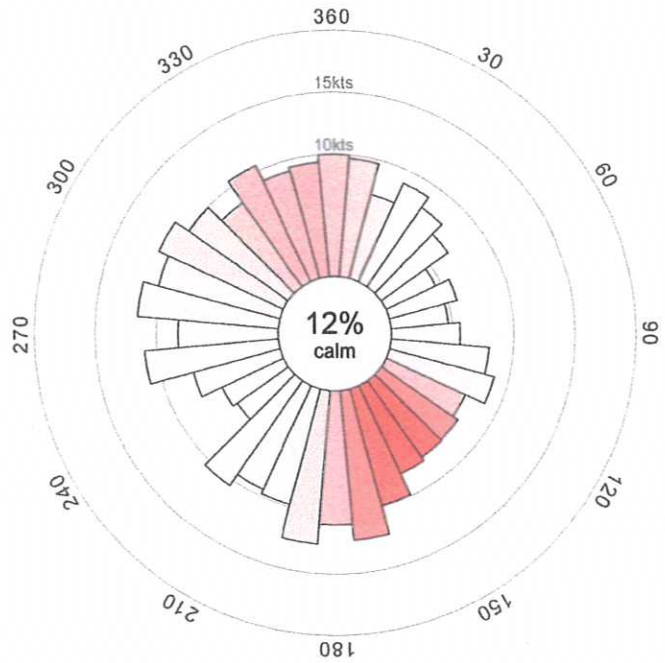
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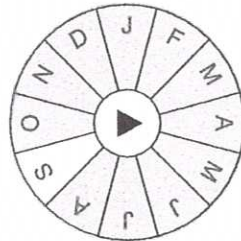
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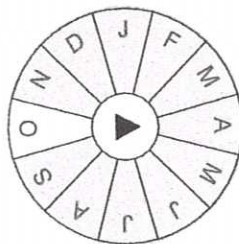
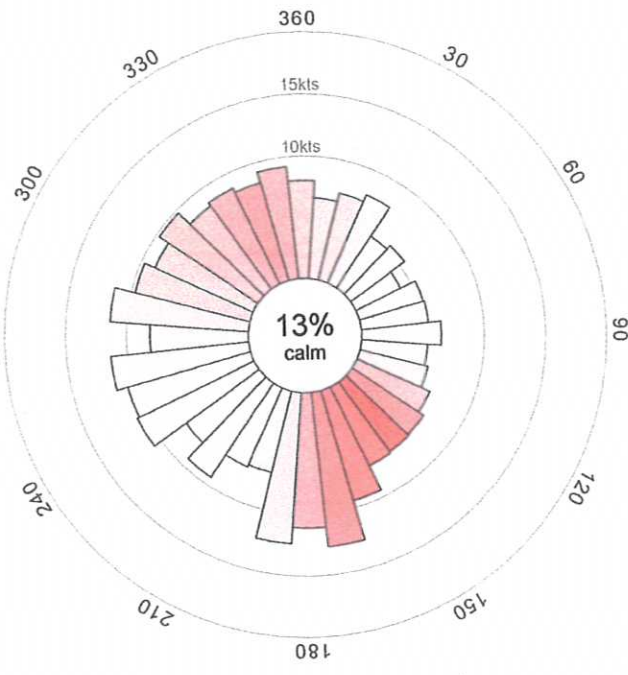
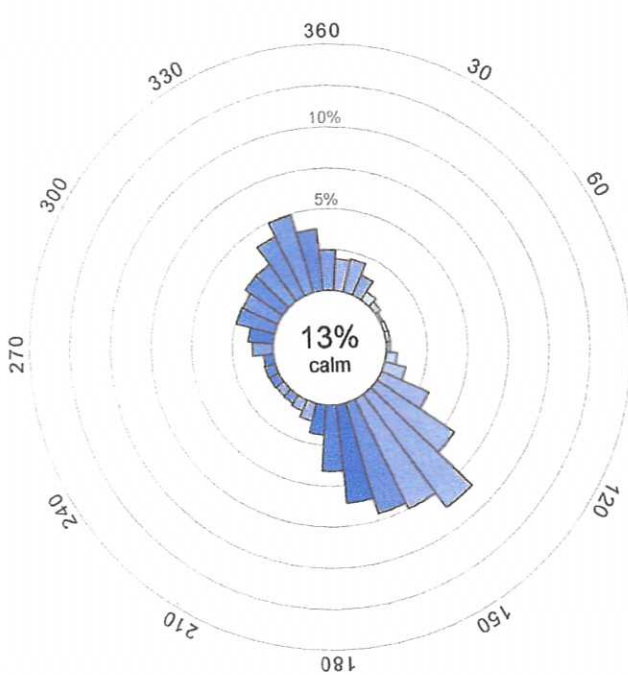


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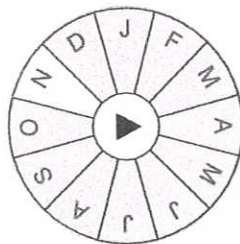
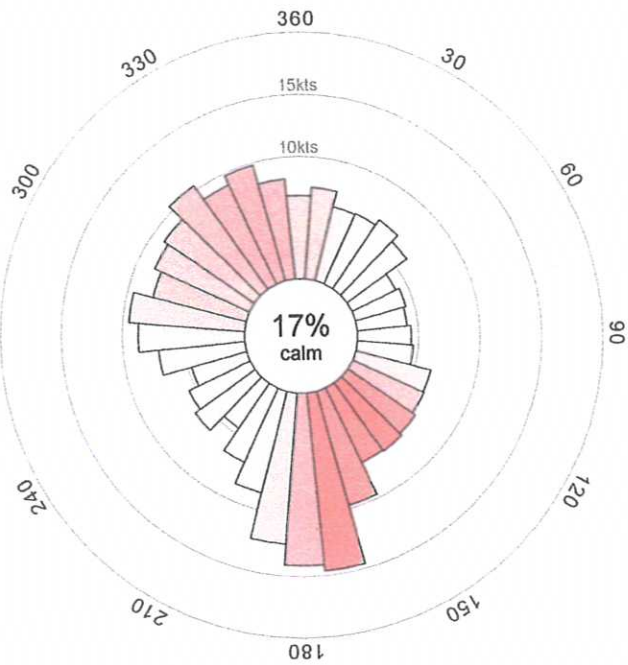
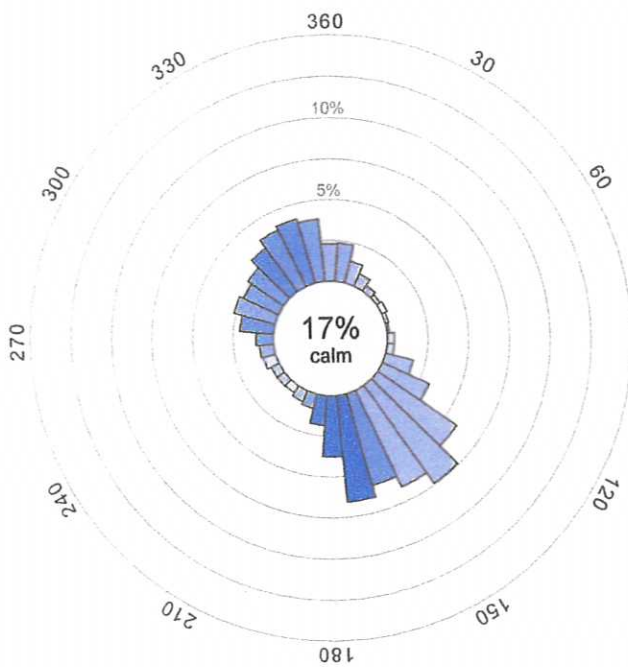


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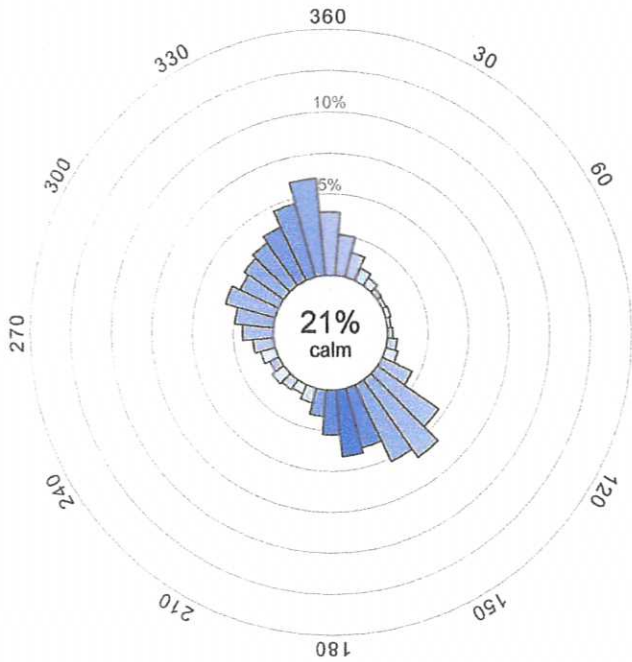


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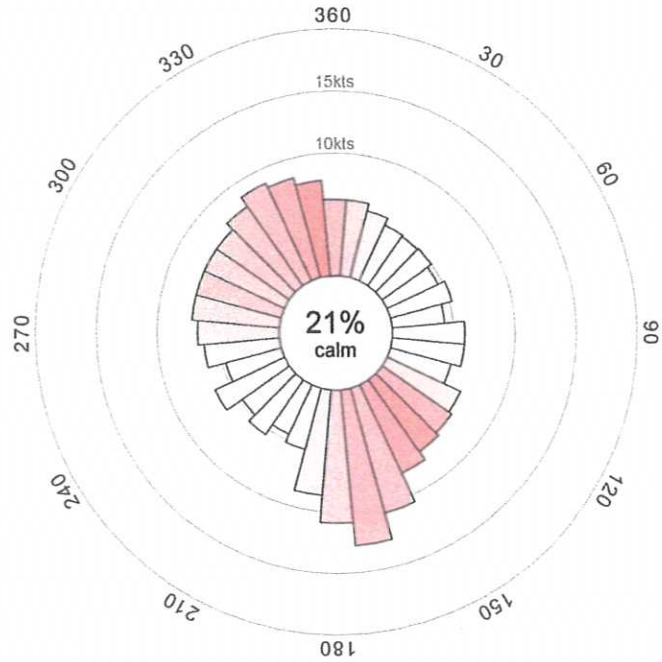
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Frequency by Direction



Average Speed by Direction



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TOOELE CITY CORPORATION

ORDINANCE 2017-10

AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY ZONING MAP FOR APPROXIMATELY 9.15 ACRES OF PROPERTY LOCATED NEAR 850 NORTH 100 EAST FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR)

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

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

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

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

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

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

WHEREAS, the City has received an application for zoning map amendments for approximately 9.15 acres of property (the “Property”), comprised of parcels 18-099-0-0003 and 18-099-0-0004, being located near 8 5 0 N o r t h 1 0 0 E a s t , as shown in the attached Exhibit A; and,

WHEREAS, the City Administration recommends approval of the zoning map amendment application for the amendment of the zoning map for the Property from the GC to HDR (see the Staff Report attached as Exhibit B); and,

WHEREAS, approving the present ordinance will not operate to create any land use entitlements other than land use designation under the General Plan, Land Use Element and/or the Zoning Map; and,

WHEREAS, on March 8, 2017, the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

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

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

1. this Ordinance and its proposed amendments to the zoning map are in the best interest of the City in that they will further economic development, will make possible the availability and reliability of critical municipal services, will make possibility the use of the Property as permitted by law, and are consistent with the desires of the affected property owners (see Exhibit A); and,
2. the Zoning Map is hereby amended for the property located near 850 North 100 East as illustrated in Exhibit A, attached.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Application for Zoning Amendment

Zoning, General Plan, & Master Plan
Map Amendment Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2130 Fax (435) 843-2139
www.tooelecity.org



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

2170086

Project Information					
Date of Submission: Feb 1 2016	Current Map Designation: GC	Proposed Map Designation: HDR	Parcel #(s): 18-099-0-0003/18-099-0-0004	Acres: 9.15	
Project Name: Mountain View Townhomes			Project Address: 808 N. 100 E. Tooele UT / 852 N. 100 E. Tooele		
Proposed for Amendment: <input type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: Townhomes. 125 Units.					
Property Owner(s): Price Tooele Company LLC			Applicant(s): Matt Carter		
Address: 230 E. South Temple			Address: 842 E. 2150 S.		
City: SLC	State: Ut	Zip: 84101	City: Bountiful	State: Ut	Zip: 84010
Phone: 801-478-8000 Ext 103			Phone: 801-643-4521		
Contact Person: Matt Carter			Address:		
Phone: 801-643-4521			City:		
Cellular:			Fax:		
			Email: mscarter1@me.com		

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

Note to Applicant:

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

For Office Use Only			
Received By: KM	Date Received: 2/6/17	Fees: 1,956.00	App. #:

0256076

January 31, 2017

Tooele City
Community Development Department
Attention: Rachelle Custer, Tooele City Planner
90 North Main Street
Tooele, Utah 84074

Ref: 2017 Tooele Multiple Housing Project- approximately 808 & 852 North 100 East Parcel
Number 18-099-0-0003 & 18-099-0-0004

Dear Rachelle,

As you are aware, we are in the process of developing approximately 125 unit townhome project at the address cited above. Per your direction, we are submitting application for a Zoning and General Plan Amendment.

Accompanying this cover letter are the following:

- 1. Zoning, and General Plan Amendment Application Form*
- 2. Signed and Notarized Affidavit Form*
- 3. Items listed on the Zoning and General Plan Amendment Application Checklist*
- 4. Application and processing Fees*
- 5. Other supporting material, as applicate to this project.*

We are excited to move forward with the project. This project will be complementary to the surrounding uses and will be a great addition to 100 East. We look forward to working with you and your staff to ensure this application is ready for Planning Commission and Council meetings.

If you have questions, please call me anytime at 801-643-4521.

Best Regards,

Matthew Carter, Project Manager
2017 Tooele Multiple Housing Project
842 East 2150 South
Bountiful, 84010

801-643-4521

Submission Requirements - Application and Checklist

1. Application fee: Attached \$1,956
2. Completed application form: Attached
3. List of Names and complete mailing addresses (*street number, street name, city, zip code,*) obtained from the Tooele County Recorder's Office, for all property owners of each parcel or lot located within 200 feet of the outside boundary of the subject property(s):

Attached

4. A complete and accurate legal description of the entire area proposed to be redesigned on the map.
Attached and labeled: LEGAL DESCRIPTION
5. On separate sheets of paper, respond to the following questions:
Attached and labeled: **ZONING MAP:**

Attached and labeled: **General Plan MAP:**

Zoning Map Amendment Application, Checklist & Discussions

1. What is the present zoning of the property?
 - a. GC-General Commercial.

2. Explain how the proposed zoning is consistent with the current land use designation:

The GC was changed to accommodate the school to the North or the apartments to the South. However, a PUD is required so at the very least the apartments have a PUD overlay on top of the GC Zone.

3. Explain how the proposed zoning is similar or compatible to the current zoning in the surrounding area.
 - a. The proposed, High Density Residential zoning, will match the zoning of the property to the South and benefit the charter school to the North.
 - b. With the current zoning and the approval and buildout of the school on the North and the apartments to the South this would leave this particular property as an island that if developed as high density would be more in line with what is already there.
 - c. This zoning change, to High Density Residential, will result in the subject property and the real property to the south, to act as a buffer between the commercial properties to the West and the SFD to the East.
 - d. The buildout of this property to townhomes will bring a direct positive impact to the retail centers to the West.
 - e. 100 East does not lend itself as a commercial corridor as the traffic flows and visibility are very limited. Commercial properties usually require high traffic and very good visibility.

4. Explain how the proposed zoning is suitable for the existing uses of the subject property(s).
 - a. The current use of the subject property is vacant land. The proposed zoning is suitable for the subject property as cited in section 3 above.

5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.
 - a. Among the goals of Tooele city are the following:
 - i. Goal #1 Support the Commercial Properties in the area
 - ii. Goal #2 Compatibility to the properties in the area

- b. Description of how we support City Goals

Goal #1. The town house project supports these goals by supporting the commercial property directly on Main Street as we will build 125 units with approximately 500 residents that will have shopping available to them within walking distance.

Goal #2 The town house project supports these goals by being compatible with the school to the North, the apartments to the South and the residential properties to the East.







EXHIBIT A

**MAPPING PERTINENT TO THE MOUNTAINVIEW TOWNHOMES ZONING MAP
AMENDMENT**



Untitled Map

Write a description for your map.

- Legend**
-  Copper Canyon Elementary School
 -  Copper Canyon Elementary School
 -  Fantastic Plastic
 -  Main St @ 2055 N
 -  Mountain Land Physical Therapy
 -  Mountain West Worx

850 N 100 E

N 100 E

N Main St

Johnson

Kindler-Way

36

N 310 E



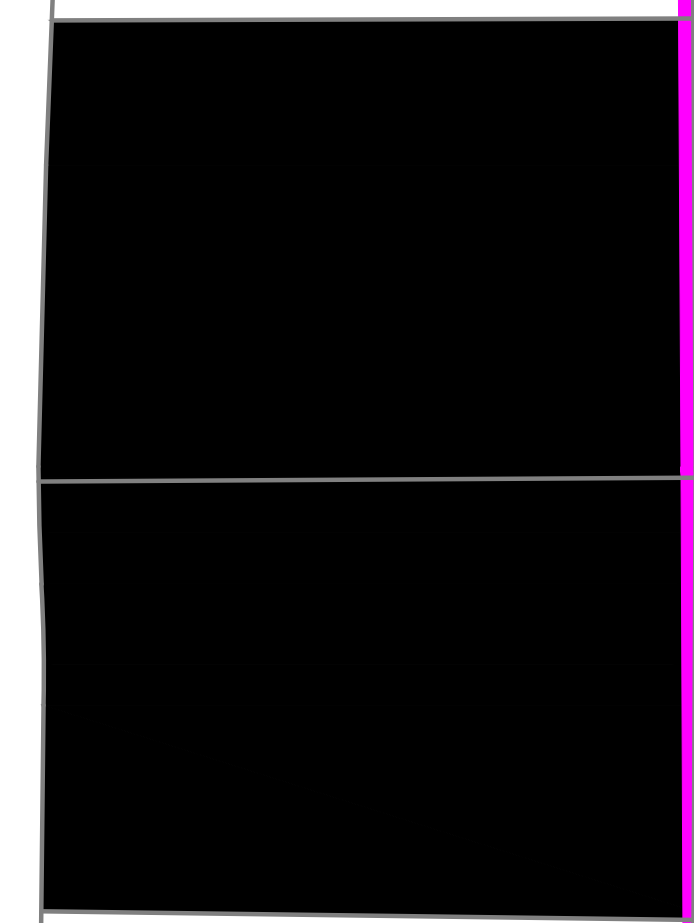
600 ft

RR1

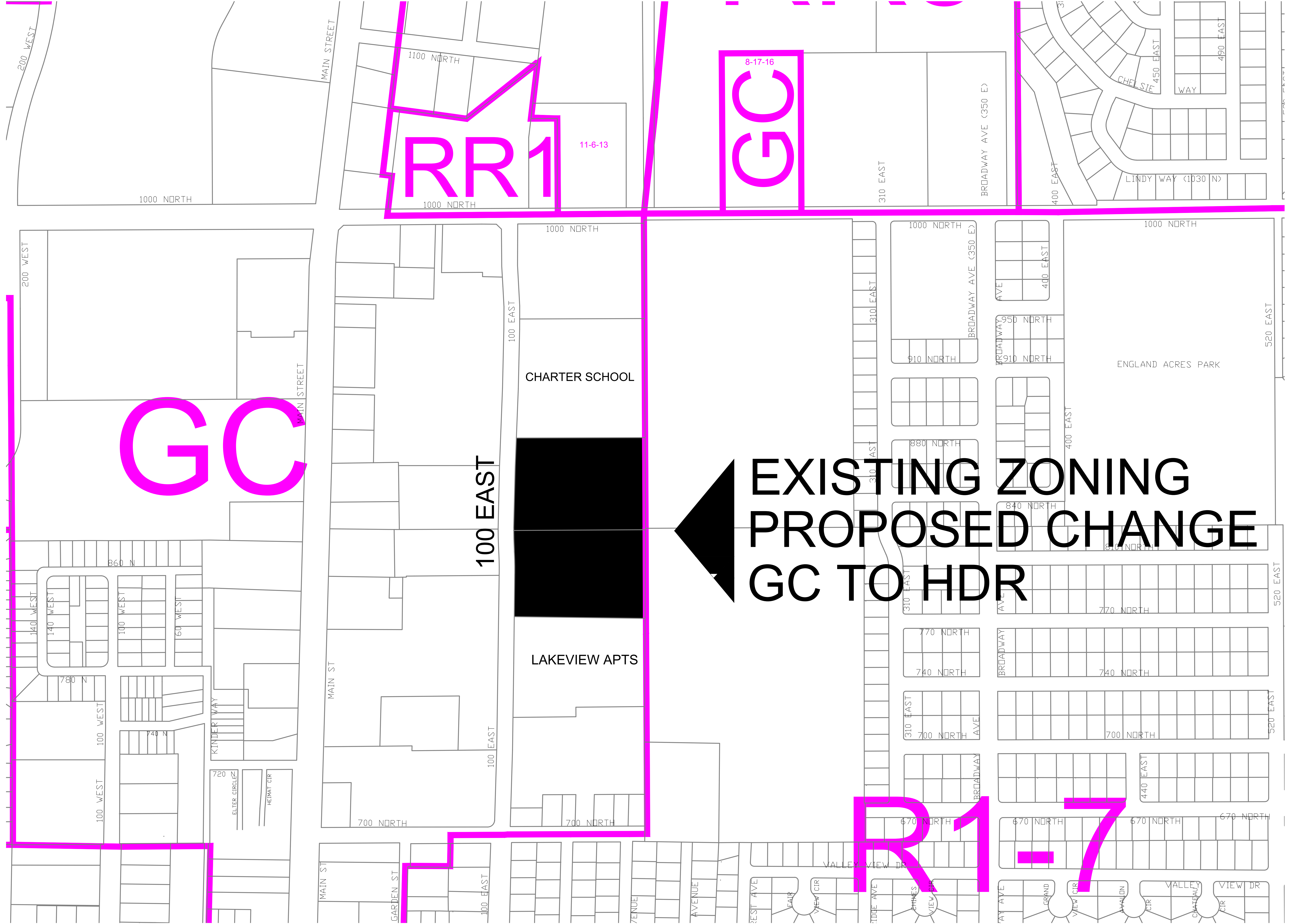
GC

GC

EXISTING ZONING
PROPOSED CHANGE
GC TO HDR



RR-7



200 WEST

1000 NORTH

MAIN STREET

1100 NORTH

11-6-13

8-17-16

310 EAST

BROADWAY AVE (350 E)

400 EAST

CHELSEA WAY

LINDY WAY (1030 N)

450 EAST

490 EAST

200 WEST

MAIN STREET

1000 NORTH

CHARTER SCHOOL

100 EAST

1000 NORTH

910 NORTH

BROADWAY 950 NORTH

BROADWAY 910 NORTH

BROADWAY 400 EAST

ENGLAND ACRES PARK

520 EAST

860 N

140 WEST

140 WEST

100 WEST

60 WEST

780 N

100 WEST

740 N

KINDER WAY

720

ELTER CIRCLEZ

HEMAT CIR

MAIN ST

700 NORTH

100 EAST

LAKEVIEW APTS

700 NORTH

310 EAST

880 NORTH

BROADWAY 840 NORTH

800 NORTH

520 EAST

770 NORTH

740 NORTH

310 EAST

700 NORTH

BROADWAY AVE

770 NORTH

740 NORTH

700 NORTH

440 EAST

670 NORTH

670 NORTH

670 NORTH

670 NORTH

MAIN ST

GARDEN ST

100 EAST

ZENDEL

AVENUE

REST AVE

FAIR

VIEW CIR

RIDGE AVE

PHINES

VIEW DR

FAY AVE

GRAND

VIEW CIR

AVAILON

CIR

VALLEY

CHATEAU

VIEW DR

VALLEY VIEW DR

VIEW DR

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS
APPLICANT SUBMITTED INFORMATION**

Exhibit C

Planning Commission Meeting Minutes

TOOELE CITY PLANNING COMMISSION MINUTES
March 8, 2017

Date: Wednesday, March 8, 2017
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Matt Robinson, Chairman
Shauna Bevan, Vice-Chairwoman
Chris Sloan
Ray Smart
Melanie Hammer
Russell Spendlove
Phil Montano
Brad Clark

City Employees Present:

Roger Baker, City Attorney
Rachelle Custer, City Planner
Paul Hansen, City Engineer

Council Members Present:

Chairwoman Winn
Councilman McCall

Minutes prepared by Cami Cazier.

Chairman Robinson called the meeting to order at 7:00 p.m. He recognized and welcomed Girl Scout Troop #2339.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Robinson.

2. **Roll Call**

Matt Robinson, Present
Shauna Bevan, Present
Chris Sloan, Present
Ray Smart, Present
Melanie Hammer, Present
Russell Spendlove, Present
Phil Montano, Present
Brad Clark, Present

3. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #3 and #4 will be introduced together, as they represent the same property. These requests are for approval of a General Plan Land Use Element Map amendment and Zoning Map amendment for approximately 9.15 acres consisting of parcels 18-099-0-0003 and 18-099-0-0004 located at approximately 850 North 100 East. The property is currently zoned GC General Commercial. The applicant is requesting an HDR Zoning District to construct 125 townhomes. The proposal will consist of sixteen buildings and three acres of open space with playground equipment and a basketball court. The HDR Zoning District allows for up to sixteen units per acre; the proposal is for approximately fourteen units per acre. This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not approve any development, unit numbers, etc. The applicant will have to come back and go through the subdivision and site plan approval process for multi-family at the time he decides to develop.

The property to the north is Scholar Academy and the property to the south is Lakeview Apartments. The property to the west is commercial development and east is zoned R1-7 for single family residential uses. High density residential generally creates a good buffer between commercial and single family residential uses.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment Matt Carter, application number 2170087, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Smart expressed a concern about the past drought conditions for Tooele City and the availability of water for other new housing developments as well as this property.

Ms. Custer responded that each development is required to bring their own water rights. The State only allots so many water rights per aquifer, so they will be required to bring water rights in from the State.

Commissioner Smart asked if the State has done tests to measure the amount of water available.

Ms. Custer responded that the City continually develops new water sources to provide for the community.

Chairman Robinson opened the public hearing. Per Mr. Baker's suggestion, Chairman Robinson stated that all public comments for this item will apply to both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Andrea Cahoon came forward. She was representing the purchaser of the property. As a resident of Tooele City, she believes that the location for this development is perfect because it's close to grocery stores, a school, and Main Street. She couldn't think of any good commercial uses for the property.

Chairman Robinson closed the public hearing at 7:08 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes General Plan, Land Use Element Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

4. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #3.

Chairman Robinson opened the public hearing for the Zoning Map amendment. There were no additional comments.

Chairman Robinson closed the public hearing at 7:10 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes Zoning Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

5. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #5 and #6 will be introduced together, as they represent the same property. This application is a request for approval of a General Plan, Land Use Element Map amendment and Zoning Map amendment for approximately 8.81 acres located on the east side of SR 36, at approximately 600 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting a High Density Residential zoning to construct 38 to 54 townhomes and 96 garden style, walk up apartments. High Density Residential does allow up to 16 units per acre which would allow for a maximum of 140 units. The parcel is 19.61 acres with 600 East master planned to divide the parcel. The applicant is leaving the west 8 acres as General Commercial retail development with the east 8.81 acres proposed to be High Density Residential. The property to the west is General Commercial, and north is zoned Research and Development which is a Commercial Land Use. South is Light Industrial and is currently developed with Light Industrial uses and some medical offices. East is zoned Rural Residential and is in the County.

There is a property owner in opposition of this amendment. More information was included in the Commissioner's packets. One of the existing businesses has a concern regarding mixing children and families that come with High Density Residential with industrial truck traffic. Ms. Custer also received a phone call from another adjacent property owner who did not submit anything in writing. However, he expressed that he supports the High Density Residential on the east portion of the lot, but strongly feels the west portion should remain General Commercial.

This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not give any development rights or approvals. The applicant will have to come back and meet all of Tooele City's Codes with their development for any approvals.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment by Rob Heywood representing The Ritchie Group, LC, application number 2170062, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Sloan asked for clarification on the map shown overhead for the adjacent property owner's area of concern.

Ms. Custer referred to the photo and pointed out the area in question. She also pointed out a dirt road that would separate the High Density Residential and the General Commercial.

Chairman Robinson opened the public hearing for both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Alan Cohen came forward. He, along with his sons that were also present, are the owners of the subject property. They are also the sole owners of an LLC called Bear-All, LLC, which has title to the subject property. His family has been in business in Salt Lake City for 90 years. Currently, his sons, who are the fourth generation of their business, are the managers. As a means of diversifying themselves, they purchased this land about 10-11 years ago in the height of the real estate boom. It was their intention to hold the property 3-5 years and then team up with developers or put it up for sale. At the time, the property was in the Greenbelt. Believing that Tooele was in a growth phase, they chose to change the zoning. Shortly after however, the real estate market crashed.

They have tried to sell the land as a Commercial Property for the past 6-7 years but have been unsuccessful. They have used four different real estate agents and have used various pricing strategies and incentives. They have also utilized the internet, direct mail and other resources, all to no avail. Based on the advice of several qualified experts, they decided to build apartments on half the property and retain the other half as Commercial. They have already been approached by at least two developers who are interested in the Commercial side.

Mr. Cohen believes this to be a growth opportunity not only for them, but for the surrounding businesses that currently exist, including the medical offices, fast food restaurants, gas station, Home Depot, and adjacent furniture store. He believes that Tooele City will attain growth through the tax base. He also believes the UTA Park & Ride will be an advantage to everyone. He expressed his gratitude to Rachelle Custer and Paul Hansen for their assistance in this process.

James Knight came forward next. He represented Skretting, which is a fish feed manufacturer near the subject property. He asked for the color satellite photo of the subject property to be shown overhead again. He mentioned a letter that he had given to the Commission in regards to his concerns for these amendments. This letter is attached to the minutes as Exhibit A.

Skretting purchased their land from a private owner in 2008, which was Nelson and Sons. Nelson and Sons is still the corporate entity name that they use, however they operate under Skretting. Nelson and Sons was originally located in Murray, Utah and operated there for about 100 years. Over that time, the city grew and they had to find another place to relocate. When they purchased the land in Tooele around 1996, there was concern that the same situation would occur; that the city would develop residential areas around them.

Mr. Knight pointed out that the land south and east of 2400 North belongs either to Skretting or ENS, a joint partnership of Skretting's. That land is all zoned Light Industrial and they have no intent to sell that land for residential use. Also near the subject property is C.R. England, which also has truck traffic. Clean Harbors is also nearby, which takes care of industrial hazardous waste. The land for the medical buildings to the west was purchased from Skretting, as well as the Pit Stop Carwash. It is Skretting's intent to continue to sell their land for light industrial use.

Mr. Knight stated that Skretting has been actively involved in the community and employ many residents of Tooele. They predict a 23% growth in their business this year. Their main concern is safety for the City's residents, and they believe that transport trucks and children just don't go well together.

Commissioner Sloan asked for more specific details about truck traffic in the subject area, such as how many per day. Mr. Knight answered that about 3,000 trucks traveled through their area last year, and they predict even more this year as a result of the predicted 23% business growth. He also pointed out that they operate 24 hours/day, even in the winter when it gets dark earlier. This is a concern because High Density Residential typically brings young families, and Mr. Knight worries about young children around the busy truck traffic.

Mary Alice Shields-Watkins came forward next. She represented the land directly to the east of the subject property. It is zoned RR-5 and is in the County. It's approximately 150 acres and they have no intention of disposing of or selling the land. Her concern is trespassing on their property. It is currently being farmed. Trespassers have used a dirt road that runs along the north side of the railroad tracks and it has crept further north, getting closer to Droubay Road. She is concerned that use of this dirt road will increase with residential development in the area.

Mr. Baker pointed out that this is a rail crossing that would not be allowed by the railroad to be developed or improved in any way. It's not part of the City's transportation master plan. Any development of any nature on that property would probably require something obstructing traffic crossing the railroad.

Commissioner Hammer asked for clarification about which property Mr. Baker was referring to. Mr. Baker responded that he was referring to any property developed in the City that was on the west side of and adjacent to the railroad tracks. They probably would be required to obstruct the crossing of those tracks from that development.

Rob Heywood came forward to address the Commission next. He works for the Ritchie Group, which is the development partner for the Cohen brothers on this property. He referenced the letter from James Knight, which addressed the concerns of Skretting. Mr. Heywood wanted to address the traffic concerns pointed out in the letter. He doesn't believe that this truck traffic is different from other truck traffic throughout the rest of the City. While he shares concern for children, he assured the Commission that traffic engineers and the site design plan team would consider those issues when developing the site. He stated that while all the land to the south of 2400 was in control of Skretting, they also desired to have control of their land to the north of the subject property. With the coming growth of that area, whether Light Industrial or Commercial,

housing is a chief need for the workforce employees. Their market research shows that there is a demand for housing in Tooele City, and they hope to be able to provide a beautiful, desirable place to live that is close to many of the work opportunities provided by Skretting and others.

Commissioner Smart expressed a concern about the odor coming from the Skretting facility. He related a story about his family's dairy that was constantly taken to court over the smell, and they eventually gave up the business over it. He worries that potential residents would complain to Skretting enough to run them out.

Mr. Heywood responded that the odor problem was an issue that they had been researching. He has personally conducted many "sniff tests" and believes that the traffic issue is more of a problem than the smell.

Mr. Cohen returned to the podium to talk about research that they have conducted on the smell problem. He passed out folders to the Commission that held the research data that he has compiled. This information is included at the end of these minutes. Mr. Cohen made sixteen visits to the subject property on various dates and times beginning Oct. 25, 2016 and ending on Feb. 28, 2017. At no time did he observe any unusual odors. His research includes wind speeds and direction as provided by the National Weather Service of Salt Lake City. Mr. Cohen admitted that the research he conducted was not scientific. However, he concluded that if such a problem exists, it is slight and insignificant to his investment goals and that the risk, if any, is his and is acceptable.

Commissioner Spendlove remarked that he believes the smell to be a problem, and noticed it just that morning near Home Depot. He worries that it will negatively affect the property owner's ability to find tenants.

Mr. Cohen responded that he has tried to find ways to monitor the air on a continuing basis, but has been unable to find such equipment. He reiterated that he is satisfied with the risk.

Mr. Knight returned to the podium. He did not receive a copy of the odor study conducted by Mr. Cohen. He was uncomfortable that the data was not scientific. He was also concerned that he was not aware of Mr. Cohen making visits to his property. Mr. Knight pointed out that his facility did not operate during the month of December, and January and February were slow months. As a result, the odor issue should not have been a problem anyway during those months when Mr. Cohen conducted his study. Their busy time is during the summer, when children are outside more often. Mr. Knight also mentioned that his company continues to make efforts to help the odor problem.

