

EXHIBIT A

MAPPING PERTINENT TO THE BOLINDER SUBDIVISION AMENDED #1



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, June 21, 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:

- **Bolinder Subdivision, Amended #1 Final Plat, a 3 Lot Subdivision Located at 1830 West Highway 112 Including 148.35 Acres
Presented by Jim Bolser**
- **Sunset Estates Subdivision, Phase 7 Final Plat, a 29 Lot Subdivision Located at 244 West 2200 North Including 10.72 Acres
Presented by Jim Bolser**
- **2017 Waterline Improvement Project
Presented by Paul Hansen**

4. Council Reports

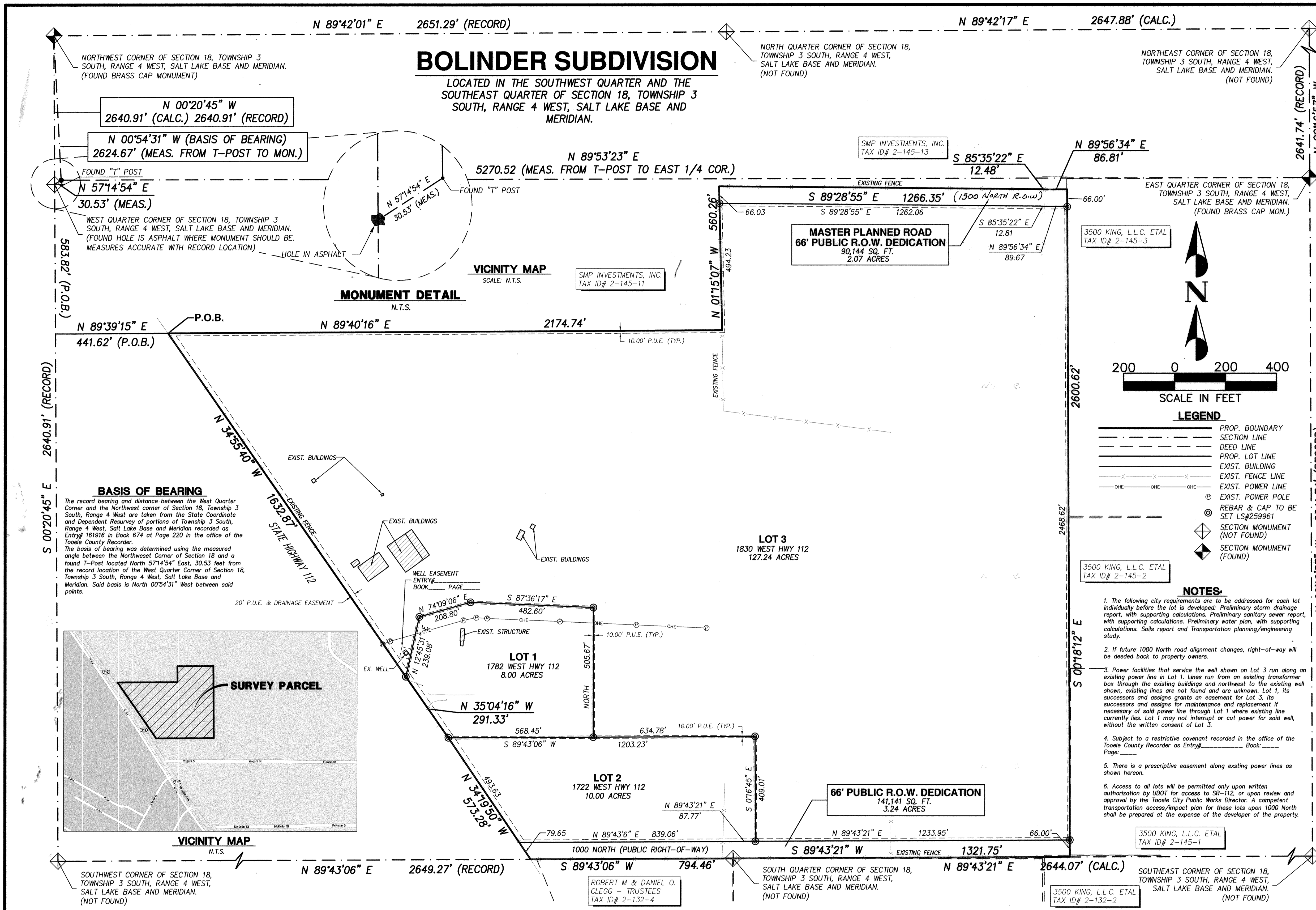
5. Close Meeting

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

6. 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.



SURVEYOR'S CERTIFICATE
 I, DERRICK S. SMITH, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 259961 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as BOLINDER SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that the lots meet the area, frontage and width requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 Beginning at a point on a southerly boundary of the SMP Investment, Inc. property (Tax ID# 2-145-11); said point being 0.6' East of an existing rebar & cap stamped "Knowlton"; said point also being South 00°20'45" East, 583.82 feet along the section line and North 89°39'15" East, 441.62 feet from the West Quarter Corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian (said West Quarter Corner is located South 57°14'54" West, 30.53 feet from an existing T-Post) and running thence along the southerly boundary of said SMP Investment, Inc. property the following course and distance: North 89°40'16" East, 2174.74 feet to a point on an existing fence; and running thence along said fence, more or less, the following course and distance: North 01°15'07" West, 560.26 feet to a point on an existing fence corner; and running thence along an existing fence for the following three (3) courses: South 89°28'55" East, 1266.35 feet; thence South 85°35'22" East, 12.48 feet; thence North 89°56'34" East, 86.81 feet to a point on the easterly Bolinder Real Estate, LC deed line; thence South 00°18'12" East, along said deed line 2600.62 feet to a point on the south section line; thence along the section line, and along an existing fence, more or less, the following two (2) courses and distances: (1) South 89°43'21" West, 1321.75 feet to the South Quarter Corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence (2) South 89°43'06" West, 794.46 feet to a point on an existing fence corner; said point being 3.85 feet East of an existing rebar & cap stamped "LS#2761"; said point also being on the Easterly right of way of a state highway, and running thence along said existing fence, more or less, the following three (3) courses and distances: (1) North 34°19'50" West, 573.28 feet; thence (2) North 35°04'16" West, 291.33 feet; thence (3) North 34°55'40" West, 1632.87 feet to the point of beginning.

Contains: 150.55 Acres

OWNER'S DEDICATION
 Know all men by these presents that, the undersigned owner () of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as

BOLINDER SUBDIVISION
 do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof, have hereunto set forth this 14th day of September A.D., 2007.

Garry L. Bolinder *Garry L. Bolinder*
Bruce L. Bolinder *Garry L. Bolinder*
 Managing Members, Bolinder Real Estate LLC

ACKNOWLEDGMENT
 STATE OF UTAH }
 County of Tooele }
 On the 14th day of September, A.D. 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Tooele in said State of Utah, the signer() of the above Owner's dedication in number, who duly acknowledged to me that Garry L. Bolinder & Bruce L. Bolinder signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: 08/04/2010 *Sina C. Carpenter*
 NOTARY PUBLIC
 RESIDING IN TOOELE COUNTY

BOLINDER SUBDIVISION
 LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

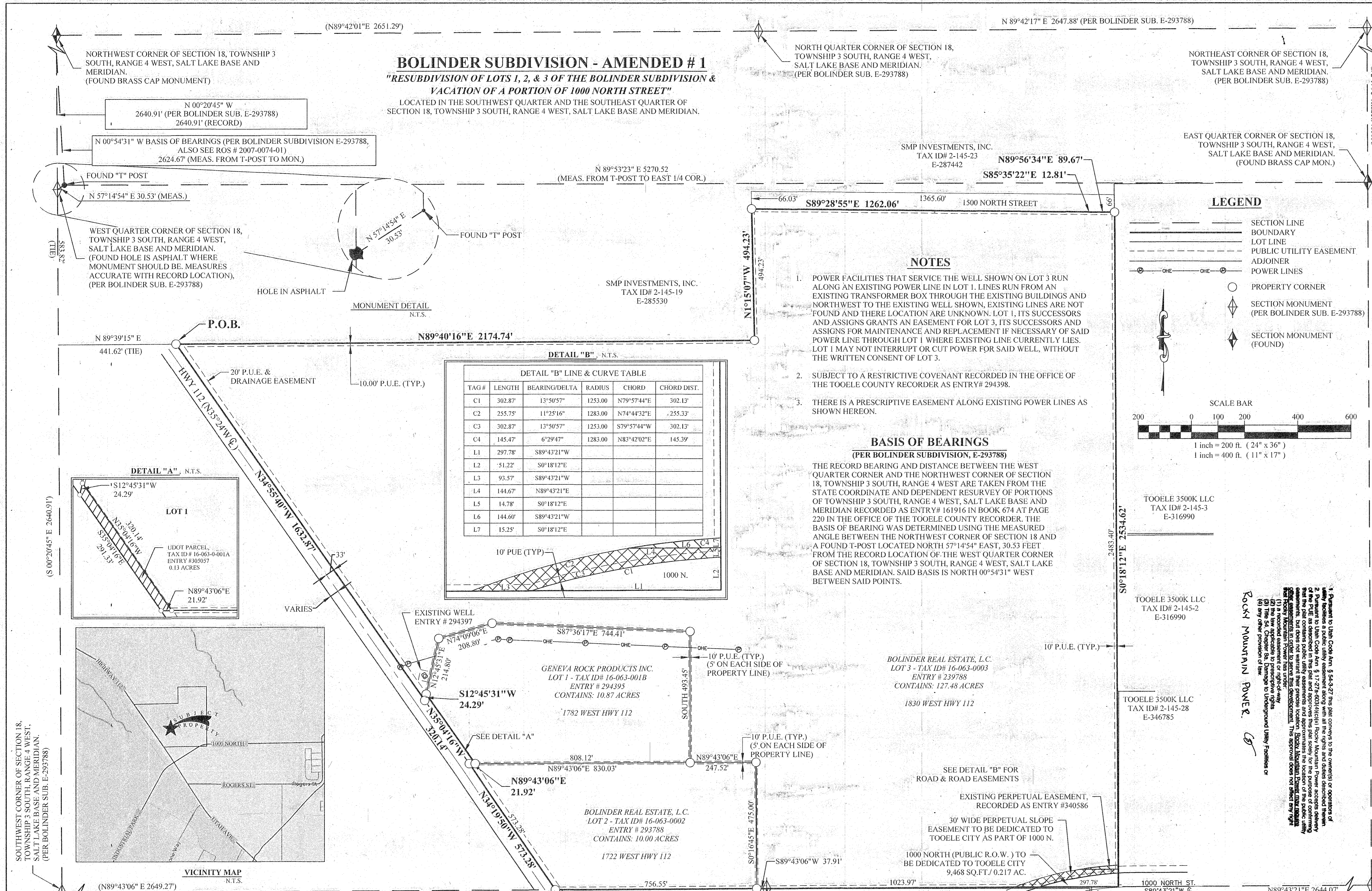
PEPG ENGINEERING, L.L.C.
 421 W. 12300 S. #400 • DRAPER, UT 84020
 PH: (801) 562-2521 • FAX: (801) 562-2551

AUGUST 13, 2007 6671.0710 FPLAT-02.DWG
 PLOT DATE: PROJECT NUMBER DRAWING FILE

RECORDED # 293788

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF
Bolinder Real Estate LLC
 DATE 9/19/07 TIME 12:00 pm BOOK N/A PAGE N/A
 FEE \$ 33.00
 TOOELE COUNTY RECORDER

COUNTY TREASURER APPROVED THIS <u>24th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <i>Valerie Lee</i> TOOELE COUNTY TREASURER	COUNTY SURVEYOR APPROVED THIS <u>5th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <i>ROS Map 07-0074</i> TOOELE COUNTY SURVEYOR	PLANNING COMMISSION APPROVED THIS <u>5th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <i>Squid</i> CHAIRMAN TOOELE CITY PLANNING COMM.	COMMUNITY DEVELOPER APPROVED AS TO FORM ON THIS <u>18th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <i>Gary Campbell</i> TOOELE CITY COMMUNITY DEVELOPER	CITY ENGINEER APPROVED AS TO FORM ON THIS <u>17th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <i>Paul Johnson</i> TOOELE CITY ENGINEER	CITY ATTORNEY APPROVED AS TO FORM ON THIS <u>17th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <i>Roy S. Edin</i> TOOELE CITY ATTORNEY	CITY COUNCIL APPROVED THIS <u>14th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <i>[Signatures]</i> ATTEST: CITY RECORDER
UTAH DEPARTMENT OF TRANSPORTATION APPROVED THIS <u>15th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <i>[Signature]</i>	ROCKY MOUNTAIN POWER APPROVED THIS <u>14th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <i>[Signature]</i>	QUESTAR GAS APPROVED THIS <u>15th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <i>[Signature]</i>	COUNTY HEALTH DEPT. APPROVED THIS <u>24th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <i>[Signature]</i>			



BOLINDER SUBDIVISION - AMENDED # 1
"RESUBDIVISION OF LOTS 1, 2, & 3 OF THE BOLINDER SUBDIVISION & VACATION OF A PORTION OF 1000 NORTH STREET"

LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

DETAIL "B" LINE & CURVE TABLE

TAG #	LENGTH	BEARING/DELTA	RADIUS	CHORD	CHORD DIST.
C1	302.87	13°50'57"	1253.00	N79°57'44"E	302.13
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C3	302.87	13°50'57"	1253.00	S79°57'44"W	302.13
C4	145.47	6°29'47"	1283.00	N83°42'02"E	145.39
L1	297.78	S89°43'21"W			
L2	51.22	S0°18'12"E			
L3	93.57	S89°43'21"W			
L4	144.67	N89°43'21"E			
L5	14.78	S0°18'12"E			
L6	144.60	S89°43'21"W			
L7	15.25	S0°18'12"E			

- NOTES**
- POWER FACILITIES THAT SERVICE THE WELL SHOWN ON LOT 3 RUN ALONG AN EXISTING POWER LINE IN LOT 1. LINES RUN FROM AN EXISTING TRANSFORMER BOX THROUGH THE EXISTING BUILDINGS AND NORTHWEST TO THE EXISTING WELL SHOWN. EXISTING LINES ARE NOT FOUND AND THERE LOCATION ARE UNKNOWN. LOT 1, ITS SUCCESSORS AND ASSIGNS GRANTS AN EASEMENT FOR LOT 3, ITS SUCCESSORS AND ASSIGNS FOR MAINTENANCE AND REPLACEMENT IF NECESSARY OF SAID POWER LINE THROUGH LOT 1 WHERE EXISTING LINE CURRENTLY LIES. LOT 1 MAY NOT INTERRUPT OR CUT POWER FOR SAID WELL, WITHOUT THE WRITTEN CONSENT OF LOT 3.
 - SUBJECT TO A RESTRICTIVE COVENANT RECORDED IN THE OFFICE OF THE TOOELE COUNTY RECORDER AS ENTRY# 294398.
 - THERE IS A PRESCRIPTIVE EASEMENT ALONG EXISTING POWER LINES AS SHOWN HEREON.

BASIS OF BEARINGS
 (PER BOLINDER SUBDIVISION, E-293788)

THE RECORD BEARING AND DISTANCE BETWEEN THE WEST QUARTER CORNER AND THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST ARE TAKEN FROM THE STATE COORDINATE AND DEPENDENT RESURVEY OF PORTIONS OF TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN RECORDED AS ENTRY# 161916 IN BOOK 674 AT PAGE 220 IN THE OFFICE OF THE TOOELE COUNTY RECORDER. THE BASIS OF BEARING WAS DETERMINED USING THE MEASURED ANGLE BETWEEN THE NORTHWEST CORNER OF SECTION 18 AND A FOUND T-POST LOCATED NORTH 57°14'54" EAST, 30.53 FEET FROM THE RECORD LOCATION OF THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. SAID BASIS IS NORTH 00°54'31" WEST BETWEEN SAID POINTS.