Chairman Robinson closed the public hearing at 7:45 p.m.

At the advice of Mr. Baker, Chairman Robinson stated that the letter from Skretting and the research study and accompanying letter be included as part of the public comments in the public hearing.

Mr. Baker added to the discussion that he has lived or worked in Tooele since 1993, and while driving on SR-36 has noticed that under moist, winter conditions with a north breeze, the air is pungent. Mr. Baker spoke with Chris Nelson and his brothers in 1995, 1996, and several times after that. He recalled being told by them that they were forced to leave West Jordan because of odor concerns from encroaching residential development. The complaints about the odor became very strong from the residents. When Nelson and Sons moved to their current location in Tooele, it was outside the Tooele City limits and was the Tooele County Industrial Park. The land was developed by the County and then became owned by the England family and others. It was annexed sometime later, and at that time, the Nelsons expressed to Mr. Baker why they moved out here and expressed concern that the situation may happen to them again, i.e., conflicts due to residential development encroaching on their facility.

Commissioner Sloan asked Mr. Baker who instigated the annexation request, the City or property owners?

Mr. Baker didn't recall, but believes it may or may not have been part of the Tooele Associates Annexation that happened about the same time.

Commissioner Montano related a story about a similar issue regarding the Brickyard Plaza in Salt Lake City. They were also forced to relocate as a result of their operations bothering nearby residents. Commissioner Montano is very familiar with the subject property and is aware of the odor, but commended the facility for their continued attempts at improving the problem. It is much better than it was in the past.

Commissioner Montano also expressed his favorable view of personal property rights. He believes that property owners have the right to develop their property as needed, and diversifying may be the best solution to protect their investment.

Commissioner Sloan was in agreement with Commissioner Montano about being pro personal property rights. He is in the real estate profession, and has been a part of situations similar to this one. Commissioner Sloan remarked that in the state of Utah, less than 23% of the housing is available to people making less than \$50,000 per year. Market studies indicate that we have a tremendous housing shortage, especially rental properties.

Commissioner Sloan admitted that he was struggling with this issue. He agreed that the subject property could be a nice, walkable community. Additionally, he said that nothing makes a better buffer between Commercial and Residential than High Density Residential. Odor and traffic issues aside, he stated that he was likely to favor the property owner in this situation because it is in the public good to develop this sort of product in this area. In our City, we constantly hear of the need for commercial opportunities. Despite the fact that people believe that if we build a Costco, people will move here, it actually works the other way around. Without appropriate housing, we are unlikely to get new commercial businesses. That being said, Commissioner Sloan warned that he will be "mean and nasty" when an actual development plan comes before the Commission, particularly with the traffic and safety issues.

Commissioner Smart added that he agrees with supporting personal property rights. However, he believes that the property owners are fully aware of the situation, and they know that once people move in, the residents have the ability to complain and create problems for the property owners and neighboring businesses.

Commissioner Sloan clarified that he understands that the property owners say that they will take full responsibility of any issues that may arise. However, he believes that once they have sold the property, the owners will be gone and any problems will become the responsibility of someone else. Having been in the development business, he knows what typically happens in these situations.

Mr. Baker pointed out to Commissioner Sloan that this is likely the only opportunity to be “mean and nasty” if he had concerns about the development. By law, once a property is rezoned, then the City must approve development applications consistent with that zoning. By law, the Commission is not required to approve zoning changes. Those are policy issues that the Commission and City Council set.

Commissioner Montano asked Paul Hansen for any comments as far as traffic and road concerns.

Paul Hansen reiterated that they don’t have an application for development, just a concept. They haven’t yet been through any of the City Code requirements in terms of traffic or other studies. Those studies will be required once an application is filed. The one factor on traffic is that 2400 North is not expected to extend across the rail traffic. Any traffic from 600 East to the end of the cul-de-sac will be either the subject properties’ residents or the industrial users on the south side.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele General Plan, Land Use Element Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170062, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 4-3 vote, a negative recommendation will be forwarded to the City Council.**

6. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #5.

Chairman Robinson opened the public hearing for the Zoning Map amendment.

Rob Heywood came forward again. He stated that it was the intention of the land owners to have this be a legacy asset, to hold it indefinitely and not sell it.

Chairman Robinson closed the public hearing at 8:02 p.m.

Chairman Robinson moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele Zoning Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170061, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Nay,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 5-2 vote, a negative recommendation will be forwarded to the City Council.**

7. Recommendation on preliminary plan approval for Canyon Village – Rust - a 15.75 acre 60 lot residential development to be located at approximately 1800 N. Copper Canyon Drive.

Presented by Rachelle Custer

This application is a request for approval of a preliminary plan for approximately 15.75 acres located at approximately 1800 North Copper Canyon Dr. The property is currently zoned HDR High Density Residential to be developed into single family homes. It is proposed to contain sixty lots, with a minimum of 7,000 square foot. There are six 15,000 square foot lots that can be developed as dense as a four-plex in this Zoning District. That will come before the Commission in final plats as they phase it out. This is just preliminary approval for the overall layout, roads, utilities, etc.

Pine Canyon Road is in the County and the County has provided the applicant with the right of way requirements to include the City’s double frontage requirements. There is double frontage along Copper Canyon Drive and Pine Canyon Road, so they will be required to abide by the Tooele City Codes on double frontage standards.

Staff recommends approval of the request for a Preliminary Plan by Adam Nash, representing Growth Aid LLC, application number 2160631, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions are 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 are 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 Fire Department are satisfied throughout the development of the site and the construction of all buildings on the site.
4. Plans are to be stamped and signed by a professional engineer, registered in the State of

- Utah.
5. Double Frontage lot requirements along all double frontage streets, to include establishing an HOA per Tooele City Code 7-19-17.1 shall apply.
 6. Single family and multi-family design guidelines per Tooele City Code 7-11a and 7-11b shall apply.

Commissioner Bevan moved to forward a positive recommendation to the City Council for the Canyon Village – Rust Preliminary Plan, for the purpose of creating 60 residential lots at approximately 1800 North Copper Canyon Drive, application number 2160631, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017.

Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

8. **Review and Approval of Planning Commission Meeting minutes for meeting held February 22nd 2017.**

Commissioner Hammer moved to approve the minutes for the meeting held February 22nd, 2017. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

Councilman McCall commended the Commission for their professional discussion of the items and concerns during the meeting.

10. **Adjourn**

Commissioner Bevan moved to adjourn the meeting. Chairman Robinson adjourned the meeting at 8:08 p.m.

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

Approved this 22nd day of March, 2017

Matt Robinson, Chairman Tooele City Planning Commission

Exhibit A

Zoning change.

To whom it may concern;

Skretting is a manufacturing company located here in Tooele at 712 East 2400 North. The company was originally located in Murray, Utah under the operating name Nelson and Sons which was privately owned. Nelson and Sons operated in Murray for about 100 years but was forced to relocate due to city grow which left no room to expand.

In 1996 Nelson & Sons purchased land in Tooele to continue their operation, at that time and they also entered into a partnership to purchase approx. 38 acres of land under the name ENS, this was to ensure room for further growth but moreover, to protect against residential grow as had happened in Murray, Utah.

Skretting purchased Nelson & Sons in January 2008 and immediately invested another 12 million dollars to install new receiving bins. We have since invested approximately 1 million dollars every year since, including 2.8 million in 2016. Skretting Tooele is a growing operation which produced 21,000 MT of fish feed in 2016 and we expect to produce 27,000 MT in 2017 for a 23% growth.

Between Skretting and ENS we have investment in nearly all the land south of 2400 North and intend to sell this land for commercial/light industrial use. We have recently turned down 2 offers which would have required the same zoning change that is currently being requested for the land North of 2400 North. The reason for not accepting the highly profitable offer was due to safety concerns. In 2016 the transport truck traffic on this road was about 30 per/day supplying our 24 hour operation, as stated before, we expect to increase sales this year by additional 23% which would result in higher truck traffic. In short, transport trucks and children don't go well together.

We have sold off lots of the land for both the medical building and the carwash located on 400 East. Our intent is to continue to sell the remaining land for commercial/light industrial use, again this would increase transport truck traffic along this road, further endangering young children if a HDR area was to be place along this corridor. We take safety very seriously and were shown by us by turning down 2 offers that were highly profitable, just ensure our residents are not exposed to these traffic dangers.

Skretting is an active community member and has donated too many groups to help the community. Such as;

- Tooele Food Bank
- Special Olympics Utah
- Children's Wish Foundation International
- Huntsman Cancer Institute
- Jared McMakin's Eagle Scout project to build nesting boxes for water fowl
- Community softball team
- Overlake Elementary Focus on Art Program
- Impact (Homeless student fund in Tooele County)
- Kickin' Cancer's Can
- 4-H livestock show in Tooele County
- Little league baseball team
- Disability Mentoring Day

- Back to School Community Closet
- Scholar Academy Night of the Arts

Plus hosted the Tooele County School District Special Education Transition program.

We are very proud of our community and our support in it, including the many local businesses that we support.

In closing, we have turned down offers that would require this zoning change on land we own due to safety concerns and I hope you would do the same for the land North of 2400 North. Our children are too valuable to be exposed to these risks.

Thank you

DRAFT



hiialeah run @ Tooele

Alan Cohen

Phone: 801 201 2927

Email: orandal84@gmail.com

March 8, 2017

Ladies and Gentlemen,

When my partners and I first considered a multi-family development at this location we were warned or informed, however we chose to take it, of a foul odor which sometimes permeated the area. This odor said to be emanating from the factory located at 712 E. 2400 North. Over the course of time and after many visits to the site, I or anyone whom accompanied me, failed to notice anything unusual. However, as a owner of the proposed project, it was very important to be aware if such a drawback existed. Obviously an investment of this magnitude could be substantially impaired if such a condition prevailed. So, after researching and failing to find any technological aids to determine a study methodology, I chose to do a personal study on my own. Below are the results of that study. Though I admit, the findings are not scientific in nature, they have convinced me that, if such a problem exists, it is slight and insignificant to my investment goals and that the risk, if any, is mine and is acceptable.

- 1. All information gathered from National Weather Service Salt Lake City(noaa.gov)***
- 2. Historical Prevailing Wind Speeds and Directions as measured at Salt Lake International Airport, the closest point of comparison***

Note:

a. Some difference may exist between the measurement site and the property site as to wind direction, which is the key event of study here. Therefore one would have to interpolate wind directions in Tooele from the available data. Having spent a great deal of time on the Great Salt Lake in my younger days, I have concluded the data here is very close to valid at the proposed location.



b. The study of Wind Speed and Direction is significant only in the fact that if there were an unusual odor wafting from the factory sight, it would only be noticed were the wind to pass over the proposed multi-family site.

c. In that vain, we should note the following:

Approximate (give or take 10 degrees) True Compass Bearings from the Factory Smoke Stack to Various Locations on the Subject Property.

<i>TO:</i>	<i>540 East</i>	<i>118 degrees</i>
	<i>650 East</i>	<i>135 degrees</i>
	<i>End 2400 N</i>	<i>180 degrees</i>

Therefore, if a problem existed the winds coming from these directions would most affect the subject property.

3. Exhibits shown here are as follows.

Exhibit one: Site visits on Exhibit one were made by the author on the days and times so noted. The exhibit indicates day, time, sky condition, wind speed and approximate direction.

There were 16 visits made on various dates and times beginning October 25, 2016 and ending on February 28, 2017 as noted. At no time were any unusual odors observed.

*Exhibit two: (Consisting of 13 Pages: Page one is the annual data and Pages 2 through 13 are Monthly data)
Historical Prevailing Wind Speeds and Directions as measured at Salt International Airport. (See above)*

CONCLUSIONS:

Considering the data in paragraph (c.) above, the winds which would most affect the site would emanate from between 118 degrees and 180 degrees give or take ten degrees.



Page one of Exhibit two (annual wind speed and direction) indicates the following:

Winds from the designated directions could occur up to 25% of the time. (Considering it is calm 15% of the time) However, half of the time these winds are 10 to 15 knots. (11 to 17 MPH.) Logic would tell us that higher winds would dissipate the odor, if any.

And finally, the 16 visits to the property indicated 0 evidence of any odor under any of the conditions which existed at the time of the visits. So considering the percentages above stated, one would have to conclude that some evidence would have been noticed on, at least, one visit. This was not the case. This in turn would lead one to suspect that the warnings received though possible, were perhaps excessive.

I thank you for taking the time to consider this study, and though I freely admit it is far from scientific, the results of the study combined with the many site visits give me confidence there should not be a problem.

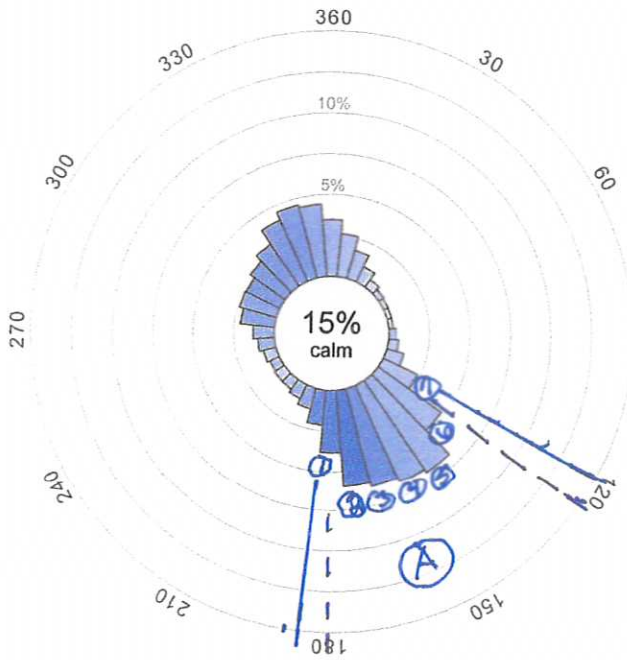
Respectfully submitted

Alan S. Cohen

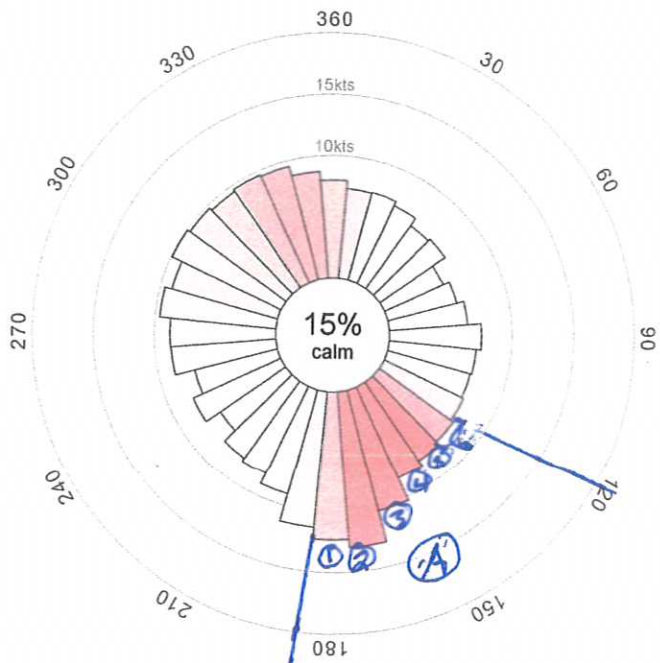
SITE STUDY EXHIBIT ONE

DATE	SKY CONDITION	TIME	WIND	COMMENT, ODOR??
10/25/2016	Partly Cloudy	3:00 PM	N-5	None
11/1/2016	Over cast	8:45 AM	S 1 to 2	None
11/4/2016	Cloudy Slt Inversion	8:55 AM	S 1 to 2	None
11/7/2016	Cloudy Inversion	12:00 PM	0 to N 5	None
11/22/2016	Partly Cloudy	1:00 PM	0 to N 1	None
12/5/2016	Partly Cloudy	12:00 PM	NW-5	None
12/8/2016	Over cast	10:20 AM	0	None
12-?-16	Cloudy Slt Inversion	1:00 PM	0	None No Smoke
12/30/2016	Inversion	3:00 PM	0	None No Smoke
1/8/2017	Inversion	11:20 AM	N to SW 5	None
1/24/2017	Over cast	10:42 AM	NW 3	None
2/1/2017	Severe Inversion	10:20 AM	NW 3	None
2/17/2017	Cloudy Slt Inversion	9:20 AM	0	None
2/17/2017	Over cast	10:20 AM	NW 2	None
2/28/2017	Partly Cloudy	9:46 AM	NW 5	None

KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

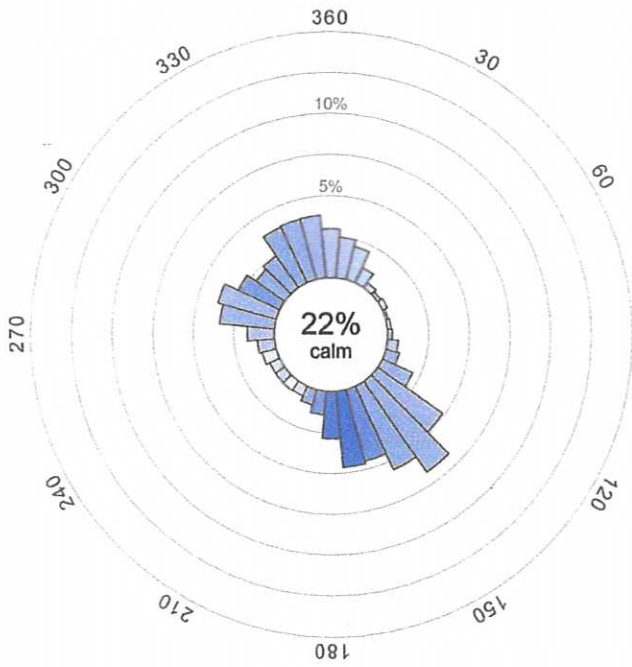


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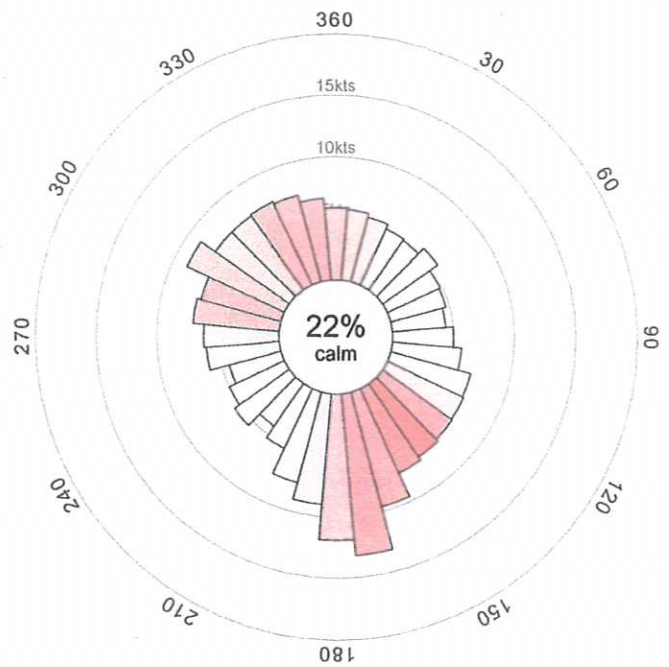
A diagram of the prevailing winds at KSLC: Salt Lake City International Airport. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For more information, see [about this site](#).

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KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

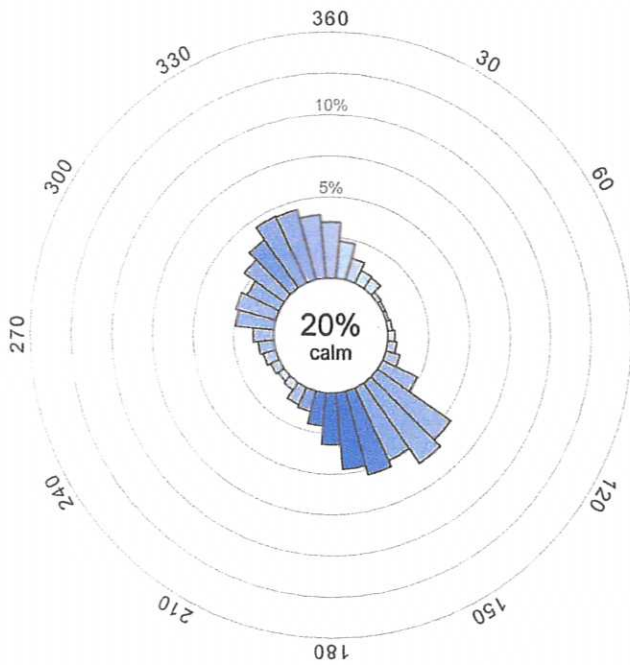


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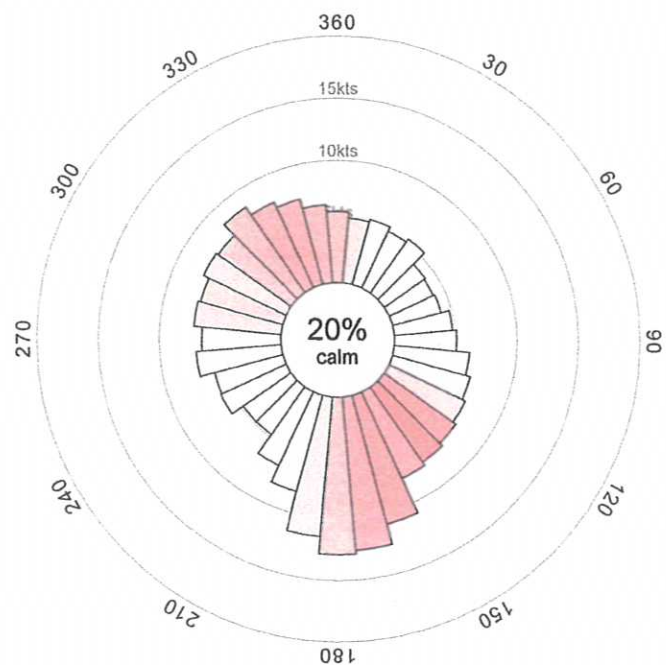
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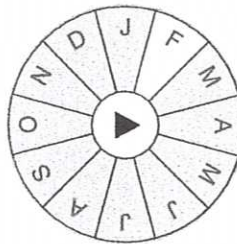
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Frequency by Direction



Average Speed by Direction

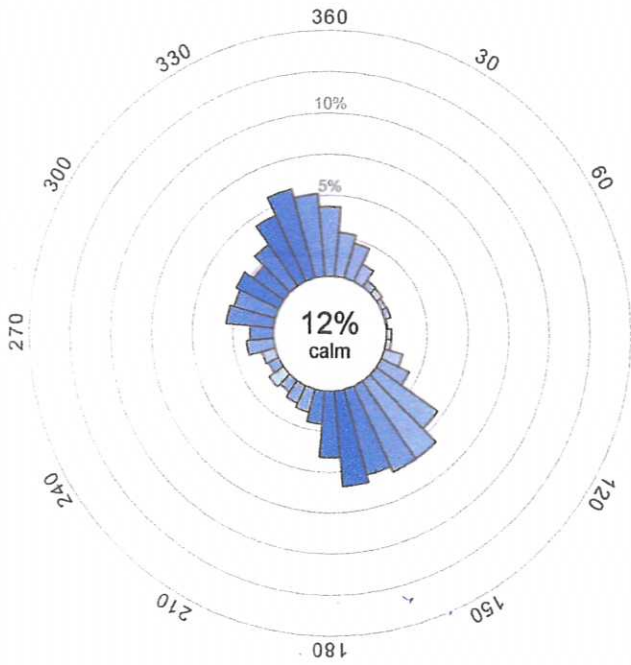


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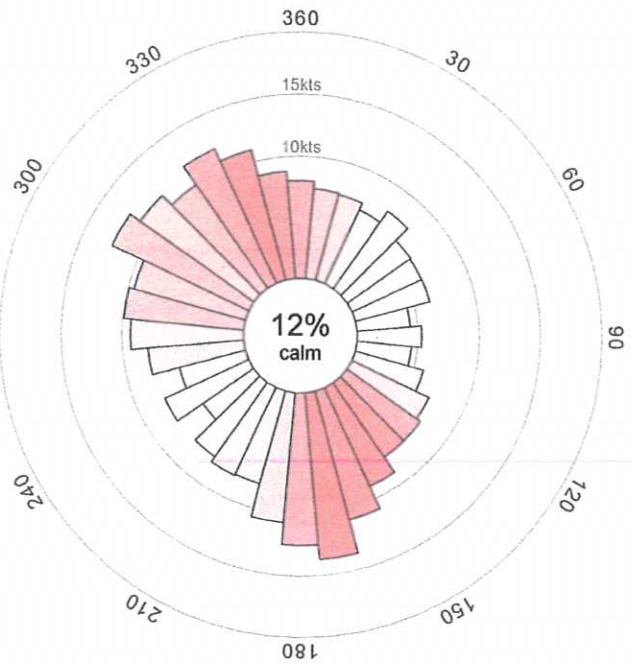
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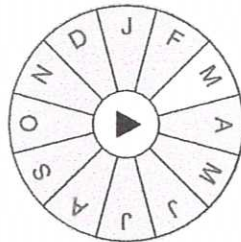
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Frequency by Direction



Average Speed by Direction

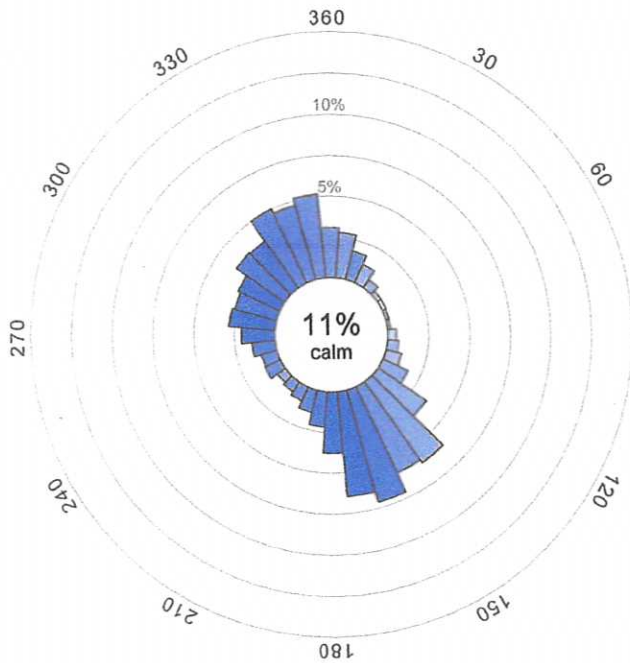


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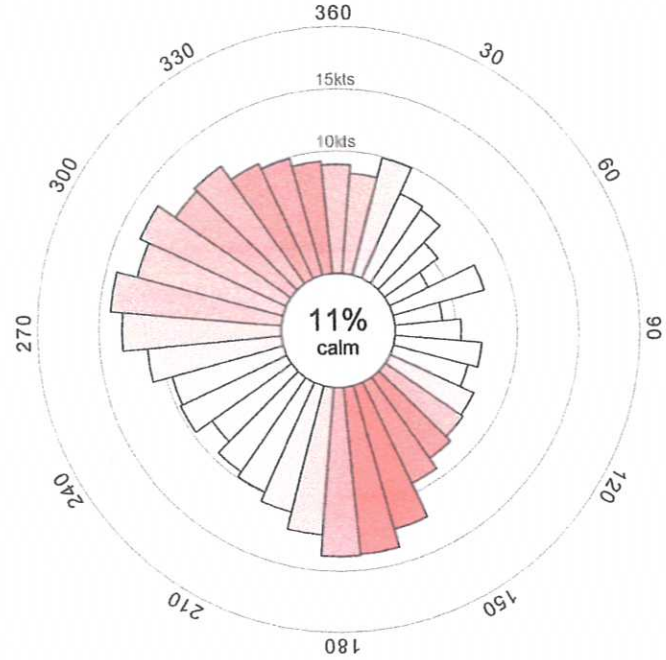
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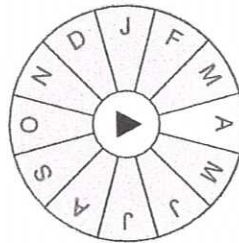
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Frequency by Direction



Average Speed by Direction

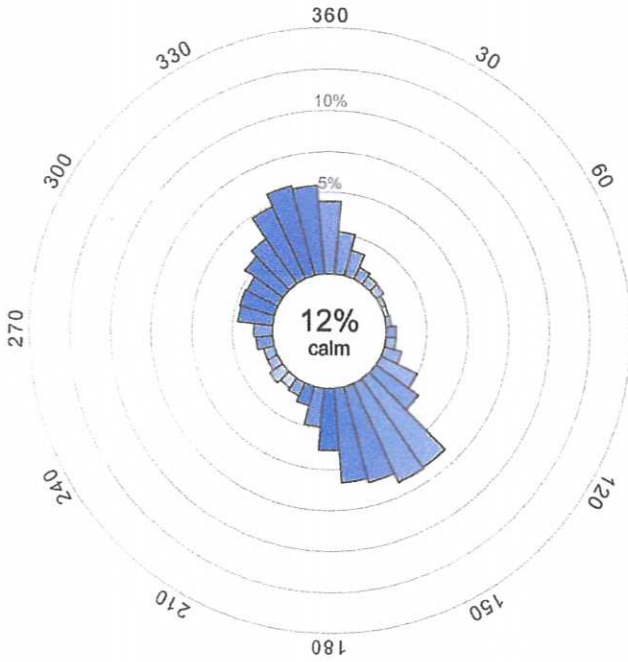


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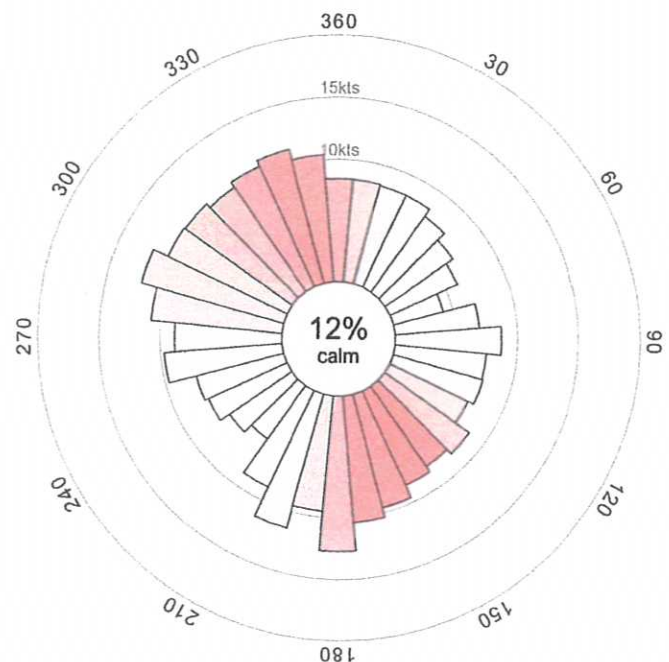
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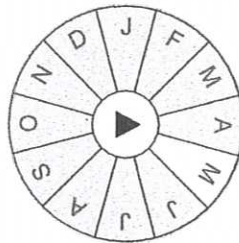
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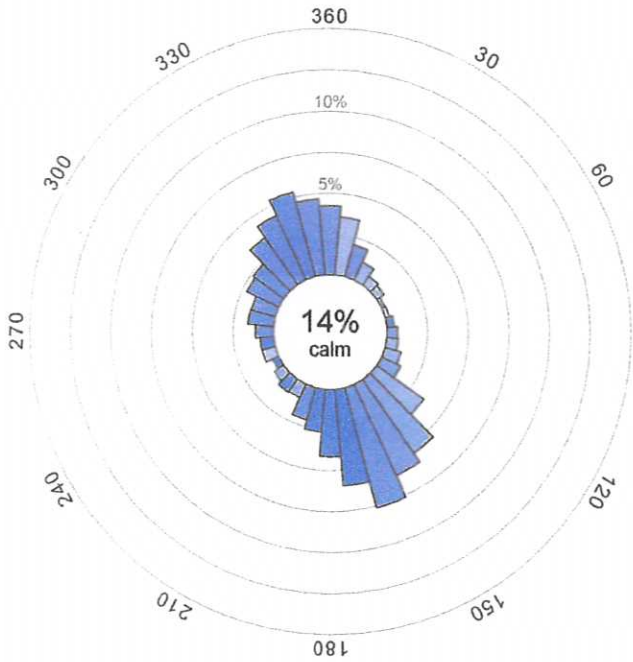


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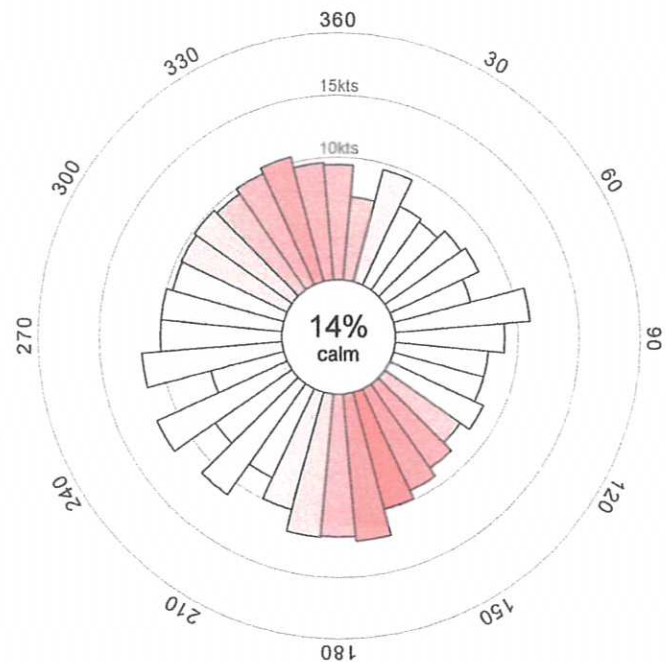
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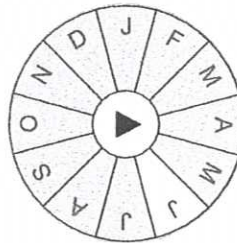
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Frequency by Direction