LEGEND

- SECTION LINE
- BOUNDARY
- LOT LINE
- PUBLIC UTILITY EASEMENT
- ADJOINER
- POWER LINES
- PROPERTY CORNER
- SECTION MONUMENT (PER BOLINDER SUB. E-293788)
- SECTION MONUMENT (FOUND)

SCALE BAR

1 inch = 200 ft. (24" x 36")
 1 inch = 400 ft. (11" x 17")

SURVEYOR'S CERTIFICATE

I JOHN L. RIDDLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 5331543, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREINAFTER TO BE KNOWN AS: **BOLINDER SUBDIVISION - AMENDED # 1**, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

JOHN L. RIDDLE, PLS #5331543

APRIL 28, 2017
 DATE

BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE BOLINDER SUBDIVISION, RECORDED AS ENTRY #293788; SAID PARCEL ALSO BEING IN THE SOUTH HALF OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN; BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BOLINDER SUBDIVISION, SAID POINT BEING 0.6' EAST OF AN EXISTING REBAR & CAP STAMPED "KNOWTON"; SAID POINT ALSO BEING SOUTH 00°20'45" EAST, 583.82 FEET ALONG THE SECTION LINE AND NORTH 89°39'15" EAST, 441.62 FEET FROM THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN (SAID WEST QUARTER CORNER IS LOCATED SOUTH 57°14'54" WEST, 30.53 FEET FROM AN EXISTING T-POST);

AND RUNNING THENCE ALONG SAID BOLINDER SUBDIVISION THE FOLLOWING (2) CALLS: 1) NORTH 89°40'16" EAST, 2174.74 FEET; 2) THENCE NORTH 01°15'07" WEST, 494.23 FEET TO THE SOUTH LINE OF 1500 NORTH STREET; THENCE ALONG SAID SOUTH LINE THE FOLLOWING (3) CALLS: 1) THENCE SOUTH 89°28'55" EAST, 1262.06 FEET; 2) THENCE SOUTH 85°35'22" EAST, 12.81 FEET; 3) THENCE NORTH 89°56'34" EAST, 89.67 FEET TO THE EAST LINE OF SAID BOLINDER SUBDIVISION; THENCE ALONG SAID SUBDIVISION THE FOLLOWING (4) CALLS: 1) THENCE SOUTH 00°18'12" EAST, 2534.62 FEET; 2) THENCE NORTH 89°43'21" WEST, 1321.75 FEET; 3) THENCE SOUTH 89°43'06" WEST, 794.46 FEET; 4) THENCE NORTH 34°19'50" WEST, 573.28 FEET TO THE SOUTH LINE OF A UDOT PARCEL RECORDED AS ENTRY #865057; THENCE ALONG SAID UDOT PARCEL THE FOLLOWING (3) CALLS: 1) THENCE NORTH 89°43'06" EAST, 21.92 FEET; 2) THENCE NORTH 35°04'16" WEST, 320.14 FEET; 3) THENCE SOUTH 12°54'51" WEST, 24.29 FEET TO THE WEST LINE OF SAID BOLINDER SUBDIVISION; THENCE NORTH 34°55'40" WEST ALONG SAID WEST LINE, 1632.87 FEET TO THE POINT OF BEGINNING.

CONTAINS: 148.35 ACRES

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNER(S) OF THE HERON DESCRIBED TRACT OF LAND AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS AS SET FOR HEREAFTER TO BE KNOWN AS:

BOLINDER SUBDIVISION - AMENDED #1

THE UNDERSIGNED OWNER(S) HEREBY DEDICATE TO TOOELE CITY ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND ON SAID PLAT DESIGNATED HEREON AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC AND PRIVATE UTILITY COMPANIES PROVIDING SERVICE TO THE HERON DESCRIBED TRACT A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE STREETS AND PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE AND FACILITIES.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 11th DAY OF MAY, 2017.

James D. Golding *Garry L. Bolinder*
 GENEVA ROCK PRODUCTS INC., BOLINDER REAL ESTATE, L.C.,
 JAMES D. GOLDING GARRY L. BOLINDER

ACKNOWLEDGMENT

STATE OF UTAH
 COUNTY OF SALT LAKE

ON THIS 11th DAY OF MAY, IN THE YEAR 2017

BEFORE ME, MELISSA MICKELSEN, A NOTARY PUBLIC, PERSONALLY APPEARED JAMES D. GOLDING AND GARRY L. BOLINDER, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) (IS/ARE) SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC *Melissa Mickelsen* (SEAL)

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NO. _____ TOOELE COUNTY RECORDER

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

DATE _____ TIME _____ BOOK _____ PAGE _____

ATTEST: CITY RECORDER

_____ TOOELE COUNTY RECORDER

QUESTAR GAS
 APPROVED THIS 11th DAY OF MAY, 2017 BY *Dianna A. Hopkins*
 TITLE: Permit Special

ROCKY MOUNTAIN POWER
 APPROVED THIS 11th DAY OF MAY, 2017 BY *Journeymen Estimator*
 TITLE: Journeymen Estimator

PLANNING COMMISSION
 APPROVED THIS 20 DAY OF MAY, 2017 BY _____
 THE TOOELE CITY PLANNING COMMISSION.

CHAIRMAN TOOELE CITY PLANNING COMM.

DANIEL O. CLEGG - TRUSTEE
 TAX ID# 2-132-4 E-225347

TOOELE COUNTY TREASURER
 APPROVED THIS 11th DAY OF MAY, 2017 BY *Angie Savelli*
 TITLE: County Treasurer

TOOELE COUNTY SURVEY DEPARTMENT
 APPROVED THIS 11th DAY OF MAY, 2017 BY *Mark B. Allen*
 TITLE: County Survey Director

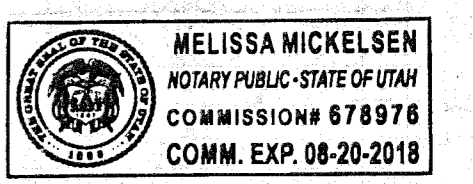
TOOELE COUNTY HEALTH DEPT.
 APPROVED THIS 11th DAY OF MAY, 2017 BY *John T. Madsen*
 TITLE: County Health Director

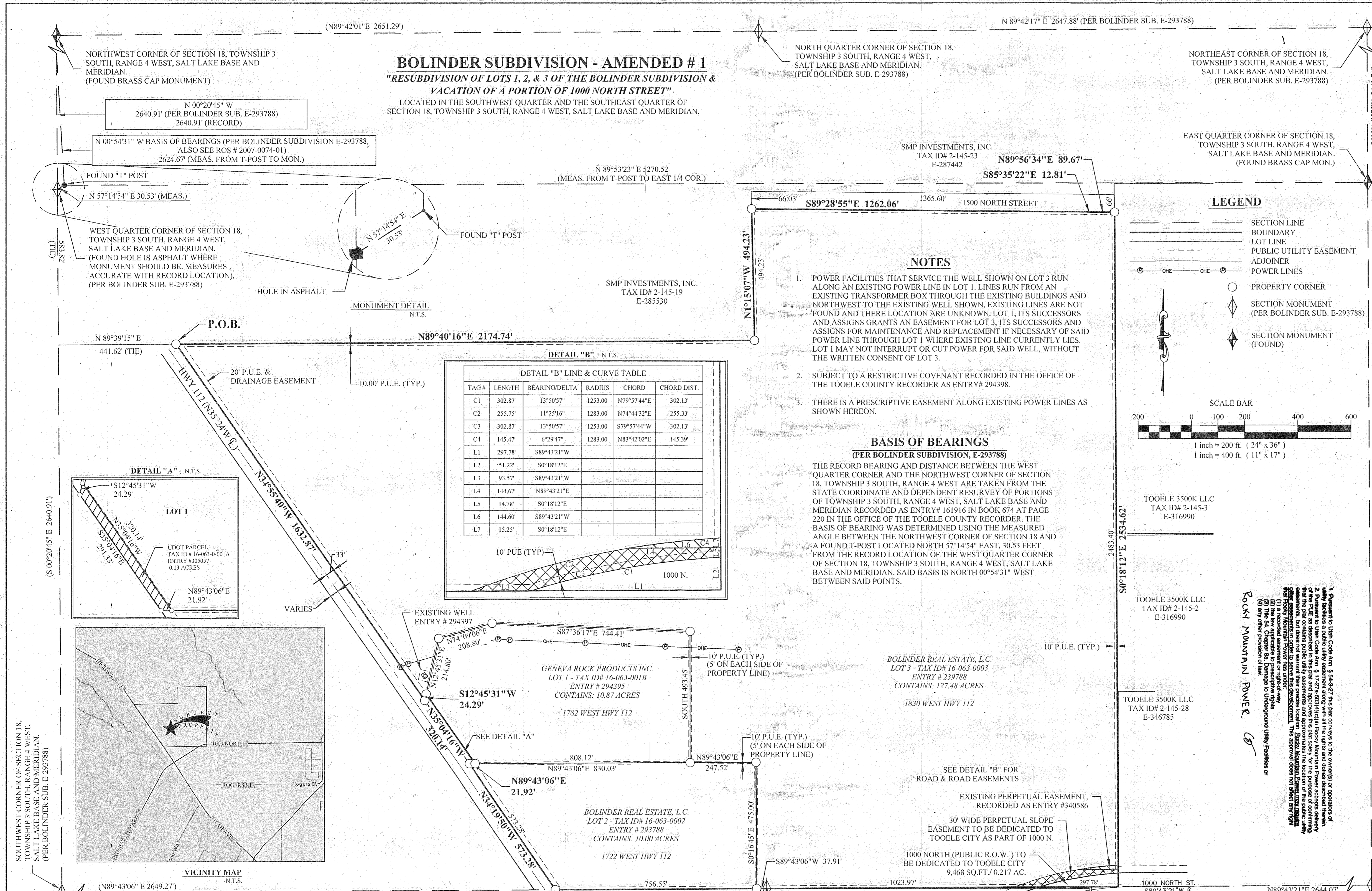
COMMUNITY DEVELOPMENT
 APPROVED AS TO FORM ON THIS 20 DAY OF _____, 20

CITY ENGINEER
 APPROVED AS TO FORM ON THIS 20 DAY OF _____, 20

CITY ATTORNEY
 APPROVED AS TO FORM ON THIS 20 DAY OF _____, 20

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





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JOHN L. RIDDLE, PLS #5331543

APRIL 28, 2017
 DATE

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CONTAINS: 148.35 ACRES

OWNERS DEDICATION

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IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 11th DAY OF MAY, 2017.

James D. Golding *Garry L. Bolinder*
 JAMES D. GOLDING BOLINDER REAL ESTATE, L.C.,
 GARY L. BOLINDER

ACKNOWLEDGMENT

STATE OF UTAH
 COUNTY OF SALT LAKE

ON THIS 11th DAY OF MAY, IN THE YEAR 2017

BEFORE ME, MELISSA MICKELSEN, A NOTARY PUBLIC, PERSONALLY APPEARED JAMES D. GOLDING AND GARRY L. BOLINDER, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) (IS/ARE) SUBSCRIBED TO THIS INSTRUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC *Melissa Mickelsen* (SEAL)

BOLINDER SUBDIVISION - AMENDED # 1
"RESUBDIVISION OF LOTS 1, 2, & 3 OF THE BOLINDER SUBDIVISION & VACATION OF A PORTION OF 1000 NORTH STREET"

LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

NO. _____ TOOELE COUNTY RECORDER

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

DATE _____ TIME _____ BOOK _____ PAGE _____

ATTEST: CITY RECORDER

_____ TOOELE COUNTY RECORDER

QUESTAR GAS **ROCKY MOUNTAIN POWER**

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR RIGHT-OF-WAY DEPARTMENT AT 1-800-366-4332.

ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-2981.

PLANNING COMMISSION

APPROVED THIS 11th DAY OF MAY 2017 BY Journeymen Estimator CHAIRMAN TOOELE CITY PLANNING COMM.

COUNTY TREASURER **COUNTY SURVEY DEPARTMENT** **COUNTY HEALTH DEPT.** **COMMUNITY DEVELOPMENT** **CITY ENGINEER** **CITY ATTORNEY** **CITY COUNCIL**

APPROVED THIS 11th DAY OF MAY 2017 BY Mari Savelli THE TOOELE COUNTY TREASURER

APPROVED THIS 11th DAY OF MAY 2017 BY Mari Savelli THE TOOELE COUNTY SURVEY DEPARTMENT ROS # 2007-0074-01

APPROVED THIS 11th DAY OF MAY 2017 BY Journeymen Estimator THE TOOELE COUNTY HEALTH DEPARTMENT.

APPROVED AS TO FORM ON THIS 11th DAY OF MAY 2017 OF Journeymen Estimator THE TOOELE CITY COMMUNITY DEVELOPMENT.

APPROVED AS TO FORM ON THIS 11th DAY OF MAY 2017 OF Journeymen Estimator CITY ENGINEER

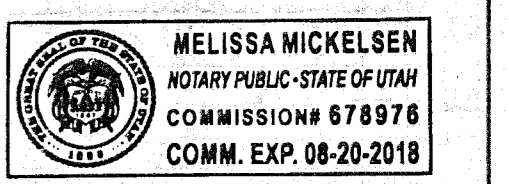
APPROVED AS TO FORM ON THIS 11th DAY OF MAY 2017 OF Journeymen Estimator TOOELE CITY ATTORNEY

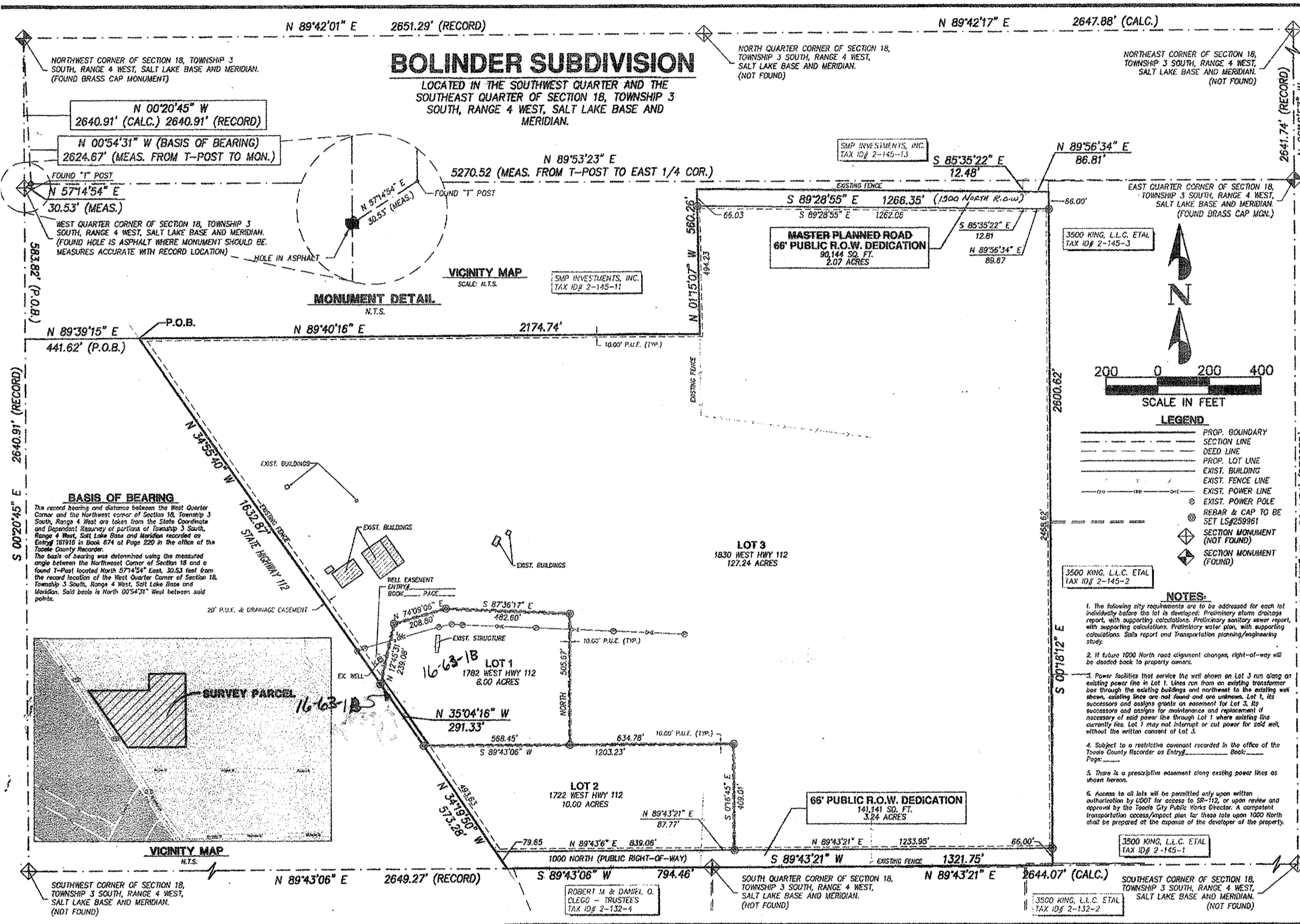
APPROVED THIS 11th DAY OF MAY 2017 BY Mari Savelli THE TOOELE CITY COUNCIL.