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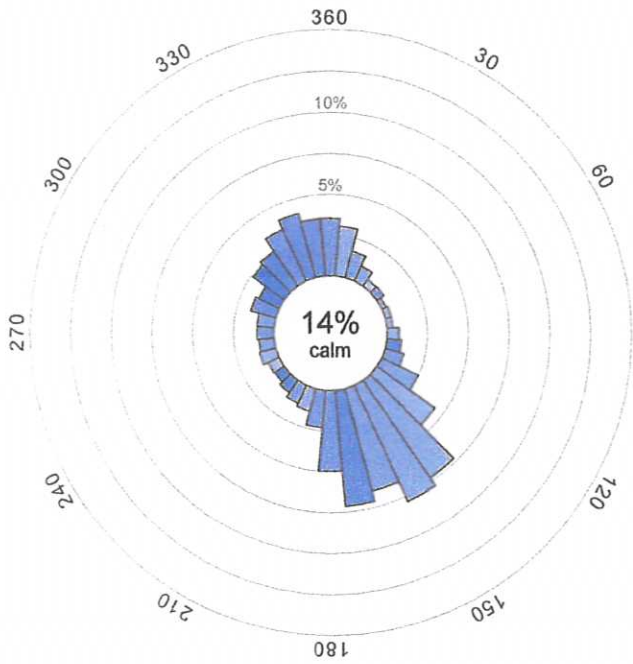


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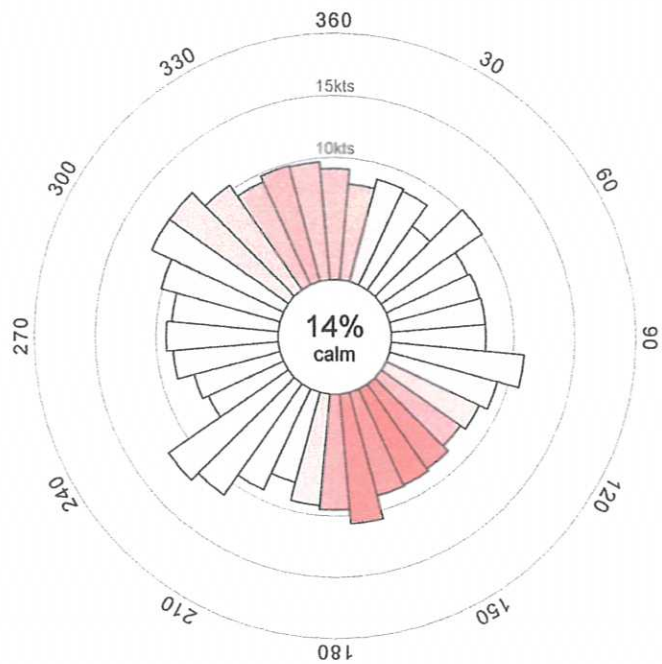
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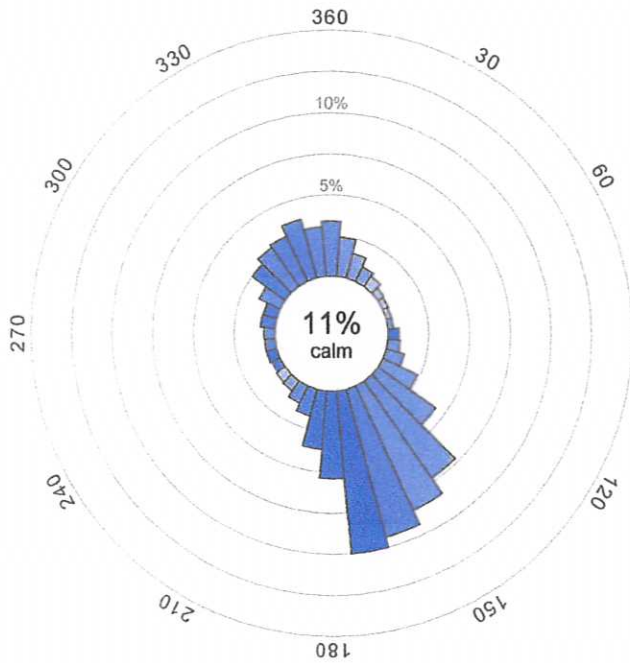


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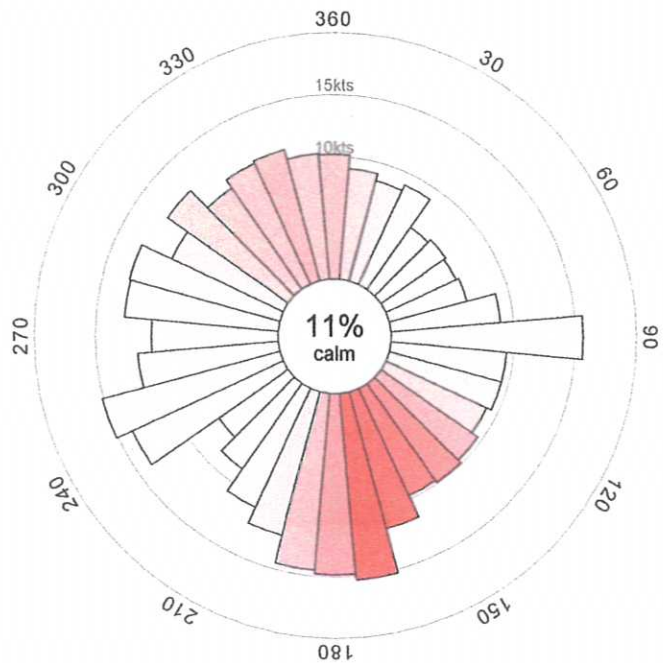
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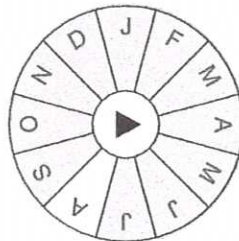
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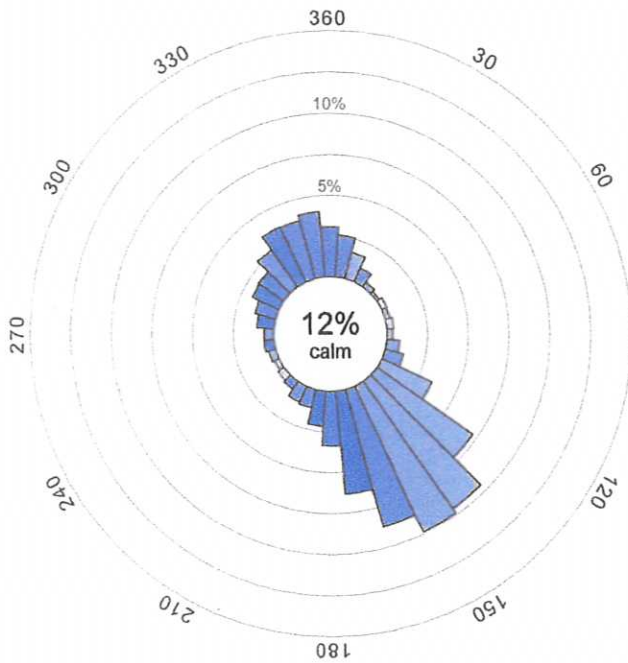


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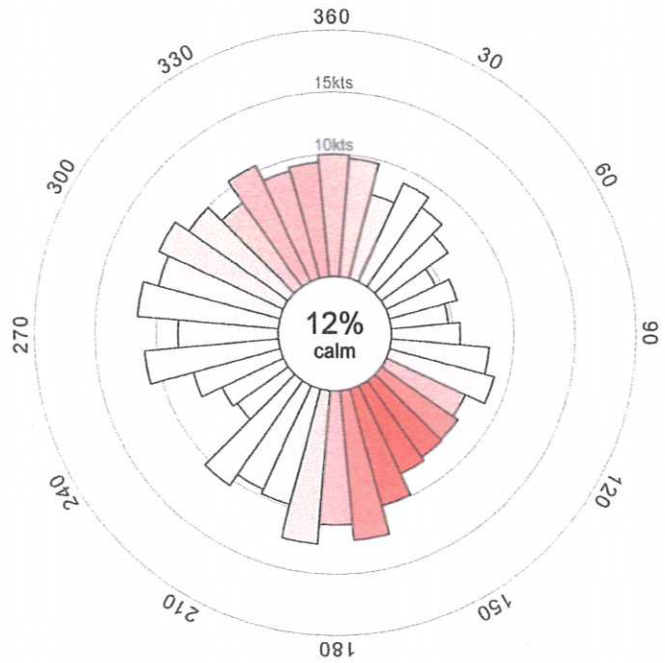
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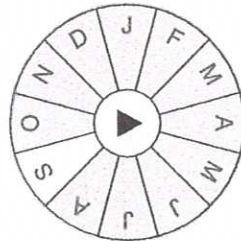
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

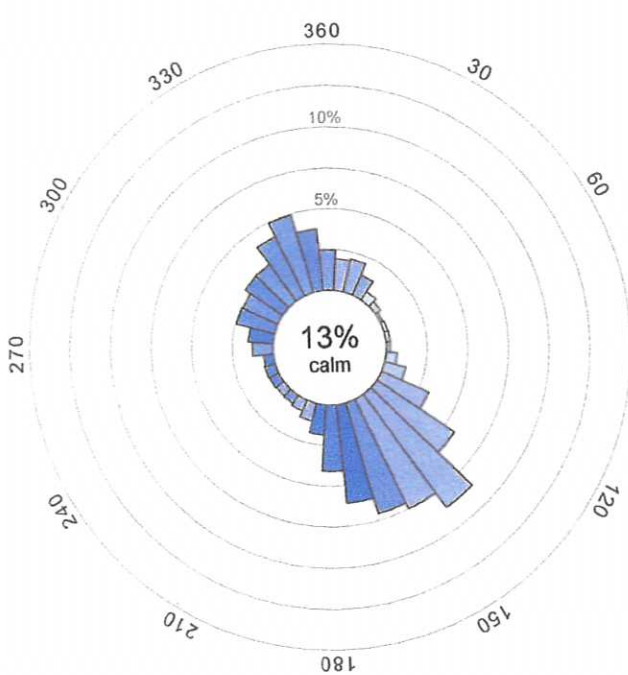


40.7764, -111.9586 [WeatherSpark](#) [Wunderground](#) [VFRMap](#) [RunwayFinder](#) [NavMonster](#)

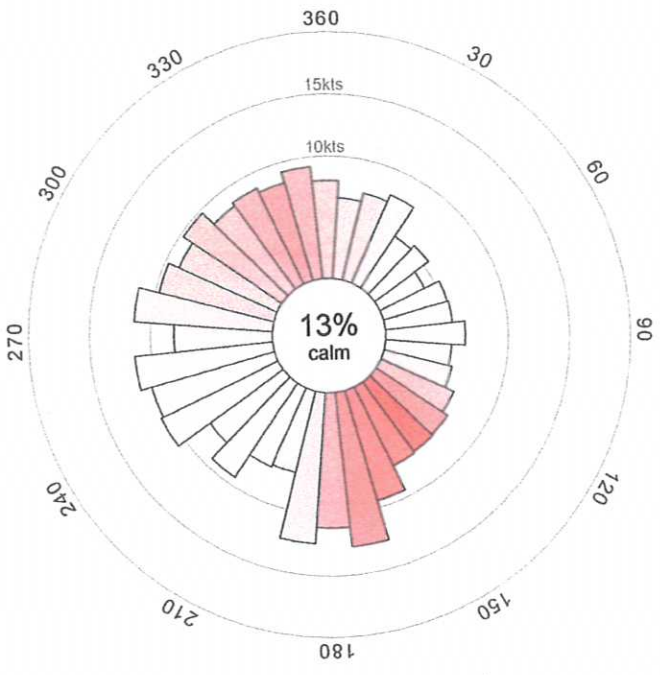
A diagram of the prevailing winds at KSLC: Salt Lake City International Airport. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For more information, see [about this site](#).

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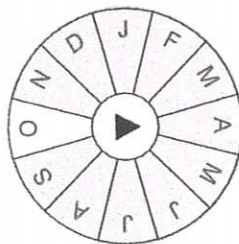
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

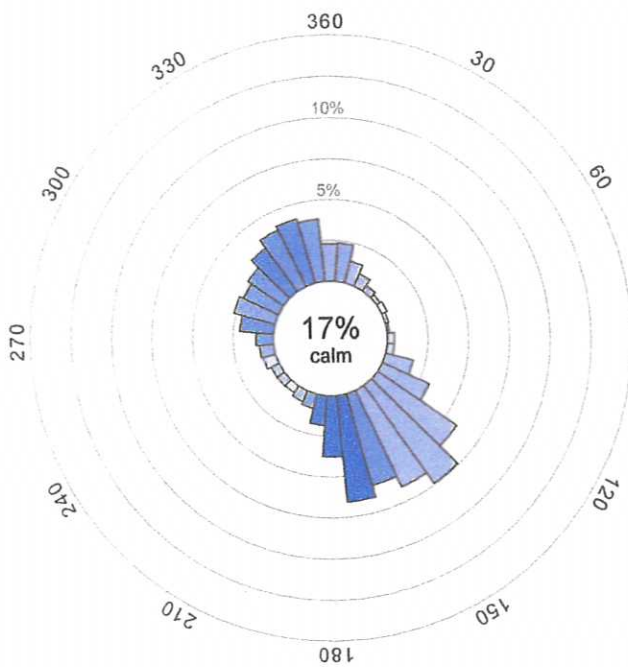


40.7764, -111.9586 [WeatherSpark](#) [Wunderground](#) [VFRMap](#) [RunwayFinder](#) [NavMonster](#)

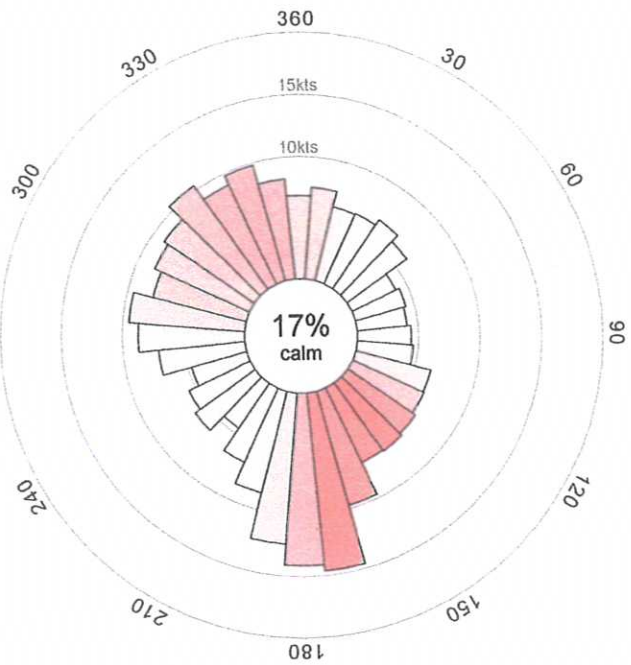
A diagram of the prevailing winds at **KSLC: Salt Lake City International Airport**. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For more information, see [about this site](#).

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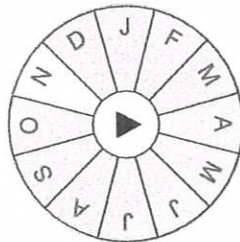
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

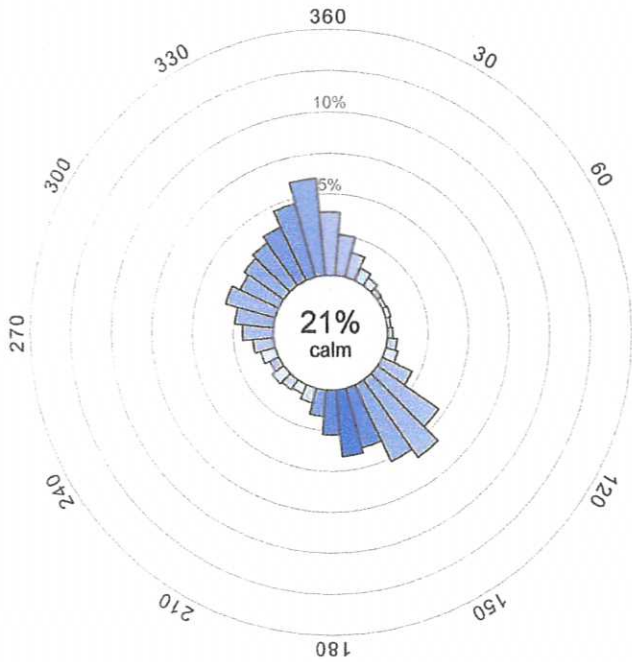


40.7764, -111.9586 [WeatherSpark](#) [Wunderground](#) [VFRMap](#) [RunwayFinder](#) [NavMonster](#)

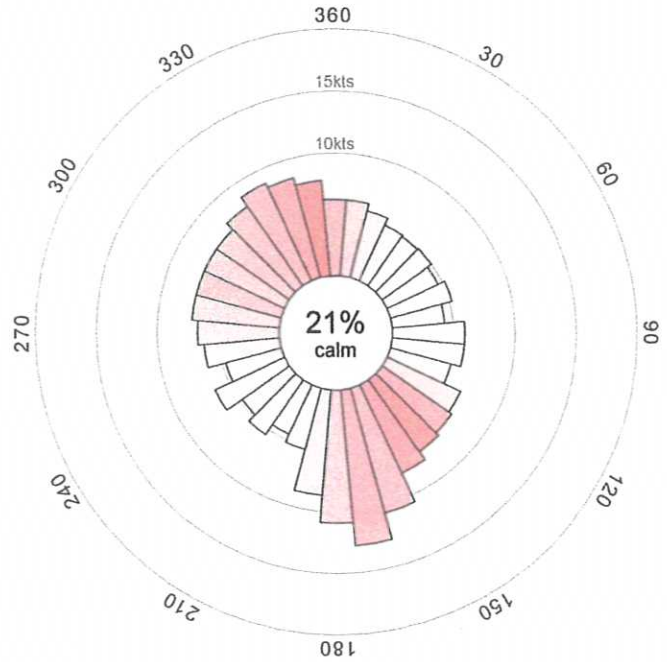
A diagram of the prevailing winds at **KSLC: Salt Lake City International Airport**. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For more information, see [about this site](#).

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KSLC: Salt Lake City International Airport



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TOOELE CITY CORPORATION

ORDINANCE 2017-11

AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY GENERAL PLAN, LAND USE ELEMENT FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR APPROXIMATELY 8.81 ACRES LOCATED AT APPROXIMATELY 600 EAST 2400 NORTH

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

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

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

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

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

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

WHEREAS, the City has received an application for General Plan, Land Use Element Map amendments for approximately 8.81 acres of property (the “Property”), comprised of a portion of parcel 02-144-0-0040, as shown in the attached Exhibit A; and,

WHEREAS, the City Administration recommends approval of the General Plan, Land Use Element amendment application for the amendment of the General Plan, Land Use Element for the Property from the General Commercial (GC) land use designations to the High Density Residential (HDR) land use designation (see the Staff Report attached as Exhibit B); and,

WHEREAS, approving the present ordinance will not operate to create any land use entitlements other than land use designation under the General Plan, Land Use Element and/or the Zoning Map; and,

WHEREAS, on March 8, 2017 the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

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

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

1. this Ordinance and its proposed amendments to the General Plan, Land Use Element are in the best interest of the City in that they will further economic development, will make possible the availability and reliability of critical municipal services, will make possibility the use of the Property as permitted by law, and are consistent with the desires of the affected property owners (see Exhibit A); and,
2. the General Plan, Land Use Element is hereby amended for the property located near 600 East 2400 North as illustrated in Exhibit A, attached.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Application for General Plan, Land Use
Element Map amendment

Zoning, General Plan, & Master Plan Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2130 Fax (435) 843-2139
www.tooelecity.org



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

2170061

Project Information					
Date of Submission: 24 Jan 2017		Current Map Designation: GC		Proposed Map Designation: HDR	
Project Name: The Cottages at Goldwater Hialeah Run at Tooele				Parcel #(s): 02-144-0-0040	
Project Address: Approx. 600 E 2400 N				Acres: 8.73 8.81	
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: Development to include 38 ^{to 54} town homes and 96 garden-style, walk-up apartments. Project amenities shall include garages, a clubhouse, pool, dog run, play area and other landscaped open space. Within walking distance of UTA Park-n-ride and adjacent to more than six ^{eight} acres of retail development.					
Property Owner(s): Bear-All, LLC			Applicant(s): The Ritchie Group, LC		
Address: 2133 Lakeline Drive			Address: 1245 Brickyard Rd. / Ste. 70		
City: Salt Lake City	State: UT	Zip: 84109	City: SLC	State: UT	Zip: 84106
Phone: Alan Cohen (801) 201-2927			Phone: (801) 433-2200		
Contact Person: Rob Heywood			Address: SAME AS ABOVE		
Phone: (801) 983-6274			City:	State:	Zip:
Cellular: (435) 671-3330	Fax: (801) 433-2201		Email: rob@theritchiegroup.com		

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

Note to Applicant:

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

For Office Use Only			
Received By: <i>Kaci</i>	Date Received: 1/24/17	Fees: 1,880. ⁰⁰	App. #:

00255035

Amendment to General Plan Map

Questions for Applicant

- 1. What is the present land use designation of the subject property(ies)?**

The present land use designation is commercial.

- 2. Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.**

The proposed land use designation for the subject property is residential, specifically multifamily residential, which complements well the land uses immediately adjacent to it: 1) commercial, including its general commercial and research and development districts; and 2) light industrial.

Nearly 140 households established on the subject property create a critical mass, making retail and other commercial development viable on neighboring properties. Further, businesses are drawn to areas where labor lives near, and employers recruit to locations where desirable housing is approximate.

- 3. What do you anticipate the land being used for?**

The proposed use of the land is multifamily residential. The developer is planning approximately 96 garden-style walk up apartments and 38 to 54 town homes.

- 4. Explain how the proposed land use designation would affect property, surrounding properties and Tooele city.**

The proposed land use designation will hasten development in commercial and light industrial land uses on surrounding properties, attracting business to the area and creating jobs. This development will help satisfy its current unmet demand for multifamily housing, expand City infrastructure and ultimately increase the City's tax base and sales tax revenue.

5. Explain how the proposed land use designation promotes the goals and objectives of Tooele City.

Tooele City has adopted its code with intent to protect its citizens and help them prosper. The City's growth is evidence of its trending pattern of prosperity. Changing the land use designation as proposed will perpetuate Tooele City's pattern of prosperity by spurring commercial and light industrial development all around the subject property.

While multifamily residential may be considered relatively intense use of the nine acres it will occupy, it is smart growth. It will accomplish the opposite of suburban sprawl; while adding households to the City, they will be concentrated, keeping more land within the City for agriculture and other uses valued by its residents.

Close proximity to properties designated for commercial and light industrial uses will make it possible for residents of the subject property to walk to work; also, because the property is located within walking distance of a UTA Park & Ride the property's residents will have much less impact on traffic and air quality than if they were spread across the City. Last of all, it is the intent of the developer to bring multi-family of the highest quality and esthetic appeal to the city.

**EXHIBIT A
BOUNDARY DESCRIPTION
East Parcel**

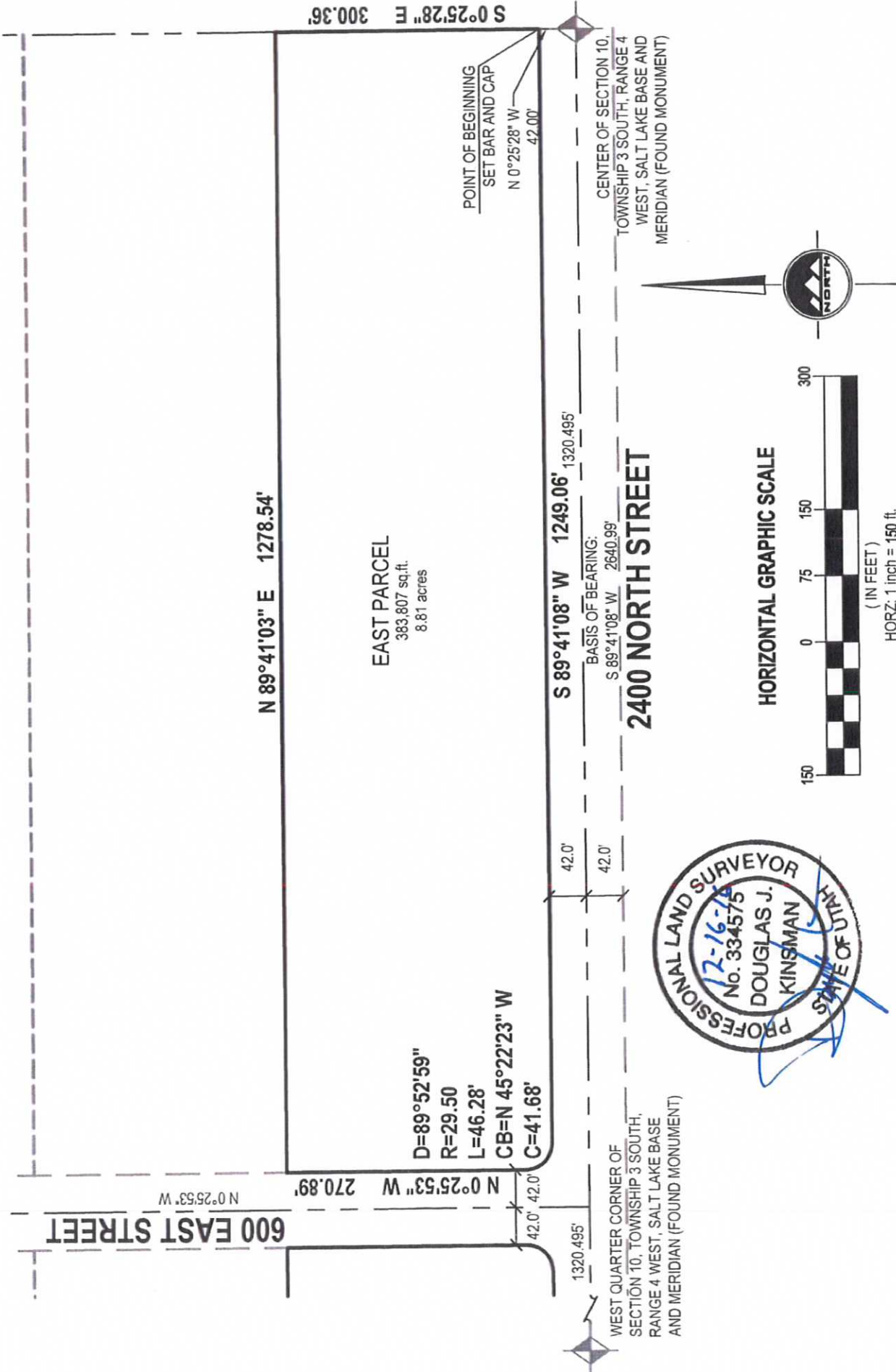
A parcel of land, situate in the Northwest Quarter of Section 10, Township 3 South, Range 5 West, Salt Lake Base and Meridian, said parcel also located in Tooele, Utah, more particularly described as follows:

Beginning at a point on the north line of 2400 North Street, said point being North 0°25'28" West 42.00 feet along the Quarter Section line from the found monument representing the Center of Section 10, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 89°41'08" West 1249.06 feet along the north line of said 2400 North Street;
thence Northwesterly 46.28 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears North 0°18'52" West and the long chord bears North 45°22'23" West 41.68 feet with a central angle of 89°52'59") to the east line of 600 East Street;
thence North 0°25'53" West 270.89 feet along said east line;
thence North 89°41'03" East 1278.54, to the Quarter Section Line;
thence South 0°25'28" East 300.36 feet along said Quarter Section Line; to the point of beginning.

Contains 383,807 square feet or 8.81 acres.





EAST PARCEL
383,807 sq.ft.
8.81 acres



PROJECT # DATE
T1200A 12/16/16

1 of 1

SCALE:
1" = 150'

SHIELDS PROPERTY DESCRIPTION

600 EAST 2400 NORTH
TOOELE, UT 84074
EXHIBIT B

FOR:
BEAR ALL, LLC
ALAN COHEN
2133 LAKE LINE DRIVE
SALT LAKE CITY, UT 84109
801-201-2927







ENSIGN
THE STANDARD IN ENGINEERING

169 N. Main Street, Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
www.ensigneng.com

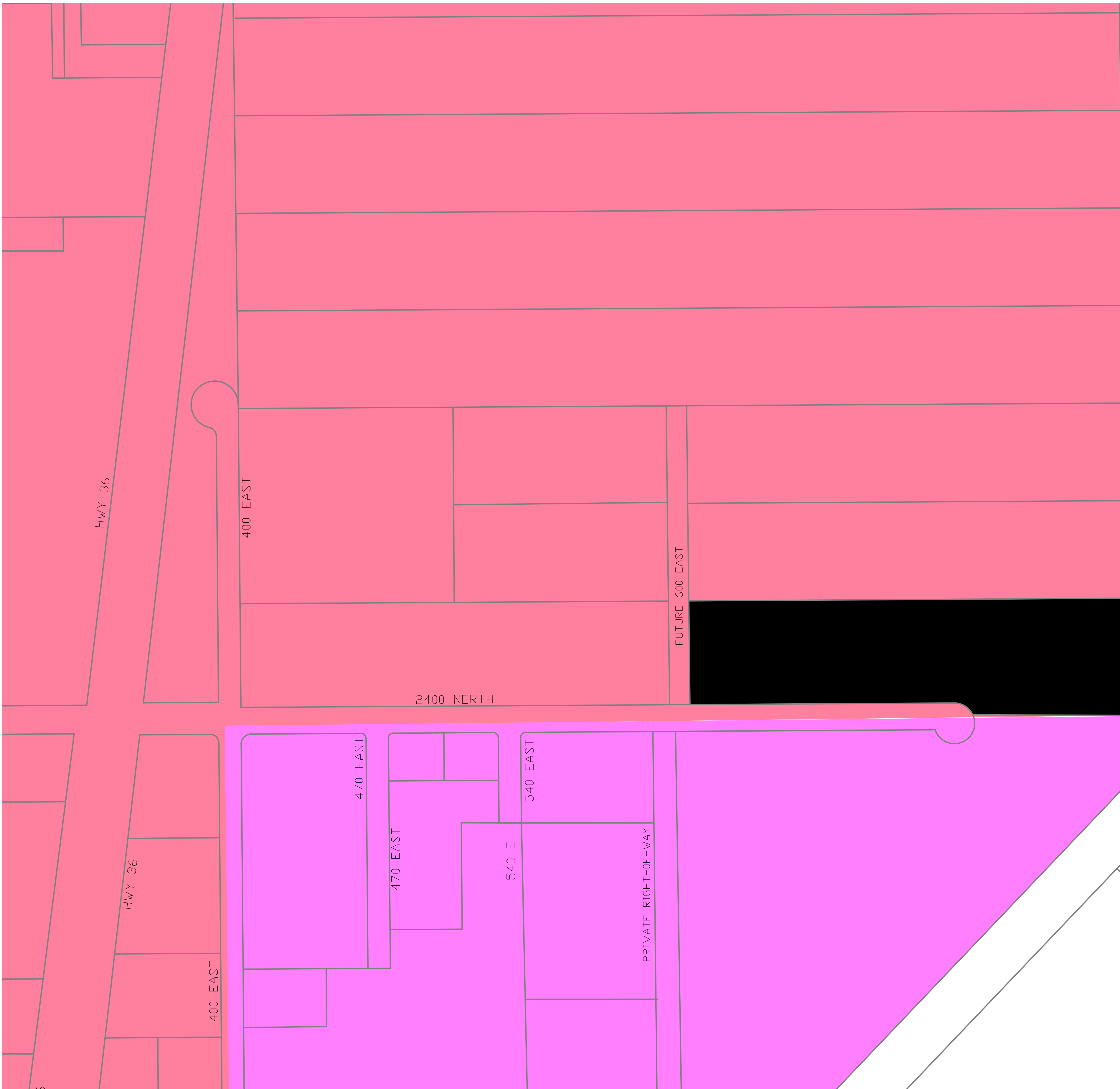
EXHIBIT A

**MAPPING PERTINENT TO THE HIALEAH RUN AT TOOELE GENERAL PLAN
LAND USE ELEMENT MAP AMENDMENT**

Untitled Map
Write a description for your map.

- Legend**
-  Copper Canyon Elementary School
 -  Copper Canyon Elementary School
 -  Fantastic Plastic
 -  Main St @ 2055 N
 -  Mountain Land Physical Therapy
 -  Mountain West Worx





EXISTING LAND USE
PROPOSED CHANGE
COMMERCIAL TO
HIGH DENSITY RESIDENTIAL

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS
APPLICANT SUBMITTED INFORMATION**

Exhibit C

Planning Commission Meeting Minutes

TOOELE CITY PLANNING COMMISSION MINUTES
March 8, 2017

Date: Wednesday, March 8, 2017
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Matt Robinson, Chairman
Shauna Bevan, Vice-Chairwoman
Chris Sloan
Ray Smart
Melanie Hammer
Russell Spendlove
Phil Montano
Brad Clark

City Employees Present:

Roger Baker, City Attorney
Rachelle Custer, City Planner
Paul Hansen, City Engineer

Council Members Present:

Chairwoman Winn
Councilman McCall

Minutes prepared by Cami Cazier.

Chairman Robinson called the meeting to order at 7:00 p.m. He recognized and welcomed Girl Scout Troop #2339.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Robinson.

2. **Roll Call**

Matt Robinson, Present
Shauna Bevan, Present
Chris Sloan, Present
Ray Smart, Present
Melanie Hammer, Present
Russell Spendlove, Present
Phil Montano, Present
Brad Clark, Present

3. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #3 and #4 will be introduced together, as they represent the same property. These requests are for approval of a General Plan Land Use Element Map amendment and Zoning Map amendment for approximately 9.15 acres consisting of parcels 18-099-0-0003 and 18-099-0-0004 located at approximately 850 North 100 East. The property is currently zoned GC General Commercial. The applicant is requesting an HDR Zoning District to construct 125 townhomes. The proposal will consist of sixteen buildings and three acres of open space with playground equipment and a basketball court. The HDR Zoning District allows for up to sixteen units per acre; the proposal is for approximately fourteen units per acre. This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not approve any development, unit numbers, etc. The applicant will have to come back and go through the subdivision and site plan approval process for multi-family at the time he decides to develop.

The property to the north is Scholar Academy and the property to the south is Lakeview Apartments. The property to the west is commercial development and east is zoned R1-7 for single family residential uses. High density residential generally creates a good buffer between commercial and single family residential uses.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment Matt Carter, application number 2170087, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Smart expressed a concern about the past drought conditions for Tooele City and the availability of water for other new housing developments as well as this property.

Ms. Custer responded that each development is required to bring their own water rights. The State only allots so many water rights per aquifer, so they will be required to bring water rights in from the State.

Commissioner Smart asked if the State has done tests to measure the amount of water available.

Ms. Custer responded that the City continually develops new water sources to provide for the community.

Chairman Robinson opened the public hearing. Per Mr. Baker's suggestion, Chairman Robinson stated that all public comments for this item will apply to both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Andrea Cahoon came forward. She was representing the purchaser of the property. As a resident of Tooele City, she believes that the location for this development is perfect because it's close to grocery stores, a school, and Main Street. She couldn't think of any good commercial uses for the property.

Chairman Robinson closed the public hearing at 7:08 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes General Plan, Land Use Element Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

4. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #3.

Chairman Robinson opened the public hearing for the Zoning Map amendment. There were no additional comments.