APPROVED THIS 11th DAY OF MAY 2017 BY Mari Savelli THE TOOELE COUNTY RECORDER

APPROVED THIS 11th DAY OF MAY 2017 BY Mari Savelli THE TOOELE COUNTY RECORDER

RIDGELINE
 ENGINEERING & SURVEYING
 Tel: (435) 843-0484 • Fax: (435) 843-0484
 PO Box 36 • Tooele, UT 84074





SURVEYOR'S CERTIFICATE
 I, DERRICK S. SMITH, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 259961 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as BOLINDER SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that the lots meet the area, frontage and width requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 Beginning at a point on a southerly boundary of the SMP Investment, Inc. property (Tax ID# 2-145-11); said point being 0.6' East of an existing rebar & cap stamped "Knowton"; said point also being South 00°20'45" East, 583.82 feet along the section line and North 89°30'15" East, 441.62 feet from the West Quarter Corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian (said West Quarter Corner is located South 57°14'54" West, 30.53 feet from an existing T-Post) and running thence along the southerly boundary of said SMP Investment, Inc. property the following course and distance: North 89°40'16" East, 2174.74 feet to a point on an existing fence; and running thence along said fence, more or less, the following course and distance: North 01°15'07" West, 560.26 feet to a point on an existing fence corner; and running thence along an existing fence for the following three (3) courses: South 89°28'55" East, 1266.35 feet; thence South 85°35'22" East, 12.48 feet; thence North 89°56'34" East, 86.81 feet to a point on the easterly Bolinder Real Estate, L.C. deed line; thence South 00°18'12" East, along said deed line 2600.62 feet to a point on the south section line; thence along the section line, and along an existing fence, more or less, the following two (2) courses and distances: (1) South 89°43'21" West, 1321.75 feet to a point the South Quarter Corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence (2) South 89°43'06" West, 794.46 feet to a point on an existing fence corner; said point being 3.85 feet East of an existing rebar & cap stamped "LS22161"; said point also being on the Easterly right of way of a state highway; and running thence along said existing fence, more or less, the following three (3) courses and distances: (1) North 34°18'50" West, 573.28 feet; thence (2) North 35°04'16" West, 291.33 feet; thence (3) North 34°55'40" West, 1632.87 feet to the point of beginning.

Contains: 150.55 Acres

OWNER'S DEDICATION
 Know all men by these presents that, the undersigned owner () of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as

BOLINDER SUBDIVISION
 do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof, have hereunto set forth this day of September, A.D. 2007

[Signatures]
 Managing members: Bolinder Real Estate LLC

ACKNOWLEDGMENT
 STATE OF UTAH
 County of Tooele

On the 7th day of September, A.D. 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Tooele in said State of Utah, the signer () of the above Owner's dedication in number, who duly acknowledged to me that Garry L. Bolinder & Bruce L. Bolinder signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: 05/31/2010
 DERRICK S. SMITH
 RESIDING IN TOOELE COUNTY

BOLINDER SUBDIVISION
 LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

PEPG ENGINEERING, L.L.C.
 421 W. 12300 S. #400 • DRAPER, UT 84020
 PH: (801) 562-2521 • FAX: (801) 562-2551

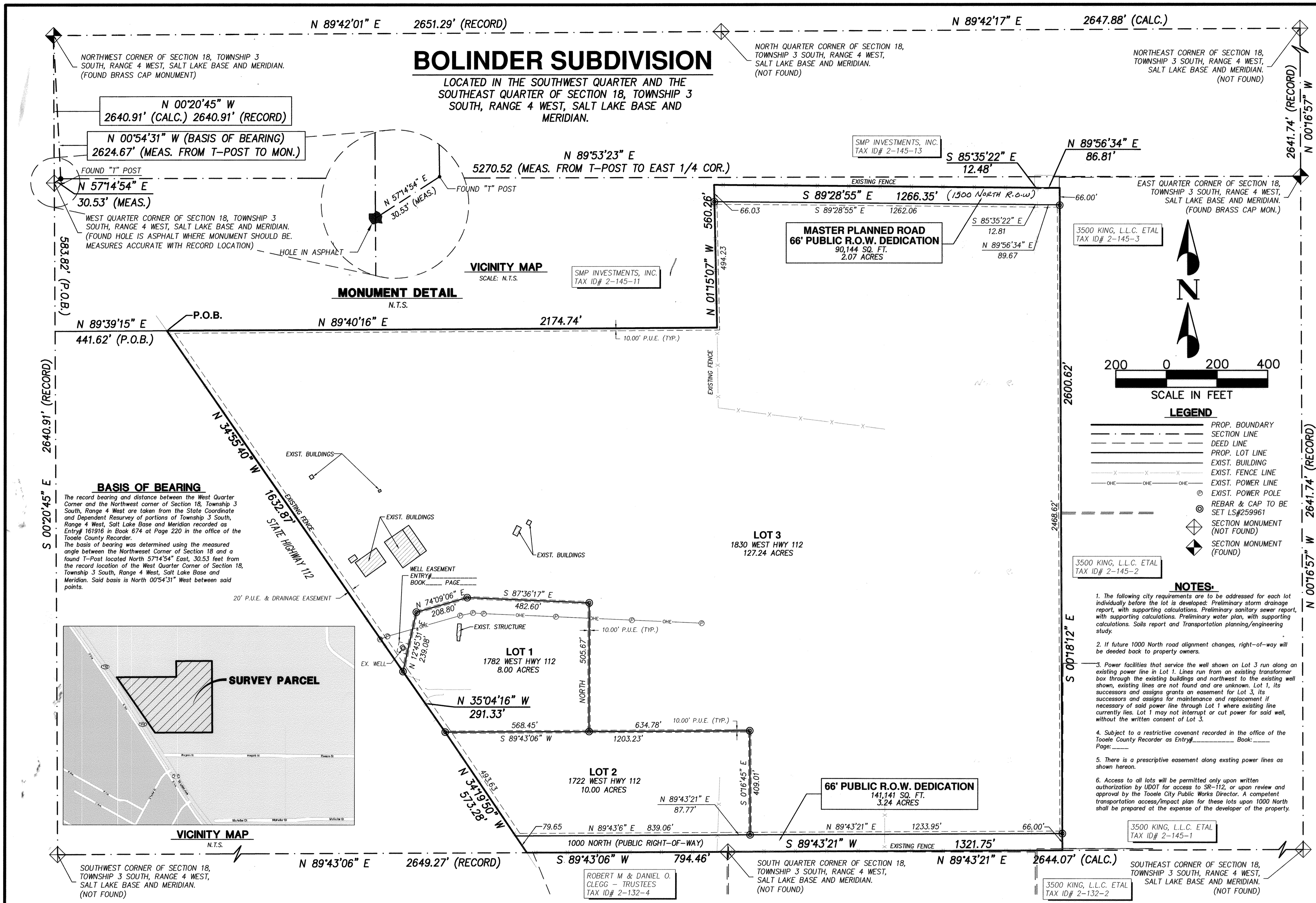
AUGUST 13, 2007
 PROJECT NUMBER: 6871070
 DRAWING FILE: FPLAT-02.DWG

RECORDED # 293788

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF
 DATE: 9/19/07 TIME: 10:00 AM BOOK: 11A PAGE: 11A
832
 FEE \$ 10.00
 TOOELE COUNTY RECORDER