Chairman Robinson closed the public hearing at 7:10 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes Zoning Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

5. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #5 and #6 will be introduced together, as they represent the same property. This application is a request for approval of a General Plan, Land Use Element Map amendment and Zoning Map amendment for approximately 8.81 acres located on the east side of SR 36, at approximately 600 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting a High Density Residential zoning to construct 38 to 54 townhomes and 96 garden style, walk up apartments. High Density Residential does allow up to 16 units per acre which would allow for a maximum of 140 units. The parcel is 19.61 acres with 600 East master planned to divide the parcel. The applicant is leaving the west 8 acres as General Commercial retail development with the east 8.81 acres proposed to be High Density Residential. The property to the west is General Commercial, and north is zoned Research and Development which is a Commercial Land Use. South is Light Industrial and is currently developed with Light Industrial uses and some medical offices. East is zoned Rural Residential and is in the County.

There is a property owner in opposition of this amendment. More information was included in the Commissioner's packets. One of the existing businesses has a concern regarding mixing children and families that come with High Density Residential with industrial truck traffic. Ms. Custer also received a phone call from another adjacent property owner who did not submit anything in writing. However, he expressed that he supports the High Density Residential on the east portion of the lot, but strongly feels the west portion should remain General Commercial.

This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not give any development rights or approvals. The applicant will have to come back and meet all of Tooele City's Codes with their development for any approvals.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment by Rob Heywood representing The Ritchie Group, LC, application number 2170062, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Sloan asked for clarification on the map shown overhead for the adjacent property owner's area of concern.

Ms. Custer referred to the photo and pointed out the area in question. She also pointed out a dirt road that would separate the High Density Residential and the General Commercial.

Chairman Robinson opened the public hearing for both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Alan Cohen came forward. He, along with his sons that were also present, are the owners of the subject property. They are also the sole owners of an LLC called Bear-All, LLC, which has title to the subject property. His family has been in business in Salt Lake City for 90 years. Currently, his sons, who are the fourth generation of their business, are the managers. As a means of diversifying themselves, they purchased this land about 10-11 years ago in the height of the real estate boom. It was their intention to hold the property 3-5 years and then team up with developers or put it up for sale. At the time, the property was in the Greenbelt. Believing that Tooele was in a growth phase, they chose to change the zoning. Shortly after however, the real estate market crashed.

They have tried to sell the land as a Commercial Property for the past 6-7 years but have been unsuccessful. They have used four different real estate agents and have used various pricing strategies and incentives. They have also utilized the internet, direct mail and other resources, all to no avail. Based on the advice of several qualified experts, they decided to build apartments on half the property and retain the other half as Commercial. They have already been approached by at least two developers who are interested in the Commercial side.

Mr. Cohen believes this to be a growth opportunity not only for them, but for the surrounding businesses that currently exist, including the medical offices, fast food restaurants, gas station, Home Depot, and adjacent furniture store. He believes that Tooele City will attain growth through the tax base. He also believes the UTA Park & Ride will be an advantage to everyone. He expressed his gratitude to Rachelle Custer and Paul Hansen for their assistance in this process.

James Knight came forward next. He represented Skretting, which is a fish feed manufacturer near the subject property. He asked for the color satellite photo of the subject property to be shown overhead again. He mentioned a letter that he had given to the Commission in regards to his concerns for these amendments. This letter is attached to the minutes as Exhibit A.

Skretting purchased their land from a private owner in 2008, which was Nelson and Sons. Nelson and Sons is still the corporate entity name that they use, however they operate under Skretting. Nelson and Sons was originally located in Murray, Utah and operated there for about 100 years. Over that time, the city grew and they had to find another place to relocate. When they purchased the land in Tooele around 1996, there was concern that the same situation would occur; that the city would develop residential areas around them.

Mr. Knight pointed out that the land south and east of 2400 North belongs either to Skretting or ENS, a joint partnership of Skretting's. That land is all zoned Light Industrial and they have no intent to sell that land for residential use. Also near the subject property is C.R. England, which also has truck traffic. Clean Harbors is also nearby, which takes care of industrial hazardous waste. The land for the medical buildings to the west was purchased from Skretting, as well as the Pit Stop Carwash. It is Skretting's intent to continue to sell their land for light industrial use.

Mr. Knight stated that Skretting has been actively involved in the community and employ many residents of Tooele. They predict a 23% growth in their business this year. Their main concern is safety for the City's residents, and they believe that transport trucks and children just don't go well together.

Commissioner Sloan asked for more specific details about truck traffic in the subject area, such as how many per day. Mr. Knight answered that about 3,000 trucks traveled through their area last year, and they predict even more this year as a result of the predicted 23% business growth. He also pointed out that they operate 24 hours/day, even in the winter when it gets dark earlier. This is a concern because High Density Residential typically brings young families, and Mr. Knight worries about young children around the busy truck traffic.

Mary Alice Shields-Watkins came forward next. She represented the land directly to the east of the subject property. It is zoned RR-5 and is in the County. It's approximately 150 acres and they have no intention of disposing of or selling the land. Her concern is trespassing on their property. It is currently being farmed. Trespassers have used a dirt road that runs along the north side of the railroad tracks and it has crept further north, getting closer to Droubay Road. She is concerned that use of this dirt road will increase with residential development in the area.

Mr. Baker pointed out that this is a rail crossing that would not be allowed by the railroad to be developed or improved in any way. It's not part of the City's transportation master plan. Any development of any nature on that property would probably require something obstructing traffic crossing the railroad.

Commissioner Hammer asked for clarification about which property Mr. Baker was referring to. Mr. Baker responded that he was referring to any property developed in the City that was on the west side of and adjacent to the railroad tracks. They probably would be required to obstruct the crossing of those tracks from that development.

Rob Heywood came forward to address the Commission next. He works for the Ritchie Group, which is the development partner for the Cohen brothers on this property. He referenced the letter from James Knight, which addressed the concerns of Skretting. Mr. Heywood wanted to address the traffic concerns pointed out in the letter. He doesn't believe that this truck traffic is different from other truck traffic throughout the rest of the City. While he shares concern for children, he assured the Commission that traffic engineers and the site design plan team would consider those issues when developing the site. He stated that while all the land to the south of 2400 was in control of Skretting, they also desired to have control of their land to the north of the subject property. With the coming growth of that area, whether Light Industrial or Commercial,

housing is a chief need for the workforce employees. Their market research shows that there is a demand for housing in Tooele City, and they hope to be able to provide a beautiful, desirable place to live that is close to many of the work opportunities provided by Skretting and others.

Commissioner Smart expressed a concern about the odor coming from the Skretting facility. He related a story about his family's dairy that was constantly taken to court over the smell, and they eventually gave up the business over it. He worries that potential residents would complain to Skretting enough to run them out.

Mr. Heywood responded that the odor problem was an issue that they had been researching. He has personally conducted many "sniff tests" and believes that the traffic issue is more of a problem than the smell.

Mr. Cohen returned to the podium to talk about research that they have conducted on the smell problem. He passed out folders to the Commission that held the research data that he has compiled. This information is included at the end of these minutes. Mr. Cohen made sixteen visits to the subject property on various dates and times beginning Oct. 25, 2016 and ending on Feb. 28, 2017. At no time did he observe any unusual odors. His research includes wind speeds and direction as provided by the National Weather Service of Salt Lake City. Mr. Cohen admitted that the research he conducted was not scientific. However, he concluded that if such a problem exists, it is slight and insignificant to his investment goals and that the risk, if any, is his and is acceptable.

Commissioner Spendlove remarked that he believes the smell to be a problem, and noticed it just that morning near Home Depot. He worries that it will negatively affect the property owner's ability to find tenants.

Mr. Cohen responded that he has tried to find ways to monitor the air on a continuing basis, but has been unable to find such equipment. He reiterated that he is satisfied with the risk.

Mr. Knight returned to the podium. He did not receive a copy of the odor study conducted by Mr. Cohen. He was uncomfortable that the data was not scientific. He was also concerned that he was not aware of Mr. Cohen making visits to his property. Mr. Knight pointed out that his facility did not operate during the month of December, and January and February were slow months. As a result, the odor issue should not have been a problem anyway during those months when Mr. Cohen conducted his study. Their busy time is during the summer, when children are outside more often. Mr. Knight also mentioned that his company continues to make efforts to help the odor problem.

Chairman Robinson closed the public hearing at 7:45 p.m.

At the advice of Mr. Baker, Chairman Robinson stated that the letter from Skretting and the research study and accompanying letter be included as part of the public comments in the public hearing.

Mr. Baker added to the discussion that he has lived or worked in Tooele since 1993, and while driving on SR-36 has noticed that under moist, winter conditions with a north breeze, the air is pungent. Mr. Baker spoke with Chris Nelson and his brothers in 1995, 1996, and several times after that. He recalled being told by them that they were forced to leave West Jordan because of odor concerns from encroaching residential development. The complaints about the odor became very strong from the residents. When Nelson and Sons moved to their current location in Tooele, it was outside the Tooele City limits and was the Tooele County Industrial Park. The land was developed by the County and then became owned by the England family and others. It was annexed sometime later, and at that time, the Nelsons expressed to Mr. Baker why they moved out here and expressed concern that the situation may happen to them again, i.e., conflicts due to residential development encroaching on their facility.

Commissioner Sloan asked Mr. Baker who instigated the annexation request, the City or property owners?

Mr. Baker didn't recall, but believes it may or may not have been part of the Tooele Associates Annexation that happened about the same time.

Commissioner Montano related a story about a similar issue regarding the Brickyard Plaza in Salt Lake City. They were also forced to relocate as a result of their operations bothering nearby residents. Commissioner Montano is very familiar with the subject property and is aware of the odor, but commended the facility for their continued attempts at improving the problem. It is much better than it was in the past.

Commissioner Montano also expressed his favorable view of personal property rights. He believes that property owners have the right to develop their property as needed, and diversifying may be the best solution to protect their investment.

Commissioner Sloan was in agreement with Commissioner Montano about being pro personal property rights. He is in the real estate profession, and has been a part of situations similar to this one. Commissioner Sloan remarked that in the state of Utah, less than 23% of the housing is available to people making less than \$50,000 per year. Market studies indicate that we have a tremendous housing shortage, especially rental properties.

Commissioner Sloan admitted that he was struggling with this issue. He agreed that the subject property could be a nice, walkable community. Additionally, he said that nothing makes a better buffer between Commercial and Residential than High Density Residential. Odor and traffic issues aside, he stated that he was likely to favor the property owner in this situation because it is in the public good to develop this sort of product in this area. In our City, we constantly hear of the need for commercial opportunities. Despite the fact that people believe that if we build a Costco, people will move here, it actually works the other way around. Without appropriate housing, we are unlikely to get new commercial businesses. That being said, Commissioner Sloan warned that he will be "mean and nasty" when an actual development plan comes before the Commission, particularly with the traffic and safety issues.

Commissioner Smart added that he agrees with supporting personal property rights. However, he believes that the property owners are fully aware of the situation, and they know that once people move in, the residents have the ability to complain and create problems for the property owners and neighboring businesses.

Commissioner Sloan clarified that he understands that the property owners say that they will take full responsibility of any issues that may arise. However, he believes that once they have sold the property, the owners will be gone and any problems will become the responsibility of someone else. Having been in the development business, he knows what typically happens in these situations.

Mr. Baker pointed out to Commissioner Sloan that this is likely the only opportunity to be “mean and nasty” if he had concerns about the development. By law, once a property is rezoned, then the City must approve development applications consistent with that zoning. By law, the Commission is not required to approve zoning changes. Those are policy issues that the Commission and City Council set.

Commissioner Montano asked Paul Hansen for any comments as far as traffic and road concerns.

Paul Hansen reiterated that they don’t have an application for development, just a concept. They haven’t yet been through any of the City Code requirements in terms of traffic or other studies. Those studies will be required once an application is filed. The one factor on traffic is that 2400 North is not expected to extend across the rail traffic. Any traffic from 600 East to the end of the cul-de-sac will be either the subject properties’ residents or the industrial users on the south side.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele General Plan, Land Use Element Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170062, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 4-3 vote, a negative recommendation will be forwarded to the City Council.**

6. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #5.

Chairman Robinson opened the public hearing for the Zoning Map amendment.

Rob Heywood came forward again. He stated that it was the intention of the land owners to have this be a legacy asset, to hold it indefinitely and not sell it.

Chairman Robinson closed the public hearing at 8:02 p.m.

Chairman Robinson moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele Zoning Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170061, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Nay,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 5-2 vote, a negative recommendation will be forwarded to the City Council.**

7. Recommendation on preliminary plan approval for Canyon Village – Rust - a 15.75 acre 60 lot residential development to be located at approximately 1800 N. Copper Canyon Drive.

Presented by Rachelle Custer

This application is a request for approval of a preliminary plan for approximately 15.75 acres located at approximately 1800 North Copper Canyon Dr. The property is currently zoned HDR High Density Residential to be developed into single family homes. It is proposed to contain sixty lots, with a minimum of 7,000 square foot. There are six 15,000 square foot lots that can be developed as dense as a four-plex in this Zoning District. That will come before the Commission in final plats as they phase it out. This is just preliminary approval for the overall layout, roads, utilities, etc.

Pine Canyon Road is in the County and the County has provided the applicant with the right of way requirements to include the City’s double frontage requirements. There is double frontage along Copper Canyon Drive and Pine Canyon Road, so they will be required to abide by the Tooele City Codes on double frontage standards.

Staff recommends approval of the request for a Preliminary Plan by Adam Nash, representing Growth Aid LLC, application number 2160631, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions are 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 are 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 Fire Department are satisfied throughout the development of the site and the construction of all buildings on the site.
4. Plans are to be stamped and signed by a professional engineer, registered in the State of

- Utah.
5. Double Frontage lot requirements along all double frontage streets, to include establishing an HOA per Tooele City Code 7-19-17.1 shall apply.
 6. Single family and multi-family design guidelines per Tooele City Code 7-11a and 7-11b shall apply.

Commissioner Bevan moved to forward a positive recommendation to the City Council for the Canyon Village – Rust Preliminary Plan, for the purpose of creating 60 residential lots at approximately 1800 North Copper Canyon Drive, application number 2160631, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017.

Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

8. **Review and Approval of Planning Commission Meeting minutes for meeting held February 22nd 2017.**

Commissioner Hammer moved to approve the minutes for the meeting held February 22nd, 2017. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

Councilman McCall commended the Commission for their professional discussion of the items and concerns during the meeting.

10. **Adjourn**

Commissioner Bevan moved to adjourn the meeting. Chairman Robinson adjourned the meeting at 8:08 p.m.

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

Approved this 22nd day of March, 2017

Matt Robinson, Chairman Tooele City Planning Commission

Exhibit A

Zoning change.

To whom it may concern;

Skretting is a manufacturing company located here in Tooele at 712 East 2400 North. The company was originally located in Murray, Utah under the operating name Nelson and Sons which was privately owned. Nelson and Sons operated in Murray for about 100 years but was forced to relocate due to city grow which left no room to expand.

In 1996 Nelson & Sons purchased land in Tooele to continue their operation, at that time and they also entered into a partnership to purchase approx. 38 acres of land under the name ENS, this was to ensure room for further growth but moreover, to protect against residential grow as had happened in Murray, Utah.

Skretting purchased Nelson & Sons in January 2008 and immediately invested another 12 million dollars to install new receiving bins. We have since invested approximately 1 million dollars every year since, including 2.8 million in 2016. Skretting Tooele is a growing operation which produced 21,000 MT of fish feed in 2016 and we expect to produce 27,000 MT in 2017 for a 23% growth.

Between Skretting and ENS we have investment in nearly all the land south of 2400 North and intend to sell this land for commercial/light industrial use. We have recently turned down 2 offers which would have required the same zoning change that is currently being requested for the land North of 2400 North. The reason for not accepting the highly profitable offer was due to safety concerns. In 2016 the transport truck traffic on this road was about 30 per/day supplying our 24 hour operation, as stated before, we expect to increase sales this year by additional 23% which would result in higher truck traffic. In short, transport trucks and children don't go well together.

We have sold off lots of the land for both the medical building and the carwash located on 400 East. Our intent is to continue to sell the remaining land for commercial/light industrial use, again this would increase transport truck traffic along this road, further endangering young children if a HDR area was to be place along this corridor. We take safety very seriously and were shown by us by turning down 2 offers that were highly profitable, just ensure our residents are not exposed to these traffic dangers.

Skretting is an active community member and has donated too many groups to help the community. Such as;

- Tooele Food Bank
- Special Olympics Utah
- Children's Wish Foundation International
- Huntsman Cancer Institute
- Jared McMakin's Eagle Scout project to build nesting boxes for water fowl
- Community softball team
- Overlake Elementary Focus on Art Program
- Impact (Homeless student fund in Tooele County)
- Kickin' Cancer's Can
- 4-H livestock show in Tooele County
- Little league baseball team
- Disability Mentoring Day

- Back to School Community Closet
- Scholar Academy Night of the Arts

Plus hosted the Tooele County School District Special Education Transition program.

We are very proud of our community and our support in it, including the many local businesses that we support.

In closing, we have turned down offers that would require this zoning change on land we own due to safety concerns and I hope you would do the same for the land North of 2400 North. Our children are too valuable to be exposed to these risks.

Thank you

DRAFT



hiialeah run @ Tooele

Alan Cohen

Phone: 801 201 2927

Email: orandal84@gmail.com

March 8, 2017

Ladies and Gentlemen,

When my partners and I first considered a multi-family development at this location we were warned or informed, however we chose to take it, of a foul odor which sometimes permeated the area. This odor said to be emanating from the factory located at 712 E. 2400 North. Over the course of time and after many visits to the site, I or anyone whom accompanied me, failed to notice anything unusual. However, as a owner of the proposed project, it was very important to be aware if such a drawback existed. Obviously an investment of this magnitude could be substantially impaired if such a condition prevailed. So, after researching and failing to find any technological aids to determine a study methodology, I chose to do a personal study on my own. Below are the results of that study. Though I admit, the findings are not scientific in nature, they have convinced me that, if such a problem exists, it is slight and insignificant to my investment goals and that the risk, if any, is mine and is acceptable.

- 1. All information gathered from National Weather Service Salt Lake City(noaa.gov)***
- 2. Historical Prevailing Wind Speeds and Directions as measured at Salt Lake International Airport, the closest point of comparison***

Note:

a. Some difference may exist between the measurement site and the property site as to wind direction, which is the key event of study here. Therefore one would have to interpolate wind directions in Tooele from the available data. Having spent a great deal of time on the Great Salt Lake in my younger days, I have concluded the data here is very close to valid at the proposed location.



b. The study of Wind Speed and Direction is significant only in the fact that if there were an unusual odor wafting from the factory sight, it would only be noticed were the wind to pass over the proposed multi-family site.

c. In that vain, we should note the following:

Approximate (give or take 10 degrees) True Compass Bearings from the Factory Smoke Stack to Various Locations on the Subject Property.

<i>TO:</i>	<i>540 East</i>	<i>118 degrees</i>
	<i>650 East</i>	<i>135 degrees</i>
	<i>End 2400 N</i>	<i>180 degrees</i>

Therefore, if a problem existed the winds coming from these directions would most affect the subject property.

3. Exhibits shown here are as follows.

Exhibit one: Site visits on Exhibit one were made by the author on the days and times so noted. The exhibit indicates day, time, sky condition, wind speed and approximate direction.

There were 16 visits made on various dates and times beginning October 25, 2016 and ending on February 28, 2017 as noted. At no time were any unusual odors observed.

*Exhibit two: (Consisting of 13 Pages: Page one is the annual data and Pages 2 through 13 are Monthly data)
Historical Prevailing Wind Speeds and Directions as measured at Salt International Airport. (See above)*

CONCLUSIONS:

Considering the data in paragraph (c.) above, the winds which would most affect the site would emanate from between 118 degrees and 180 degrees give or take ten degrees.



Page one of Exhibit two (annual wind speed and direction) indicates the following:

Winds from the designated directions could occur up to 25% of the time. (Considering it is calm 15% of the time) However, half of the time these winds are 10 to 15 knots. (11 to 17 MPH.) Logic would tell us that higher winds would dissipate the odor, if any.

And finally, the 16 visits to the property indicated 0 evidence of any odor under any of the conditions which existed at the time of the visits. So considering the percentages above stated, one would have to conclude that some evidence would have been noticed on, at least, one visit. This was not the case. This in turn would lead one to suspect that the warnings received though possible, were perhaps excessive.

I thank you for taking the time to consider this study, and though I freely admit it is far from scientific, the results of the study combined with the many site visits give me confidence there should not be a problem.

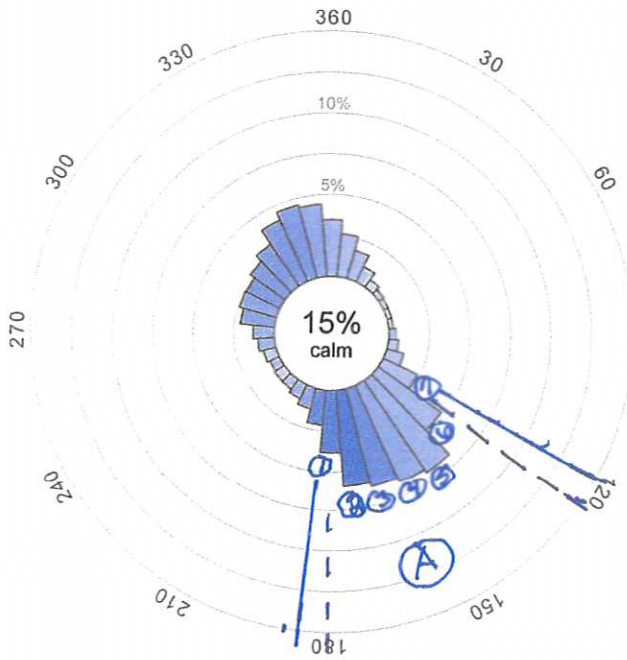
Respectfully submitted

Alan S. Cohen

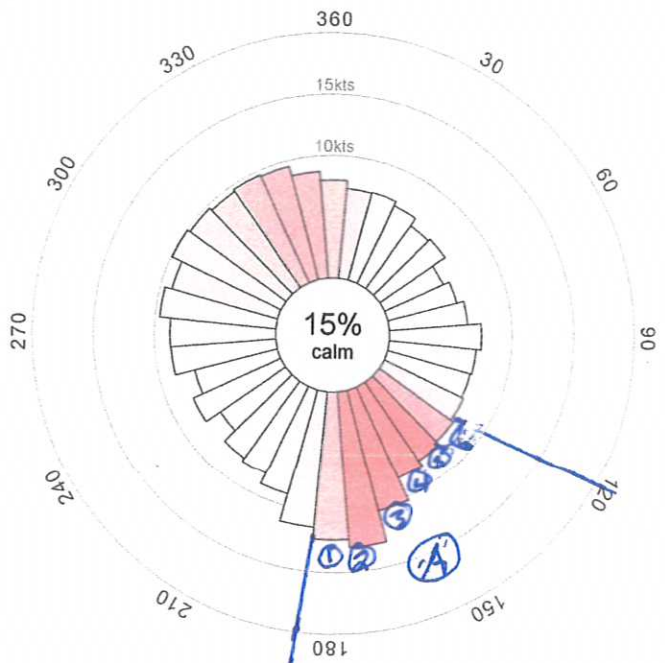
SITE STUDY EXHIBIT ONE

DATE	SKY CONDITION	TIME	WIND	COMMENT, ODOR??
10/25/2016	Partly Cloudy	3:00 PM	N-5	None
11/1/2016	Over cast	8:45 AM	S 1 to 2	None
11/4/2016	Cloudy Slit Inversion	8:55 AM	S 1 to 2	None
11/7/2016	Cloudy Inversion	12:00 PM	0 to N 5	None
11/22/2016	Partly Cloudy	1:00 PM	0 to N 1	None
12/5/2016	Partly Cloudy	12:00 PM	NW-5	None
12/8/2016	Over cast	10:20 AM	0	None
12-?-16	Cloudy Slit Inversion	1:00 PM	0	None No Smoke
12/30/2016	Inversion	3:00 PM	0	None No Smoke
1/8/2017	Inversion	11:20 AM	N to SW 5	None
1/24/2017	Over cast	10:42 AM	NW 3	None
2/1/2017	Severe Inversion	10:20 AM	NW 3	None
2/17/2017	Cloudy Slit Inversion	9:20 AM	0	None
2/17/2017	Over cast	10:20 AM	NW 2	None
2/28/2017	Partly Cloudy	9:46 AM	NW 5	None

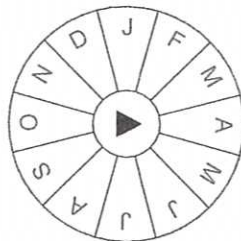
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

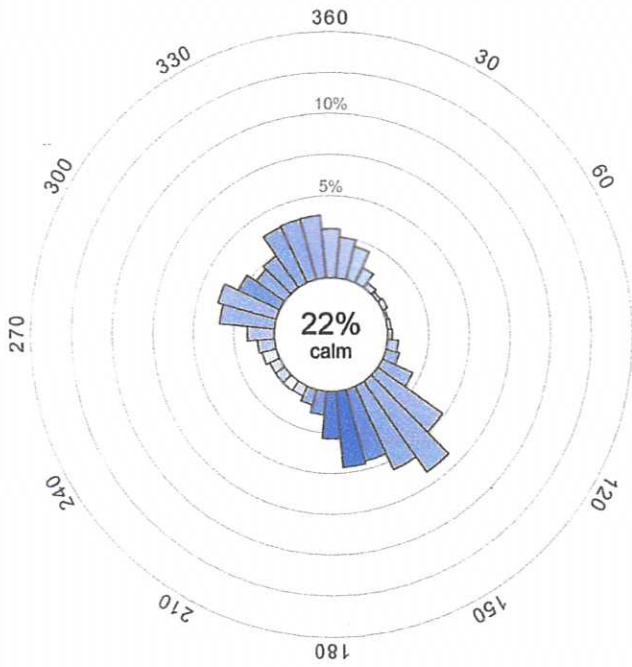


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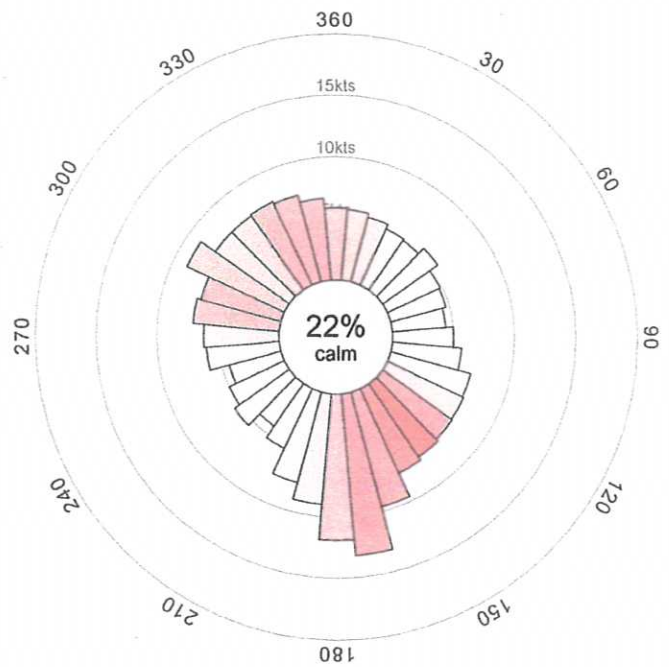
A diagram of the prevailing winds at KSLC: Salt Lake City International Airport. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For more information, see [about this site](#).

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KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

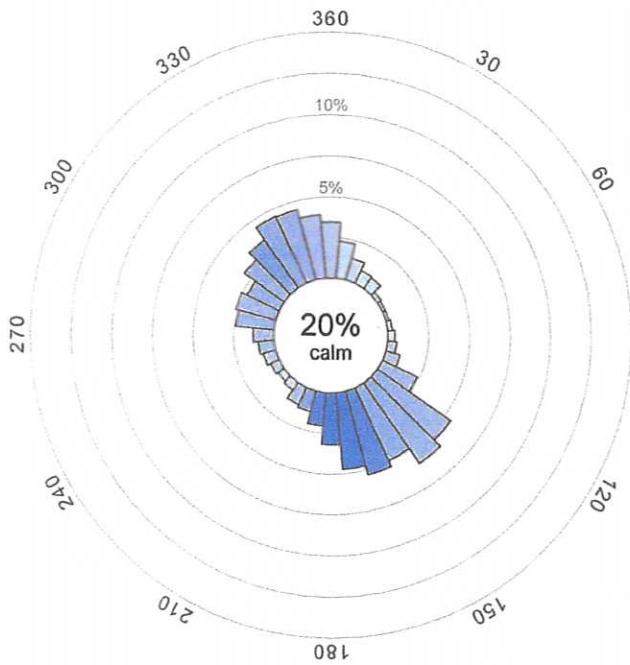


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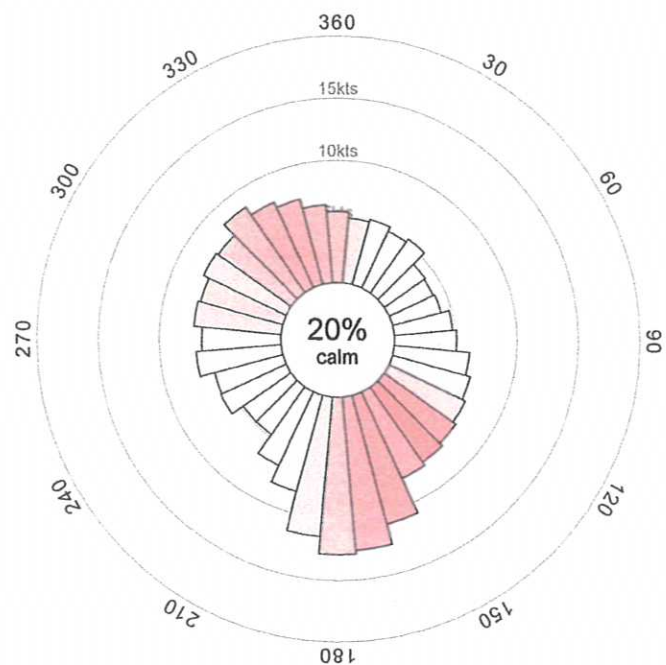
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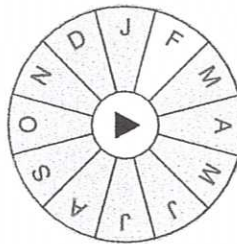
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

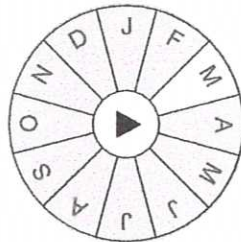
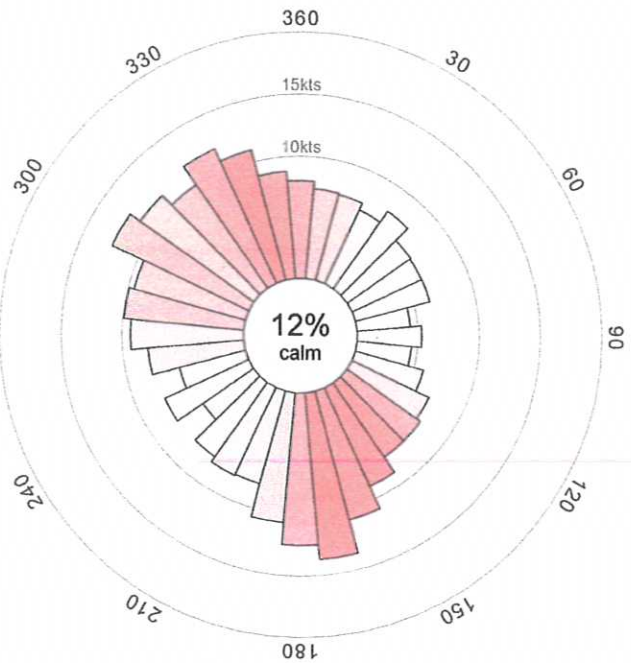
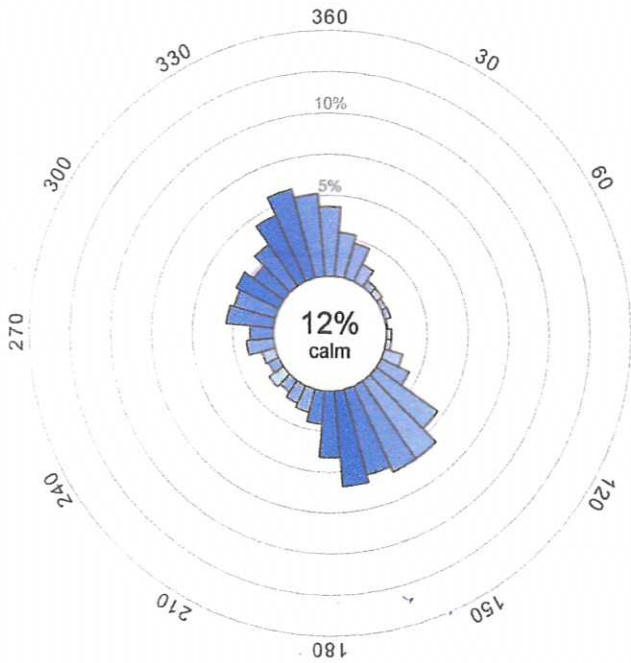


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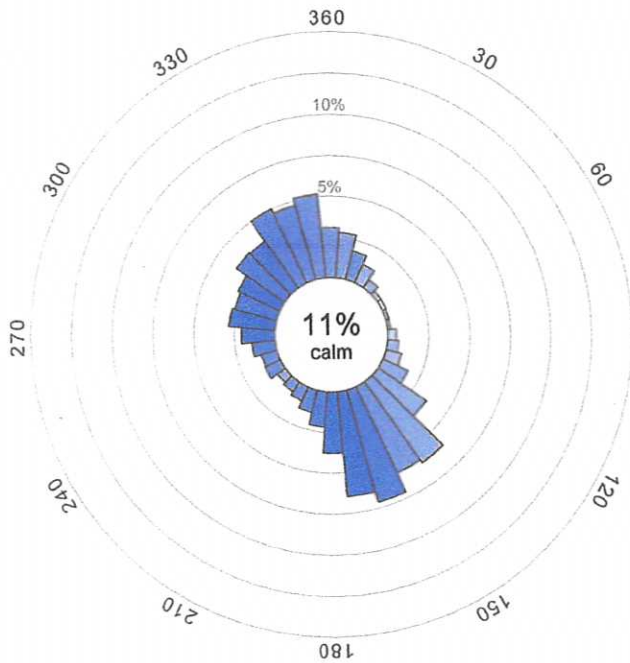