COUNTY TREASURER APPROVED THIS <u>24th</u> DAY OF <u>August</u> , A.D. 20 <u>07</u> <i>[Signature]</i> TOOELE COUNTY TREASURER	COUNTY SURVEYOR APPROVED THIS <u>22</u> DAY OF <u>September</u> , A.D. 20 <u>07</u> ROS Map 07-0079 <i>[Signature]</i> TOOELE COUNTY SURVEYOR	PLANNING COMMISSION APPROVED THIS <u>5th</u> DAY OF <u>September</u> , A.D. 20 <u>07</u> <i>[Signature]</i> CHAIRMAN TOOELE CITY PLANNING COM.	COMMUNITY DEVELOPER APPROVED AS TO FORM ON THIS <u>18th</u> DAY OF <u>September</u> , A.D. 20 <u>07</u> <i>[Signature]</i> TOOELE CITY COMMUNITY DEVELOPER	CITY ENGINEER APPROVED AS TO FORM ON THIS <u>17th</u> DAY OF <u>September</u> , A.D. 20 <u>07</u> <i>[Signature]</i> TOOELE CITY ENGINEER	CITY ATTORNEY APPROVED AS TO FORM ON THIS <u>17th</u> DAY OF <u>September</u> , A.D. 20 <u>07</u> <i>[Signature]</i> TOOELE CITY ATTORNEY	CITY COUNCIL APPROVED THIS <u>24th</u> DAY OF <u>August</u> , A.D. 20 <u>07</u> <i>[Signature]</i> ATTEST: CITY RECORDER	UDOT APPROVED THIS <u>15th</u> DAY OF <u>August</u> , A.D. 20 <u>07</u> Refer to letter Dated August 15, 2007 <i>[Signature]</i> UTAH DEPARTMENT OF TRANSPORTATION	ROCKY MOUNTAIN POWER APPROVED THIS <u>15th</u> DAY OF <u>August</u> , A.D. 20 <u>07</u> <i>[Signature]</i> ROCKY MOUNTAIN POWER	QUESTAR GAS APPROVED THIS <u>15th</u> DAY OF <u>August</u> , A.D. 20 <u>07</u> <i>[Signature]</i> QUESTAR GAS COMPANY	COUNTY HEALTH DEPT APPROVED THIS <u>24th</u> DAY OF <u>August</u> , A.D. 20 <u>07</u> <i>[Signature]</i> TOOELE COUNTY HEALTH DEPARTMENT
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16-63-1A 5/15/08 LMD
 16-63-1B



SURVEYOR'S CERTIFICATE
 I, DERRICK S. SMITH, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 259961 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as BOLINDER SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that the lots meet the area, frontage and width requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION
 Beginning at a point on a southerly boundary of the SMP Investment, Inc. property (Tax ID# 2-145-11); said point being 0.6' East of an existing rebar & cap stamped "Knowlton"; said point also being South 00°20'45" East, 583.82 feet along the section line and North 89°39'15" East, 441.62 feet from the West Quarter Corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian (said West Quarter Corner is located South 57°14'54" West, 30.53 feet from an existing T-Post) and running thence along the southerly boundary of said SMP Investment, Inc. property the following course and distance: North 89°40'16" East, 2174.74 feet to a point on an existing fence; and running thence along said fence, more or less, the following course and distance: North 01°15'07" West, 560.26 feet to a point on an existing fence corner; and running thence along an existing fence for the following three (3) courses: South 89°28'55" East, 1266.35 feet; thence South 85°35'22" East, 12.48 feet; thence North 89°56'34" East, 86.81 feet to a point on the easterly Bolinder Real Estate, LC deed line; thence South 00°18'12" East, along said deed line 2600.62 feet to a point on the south section line; thence along the section line, and along an existing fence, more or less, the following two (2) courses and distances: (1) South 89°43'21" West, 1321.75 feet to the South Quarter Corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence (2) South 89°43'06" West, 794.46 feet to a point on an existing fence corner; said point being 3.85 feet East of an existing rebar & cap stamped "LS#2761"; said point also being on the Easterly right of way of a state highway, and running thence along said existing fence, more or less, the following three (3) courses and distances: (1) North 34°19'50" West, 573.28 feet; thence (2) North 35°04'16" West, 291.33 feet; thence (3) North 34°55'40" West, 1632.87 feet to the point of beginning.

Contains: 150.55 Acres

OWNER'S DEDICATION
 Know all men by these presents that, the undersigned owner () of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as

BOLINDER SUBDIVISION
 do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof, have hereunto set forth this 14th day of September A.D., 2007.

Garry L. Bolinder Garry L. Bolinder
Bruce L. Bolinder Garry L. Bolinder
 Managing Members, Bolinder Real Estate LLC

ACKNOWLEDGMENT
 STATE OF UTAH }
 County of Tooele }
 On the 14th day of September, A.D. 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Tooele in said State of Utah, the signer() of the above Owner's dedication in number, who duly acknowledged to me that Garry L. Bolinder & Bruce L. Bolinder signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: 08/04/2010 Sina C. Carpenter
 NOTARY PUBLIC
 RESIDING IN TOOELE COUNTY

BOLINDER SUBDIVISION
 LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

PEPG ENGINEERING, L.L.C.
 421 W. 12300 S. #400 • DRAPER, UT 84020
 PH: (801) 562-2521 • FAX: (801) 562-2551

AUGUST 13, 2007 6671.0710 FPLAT-02.DWG
 PLOT DATE: PROJECT NUMBER DRAWING FILE

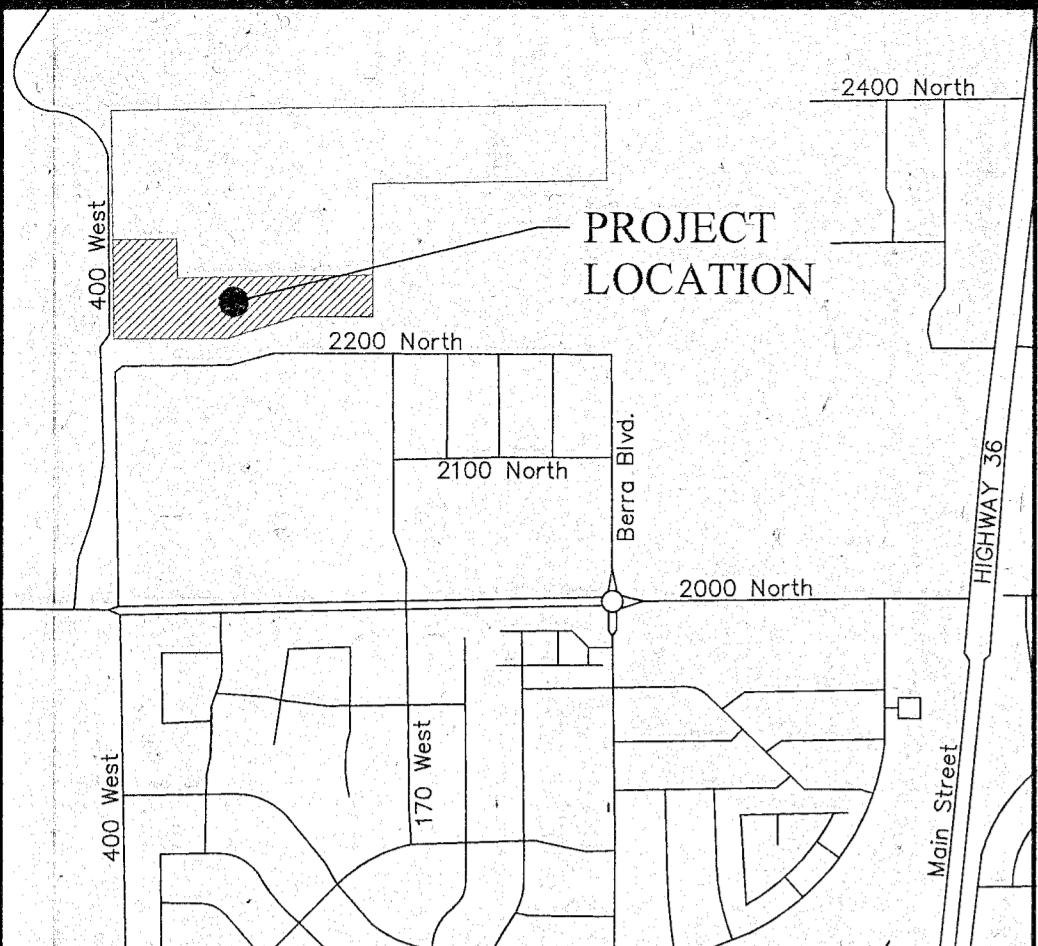
RECORDED # 293788

STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE REQUEST OF
Bolinder Real Estate LLC
 DATE 9/19/07 TIME 12:00 pm BOOK N/A PAGE N/A
 FEE \$ 33.00
Deanna Chapp
 TOOELE COUNTY RECORDER