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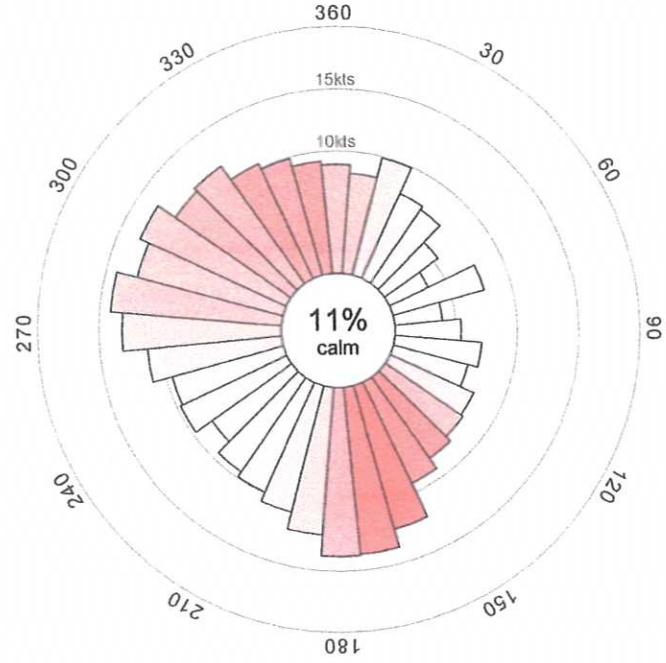
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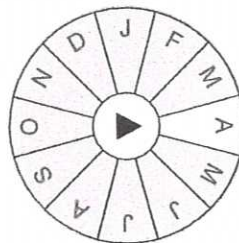
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Frequency by Direction



Average Speed by Direction

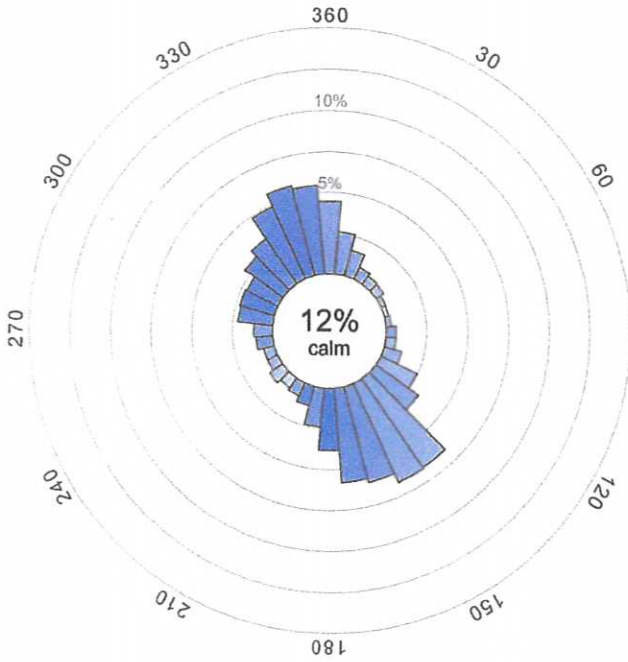


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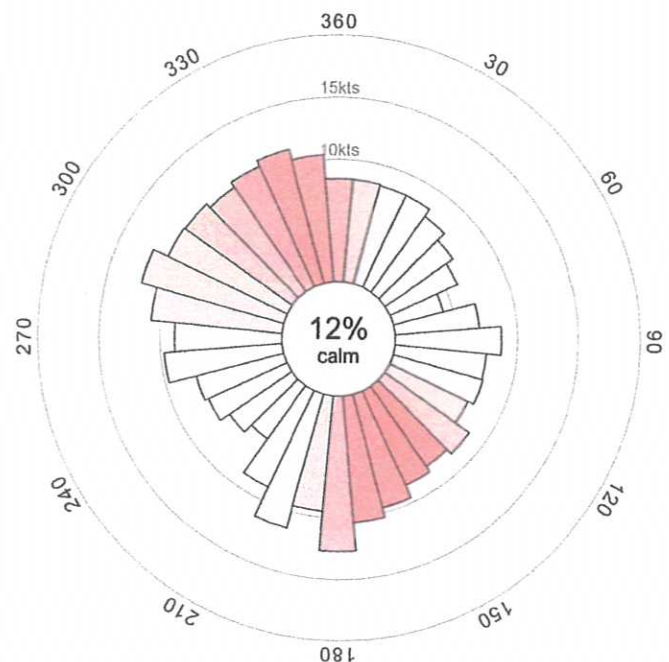
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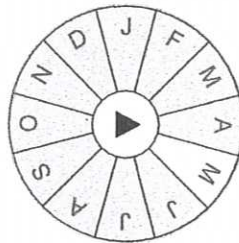
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Frequency by Direction



Average Speed by Direction

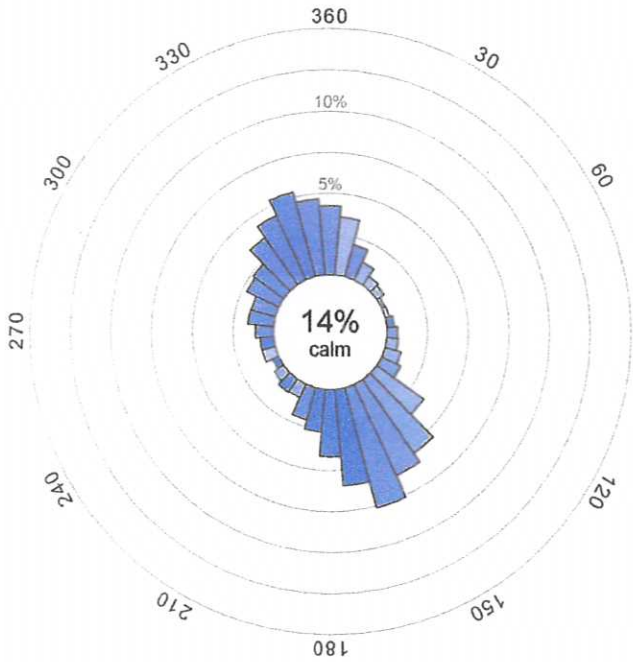


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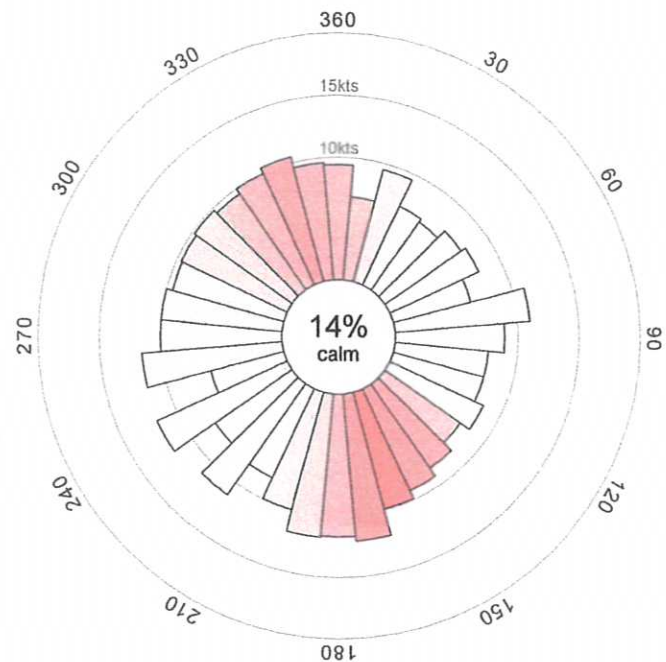
A diagram of the prevailing winds at **KSLC: Salt Lake City International Airport**. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For more information, see [about this site](#).

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KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

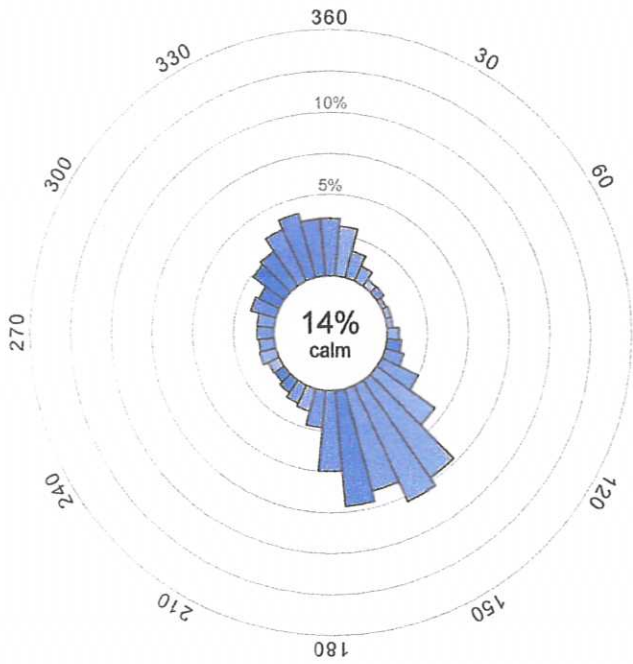


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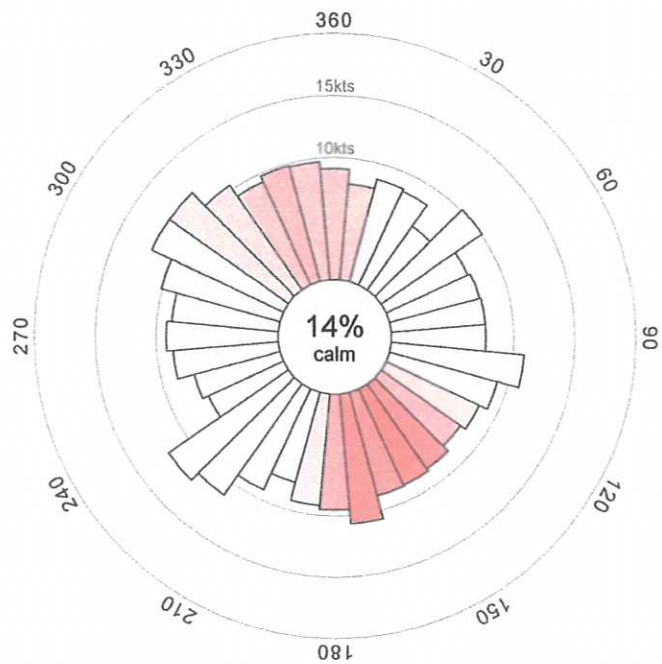
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KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

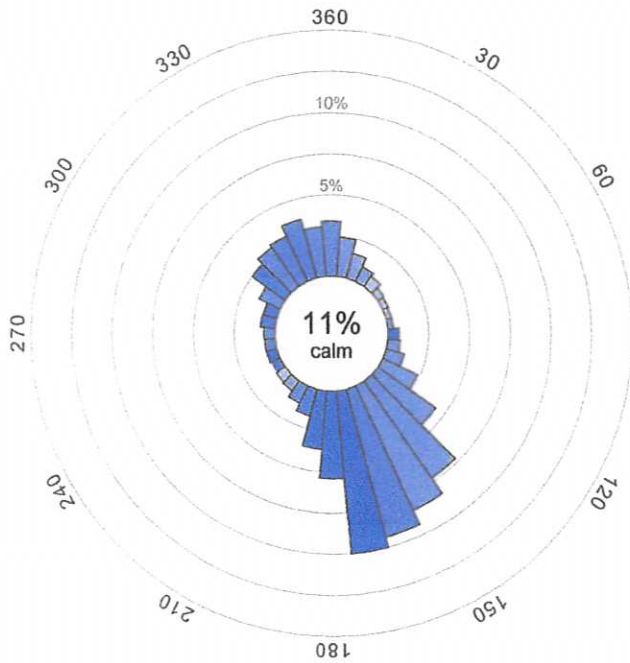


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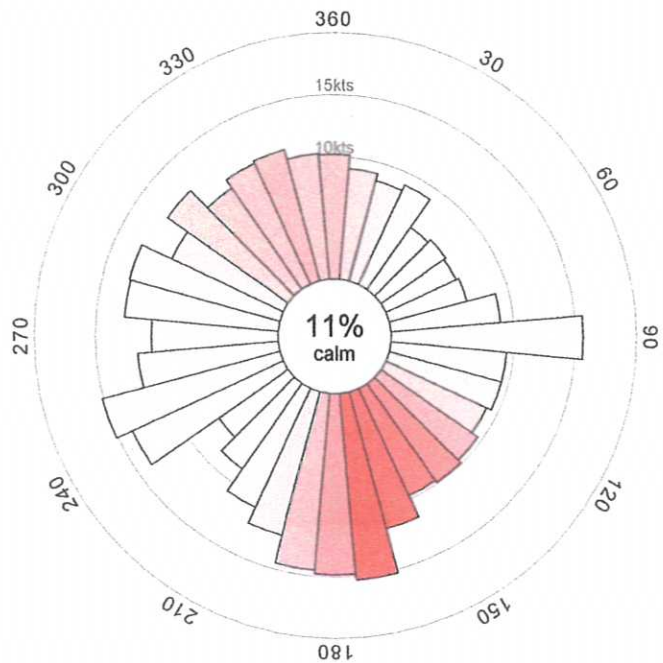
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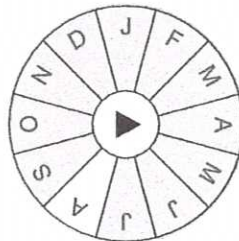
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Frequency by Direction



Average Speed by Direction

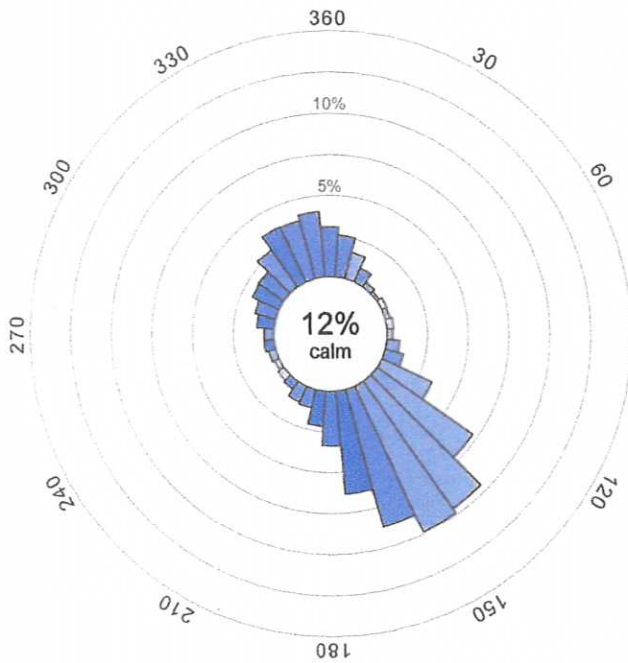


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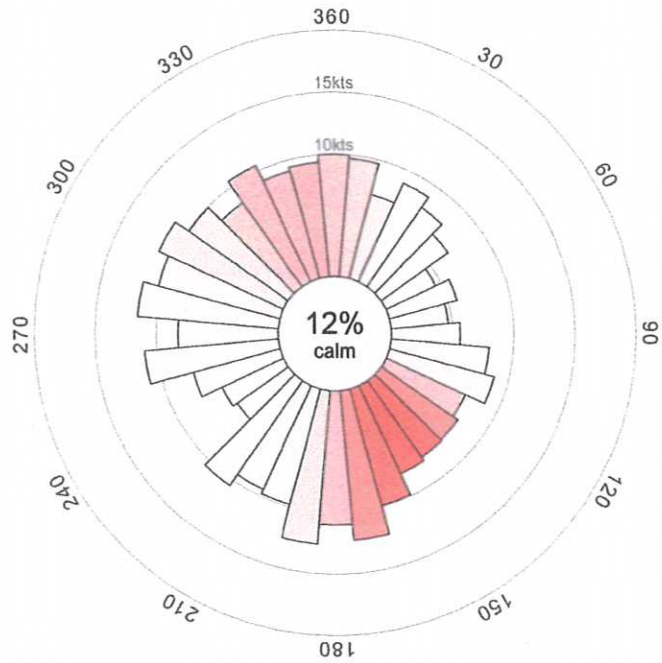
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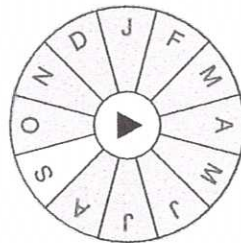
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Frequency by Direction



Average Speed by Direction

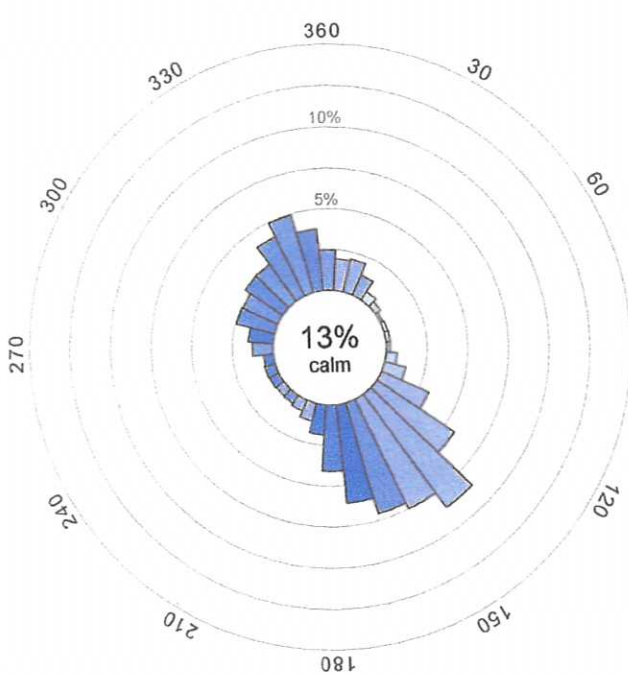


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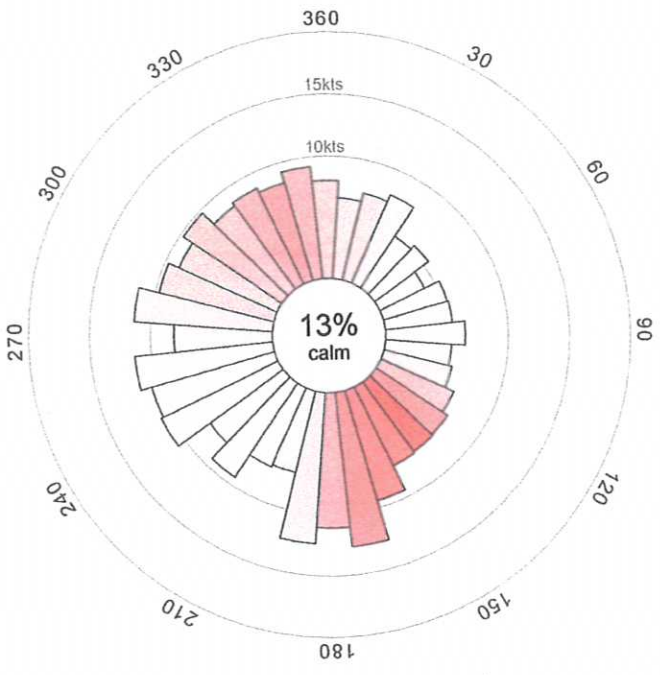
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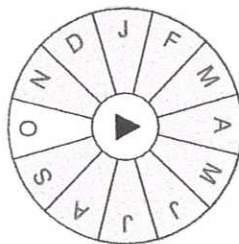
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Frequency by Direction



Average Speed by Direction

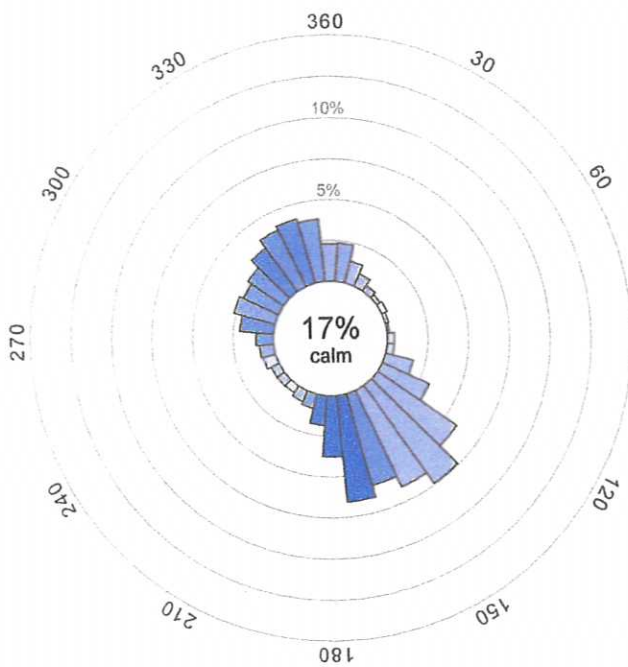


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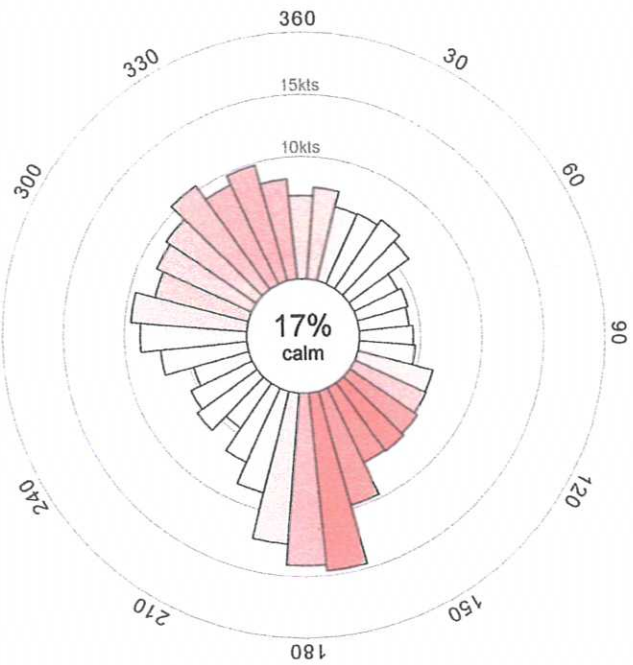
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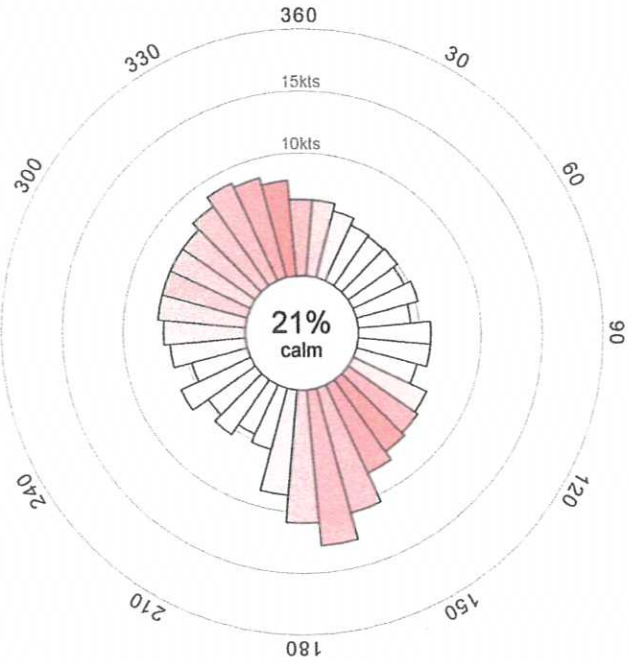
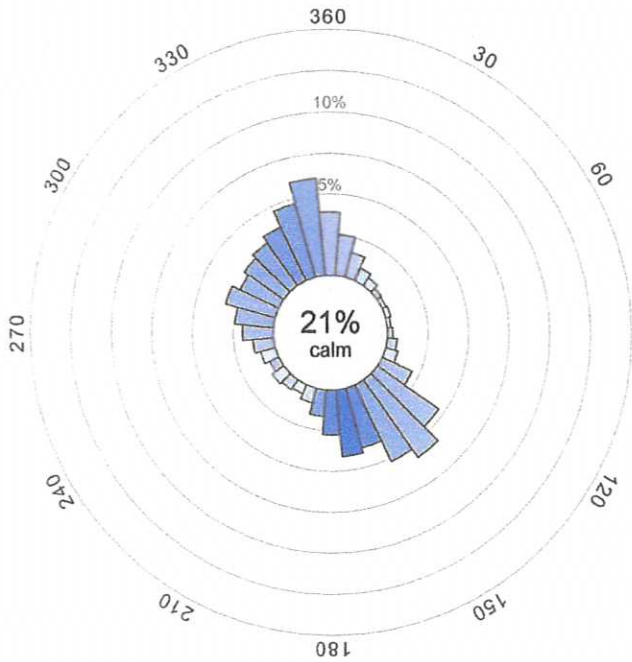


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TOOELE CITY CORPORATION

ORDINANCE 2017-12

AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY ZONING MAP FOR APPROXIMATELY 8.81 ACRES OF PROPERTY LOCATED NEAR 600 EAST 2400 NORTH FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR)

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

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

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

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

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

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

WHEREAS, the City has received an application for zoning map amendments for approximately 8.81 acres of property (the “Property”), comprised of parcel 02-144-0-0040, being located near 600 East 2400 North, as shown in the attached Exhibit A; and,

WHEREAS, the City Administration recommends approval of the zoning map amendment application for the amendment of the zoning map for the Property from the GC to HDR (see the Staff Report attached as Exhibit B); and,

WHEREAS, approving the present ordinance will not operate to create any land use entitlements other than land use designation under the General Plan, Land Use Element and/or the Zoning Map; and,

WHEREAS, on March 8, 2017, the Planning Commission convened a duly-noticed public hearing, accepted public comment, and voted to forward its recommendation to the City Council (see Planning Commission minutes attached as Exhibit C); and,

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

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

1. this Ordinance and its proposed amendments to the zoning map are in the best interest of the City in that they will further economic development, will make possible the availability and reliability of critical municipal services, will make possibility the use of the Property as permitted by law, and are consistent with the desires of the affected property owners (see Exhibit A); and,
2. the Zoning Map is hereby amended for the property located near 600 East 2400 North as illustrated in Exhibit A, attached.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this _____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y Pitt, City Recorder

S E A L

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

Exhibit A

Application for Zoning Amendment

Zoning, General Plan, & Master Plan
Map Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2130 Fax (435) 843-2139
www.tooelecity.org



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

2170062

Project Information					
Date of Submission: 24 Jan 2017		Current Map Designation: GC		Proposed Map Designation: HDR	
Project Name: The Cottages at Coldwater <i>hialeah Run at Tooele</i>				Parcel #(s): 02-144-0-0040	
Project Address: Approx. 600 E 2400 N				Acres: 8.73 <i>8.81</i>	
Proposed for Amendment: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____					
Brief Project Summary: Development to include ^{1 to 54} 38 town homes and 96 garden-style, walk-up apartments. Project amenities shall include garages, a clubhouse, pool, dog run, play area and other landscaped open space. Within walking distance of UTA Park-n-ride and adjacent to more than ^{eight} six acres of retail development.					
Property Owner(s): Bear-All, LLC			Applicant(s): The Ritchie Group, LC		
Address: 2133 Lakeline Drive			Address: 1245 Brickyard Rd. / Ste. 70		
City: Salt Lake City	State: UT	Zip: 84109	City: SLC	State: UT	Zip: 84106
Phone: Alan Cohen (801) 201-2927			Phone: (801) 433-2200		
Contact Person: Rob Heywood			Address: SAME AS ABOVE		
Phone: (801) 983-6274			City:	State:	Zip:
Cellular: (435) 671-3330	Fax: (801) 433-2201		Email: rob@theritchiegroup.com		

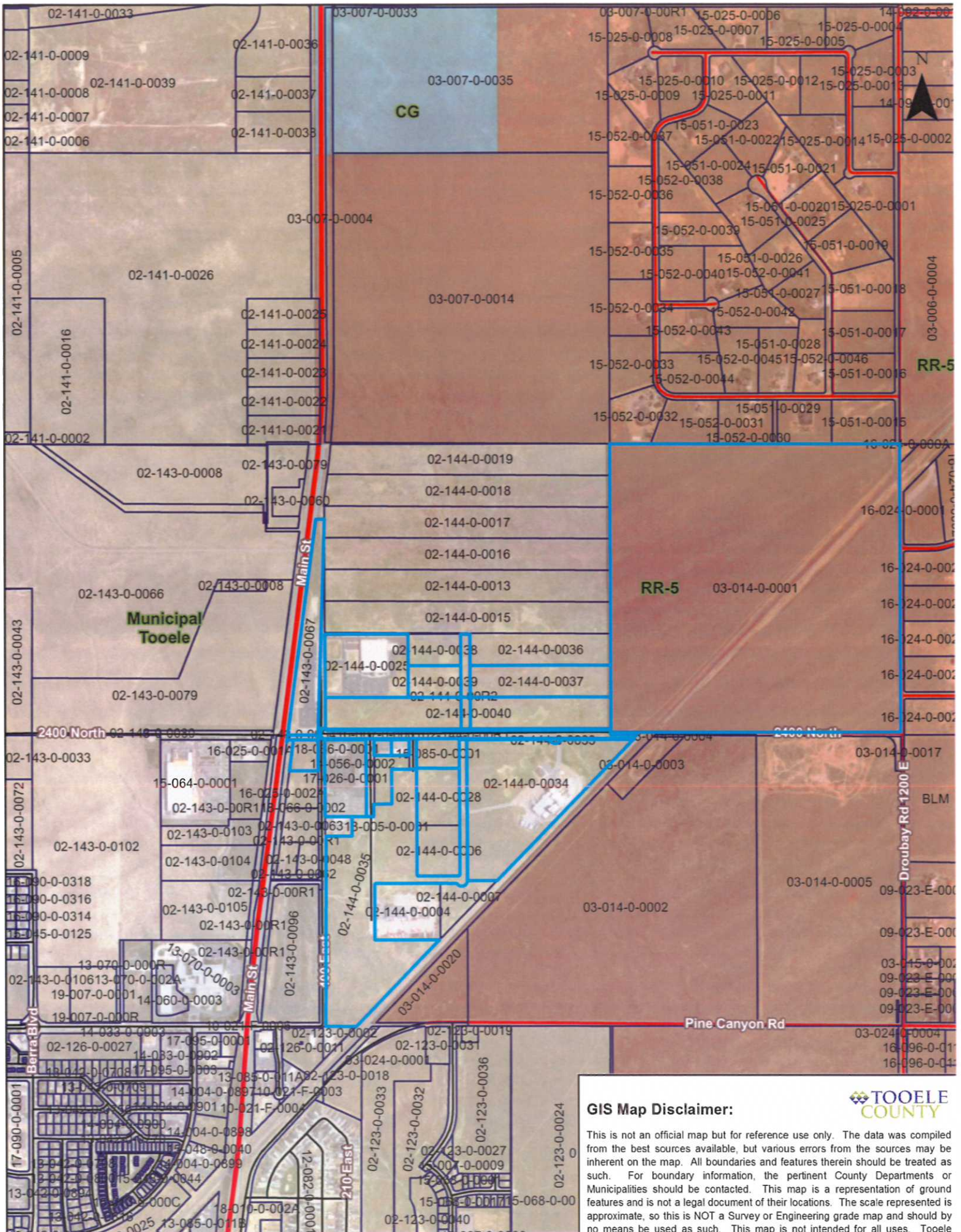
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This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

Note to Applicant:

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

For Office Use Only			
Received By: <i>Kel</i>	Date Received: 1/21/17	Fees: 1,880.00	App. #:

W255034



GIS Map Disclaimer:

This is not an official map but for reference use only. The data was compiled from the best sources available, but various errors from the sources may be inherent on the map. All boundaries and features therein should be treated as such. For boundary information, the pertinent County Departments or Municipalities should be contacted. This map is a representation of ground features and is not a legal document of their locations. The scale represented is approximate, so this is NOT a Survey or Engineering grade map and should by no means be used as such. This map is not intended for all uses. Tooele



Amendment to Zoning Map

Questions for Applicant

1. What is the present zoning of the property?

The present zoning of the property is Commercial in the General Commercial District.

2. Explain how the proposed zoning is consistent with the current land use designation.

The proposed zoning is high density residential (HDR). The developer is planning approximately 96 garden-style walk up apartments and 38 to 54 town homes.

3. Explain how the proposed zoning is similar or compatible to the current zoning in the surrounding area.

The HDR zone complements well the zones and zoning districts immediately adjacent to it: 1) commercial, including its general commercial and research and development districts; and 2) light industrial.

Nearly 140 households established on the subject property create a critical mass, making retail and other commercial development viable on neighboring properties. Further, businesses are drawn to areas where labor lives near, and employers recruit to locations where desirable housing is approximate.

4. Explain how the proposed zoning is suitable for the existing uses of the subject property(ies).

Since there are no existing uses of the subject property, the suitability of the proposed HDR designation can be illustrated by what it will do to benefit the properties around it. An HDR designation will hasten development in the GC, RD and LI districts and zone of the surrounding properties, attracting business to the area and creating jobs. This development will help satisfy its current unmet demand for multifamily housing, expand City infrastructure and ultimately increase the City's tax base and sales tax revenue.

5. Explain how the proposed zoning promotes the goals and objectives of Tooele City.

Tooele City has adopted its code with intent to protect its citizens and help them prosper. The City's growth is evidence of its trending pattern of prosperity. Changing the zoning as proposed will perpetuate Tooele City's pattern of prosperity by spurring commercial and light industrial development all around the subject property.

While HDR may be considered relatively intense use of the nine acres it will occupy, it is smart growth. It will accomplish the opposite of suburban sprawl; while adding households to the City, they will be concentrated, keeping more land within the City for agriculture and other uses valued by its residents.

Close proximity to properties designated for commercial and light industrial uses will make it possible for residents of the

subject property to walk to work; also, because the property is located within walking distance of a UTA Park & Ride the property's residents will have much less impact on traffic and air quality than if they were spread across the City. Last of all, it is the intent of the developer to bring multi-family of the highest quality and esthetic appeal to the city.

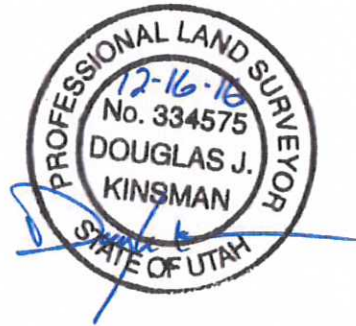
**EXHIBIT A
BOUNDARY DESCRIPTION
East Parcel**

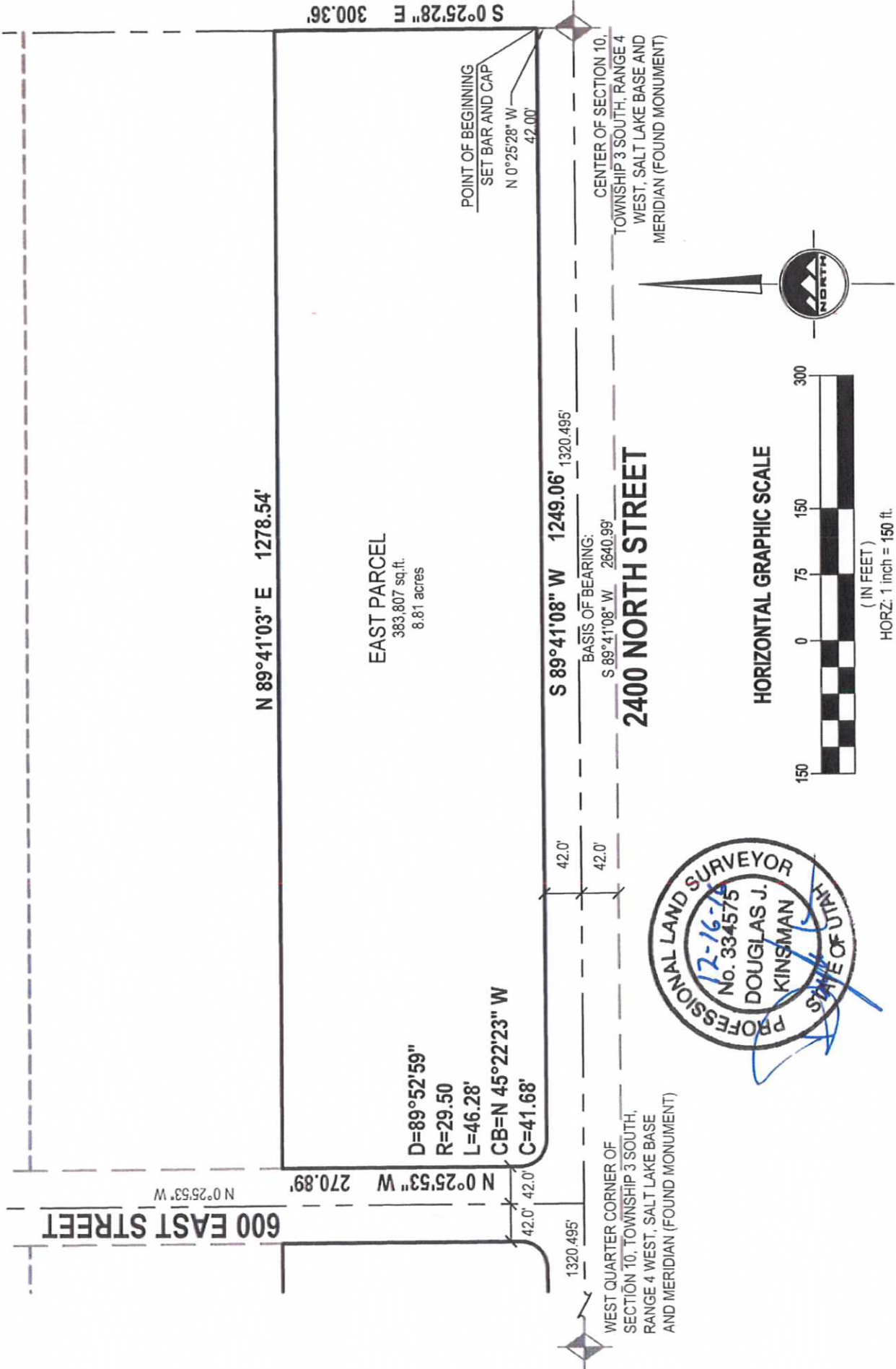
A parcel of land, situate in the Northwest Quarter of Section 10, Township 3 South, Range 5 West, Salt Lake Base and Meridian, said parcel also located in Tooele, Utah, more particularly described as follows:

Beginning at a point on the north line of 2400 North Street, said point being North 0°25'28" West 42.00 feet along the Quarter Section line from the found monument representing the Center of Section 10, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

thence South 89°41'08" West 1249.06 feet along the north line of said 2400 North Street;
thence Northwesterly 46.28 feet along the arc of a 29.50-foot radius tangent curve to the right (center bears North 0°18'52" West and the long chord bears North 45°22'23" West 41.68 feet with a central angle of 89°52'59") to the east line of 600 East Street;
thence North 0°25'53" West 270.89 feet along said east line;
thence North 89°41'03" East 1278.54, to the Quarter Section Line;
thence South 0°25'28" East 300.36 feet along said Quarter Section Line; to the point of beginning.

Contains 383,807 square feet or 8.81 acres.





EAST PARCEL
383,807 sq.ft.
8.81 acres



<p>PROJECT # DATE T1200A 12/16/16</p> <p>1 of 1</p> <p>SCALE: 1" = 150'</p>	<p>SHIELDS PROPERTY DESCRIPTION</p> <p>600 EAST 2400 NORTH TOOELE, UT 84074 EXHIBIT B</p>	<p>FOR: BEAR ALL, LLC ALAN COHEN 2133 LAKE LINE DRIVE SALT LAKE CITY, UT 84109 801-201-2927</p>	<p>ENSIGN THE STANDARD IN ENGINEERING</p> <p>169 N. Main Street, Unit 1 Tooele, Utah 84074 Phone: 435.843.3590 www.ensigneng.com</p>
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Exhibit B

City Staff Report

STAFF REPORT

To: Tooele City Planning Commission
Business Date: March 8, 2017

From: Planning Division
Community Development Department

Prepared By: Rachelle Custer, City Planner

Re: Hialeah Run at Tooele – Zoning Map Amendment Request

Application No.: 2170061
Applicant: The Ritchie Group, LC
Project Location: Approximately 600 East 2400 North
Zoning: GC General Commercial
Acreage: Approximately 8.81 Acres
Request: Request for approval of a Zoning Map amendment from General Commercial to High Density Residential.

BACKGROUND

This application is a request for approval of a Zoning Map amendment for approximately 8.81 acres located on the east side of SR 36, at approximately 600 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting that a Zoning Map amendment be approved to change the land use designation from General Commercial (GC) to High Density Residential (HDR). The application is to change the east 8.81 acres of a 19.61 acre lot. The west 10.8 acres will remain General Commercial (GC). There will be a road constructed, per the Transportation Master Plan that will separate the General Commercial (GC) and High Density Residential (HDR) property. The property north is currently vacant and zoned RD. Property to the East is in the County and is zoned Rural Residential RR-5. 2400 North is the southern boundary of this property and separates it from the Light Industrial zoned property to the south which is currently Northpoint Medical Offices. The applicant is proposing to develop 38 to 54 town homes and 96 garden style, walk up apartments. Project amenities to include garages, a clubhouse, pool, dog run, paly area and other landscaped open space. This property is within walking distance of UTA park n ride.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Commercial land use designation for the subject property. Application 2170062 is a request for a General Plan, Land Use Element Map amendment from Commercial land uses to High Density Residential. The property has been assigned the General Commercial zoning classification. “General Commercial (GC) District. The General Commercial (GC) District is intended and provided to encourage the establishment of a wide variety of retail commercial uses, service commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this District should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the city’s tax base.”

The applicant is requesting the land use designation be amended from GC to HDR. “The purpose of the High Density Residential District (**HDR**) is to provide an environment and opportunities for high density residential uses, including single family detached and attached residential units, apartments, condominiums and townhouses.”

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

7-1A-7

(1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:

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

REVIEWS

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

1. Approving the present ordinance will not operate to create any land use entitlements other than land use designation under the Zoning Map.

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

1. Any land use proposed for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

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

STAFF RECOMMENDATION

Staff recommends approval of the request for a Zoning Map amendment by Rob Heywood representing The Ritchie Group, LC, application number 2170061, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

This recommendation is based on the following findings:

1. The proposed Zoning Map amendment meets the requirements and provisions of the Tooele City Code.
2. The proposed Zoning Map amendment will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.

MODEL MOTIONS

To City Council







Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Hialeah Run at Tooele Zoning Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170061, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017.”

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Hialeah Run Zoning Map amendment request by Rob Heywood, representing The Ritchie Group, LC for the property located at approximately 600 East 2400 North, application number 2170061, based on the following findings:”

EXHIBIT A

**MAPPING PERTINENT TO THE HIALEAH RUN AT TOOELE ZONING MAP
AMENDMENT**

Untitled Map
Write a description for your map.

- Legend**
-  Copper Canyon Elementary School
 -  Copper Canyon Elementary School
 -  Fantastic Plastic
 -  Main St @ 2055 N
 -  Mountain Land Physical Therapy
 -  Mountain West Worx



600 ft



GC

RD

EXISTING ZONING
PROPOSED CHANGE
GC TO HDR

LI

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS
APPLICANT SUBMITTED INFORMATION**

Exhibit C

Planning Commission Meeting Minutes

TOOELE CITY PLANNING COMMISSION MINUTES
March 8, 2017

Date: Wednesday, March 8, 2017
Time: 7:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Matt Robinson, Chairman
Shauna Bevan, Vice-Chairwoman
Chris Sloan
Ray Smart
Melanie Hammer
Russell Spendlove
Phil Montano
Brad Clark

City Employees Present:

Roger Baker, City Attorney
Rachelle Custer, City Planner
Paul Hansen, City Engineer

Council Members Present:

Chairwoman Winn
Councilman McCall

Minutes prepared by Cami Cazier.

Chairman Robinson called the meeting to order at 7:00 p.m. He recognized and welcomed Girl Scout Troop #2339.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Robinson.

2. **Roll Call**

Matt Robinson, Present
Shauna Bevan, Present
Chris Sloan, Present
Ray Smart, Present
Melanie Hammer, Present
Russell Spendlove, Present
Phil Montano, Present
Brad Clark, Present

3. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #3 and #4 will be introduced together, as they represent the same property. These requests are for approval of a General Plan Land Use Element Map amendment and Zoning Map amendment for approximately 9.15 acres consisting of parcels 18-099-0-0003 and 18-099-0-0004 located at approximately 850 North 100 East. The property is currently zoned GC General Commercial. The applicant is requesting an HDR Zoning District to construct 125 townhomes. The proposal will consist of sixteen buildings and three acres of open space with playground equipment and a basketball court. The HDR Zoning District allows for up to sixteen units per acre; the proposal is for approximately fourteen units per acre. This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not approve any development, unit numbers, etc. The applicant will have to come back and go through the subdivision and site plan approval process for multi-family at the time he decides to develop.

The property to the north is Scholar Academy and the property to the south is Lakeview Apartments. The property to the west is commercial development and east is zoned R1-7 for single family residential uses. High density residential generally creates a good buffer between commercial and single family residential uses.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment Matt Carter, application number 2170087, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Smart expressed a concern about the past drought conditions for Tooele City and the availability of water for other new housing developments as well as this property.

Ms. Custer responded that each development is required to bring their own water rights. The State only allots so many water rights per aquifer, so they will be required to bring water rights in from the State.

Commissioner Smart asked if the State has done tests to measure the amount of water available.

Ms. Custer responded that the City continually develops new water sources to provide for the community.

Chairman Robinson opened the public hearing. Per Mr. Baker's suggestion, Chairman Robinson stated that all public comments for this item will apply to both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Andrea Cahoon came forward. She was representing the purchaser of the property. As a resident of Tooele City, she believes that the location for this development is perfect because it's close to grocery stores, a school, and Main Street. She couldn't think of any good commercial uses for the property.

Chairman Robinson closed the public hearing at 7:08 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes General Plan, Land Use Element Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

4. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 9.15 acres located at approximately 850 North 100 East from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #3.

Chairman Robinson opened the public hearing for the Zoning Map amendment. There were no additional comments.

Chairman Robinson closed the public hearing at 7:10 p.m.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Mountainview Townhomes Zoning Map amendment request by Matt Carter for property located at approximately 850 North 100 East, application number 2170087, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Bevan, "Nay," Commissioner Sloan, "Aye," Commissioner Spendlove, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

5. Public Hearing and Recommendation on an ordinance amending Tooele City General Plan, Land Use Element Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

Items #5 and #6 will be introduced together, as they represent the same property. This application is a request for approval of a General Plan, Land Use Element Map amendment and Zoning Map amendment for approximately 8.81 acres located on the east side of SR 36, at approximately 600 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting a High Density Residential zoning to construct 38 to 54 townhomes and 96 garden style, walk up apartments. High Density Residential does allow up to 16 units per acre which would allow for a maximum of 140 units. The parcel is 19.61 acres with 600 East master planned to divide the parcel. The applicant is leaving the west 8 acres as General Commercial retail development with the east 8.81 acres proposed to be High Density Residential. The property to the west is General Commercial, and north is zoned Research and Development which is a Commercial Land Use. South is Light Industrial and is currently developed with Light Industrial uses and some medical offices. East is zoned Rural Residential and is in the County.

There is a property owner in opposition of this amendment. More information was included in the Commissioner's packets. One of the existing businesses has a concern regarding mixing children and families that come with High Density Residential with industrial truck traffic. Ms. Custer also received a phone call from another adjacent property owner who did not submit anything in writing. However, he expressed that he supports the High Density Residential on the east portion of the lot, but strongly feels the west portion should remain General Commercial.

This is strictly a request for a General Plan Land Use Element Map and Zoning Map amendment. This does not give any development rights or approvals. The applicant will have to come back and meet all of Tooele City's Codes with their development for any approvals.

Staff recommends approval of the request for a General Plan, Land Use Element Map amendment by Rob Heywood representing The Ritchie Group, LC, application number 2170062, subject to the following conditions:

1. That all requirements of the Tooele City Community Development and Public Works Department are satisfied throughout the development of the site and the construction of all buildings on the site, including provision of municipal type utilities and permitting.
2. Any proposed development for any portion of the property will be required to address and install any and all infrastructure and municipal-type utilities needed to service the project to the satisfaction of the Community Development and Public Works Department.

Chairman Robinson asked the Commission for any questions or concerns.

Commissioner Sloan asked for clarification on the map shown overhead for the adjacent property owner's area of concern.

Ms. Custer referred to the photo and pointed out the area in question. She also pointed out a dirt road that would separate the High Density Residential and the General Commercial.

Chairman Robinson opened the public hearing for both the Land Use Element Map amendment and the Zoning Map amendment, as they both refer to the same property.

Alan Cohen came forward. He, along with his sons that were also present, are the owners of the subject property. They are also the sole owners of an LLC called Bear-All, LLC, which has title to the subject property. His family has been in business in Salt Lake City for 90 years. Currently, his sons, who are the fourth generation of their business, are the managers. As a means of diversifying themselves, they purchased this land about 10-11 years ago in the height of the real estate boom. It was their intention to hold the property 3-5 years and then team up with developers or put it up for sale. At the time, the property was in the Greenbelt. Believing that Tooele was in a growth phase, they chose to change the zoning. Shortly after however, the real estate market crashed.

They have tried to sell the land as a Commercial Property for the past 6-7 years but have been unsuccessful. They have used four different real estate agents and have used various pricing strategies and incentives. They have also utilized the internet, direct mail and other resources, all to no avail. Based on the advice of several qualified experts, they decided to build apartments on half the property and retain the other half as Commercial. They have already been approached by at least two developers who are interested in the Commercial side.

Mr. Cohen believes this to be a growth opportunity not only for them, but for the surrounding businesses that currently exist, including the medical offices, fast food restaurants, gas station, Home Depot, and adjacent furniture store. He believes that Tooele City will attain growth through the tax base. He also believes the UTA Park & Ride will be an advantage to everyone. He expressed his gratitude to Rachelle Custer and Paul Hansen for their assistance in this process.

James Knight came forward next. He represented Skretting, which is a fish feed manufacturer near the subject property. He asked for the color satellite photo of the subject property to be shown overhead again. He mentioned a letter that he had given to the Commission in regards to his concerns for these amendments. This letter is attached to the minutes as Exhibit A.

Skretting purchased their land from a private owner in 2008, which was Nelson and Sons. Nelson and Sons is still the corporate entity name that they use, however they operate under Skretting. Nelson and Sons was originally located in Murray, Utah and operated there for about 100 years. Over that time, the city grew and they had to find another place to relocate. When they purchased the land in Tooele around 1996, there was concern that the same situation would occur; that the city would develop residential areas around them.

Mr. Knight pointed out that the land south and east of 2400 North belongs either to Skretting or ENS, a joint partnership of Skretting's. That land is all zoned Light Industrial and they have no intent to sell that land for residential use. Also near the subject property is C.R. England, which also has truck traffic. Clean Harbors is also nearby, which takes care of industrial hazardous waste. The land for the medical buildings to the west was purchased from Skretting, as well as the Pit Stop Carwash. It is Skretting's intent to continue to sell their land for light industrial use.

Mr. Knight stated that Skretting has been actively involved in the community and employ many residents of Tooele. They predict a 23% growth in their business this year. Their main concern is safety for the City's residents, and they believe that transport trucks and children just don't go well together.

Commissioner Sloan asked for more specific details about truck traffic in the subject area, such as how many per day. Mr. Knight answered that about 3,000 trucks traveled through their area last year, and they predict even more this year as a result of the predicted 23% business growth. He also pointed out that they operate 24 hours/day, even in the winter when it gets dark earlier. This is a concern because High Density Residential typically brings young families, and Mr. Knight worries about young children around the busy truck traffic.

Mary Alice Shields-Watkins came forward next. She represented the land directly to the east of the subject property. It is zoned RR-5 and is in the County. It's approximately 150 acres and they have no intention of disposing of or selling the land. Her concern is trespassing on their property. It is currently being farmed. Trespassers have used a dirt road that runs along the north side of the railroad tracks and it has crept further north, getting closer to Droubay Road. She is concerned that use of this dirt road will increase with residential development in the area.

Mr. Baker pointed out that this is a rail crossing that would not be allowed by the railroad to be developed or improved in any way. It's not part of the City's transportation master plan. Any development of any nature on that property would probably require something obstructing traffic crossing the railroad.

Commissioner Hammer asked for clarification about which property Mr. Baker was referring to. Mr. Baker responded that he was referring to any property developed in the City that was on the west side of and adjacent to the railroad tracks. They probably would be required to obstruct the crossing of those tracks from that development.

Rob Heywood came forward to address the Commission next. He works for the Ritchie Group, which is the development partner for the Cohen brothers on this property. He referenced the letter from James Knight, which addressed the concerns of Skretting. Mr. Heywood wanted to address the traffic concerns pointed out in the letter. He doesn't believe that this truck traffic is different from other truck traffic throughout the rest of the City. While he shares concern for children, he assured the Commission that traffic engineers and the site design plan team would consider those issues when developing the site. He stated that while all the land to the south of 2400 was in control of Skretting, they also desired to have control of their land to the north of the subject property. With the coming growth of that area, whether Light Industrial or Commercial,

housing is a chief need for the workforce employees. Their market research shows that there is a demand for housing in Tooele City, and they hope to be able to provide a beautiful, desirable place to live that is close to many of the work opportunities provided by Skretting and others.

Commissioner Smart expressed a concern about the odor coming from the Skretting facility. He related a story about his family's dairy that was constantly taken to court over the smell, and they eventually gave up the business over it. He worries that potential residents would complain to Skretting enough to run them out.

Mr. Heywood responded that the odor problem was an issue that they had been researching. He has personally conducted many "sniff tests" and believes that the traffic issue is more of a problem than the smell.

Mr. Cohen returned to the podium to talk about research that they have conducted on the smell problem. He passed out folders to the Commission that held the research data that he has compiled. This information is included at the end of these minutes. Mr. Cohen made sixteen visits to the subject property on various dates and times beginning Oct. 25, 2016 and ending on Feb. 28, 2017. At no time did he observe any unusual odors. His research includes wind speeds and direction as provided by the National Weather Service of Salt Lake City. Mr. Cohen admitted that the research he conducted was not scientific. However, he concluded that if such a problem exists, it is slight and insignificant to his investment goals and that the risk, if any, is his and is acceptable.

Commissioner Spendlove remarked that he believes the smell to be a problem, and noticed it just that morning near Home Depot. He worries that it will negatively affect the property owner's ability to find tenants.

Mr. Cohen responded that he has tried to find ways to monitor the air on a continuing basis, but has been unable to find such equipment. He reiterated that he is satisfied with the risk.

Mr. Knight returned to the podium. He did not receive a copy of the odor study conducted by Mr. Cohen. He was uncomfortable that the data was not scientific. He was also concerned that he was not aware of Mr. Cohen making visits to his property. Mr. Knight pointed out that his facility did not operate during the month of December, and January and February were slow months. As a result, the odor issue should not have been a problem anyway during those months when Mr. Cohen conducted his study. Their busy time is during the summer, when children are outside more often. Mr. Knight also mentioned that his company continues to make efforts to help the odor problem.

Chairman Robinson closed the public hearing at 7:45 p.m.

At the advice of Mr. Baker, Chairman Robinson stated that the letter from Skretting and the research study and accompanying letter be included as part of the public comments in the public hearing.

Mr. Baker added to the discussion that he has lived or worked in Tooele since 1993, and while driving on SR-36 has noticed that under moist, winter conditions with a north breeze, the air is pungent. Mr. Baker spoke with Chris Nelson and his brothers in 1995, 1996, and several times after that. He recalled being told by them that they were forced to leave West Jordan because of odor concerns from encroaching residential development. The complaints about the odor became very strong from the residents. When Nelson and Sons moved to their current location in Tooele, it was outside the Tooele City limits and was the Tooele County Industrial Park. The land was developed by the County and then became owned by the England family and others. It was annexed sometime later, and at that time, the Nelsons expressed to Mr. Baker why they moved out here and expressed concern that the situation may happen to them again, i.e., conflicts due to residential development encroaching on their facility.

Commissioner Sloan asked Mr. Baker who instigated the annexation request, the City or property owners?

Mr. Baker didn't recall, but believes it may or may not have been part of the Tooele Associates Annexation that happened about the same time.

Commissioner Montano related a story about a similar issue regarding the Brickyard Plaza in Salt Lake City. They were also forced to relocate as a result of their operations bothering nearby residents. Commissioner Montano is very familiar with the subject property and is aware of the odor, but commended the facility for their continued attempts at improving the problem. It is much better than it was in the past.

Commissioner Montano also expressed his favorable view of personal property rights. He believes that property owners have the right to develop their property as needed, and diversifying may be the best solution to protect their investment.

Commissioner Sloan was in agreement with Commissioner Montano about being pro personal property rights. He is in the real estate profession, and has been a part of situations similar to this one. Commissioner Sloan remarked that in the state of Utah, less than 23% of the housing is available to people making less than \$50,000 per year. Market studies indicate that we have a tremendous housing shortage, especially rental properties.

Commissioner Sloan admitted that he was struggling with this issue. He agreed that the subject property could be a nice, walkable community. Additionally, he said that nothing makes a better buffer between Commercial and Residential than High Density Residential. Odor and traffic issues aside, he stated that he was likely to favor the property owner in this situation because it is in the public good to develop this sort of product in this area. In our City, we constantly hear of the need for commercial opportunities. Despite the fact that people believe that if we build a Costco, people will move here, it actually works the other way around. Without appropriate housing, we are unlikely to get new commercial businesses. That being said, Commissioner Sloan warned that he will be "mean and nasty" when an actual development plan comes before the Commission, particularly with the traffic and safety issues.

Commissioner Smart added that he agrees with supporting personal property rights. However, he believes that the property owners are fully aware of the situation, and they know that once people move in, the residents have the ability to complain and create problems for the property owners and neighboring businesses.

Commissioner Sloan clarified that he understands that the property owners say that they will take full responsibility of any issues that may arise. However, he believes that once they have sold the property, the owners will be gone and any problems will become the responsibility of someone else. Having been in the development business, he knows what typically happens in these situations.

Mr. Baker pointed out to Commissioner Sloan that this is likely the only opportunity to be “mean and nasty” if he had concerns about the development. By law, once a property is rezoned, then the City must approve development applications consistent with that zoning. By law, the Commission is not required to approve zoning changes. Those are policy issues that the Commission and City Council set.

Commissioner Montano asked Paul Hansen for any comments as far as traffic and road concerns.

Paul Hansen reiterated that they don’t have an application for development, just a concept. They haven’t yet been through any of the City Code requirements in terms of traffic or other studies. Those studies will be required once an application is filed. The one factor on traffic is that 2400 North is not expected to extend across the rail traffic. Any traffic from 600 East to the end of the cul-de-sac will be either the subject properties’ residents or the industrial users on the south side.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele General Plan, Land Use Element Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170062, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 4-3 vote, a negative recommendation will be forwarded to the City Council.**

6. Public Hearing and Recommendation on an ordinance amending Tooele City Zoning Map for approximately 8.81 acres located at approximately 600 East 2400 North from General Commercial to High Density Residential.

Presented by Rachelle Custer

This item was introduced with item #5.

Chairman Robinson opened the public hearing for the Zoning Map amendment.

Rob Heywood came forward again. He stated that it was the intention of the land owners to have this be a legacy asset, to hold it indefinitely and not sell it.

Chairman Robinson closed the public hearing at 8:02 p.m.

Chairman Robinson moved to forward a positive recommendation to the City Council for the Hialeah Run at Tooele Zoning Map amendment request by Rob Heywood representing The Ritchie Group, LC for property located at approximately 600 East 2400 North, application number 2170061, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017. Commissioner Montano seconded the motion. The vote was as follows: Commissioner Hammer, “Nay,” Commissioner Smart, “Nay,” Commissioner Bevan, “Nay,” Commissioner Sloan, “Nay,” Commissioner Spendlove, “Nay,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.” **With a 5-2 vote, a negative recommendation will be forwarded to the City Council.**

7. Recommendation on preliminary plan approval for Canyon Village – Rust - a 15.75 acre 60 lot residential development to be located at approximately 1800 N. Copper Canyon Drive.

Presented by Rachelle Custer

This application is a request for approval of a preliminary plan for approximately 15.75 acres located at approximately 1800 North Copper Canyon Dr. The property is currently zoned HDR High Density Residential to be developed into single family homes. It is proposed to contain sixty lots, with a minimum of 7,000 square foot. There are six 15,000 square foot lots that can be developed as dense as a four-plex in this Zoning District. That will come before the Commission in final plats as they phase it out. This is just preliminary approval for the overall layout, roads, utilities, etc.

Pine Canyon Road is in the County and the County has provided the applicant with the right of way requirements to include the City’s double frontage requirements. There is double frontage along Copper Canyon Drive and Pine Canyon Road, so they will be required to abide by the Tooele City Codes on double frontage standards.

Staff recommends approval of the request for a Preliminary Plan by Adam Nash, representing Growth Aid LLC, application number 2160631, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions are 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 are 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 Fire Department are satisfied throughout the development of the site and the construction of all buildings on the site.
4. Plans are to be stamped and signed by a professional engineer, registered in the State of

- Utah.
5. Double Frontage lot requirements along all double frontage streets, to include establishing an HOA per Tooele City Code 7-19-17.1 shall apply.
 6. Single family and multi-family design guidelines per Tooele City Code 7-11a and 7-11b shall apply.

Commissioner Bevan moved to forward a positive recommendation to the City Council for the Canyon Village – Rust Preliminary Plan, for the purpose of creating 60 residential lots at approximately 1800 North Copper Canyon Drive, application number 2160631, based on the findings and subject to the conditions listed in the Staff Report dated March 8, 2017.

Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

8. **Review and Approval of Planning Commission Meeting minutes for meeting held February 22nd 2017.**

Commissioner Hammer moved to approve the minutes for the meeting held February 22nd, 2017. Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Spendlove, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

Councilman McCall commended the Commission for their professional discussion of the items and concerns during the meeting.

10. Adjourn

Commissioner Bevan moved to adjourn the meeting. Chairman Robinson adjourned the meeting at 8:08 p.m.

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

Approved this 22nd day of March, 2017

Matt Robinson, Chairman Tooele City Planning Commission

Exhibit A

Zoning change.

To whom it may concern;

Skretting is a manufacturing company located here in Tooele at 712 East 2400 North. The company was originally located in Murray, Utah under the operating name Nelson and Sons which was privately owned. Nelson and Sons operated in Murray for about 100 years but was forced to relocate due to city grow which left no room to expand.

In 1996 Nelson & Sons purchased land in Tooele to continue their operation, at that time and they also entered into a partnership to purchase approx. 38 acres of land under the name ENS, this was to ensure room for further growth but moreover, to protect against residential grow as had happened in Murray, Utah.

Skretting purchased Nelson & Sons in January 2008 and immediately invested another 12 million dollars to install new receiving bins. We have since invested approximately 1 million dollars every year since, including 2.8 million in 2016. Skretting Tooele is a growing operation which produced 21,000 MT of fish feed in 2016 and we expect to produce 27,000 MT in 2017 for a 23% growth.

Between Skretting and ENS we have investment in nearly all the land south of 2400 North and intend to sell this land for commercial/light industrial use. We have recently turned down 2 offers which would have required the same zoning change that is currently being requested for the land North of 2400 North. The reason for not accepting the highly profitable offer was due to safety concerns. In 2016 the transport truck traffic on this road was about 30 per/day supplying our 24 hour operation, as stated before, we expect to increase sales this year by additional 23% which would result in higher truck traffic. In short, transport trucks and children don't go well together.

We have sold off lots of the land for both the medical building and the carwash located on 400 East. Our intent is to continue to sell the remaining land for commercial/light industrial use, again this would increase transport truck traffic along this road, further endangering young children if a HDR area was to be place along this corridor. We take safety very seriously and were shown by us by turning down 2 offers that were highly profitable, just ensure our residents are not exposed to these traffic dangers.

Skretting is an active community member and has donated too many groups to help the community. Such as;

- Tooele Food Bank
- Special Olympics Utah
- Children's Wish Foundation International
- Huntsman Cancer Institute
- Jared McMakin's Eagle Scout project to build nesting boxes for water fowl
- Community softball team
- Overlake Elementary Focus on Art Program
- Impact (Homeless student fund in Tooele County)
- Kickin' Cancer's Can
- 4-H livestock show in Tooele County
- Little league baseball team
- Disability Mentoring Day

- Back to School Community Closet
- Scholar Academy Night of the Arts

Plus hosted the Tooele County School District Special Education Transition program.

We are very proud of our community and our support in it, including the many local businesses that we support.

In closing, we have turned down offers that would require this zoning change on land we own due to safety concerns and I hope you would do the same for the land North of 2400 North. Our children are too valuable to be exposed to these risks.

Thank you

DRAFT



hiialeah run @ Tooele

Alan Cohen

Phone: 801 201 2927

Email: orandal84@gmail.com

March 8, 2017

Ladies and Gentlemen,

When my partners and I first considered a multi-family development at this location we were warned or informed, however we chose to take it, of a foul odor which sometimes permeated the area. This odor said to be emanating from the factory located at 712 E. 2400 North. Over the course of time and after many visits to the site, I or anyone whom accompanied me, failed to notice anything unusual. However, as a owner of the proposed project, it was very important to be aware if such a drawback existed. Obviously an investment of this magnitude could be substantially impaired if such a condition prevailed. So, after researching and failing to find any technological aids to determine a study methodology, I chose to do a personal study on my own. Below are the results of that study. Though I admit, the findings are not scientific in nature, they have convinced me that, if such a problem exists, it is slight and insignificant to my investment goals and that the risk, if any, is mine and is acceptable.

- 1. All information gathered from National Weather Service Salt Lake City(noaa.gov)***
- 2. Historical Prevailing Wind Speeds and Directions as measured at Salt Lake International Airport, the closest point of comparison***

Note:

a. Some difference may exist between the measurement site and the property site as to wind direction, which is the key event of study here. Therefore one would have to interpolate wind directions in Tooele from the available data. Having spent a great deal of time on the Great Salt Lake in my younger days, I have concluded the data here is very close to valid at the proposed location.



b. The study of Wind Speed and Direction is significant only in the fact that if there were an unusual odor wafting from the factory sight, it would only be noticed were the wind to pass over the proposed multi-family site.

c. In that vain, we should note the following:

Approximate (give or take 10 degrees) True Compass Bearings from the Factory Smoke Stack to Various Locations on the Subject Property.

<i>TO:</i>	<i>540 East</i>	<i>118 degrees</i>
	<i>650 East</i>	<i>135 degrees</i>
	<i>End 2400 N</i>	<i>180 degrees</i>

Therefore, if a problem existed the winds coming from these directions would most affect the subject property.

3. Exhibits shown here are as follows.

Exhibit one: Site visits on Exhibit one were made by the author on the days and times so noted. The exhibit indicates day, time, sky condition, wind speed and approximate direction.

There were 16 visits made on various dates and times beginning October 25, 2016 and ending on February 28, 2017 as noted. At no time were any unusual odors observed.

*Exhibit two: (Consisting of 13 Pages: Page one is the annual data and Pages 2 through 13 are Monthly data)
Historical Prevailing Wind Speeds and Directions as measured at Salt International Airport. (See above)*

CONCLUSIONS:

Considering the data in paragraph (c.) above, the winds which would most affect the site would emanate from between 118 degrees and 180 degrees give or take ten degrees.



Page one of Exhibit two (annual wind speed and direction) indicates the following:

Winds from the designated directions could occur up to 25% of the time. (Considering it is calm 15% of the time) However, half of the time these winds are 10 to 15 knots. (11 to 17 MPH.) Logic would tell us that higher winds would dissipate the odor, if any.

And finally, the 16 visits to the property indicated 0 evidence of any odor under any of the conditions which existed at the time of the visits. So considering the percentages above stated, one would have to conclude that some evidence would have been noticed on, at least, one visit. This was not the case. This in turn would lead one to suspect that the warnings received though possible, were perhaps excessive.

I thank you for taking the time to consider this study, and though I freely admit it is far from scientific, the results of the study combined with the many site visits give me confidence there should not be a problem.