COUNTY TREASURER APPROVED THIS <u>24th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <u>Valerie Lee</u> TOOELE COUNTY TREASURER	COUNTY SURVEYOR APPROVED THIS <u>5th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <u>ROS Map 07-0074</u> TOOELE COUNTY SURVEYOR	PLANNING COMMISSION APPROVED THIS <u>5th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <u>Sarah</u> CHAIRMAN TOOELE CITY PLANNING COMM.	COMMUNITY DEVELOPER APPROVED AS TO FORM ON THIS <u>18th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <u>Gary Campbell</u> TOOELE CITY COMMUNITY DEVELOPER	CITY ENGINEER APPROVED AS TO FORM ON THIS <u>17th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <u>Paul Jensen</u> TOOELE CITY ENGINEER	CITY ATTORNEY APPROVED AS TO FORM ON THIS <u>17th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <u>Ray S. Edin</u> TOOELE CITY ATTORNEY	CITY COUNCIL APPROVED THIS <u>14th</u> DAY OF <u>September</u> A.D. 20 <u>07</u> <u>Deanna Chapp</u> ATTEST: CITY RECORDER
UTAH DEPARTMENT OF TRANSPORTATION APPROVED THIS <u>15th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> Refer to letter Dated August 15, 2007 <u>Mike V...</u>		ROCKY MOUNTAIN POWER APPROVED THIS <u>14th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <u>...</u>		QUESTAR GAS APPROVED THIS <u>15th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <u>...</u>		COUNTY HEALTH DEPT. APPROVED THIS <u>24th</u> DAY OF <u>August</u> A.D. 20 <u>07</u> <u>...</u>

EXHIBIT A

MAPPING PERTINENT TO THE SUNSET ESTATES PHASE 7

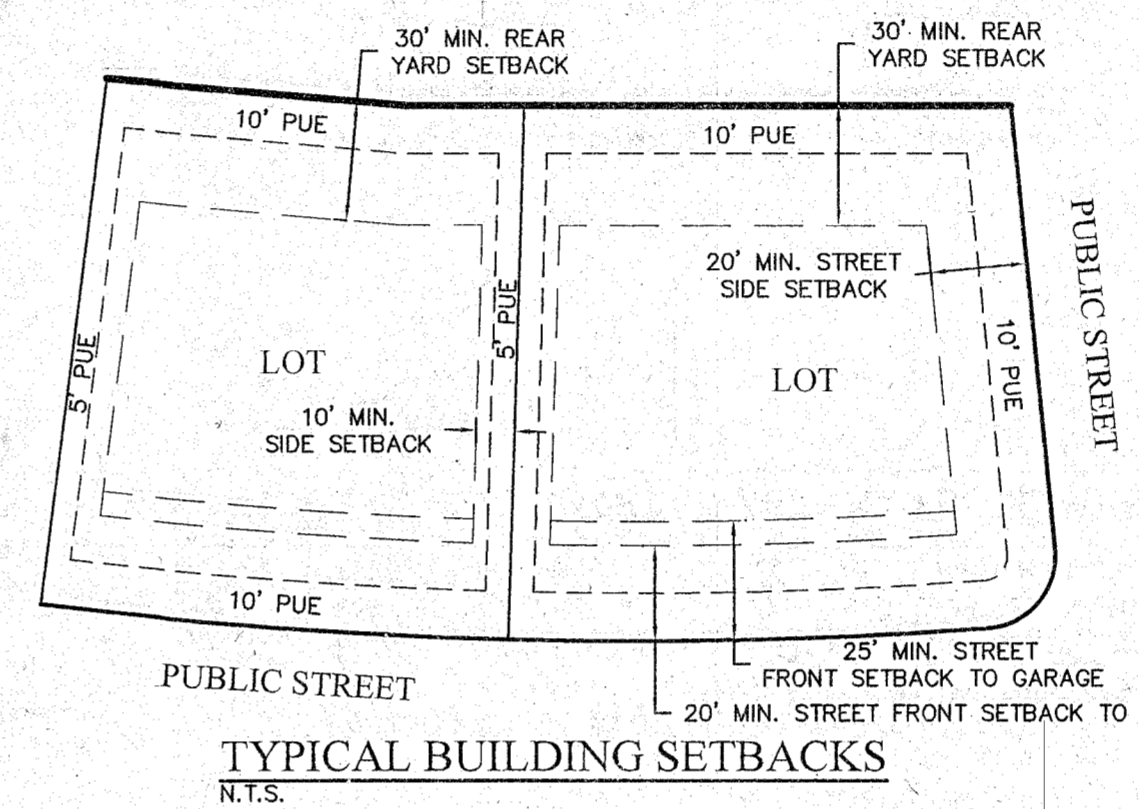


VICINITY MAP

SUNSET ESTATES PHASE 7 FINAL PLAT

A SUBDIVISION LOCATED IN THE SOUTHWEST 1/4 OF SECTION 9, T3S, R4W, SLB&M
244 WEST 2200 NORTH
TOOELE, UTAH

Curve Table					
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	330.00	14°35'07"	84.00	N82°19'36"E	83.78
C2	270.00	14°39'56"	69.11	S82°22'00"W	68.92
C3	60.00	157°18'33"	164.73	S45°22'48"E	117.66
C4	360.00	14°35'07"	91.64	N82°19'36"E	91.39
C5	300.00	14°35'07"	76.37	N82°19'36"E	76.16
C6	270.00	8°49'58"	51.62	S79°27'01"W	41.58
C7	270.00	5°49'57"	27.49	S86°46'59"W	27.47
C8	300.00	14°39'56"	76.79	S82°22'00"W	76.58
C9	60.00	157°23'09"	164.81	N44°39'37"E	117.67
C10	29.50	24°41'10"	12.71	N20°55'54"E	12.61
C11	60.00	52°31'02"	53.00	N7°00'58"E	53.09
C12	60.00	53°26'39"	55.97	N45°57'53"W	53.96
C13	60.00	51°20'52"	53.77	S81°38'22"W	51.99
C14	29.50	33°59'13"	17.33	S72°47'32"W	17.08
C15	29.50	90°00'06"	46.34	N45°22'48"W	41.72
C16	29.50	89°59'54"	46.34	S44°37'12"W	41.72
C17	360.00	8°58'23"	56.38	S85°07'58"W	56.32
C18	360.00	5°36'44"	35.26	S77°50'24"W	35.25
C19	29.50	104°35'13"	53.85	N52°40'21"W	46.68
C20	29.50	90°04'43"	46.38	S44°39'37"W	41.75
C21	29.50	33°59'13"	17.33	N73°28'25"W	17.08
C22	60.00	27°16'19"	28.56	N70°16'58"W	28.29
C23	60.00	51°24'23"	53.83	S70°22'41"W	52.05
C24	29.50	33°59'13"	17.33	N16°26'52"E	17.08
C25	29.50	27°26'57"	14.13	S14°06'12"E	14.00
C26	29.50	90°04'43"	46.38	N44°39'37"E	41.75
C27	300.00	2°22'14"	12.41	N88°30'51"E	12.41
C28	300.00	12°17'42"	64.38	N81°10'53"E	64.25
C29	300.00	7°17'33"	38.18	N78°40'49"E	38.16
C30	300.00	7°17'33"	38.18	N85°58'22"E	38.16
C31	29.50	90°00'07"	46.34	S45°22'48"E	41.72
C32	29.50	89°57'09"	46.31	S44°38'55"W	41.70
C33	29.50	89°59'26"	46.34	N45°22'48"W	41.72
C34	29.50	89°59'53"	46.34	S44°37'12"W	41.72
C35	29.50	90°00'07"	46.34	S45°22'48"E	41.72
C36	29.50	89°59'53"	46.34	N44°37'12"E	41.72
C37	29.50	90°02'51"	46.36	S45°21'25"E	41.74
C38	29.50	6°12'17"	3.19	S30°55'49"E	3.19
C39	60.00	78°42'27"	82.42	S5°19'16"W	76.09
C40	29.50	8°58'04"	4.62	N4°06'18"E	4.61
C41	29.50	33°59'13"	17.33	S17°12'21"E	17.08