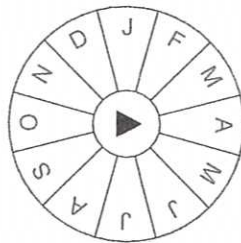
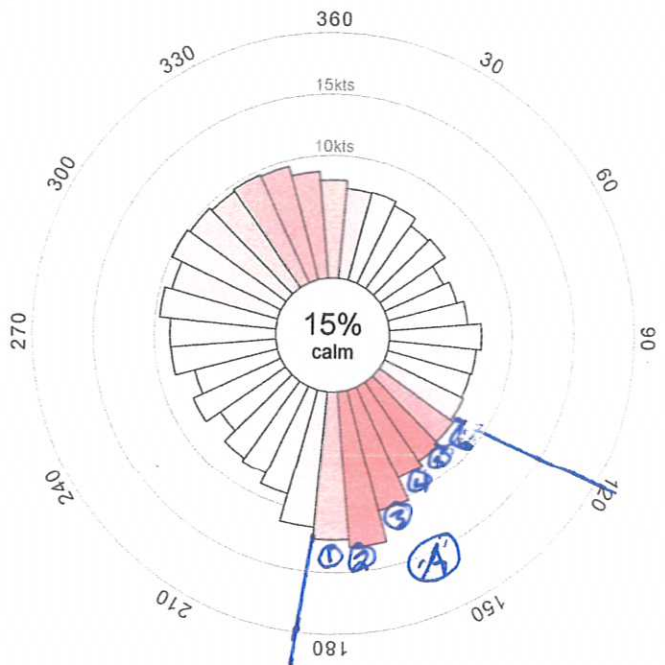
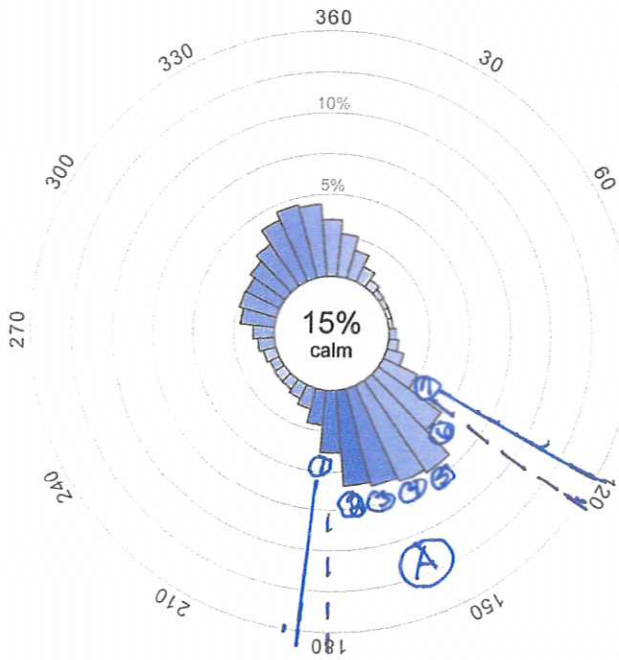
Respectfully submitted

Alan S. Cohen

SITE STUDY EXHIBIT ONE

DATE	SKY CONDITION	TIME	WIND	COMMENT, ODOR??
10/25/2016	Partly Cloudy	3:00 PM	N-5	None
11/1/2016	Over cast	8:45 AM	S 1 to 2	None
11/4/2016	Cloudy Slit Inversion	8:55 AM	S 1 to 2	None
11/7/2016	Cloudy Inversion	12:00 PM	0 to N 5	None
11/22/2016	Partly Cloudy	1:00 PM	0 to N 1	None
12/5/2016	Partly Cloudy	12:00 PM	NW-5	None
12/8/2016	Over cast	10:20 AM	0	None
12-?-16	Cloudy Slit Inversion	1:00 PM	0	None No Smoke
12/30/2016	Inversion	3:00 PM	0	None No Smoke
1/8/2017	Inversion	11:20 AM	N to SW 5	None
1/24/2017	Over cast	10:42 AM	NW 3	None
2/1/2017	Severe Inversion	10:20 AM	NW 3	None
2/17/2017	Cloudy Slit Inversion	9:20 AM	0	None
2/17/2017	Over cast	10:20 AM	NW 2	None
2/28/2017	Partly Cloudy	9:46 AM	NW 5	None

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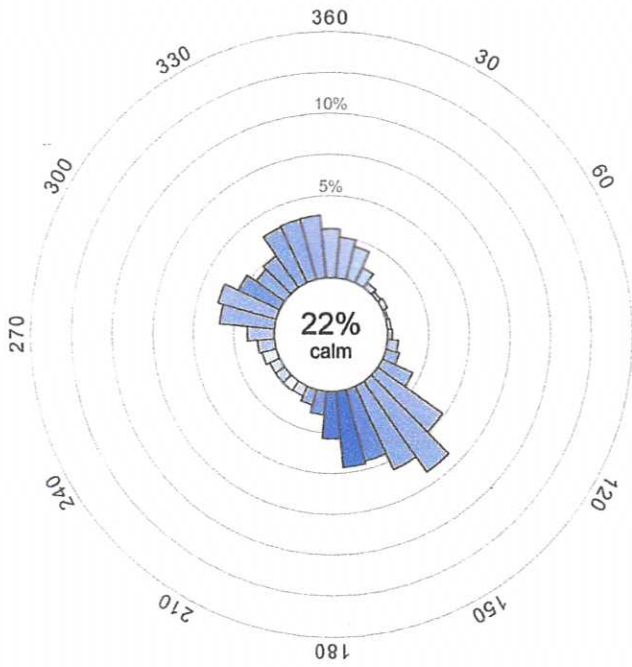


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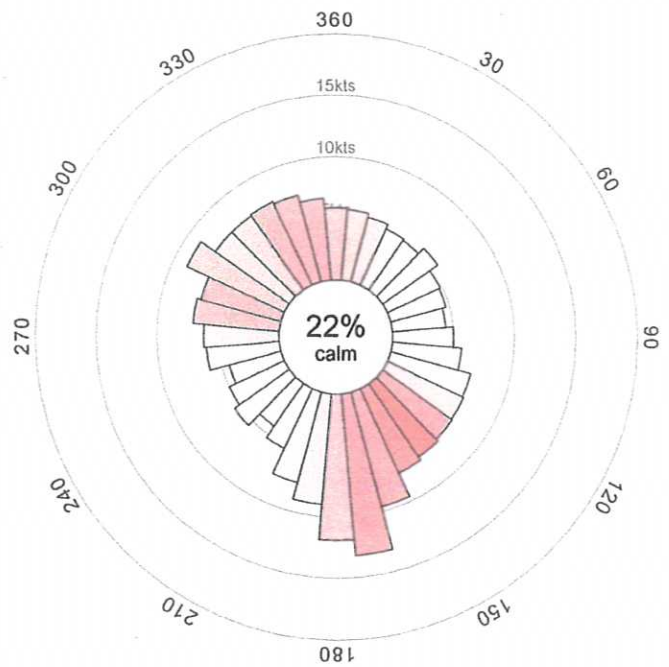
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KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

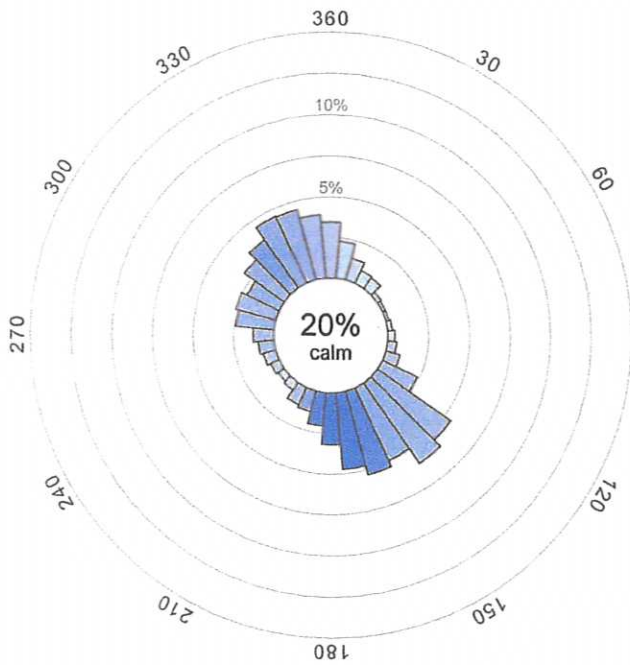


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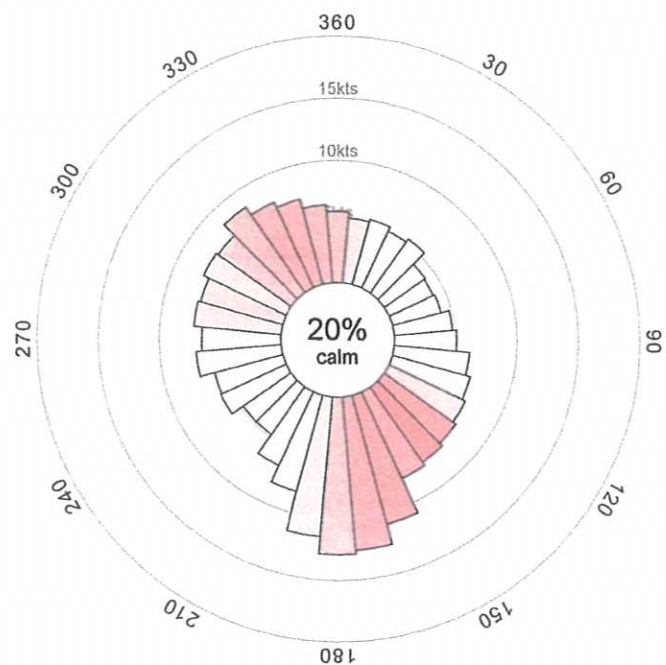
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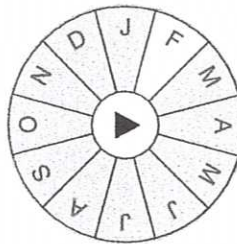
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Frequency by Direction



Average Speed by Direction

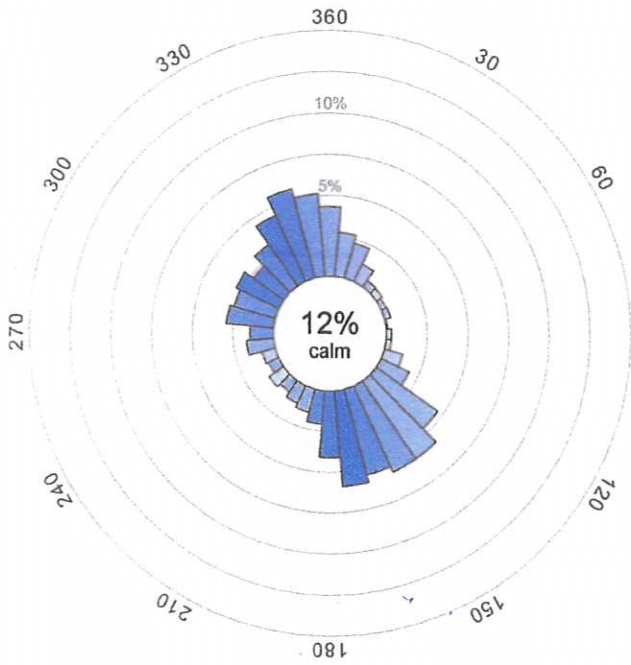


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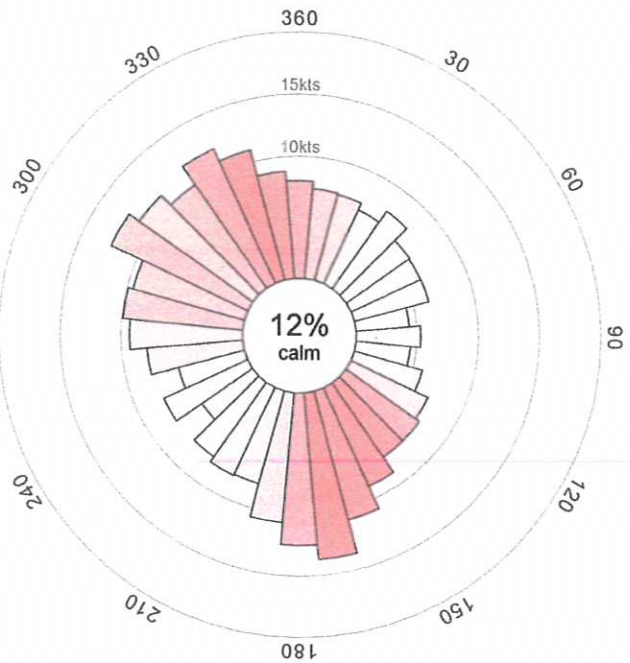
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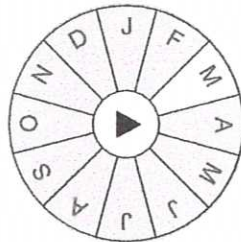
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Frequency by Direction



Average Speed by Direction

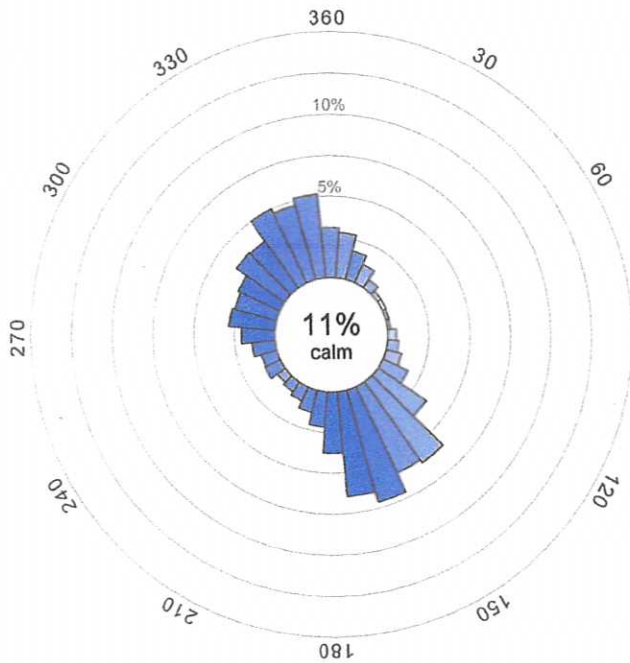


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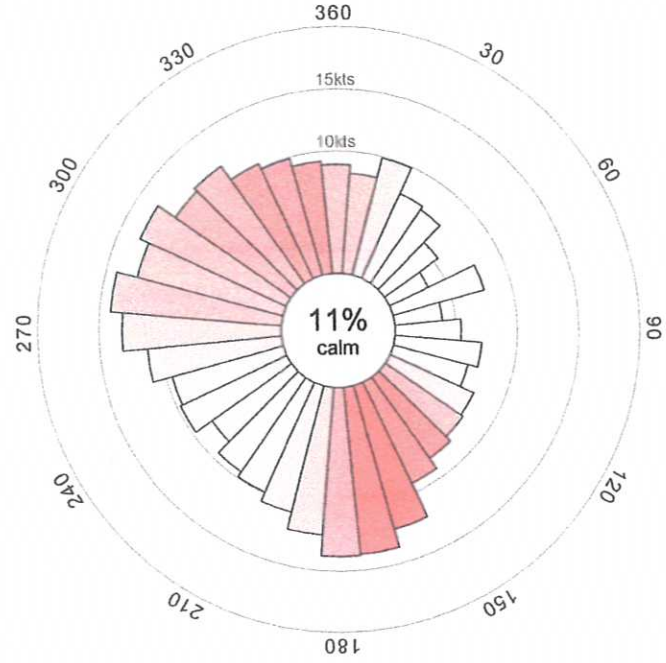
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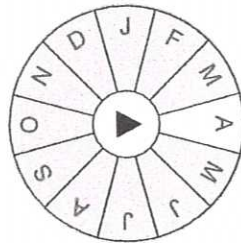
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Frequency by Direction



Average Speed by Direction

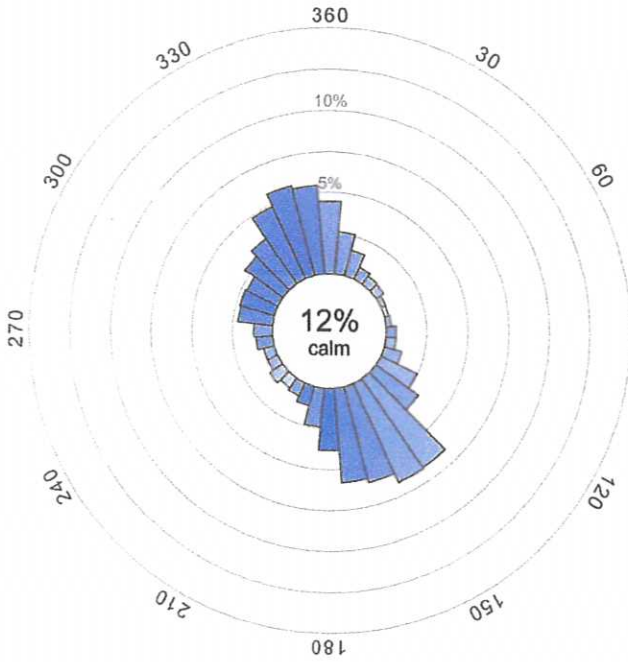


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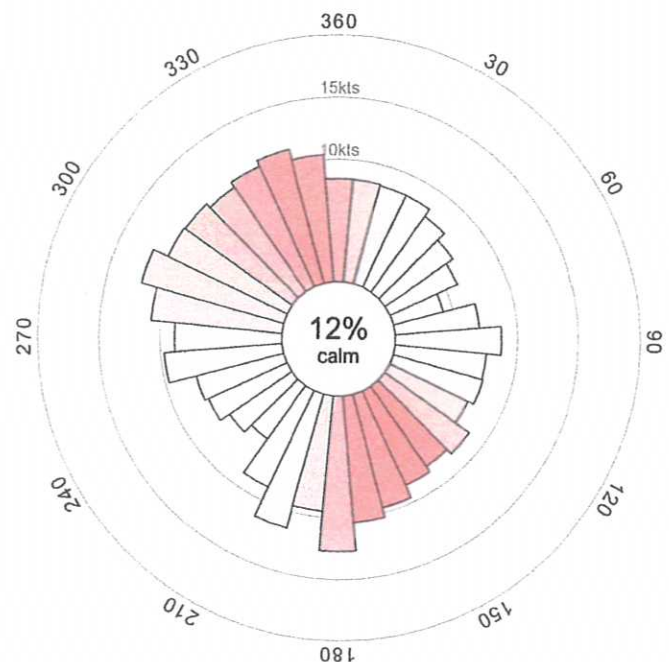
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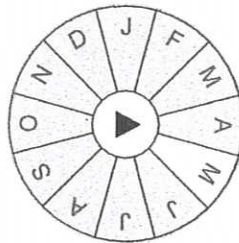
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Average Speed by Direction

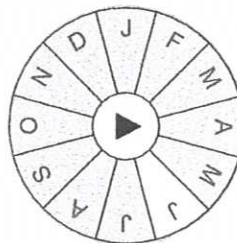
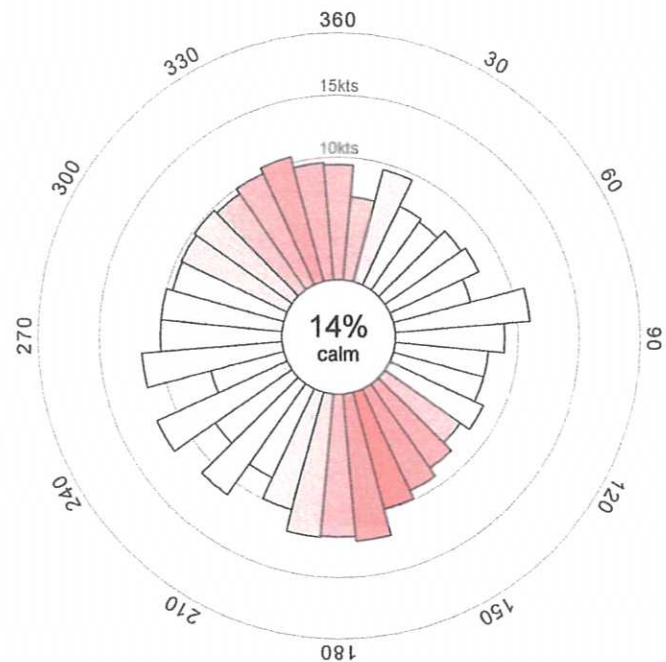
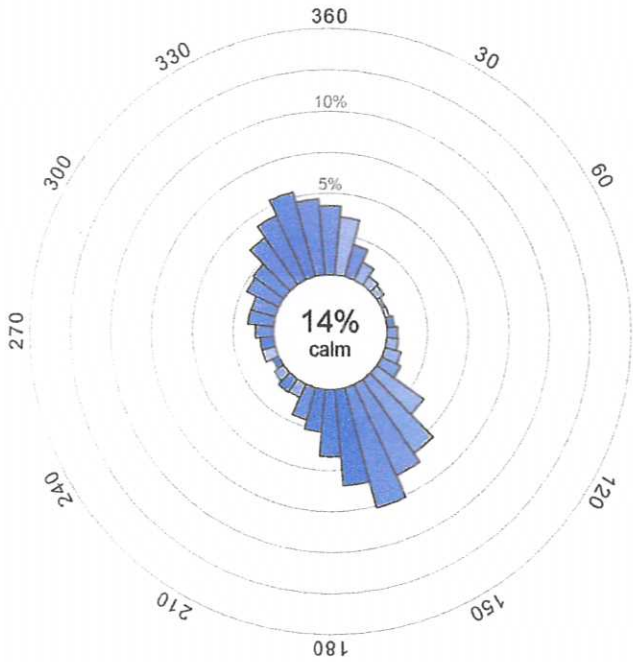


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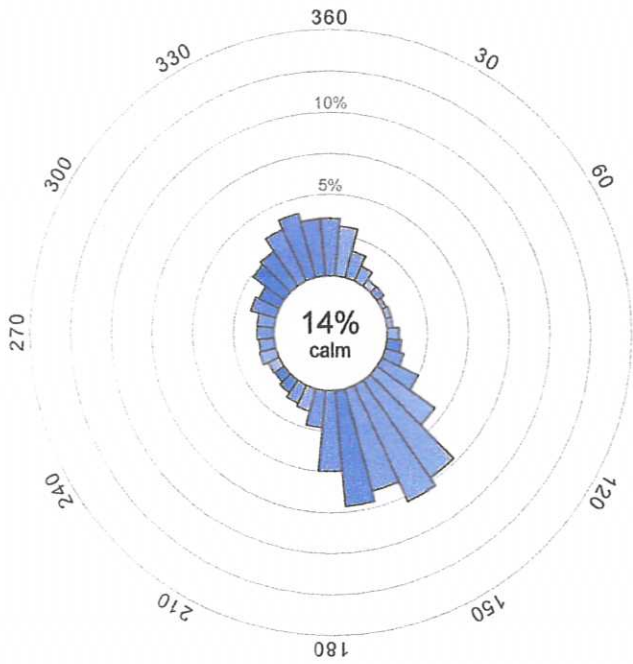


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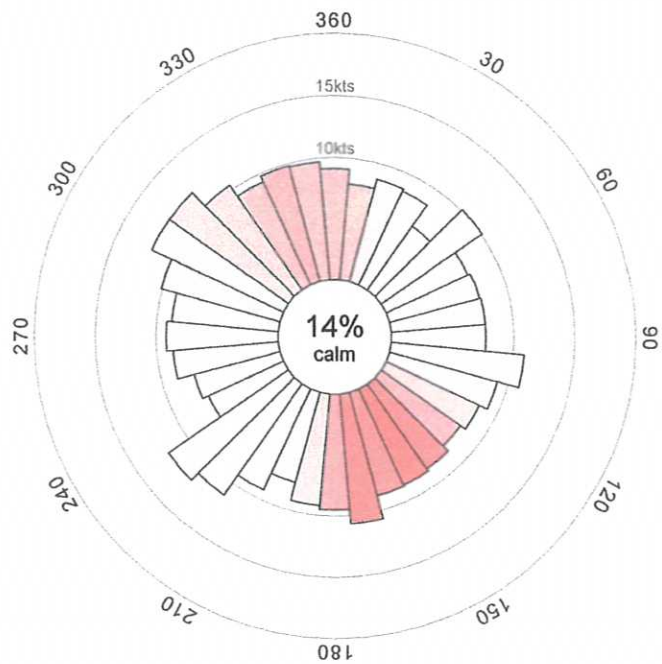
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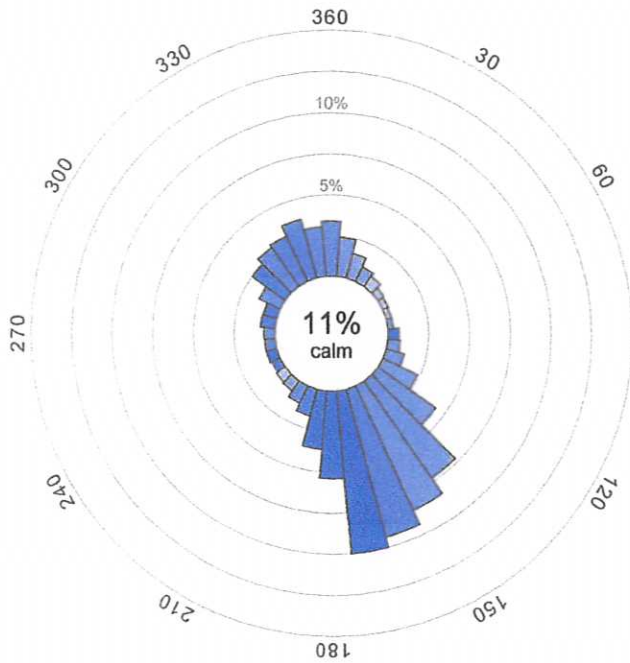


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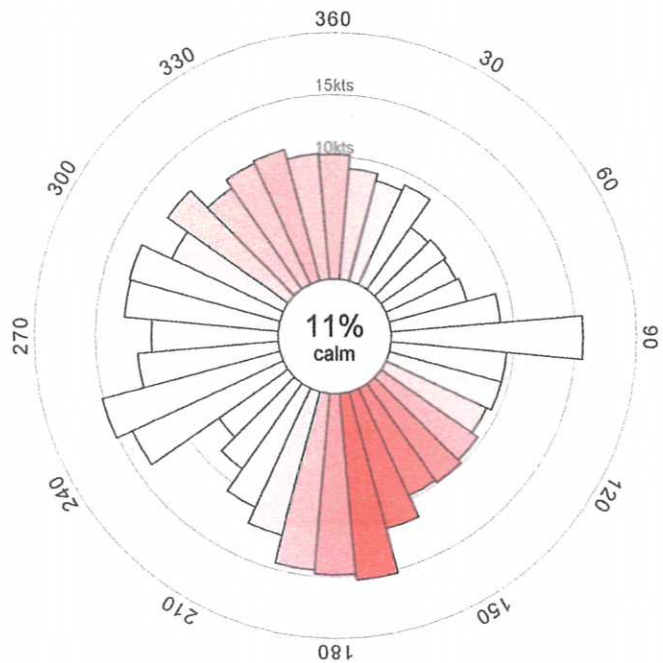
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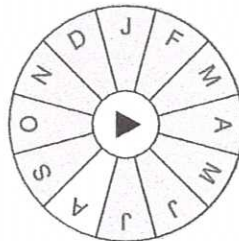
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Frequency by Direction



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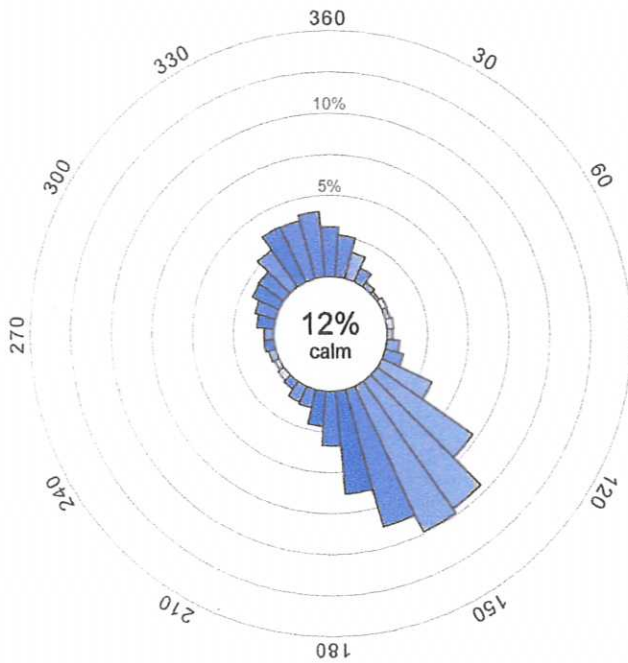


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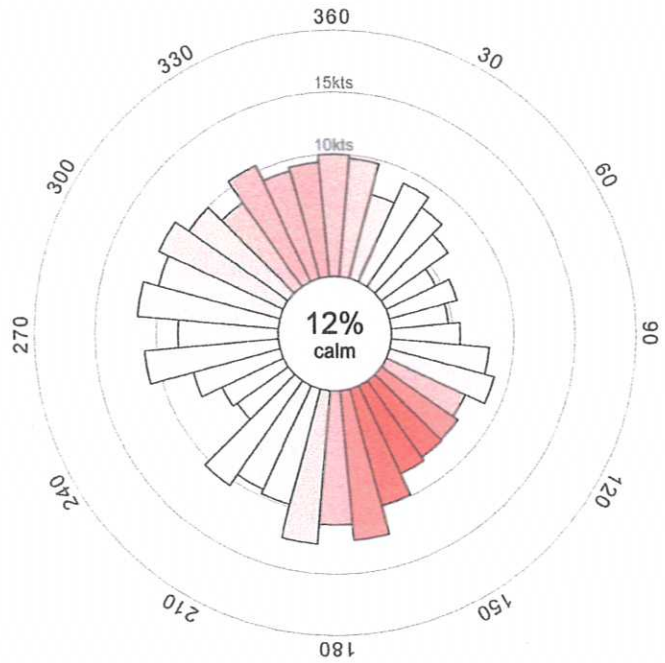
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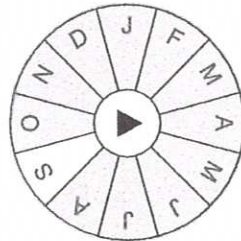
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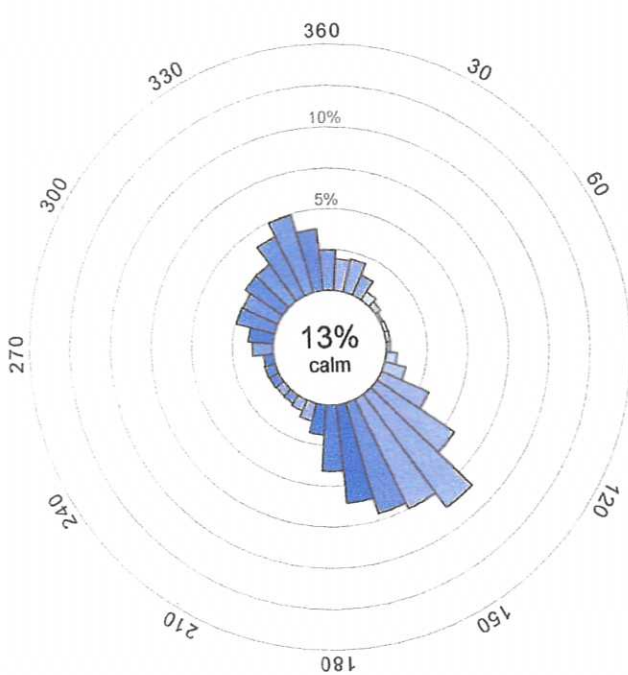


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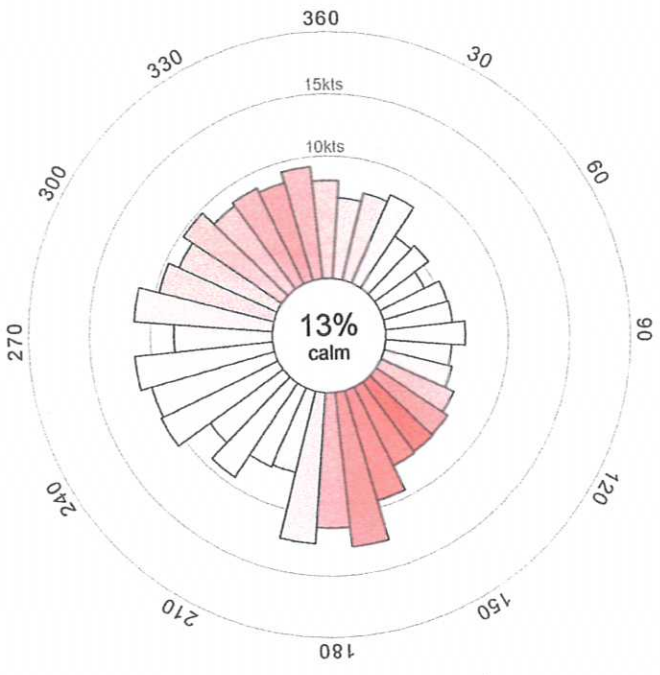
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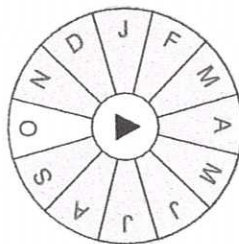
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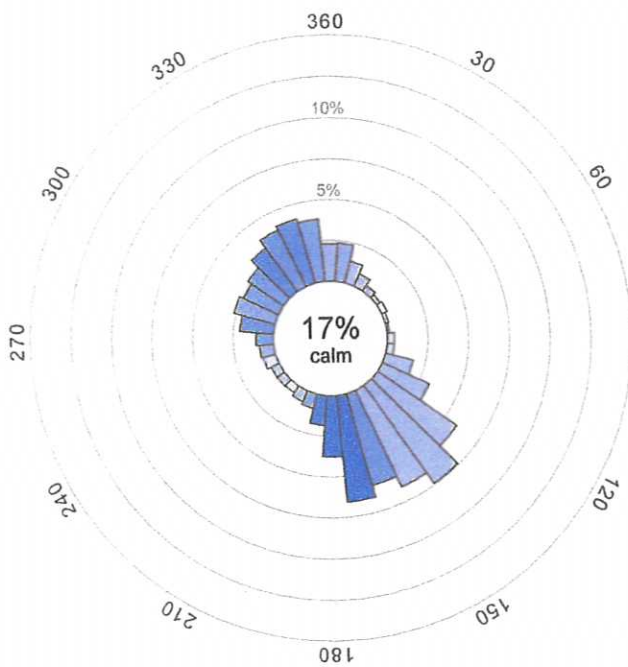


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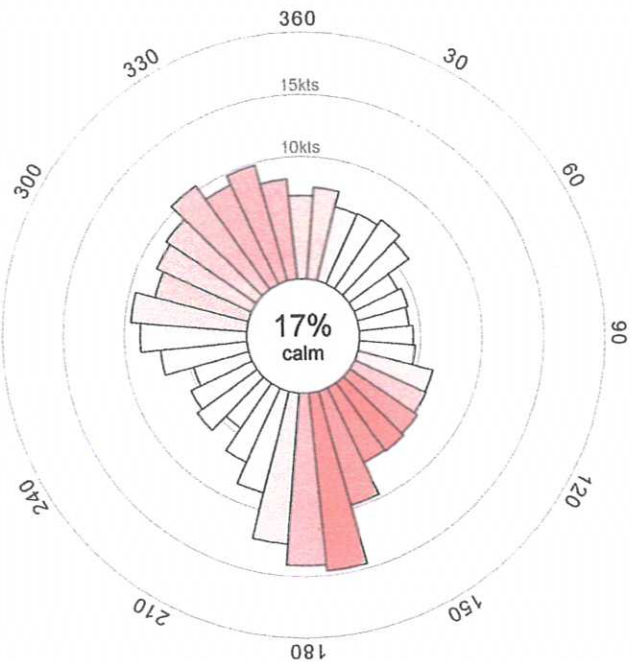
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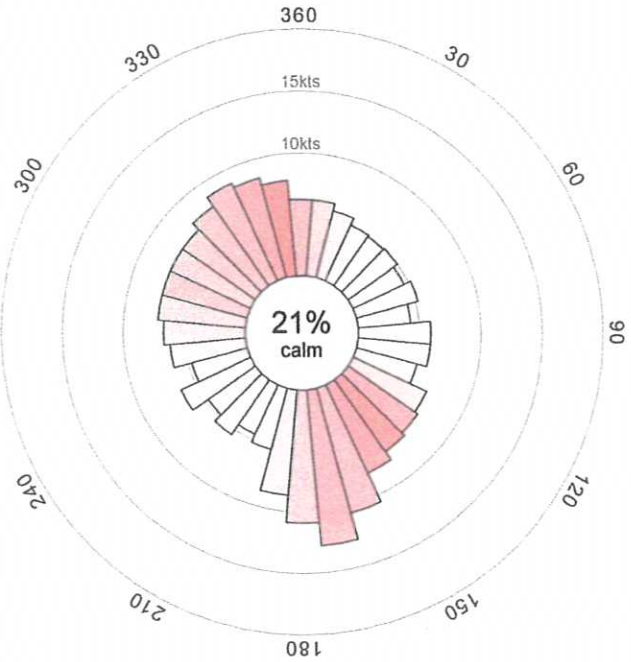
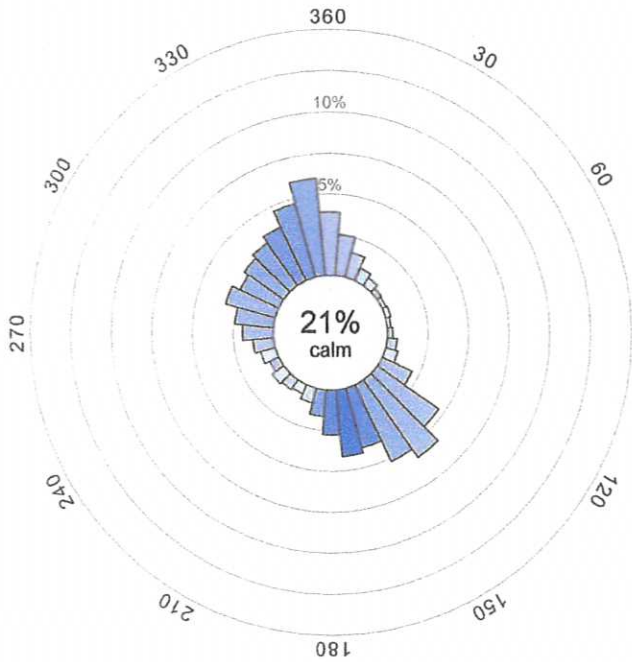


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PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Tooele City Redevelopment Agency, will meet in a **Business Meeting on Wednesday, April 5, 2017 at the hour of 7:00 P.M.** The meeting will be held in the Tooele City Hall Council Room located at 90 North Main Street, Tooele, Utah.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Mayor's Youth Recognition Awards**
- 4. Public Comment Period**
- 5. Resolution 2017-18 A Resolution of the Tooele City Council Approving the Annexation of 49 Acres of Additional Sunset Estates Property into the North Tooele City Special Service District**
Presented by Derrick Larson
- 6. Resolution 2017-15 A Resolution of the Tooele City Council Approving Amendment #3 to the Green Meadows Annexation Agreement**
Presented by Derrick Larson
- 7. Canyon Village - Rust - Preliminary Plan Request**
Presented by Jim Bolser
- 8. Minutes**
- 9. Invoices**
Presented by Michelle Pitt
- 10. Adjourn**

Michelle Y. Pitt
Tooele City Recorder/RDA Secretary

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or michellep@tooelecity.org, prior to the meeting.

TOOELE CITY CORPORATION

RESOLUTION 2017-15

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AMENDMENT #3 TO THE GREEN MEADOWS ANNEXATION AGREEMENT.

WHEREAS, on November 5, 2014, the City Council approved Ordinance 2014-16, approving the 38-acre Green Meadows annexation; and,

WHEREAS, on November 19, 2014, the City Council approved Resolution 2014-53, approving the Green Meadows Annexation Agreement, which provided, in pertinent part, "The Property shall not be subdivided in phases, but shall be the subject of a single final subdivision plat"; and,

WHEREAS, on December 2, 2015, the City Council approved Resolution 2015-51, approving Amendment #1 to the Green Meadows Annexation Agreement; and,

WHEREAS, on September 7, 2016, the City Council approved Resolution 2016-44, approving Amendment #2 to the Green Meadows Annexation Agreement; and,

WHEREAS, the current owner of the annexed property has expressed to the City Administration that to require the property to be developed in a single phase is economically impossible due to project infrastructure and financing costs, and has requested that the Annexation Agreement be amended to allow the project to be developed in phases as allowed by the Tooele City Code; and,

WHEREAS, the City Council discussed the requested amendment during its open and public work meeting on March 1, 2017 (see the minutes attached as Exhibit B); and,

WHEREAS, the City Administration recommends that Section 3.a. of the Green Meadows Annexation Agreement be amended as follows:

Land Use Approvals. Petitioner shall comply with all applicable Tooele laws and regulations, current as of the date of this Agreement, for approval of the preliminary plan and final subdivision plats for the Property. ~~The Property shall not be subdivided in phases, but shall be the subject of a single final subdivision plat.~~

; and,

WHEREAS, it is in the best interest of Tooele City to further amend the Annexation Agreement to allow the project to be developed in phases so the project will not remain vacant and so the purposes of the Annexation Agreement can be fulfilled:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that Amendment #3 to the Green Meadows Annexation Agreement is hereby approved, as shown above, to allow the annexed property to be developed in phases pursuant to the requirements of the Tooele City Code. No other amendments are approved.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

March 1, 2017, Minutes

**Tooele City Council and Tooele City Redevelopment
Agency of Tooele City, Utah
Work Session Meeting Minutes**

Date: Wednesday, February 15, 2017
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Chairwoman Debbie Winn
Scott Wardle
Dave McCall
Steve Pruden
Brad Pratt

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Jim Bolser, Director of Community Development and Public Works
Michelle Pitt, Recorder
Matt Johnson, Assistant City Attorney
Rachelle Custer, City Planner
Bucky Whitehouse, Fire Chief
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairwoman Winn called the meeting to order at 5:00 p.m.

2. Roll Call

Debbie Winn, Present
Scott Wardle, Present
Dave McCall, Present
Steve Pruden, Present
Brad Pratt, Present

3. Discussion:

- WFRC Draft RPO Plan
Presented by Wayne Bennion

Mr. Bennion, from the Wasatch Front Regional Council, presented the Rural Planning Organization (RPO) plan and the Tooele Valley Long Range Transportation Plan Update. Mr. Bennion explained that the RPO has been around for over a decade. He felt that the RPO increases the amount of dialogue between county organizations and the Utah Transit Authority. Mr. Bennion said that having this plan in place allows for eligibility for funding, eventual completion, and shows a unified voice for the valley. He showed the Council the proposed timeline, with hopeful approval in the fall, after input from public officials and the public. Mr. Bennion reviewed the Tooele Draft Highway Phasing proposed for Phase 1: 2015-2024, and Phase 2: 2025-2040, the Draft Transit Plan, and the Draft ITS (Intelligent Transport Systems) Projects.

Mr. Bennion asked the Council if they had any concerns with the plan being released for public comment. The Council indicated that they did not have concerns with it going out to the public for comment.

- Catastrophic Wildfire Discussion
Presented by Chief Bucky Whitehouse

Chief Whitehouse presented the catastrophic wildfire destruction reduction strategy. With the property that the City owns, the City needs to consider a strategy. Chief Whitehouse said that in 2012-2016, significant events occurred during the wildfire seasons where wildfires were so large that municipalities could not afford to curb the fires themselves. They needed help from the state. In 2016 a law was put in place that directed the state forestry service to bring cities and counties online to create strategies.

Chief Whitehouse presented the Council with a Cooperative Agreement that would need to be signed by the City by July 1st. The City can either opt in or out of the plan. If the City opts in, and there is a wildfire in City boundaries, there will be an insurance agreement that the State will participate in the costs. Chief Whitehouse added that if the City experiences a fire where aircraft needs to be involved, costs escalate quickly. Chief Whitehouse felt that for the fire department, this was an important program to participate in. Tooele City has a risk and potential for a fire to escalate to the point where costs and the fire get out of control. If the City opts in, there is a commitment of about \$20,000 in-kind match per year to a community wildfire prevention program. Chief Whitehouse felt that the City was already doing enough to reach the \$20,000 per year in-kind match. The City just needed to do a thorough assessment of what was already being done.

Chief Whitehouse asked the Council to read the cooperative agreement and said that he would be back to follow up on the program.

Mayor Dunlavy added that the City spends about \$30,000 on weed reduction now. He felt it wouldn't be difficult to show the \$20,000 in-kind match.

- Resolution 2017-10 A Resolution of the Tooele City Council Approving a Contract with Rocky Mountain Recycling
Presented by Mayor Patrick Dunlavy

The Mayor said that the City asked Rocky Mountain Recycling for a contract for the curbside recycling program. They were slow in getting the contract to the City. Mayor Dunlavy said that nothing had changed from the \$0.25 per can per month figure discussed earlier.

- Ordinance 2017-04 An Ordinance of Tooele City Repealing Tooele City Code Chapter 5-15 Regarding Secondhand Junk Dealers
Presented by Matt Johnson

Mr. Johnson said that in researching the Utah State Code, it was discovered that the City's Code regarding secondhand junk dealers was either duplicative or in conflict with the State Code. Mr. Johnson recommended to the Council that this section of the City Code be repealed.

- Ordinance 2017-05 An Ordinance of Tooele City Repealing Tooele City Code Chapter 5-11 Regarding Private Police or Detectives
Presented by Matt Johnson

Mr. Johnson stated that this ordinance is similar to the prior item. The City's ordinance regarding private police or detectives is duplicative or in conflict with the State Code. City staff recommends it be repealed.

- Reimbursement of Subdivision Water Modeling Fees
Presented by Jim Bolser

Mr. Bolser said that the State adopted a code a couple of years ago requiring municipalities to adopt modeling fees. The City has had a modeling fee in place for some time. The City is getting to the point where development is picking up. Lots are beginning to run thin and new developments are coming forth for approval. The fees are based on the size of development and costs incurred by the City, and handled at the time of preliminary plat review.

- Additional Discussion Item

The Mayor said that the new developers involved in Green Meadows contacted him today asking if they need to abide by the stipulations placed on the prior developers. The prior stipulations required that the project be completed all at once, without any phasing. The new developers are asking if the project could be allowed to be phased in, instead of completed all at once. The Mayor went on to say that the new developers won't move forward with the project if the Council is going to require the project to be done all at once.

Councilman Pratt said that with the changes the new developers made, and the type of subdivision they are proposing, it would be detrimental to require them to put it in all at once. Councilman Pruden said that a nearby subdivision, Loma Vista was allowed to phase. There were prior issues with the question of whether or not Green Meadows would be completed, but things have changed. Mr. Bolser said that City staff would like to see a plan before phasing is allowed. Councilman Pruden asked if the City could require developers to put in all the infrastructure in the beginning, and then phase in the rest. Mr. Bolser answered that that's where all the costs come in. Mr. Bolser reiterated that the City would like to see the plan before a decision is made. The Mayor indicated he would get a hold of the developers to let them know that they needed to submit a plan to the City.

4. Close Meeting to Discuss Litigation, Property Acquisition, and Personnel

Councilman Pratt moved to close the meeting. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pratt "Aye," Councilman Pruden "Aye," and Chairwoman Winn "Aye."

Those in attendance during the closed session were: Glenn Caldwell, Jim Bolser, Mayor Patrick Dunlavy, Michelle Pitt, Randy Sant, Councilman McCall, Councilman Wardle, Councilman Pruden, Councilman Pratt, and Chairwoman Winn.

The meeting closed at 5:48 p.m.

Randy Sant joined the meeting at 6:14 p.m.

At 6:28 p.m. the meeting moved to the personnel discussion. Staff was excused from the meeting for this portion of the meeting. Those in attendance were: Councilman McCall, Councilman Wardle, Councilman Pruden, Councilman Pratt, and Chairwoman Winn and Mayor Patrick Dunlavy.

No minutes were taken on these items.

5. Adjourn

Councilman Wardle moved to adjourn the meeting. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pruden "Aye," Councilman Pratt "Aye," and Chairwoman Winn "Aye."

The meeting adjourned at 6:35 p.m.

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

Approved this 15th day of March, 2017

Debra E. Winn, Tooele City Council Chair

DRAFT

**Tooele City Council, Tooele City Redevelopment
Agency of Tooele City, Utah, and the
Tooele City Water Special Service District
Work Session Meeting Minutes**

Date: Wednesday, March 15, 2017
Time: 5:00 p.m.
Place: Tooele City Hall, Large Conference Room
90 North Main St., Tooele, Utah

City Council Members Present:

Chairwoman Debbie Winn
Scott Wardle
Dave McCall
Steve Pruden
Brad Pratt

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Jim Bolser, Director of Community Development and Public Works
Michelle Pitt, Recorder
Roger Baker, City Attorney
Rachelle Custer, City Planner
Paul Hansen, City Engineer
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

1. Open Meeting

Chairwoman Winn called the meeting to order at 5:00 p.m.

2. Roll Call

Debbie Winn, Present
Scott Wardle, Present
Dave McCall, Present
Steve Pruden, Present
Brad Pratt, Present

3. Discussion:

- Tooele City Water Special Service District Resolution 2017-01 A Resolution of the Tooele City Water Special Service District Approving a Water Right Lease Agreement with Metro Ready Mix
Presented by Paul Hansen

Mr. Hansen indicated that the City entered into an agreement with Metro Ready Mix two years ago for the rental of a portion of water right owned by Tooele City. The agreement was for a year by year agreement for \$20,000 per year. The agreement has lapsed, so this is a new agreement for one year for \$20,000.

- Resolution 2017-14 A Resolution of the Tooele City Council Establishing Fees for Recycling
Presented by Mayor Patrick Dunlavy

The Mayor stated that the City is formalizing the amount for the recycling program with Rocky Mountain Recycling. Because of the number of residents that signed up for the recycling program, the City will stay within the amount promised.

- Resolution 2017-16 A Resolution of the Tooele City Council Authorizing an Agreement with Tooele County for Municipal Elections
Presented by Michelle Pitt

Ms. Pitt stated that Tooele City is required to hold municipal elections each odd-numbered year. The Tooele County Clerk's office has assisted Tooele City in the past with election judges, ballots, and providing voting machines. Tooele City does not have voting machines and so it makes sense to contract with the County for these services. The estimated cost for the election is over \$20,000 for each election. If there is a primary and a general, the estimated total is \$41,000. The City Recorder's Office and staff from Communities that Care help with early voting, which helps keep costs down.

- Resolution 2017-05 A Resolution of the Tooele City Council Approving Amendment #3 to the Green Meadows Annexation Agreement
Presented by Roger Baker

Mr. Baker said that with Mr. Arbshay's passing, ownership went to Mr. Kitchen and the Buzianises. They have sold the property to another developer, who is a Tooele Valley resident. The new developer has indicated that it is too expensive to put in all the public improvements all at once. He is asking for the ability to do phasing, to allow him to finance for one phase, sell those lots, then to finance the next phase. Mr. Baker explained that he took out of the Annexation Agreement the language requiring the development to be done in one single phase. Mr. Baker emphasized that the amendment doesn't contractually entitle the developer to do it in phases, but allows him to under the provisions of the City Code. Councilman Pruden asked if the developer was not able to get financing, because Loma Vista put in all the improvements at once. Mr. Baker answered that he wasn't sure about the markets, or how the developments compare. The City was told that it would be easier financially to do the project in phases.

Councilwoman Winn asked if the developer has shown City staff any phasing plans. Mr. Bolser said that his department has not received a phasing plan. Mr. Baker reiterated that the agreement didn't entitle the developer to anything in terms of development, but allowed him to do phases like any other developer under, the requirements of the City Code. Councilman Wardle said that the only reason for not allowing phasing in the original agreement was because of a concern that the project wouldn't be completed by the original developer. That is not an issue now. Councilman Pratt asked if there was a detriment in phasing this project. Mr. Bolser answered that there wasn't a detriment so long as the phasing is laid out appropriately to loop utilities and ensure proper access. Councilman Pruden asked if the developer wanted to decrease the lot size or change the layout. Mr. Bolser said that he didn't think so. His understanding was that there would be some rearranging of the lots. Mr. Bolser added that phasing can make financing feasible, and some of the rearrangement being discussed can cut the cost ratio in half. Mr. Bolser indicated that staff was agreeable to phasing the project as long as City staff had a chance to look at the plans. Mr. Baker stated that he attached a copy of the minutes of the prior meeting to the resolution, so that the concerns of the Council and Mr. Bolser were included in the record of the resolution.

- Resolution 2017-12 A Resolution of the Tooele City Council Approving the Municipal Wastewater Planning Program Self-Assessment Report for Tooele City for 2016
Presented by Jim Bolser

Mr. Bolser stated that this report is required annually. It is an assessment of the City's wastewater facility and the existing improvements done over the last few years. The report indicates that the City is doing great, with no outstanding needs that can't be addressed.

- Copper Canyon Phase 5 – Final Subdivision Plat Request
Presented by Jim Bolser

Mr. Bolser reported that Phase 5 is the next phase of the Copper Canyon development. This is a Planned Unit Development (PUD). Phase 4 has not been completed or submitted for approval, but that doesn't mean that it won't be done, it just made more sense geographically to do Phase 5 before Phase 4. Phase 5 is the next natural development phase to happen. Mr. Bolser indicated that Phase 5 met all the requirements that were needed for approval. Councilman Pratt asked how many phases there were. Ms. Custer answered that the City has approved through Phase 6 or 7 so far as a part of a single preliminary plan approval, but the developers own more property beyond that. Councilman Wardle asked if the developers completed open space and trail requirements. Mr. Bolser said that they had, and the City has held the developers up on this plat until those requirements were met.

4. Council Reports

Councilman Pratt said that the Council of Governments (COG) has not met. He couldn't attend the Tooele City Arts Council (TCAC) meeting. He stated that the TCAC sponsored a successful piano concert the other night. Even though the County says there is not a position on the Council on Aging, he is still receiving information from them about meeting times, etc.

Councilman McCall indicated that the library board hasn't met.

Councilman Pruden said that the TCAC had a wonderful concert on Monday night. The performer was recommended by Melodi Gochis, a member of TCAC. Councilman Pruden said that there were about 300 people in attendance. It was very entertaining and people were happy that something in that genre was offered. Fridays on Vine is all set to begin the first Friday in June. The concert series will begin with the group, Soulistics. Peter Breinholt and Ryan Shupe will also perform this year. The TCAC will sponsor Labor Day concerts in the park, with food vendors.

Councilman Wardle stated that there is a USU meeting tomorrow.

Councilwoman Winn indicated that she met with the North Tooele City Special Service District (NTCSSD). She talked with them about the Sunset developments that are coming up. They want to be involved in the district. Councilwoman Winn said that she also talked with them about the street light program. The City's light replacement program is running smoothly and well, but the lights are not being repaired in Overlake in a timely manner. The original agreement was that the City would make the repairs, then bill the district for the repairs. Then it was decided that the NTCSSD would make the repairs, and not involve the City. This scenario isn't working. It will now go back to having the City make the repairs then invoice the NTCSSD.

5. Close Meeting to Discuss Litigation and Property Acquisition

Councilman Pratt moved to close the meeting. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pratt "Aye," Councilman Pruden "Aye," and Chairwoman Winn "Aye."

Those in attendance during the closed session were: Glenn Caldwell, Jim Bolser, Mayor Patrick Dunlavy, Roger Baker, Michelle Pitt, Randy Sant, Paul Hansen, Councilman McCall, Councilman Wardle, Councilman Pruden, Councilman Pratt, and Chairwoman Winn.

The meeting closed at 5:20 p.m.

No minutes were taken on these items.

6. Adjourn

Councilman Pratt moved to adjourn the meeting. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pruden "Aye," Councilman Pratt "Aye," and Chairwoman Winn "Aye."

The meeting adjourned at 6:17 p.m.

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

Approved this 5th day of April, 2017

Debra E. Winn, Tooele City Council Chair

DRAFT

**Tooele City Council, Tooele City Redevelopment Agency, and
Tooele City Water Special Service District
Business Meeting Minutes**

Date: Wednesday, March 15, 2017
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Debbie Winn, Chairwoman
Steve Pruden
Brad Pratt
Dave McCall
Scott Wardle

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Chief Ron Kirby, Police Department
Chief Bucky Whitehouse, Fire Department
Jim Bolser, Public Works and Community Development Director
Heidi Peterson, Communities that Care Director
Michelle Pitt, City Recorder
Lisa Carpenter, Deputy Recorder

Minutes prepared by Cami Cazier.

Chairwoman Winn called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Wardle.

2. Roll Call

Debbie Winn, Present
Steve Pruden, Present
Brad Pratt, Present
Scott Wardle, Present
Dave McCall, Present

3. Mayor's Youth Recognition Awards

Presented by Mayor Patrick Dunlavy, Heidi Peterson and Chief Ron Kirby

Mayor Dunlavy welcomed everyone and expressed his gratitude to be able to honor some special young people. As elected officials, they know that our future is our youth so they have developed programs through the Communities that Care Department and Police Department to help recognize these outstanding students in a public meeting.

The Mayor introduced Heidi Peterson, Director of Communities that Care, and Chief Ron Kirby of the Tooele City Police Department. The Police Department sends officers into the schools to help the kids deal with difficult challenges and pressures that many of them face.

Ms. Peterson thanked the Mayor and those in attendance. Before giving out the awards, Ms. Peterson wished to explain the Communities that Care department and the programs offered through it. Tooele City is one of the only cities in the State and Nation that has invested in prevention, in making sure that our youth have as many resources as they can to help them grow up and lead happy successful lives. A number of years ago, Tooele City participated in a grant from the University of Washington to invest in a program that was steeped in research, two decades worth of research about what helps kids succeed. There had been a lot of guesswork up to that point, and it's actually a field of science now. Tooele City was selected to be one of the pilot communities to try this research. Because of the foresight and priority that our community leaders have in our youth and families, they decided to make that grant, Communities that Care, a permanent part of Tooele City. Because of that, we're able to look at data within our community, find out where our kids are at the most risk, and then bring the very best programming here to our City and offer it to families.

Ms. Peterson went on to highlight the programs offered. The first program is a parenting class called Guiding Good Choices. Ms. Peterson encouraged all families to attend if they haven't already done so. It's a five-week class, absolutely free of charge, which makes good families even better. The next class starts at the end of this month. The Tooele City website has more information, and registration is available there as well.

The next program highlighted by Ms. Peterson has been in our community for about three years. The program is called QPR, or Question, Persuade, and Refer. It's been implemented to help combat increasing depression symptoms, especially suicidality. This has been a rising problem in our State and Nation. Because we have Communities that Care, we're able to stay ahead of that curve and do all that we can to help. QPR is a program that lasts 90 minutes, and participants learn to recognize the risk factors and warning signs associated with suicide. A three-step skill is also taught to use with someone you know or love who is at risk. Registration information can be found on the Tooele City website. This program can also be brought to an organization or group.

The last program highlighted is called Second Step. This program is an evidence-based prevention program partnered with the Tooele County School District. This program helps children develop skills such as how to handle stress, anger, and anxiety, how to make and keep good friends, how to make goals for their life, and how to resist offers to use drugs and alcohol.

They partner with the Police Department and have a fantastic officer that goes into the classrooms to teach resistance skills to the sixth graders.

The recipients of this award will be receiving backpacks that include donations and prizes from local agencies and business that want to congratulate and support these students. There is also a copy of the narrative to be read by Ms. Peterson and a certificate signed by the Mayor.

Ms. Peterson presented the Mayor's Youth Recognition Awards to the following students:

- * Hadlee Jean Hardeman, Clarke N. Johnsen Jr. High
- * Ainsley Thurber, Clarke N. Johnsen Jr. High
- * Michael Freeman, Stansbury High School
- * Trinity Hunt, Stansbury High School
- * Caron West, Tooele High School
- * Emily Smith, Tooele High School

Mayor Dunlavy again emphasized that these students are truly amazing young people who are unselfish and kind. They are the reason why our community is so special. He thanked the parents and congratulated them on the wonderful job they're doing. He also thanked the grandparents and other family members involved in supporting these youth.

A brief recess was taken for a picture of the recipients and their certificates with the City Council members and Mayor. The photo will be included in the Tooele Transcript Bulletin.

Chairwoman Winn welcomed and recognized Boy Scout Troop #85.

4. Public Comment Period

Chairwoman Winn opened the public comment period to anyone who would like to come forward to the podium and address the Council with any concerns or comments. She asked those interested to sign their name on the roster, speak clearly into the microphone, and to keep comments brief.

There were no public comments.

Chairwoman Winn closed the public comment period at 7:25 p.m.

5. Resolution 2017 – 17 A Resolution of the Tooele City Council Approving a Cooperative Agreement Between the Utah Division of Forestry, Fire, and State Lands, and Tooele City Corporation

Presented by Chief Bucky Whitehouse

On behalf of the Tooele City Fire Department, Chief Whitehouse presented for approval an agreement for what is known as the Catastrophic Wildfire Cooperative Agreement. As was mentioned in a previous meeting, this is an agreement set forth by legislation that was passed in

2016 which gives the State an opportunity to be able to assist local entities in the event they have a catastrophic wildfire. They will assist with both response resources as well as financial resources if the need arises. The Fire Department considers this to be an important addition to what they already do for Tooele City because if there is wildfire within the City limits, it allows them to receive the support of the State Division of Forestry and Fire to put out the fire.

This agreement requires an in-kind, or participating, match of around \$20,000. This will be accounted for as an in-kind or donated service related to mitigating or preventing wildfires from occurring. A variety of mitigation and prevention projects will be going on between the public, Tooele City Departments, and the Tooele City Fire Department.

Councilman Pruden thanked Chief Whitehouse for their efforts in protecting the City. He stated that it was a privilege to sign the agreement.

Chairwoman Winn thanked Chief Whitehouse for the education that the Fire Department provides to the public.

Councilman McCall moved to approve Resolution 2017 – 17. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

6. Tooele City Water Special Service District Resolution 2017-01 A Resolution of the Tooele City Water Special Service District Approving a Water Right Lease Agreement with Metro Ready Mix

Presented by Paul Hansen

Tooele City holds a number of water rights that are held for future use. This water lease agreement began in 2014 with Metro West, which allows them to lease 200 acre feet of water from Tooele City on a yearly basis. The revenue created from that provides \$20,000 annually. This is a great benefit for the City to be able to use our resources. This agreement is a new agreement because the last agreement lapsed. Metro Ready Mix has paid current through July of this year, so this agreement would start July of this year and then continue on a yearly term.

Councilman Wardle moved to approve Tooele City Water Special Service District Resolution 2017-01. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” Councilman McCall, “Aye,” and Chairwoman Winn, “Aye.”

7. Resolution 2017 - 14 A Resolution of the Tooele City Council Establishing Fees for Recycling

Presented by Mayor Patrick Dunlavy

The recycling program is underway and has been very successful. New customers are continually signing up. The contract is being formalized with Rocky Mountain Recycling.

Roger Baker has reviewed the agreement and found a few minor changes that Rocky Mountain Recycling has changed on the agreement. The agreement is ready for approval by the Council.

Councilman Pruden moved to approve Resolution 2017 - 14. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

8. Resolution 2017 – 16 A Resolution of the Tooele City Council Authorizing an Agreement with Tooele County for Municipal Elections

Presented by Michelle Pitt

Tooele City is required to hold municipal elections in odd numbered years, so an election will be held this year. Tooele County Clerk’s Office has assisted Tooele City in the past by providing the voting machines, election judges, and preparing the ballots. It has worked out very well. The estimated cost for the election is just over \$20,000 for each election. Therefore, if both primary and general elections are held, the cost will be about \$41,000. The City Recorder’s Office and Communities that Care help with early voting to help keep the cost down.

Councilman Pratt moved to approve Resolution 2017 - 16. Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

9. Ordinance 2017 – 07 An Ordinance of Tooele City Amending Tooele City Code Title 6 Regarding Animal Control

Presented by Roger Baker

As a brief summary of this ordinance, Mr. Baker began by proposing that the entire Title 6 be rewritten and overhauled. Most of it is minor housekeeping amendments, but Mr. Baker first wished to summarize each chapter that needed changing.

In Chapter 6-1, the changes are intended mostly to clarify how the Animal Control Division fits into the Police Department structure, and how the Animal Control Shelter fits into the Animal Control Division and who has what responsibilities.

Chapter 6-2 is to modernize, correct, and add to the definitions. Definitions are critical in any regulation. If they are unclear or lacking, it leads to disagreements and litigation.

Chapter 6-3 modernizes the language. There is a \$1 fee for a license replacement that is so diminutive, it doesn’t make sense. Therefore, it is proposed to raise this fee to \$5, which is still nominal.

Chapter 6-4 regards animals that are at large, specifically cattle and other livestock. The concern is protecting the groundwater supplies.

Chapter 6-5 regards nuisances, specifically animals that are repeat offenders that attack domesticated animals, to protect the farming interests and prosecute those violations.

Chapter 6-5b is the aggressive animal chapter that regards dangerous animals that attack or bite. There is a very detailed hearing procedure with two levels of hearings. The first level being the Police Department and another level at the Administrative Hearing Officer stage. If it's found that an animal is dangerous or potentially dangerous based on its behavior, the determination is allowed to be appealed because it is proposed that the animal is either euthanized or impose severe restrictions on the animal's ability to live on someone's property. Those procedures have been made clearer as to how to go about the appeal process.

Chapter 6-6 is to modernize rabies control. The former chapter required that in every instance of an animal bite, the head of the biting animal be severed and sent to the State for rabies testing. Now in only certain instances determined by the State, must the head be secured and delivered to the State for rabies testing.

Chapter 6-7 is regarding impounding. In various provisions of the Code, there were different time periods that an animal had to be kept before it could be released, anywhere from 3-5 business or calendar days. To the benefit of the animal owners and to ease administrative burdens, all of those waiting periods will now be 5 business days.

Councilman Wardle pointed out that this change will be favorable to the public by allowing them extra time to retrieve their animals.

Chapters 6-8 and 9 regards animal shelters and cruelty to animals. Simple modifications and modernizations were completed.

Chapter 6-10 regards wild animals. There is a chapter that lists the types of animals that may not be kept as pets. For example, a pet crocodile is not allowed within the City limits. These wild animals are violations of City law and State law as well. However, Mr. Baker recommended that the severity of the violation be reduced from a Class B misdemeanor to a Class C misdemeanor.

Chapter 6-11 regards kennels. Mr. Baker proposed that the chapter be repealed. It currently provides that not only will the City control the kennels, but another chapter requires the Police Department to establish health regulations for kennels and to inspect them and monitor their progress. Mr. Baker believes that those responsibilities can be best served by zoning, the Health Department, and nuisances.

Chief Kirby expressed his appreciation to Mr. Baker for his efforts in overhauling this section of the Code.

Councilman Pruden moved to approve Ordinance 2017 - 07. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye."

10. Resolution 2017 – 12 A Resolution of the Tooele City Council Approving the Municipal Wastewater Planning Program Self-Assessment Report for Tooele City for 2016

Presented by Jim Bolser

This is a requirement from the State on a yearly basis to perform a self-assessment and submit a report to the State of the results. The report contains comparisons of data obtained over previous years as well as any predicted significant improvements in the future. For about the fifth year in a row, Mr. Bolser has presented this report to the Council to say that the results show that Tooele City is just fine. This is due in part to the foresight and support of the Council and Mayor Dunlavy. The sewer system and treatment programs have been developed to meet the City's needs for many years to come. There were no significant issues or concerns. Once this report is approved by Resolution by the Council, it will be submitted to the State.

Councilman Wardle moved to adopt Resolution 2017 - 12. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye."

11. Resolution 2017 – 13 A Resolution of the Tooele City Council Establishing Fees for Water Modeling Associated with New Developments

Presented by Jim Bolser

A couple of years ago, the State Legislature adopted rules that required any new development within a municipal culinary water system to undergo some modeling of the system. As new development comes online, this needs to be added in with a new modeling procedure to review the capacities as well as systems to accommodate that growth. Since the adoption of that new regulation, Tooele City hasn't had a lot of new developments come online. This is partially due to the downturn in the economy and partially due to the fact that we had a fairly sizable stock of available lots at that time. We've reached the end of that economic downturn as well as the stock of lots that were available. Development pressures are starting to come in again. Therefore, these modeling procedures will need to be implemented. However, due to the support of the Council and Mayor, this modeling has already been going on for quite some time. It's been used as part of the preparation for drilling new wells, tanks, etc.

This modeling does incur costs to the City. Because of the lack of development pressure in the past, there hasn't been a need for modeling specific to new development. Now that development is picking up again, a fee is being proposed to transfer to the applicants and new developments to cover that cost for the City. The fee structure was included in the Resolution information provided to the Council.

Councilman Pratt moved to approve Resolution 2017-13. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, “Aye,” Councilman Pratt, “Aye,” Councilman Pruden, “Aye,” Councilman McCall, “Aye,” and Chairwoman Winn, “Aye.”

12. Copper Canyon Phase 5 – Final Subdivision Plat Request

Presented by Jim Bolser

The Copper Canyon Development is a PUD (Planned Unit Development) with a development agreement for a number of phases to constitute that development. The time has come to approve another phase of that development – Phase 5. Phase 4 has not been brought for approval as yet. The Phases will not be approved in numerical order, but are in order geographically. The Plat has been prepared and reviewed by Staff and has been found to be within the terms of the Ordinance as well as the development agreement for that development. A positive recommendation is proposed for this request. The Planning Commission has heard this item and has forwarded a positive, unanimous recommendation.

Councilman Pruden asked if the sidewalk issues have been resolved.

Mr. Bolser responded that the infrastructure issues in previous phases have all been resolved prior to the submission of this phase. This development is located at about 800 North and 200 West.

Councilman McCall moved to approve the Copper Canyon Phase 5 – Final Subdivision Plat Request. Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

13. Minutes: Mar. 1, 2017 and Mar. 8, 2017

Councilman Pruden moved to adopt the minutes for the meetings held on Mar. 1, 2017 and Mar. 8, 2017 as presented. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

14. Invoices

Presented by Michelle Pitt

Ms. Pitt present the following invoice for Tooele City Council approval.

* Performance Ford for 4 pick-up trucks totaling \$86,524.00

Councilman Pruden moved to approve the invoice as presented by Ms. Pitt. Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

15. Adjourn

Councilman Wardle moved to adjourn the meeting. Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall, “Aye,” Councilman Pruden, “Aye,” Councilman Pratt, “Aye,” Councilman Wardle, “Aye,” and Chairwoman Winn, “Aye.”

The meeting adjourned at 7:51 p.m.

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

Approved this 5th day of April, 2017

Debbie Winn, Tooele City Council Chair