1. Pursuant to Utah Code Ann. § 54-3-27 this plat conveys to the owner(s) or operators of utility facilities a public utility easement along with all the rights and duties described therein.
 2. Pursuant to Utah Code Ann. § 17-27a-603(c)(6) Rocky Mountain Power accepts delivery of this PUE as described in this plat and agrees to this plat solely for the purpose of confirming that the plat contains public utility easements and approximates the location of the public utility easements, but does not warrant their precise location. Rocky Mountain Power may require other easements in order to serve this development. This approval does not affect any right that Rocky Mountain Power has under:
 (1) a recorded easement or right-of-way
 (2) the law applicable to prescriptive rights
 (3) Title 54, Chapter 6a, Damages to Underground Utility Facilities or
 (4) any other provision of law.

PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, LLC
23 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 552-0075
www.focusutah.com

PREPARED FOR
HALLMARK HOMES
2964 WEST 4700 SOUTH #112A
WEST VALLEY CITY, UT 84129
PH: 801-963-1000

COUNTY TREASURER

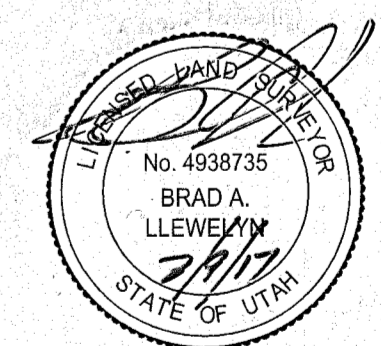
APPROVED THIS 13th DAY OF March
A.D. 2017 BY THE TOOELE COUNTY TREASURER.
Janita Neal
TOOELE COUNTY TREASURER

NORTH TOOELE CITY SPECIAL SERVICE DISTRICT

APPROVED THIS 13th DAY OF March
A.D. 2017 BY THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT.
Jeffrey C. Hammer
NORTH TOOELE CITY SPECIAL SERVICE DISTRICT

QUESTAR GAS
QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.
APPROVED THIS 3-16-17 DAY OF Mar A.D. 2017
BY - Deanna Hopkins
TITLE - Permit Specialist

ROCKY MOUNTAIN POWER
ROCKY MOUNTAIN POWER, A DIVISION OF PACIFICORP APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF ELECTRICAL UTILITIES SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT ROCKY MOUNTAIN POWER AT 1-800-469-3981.
APPROVED THIS 13th DAY OF March A.D. 2017
BY - Lisa Baker
TITLE - Estimator



SUNSET ESTATES SUBDIVISION PHASE 7
A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

TOOELE CITY, UTAH

SHEET 2 OF 2

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

COUNTY HEALTH DEPARTMENT
APPROVED THIS 13th DAY OF MARCH
A.D. 2017 BY THE TOOELE COUNTY HEALTH DEPARTMENT.
Heidi A. Smith
TOOELE COUNTY HEALTH DEPARTMENT

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

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

COUNTY SURVEY DEPARTMENT
APPROVED THIS 13 DAY OF March
A.D. 2017 BY THE TOOELE COUNTY SURVEY DEPARTMENT.
Mark S. Deery
TOOELE COUNTY SURVEY DIRECTOR 865 2617-6009

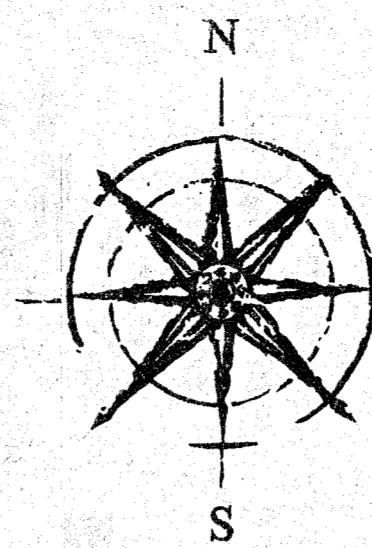
CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY
OF _____ A.D. 20____
TOOELE CITY ATTORNEY

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

TOOELE COUNTY RECORDER
RECORDED NO. _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE
REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE \$ _____
TOOELE COUNTY RECORDER

SUNSET ESTATES PHASE 7 FINAL PLAT

A SUBDIVISION LOCATED IN THE SOUTHWEST 1/4 OF SECTION 9, T3S, R4W, SLB&M
244 WEST 2200 NORTH
TOOELE, UTAH



GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

SURVEYOR'S CERTIFICATE

I, BRAD A. LLEWELYN A PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NO. 4938735 AS PRESCRIBED BY THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS SUNSET ESTATES PHASE 7 AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BRAD A. LLEWELYN
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 4938735

STATE OF UTAH
BRAD A. LLEWELYN
3/9/17
DATE

BOUNDARY DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND 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 S00°20'00"E 699.45 FEET ALONG THE WEST LINE OF SECTION 9 TO THE POINT OF BEGINNING; THENCE N89°37'09"E 176.09 FEET; THENCE N00°22'44"W 16.79 FEET; THENCE N89°41'34"E 160.00 FEET; THENCE S00°22'44"E 106.58 FEET; THENCE N89°37'09"E 6.00 FEET; THENCE S00°22'44"E 160.00 FEET; THENCE N89°37'09"E 226.07 FEET; THENCE N75°02'02"E 405.39 FEET; THENCE N89°41'58"E 255.61 FEET; THENCE N0°22'44"W 17.01 FEET; THENCE N89°36'22"E 168.68 FEET; THENCE S00°23'38"E 281.15 FEET TO THE AS CONSTRUCTED NORTHEAST CORNER OF 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 THROUGH A FOUND LEAD PLUG MARKING THE EXTENSION OF THE NORTH LINE OF LOT 10 OF SAID PLAT; 2) S00°22'45"E 10.03 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 602.76 FEET THROUGH A FOUND LEAD PLUG MARKING THE EXTENSION OF THE NORTH LINE OF LOT 5 OF SAID PLAT TO A POINT ON THE WEST LINE OF SECTION 9; THENCE N00°20'00"W 513.40 FEET ALONG THE WEST LINE OF SECTION 9 TO THE POINT OF BEGINNING

CONTAINING: 10.54 ACRES - 27 SINGLE FAMILY LOTS

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS

SUNSET ESTATES PHASE 7

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO TOOELE CITY AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF WE HAVE HERETO SET OUR HAND THIS 14th DAY OF March A.D. 2017

Rustin J. Tolbert
RUSTIN J. TOLBERT
PRESIDENT, HALLMARK HOMES & DEVELOPMENT, INC.

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH
S.S.
COUNTY OF Salt Lake
ON THIS 14th DAY OF March 2017, PERSONALLY APPEARED BEFORE ME *Rustin J. Tolbert* WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE PRESIDENT OF HALLMARK HOMES & DEVELOPMENT INC. AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR RESOLUTION OF ITS BOARD OF DIRECTORS, AND SAID RUSTIN J. TOLBERT ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES 10/1-1/20
Neisha Desirae Roberts
Neisha Desirae Roberts
Notary Public
My Commission Expires October 14, 2020
State of Utah
NOTARY ADDRESS: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
Neisha Desirae Roberts
PRINTED FULL NAME OF NOTARY

SUNSET ESTATES SUBDIVISION PHASE 7

A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN.

TOOELE CITY, UTAH

SHEET 1 OF 2

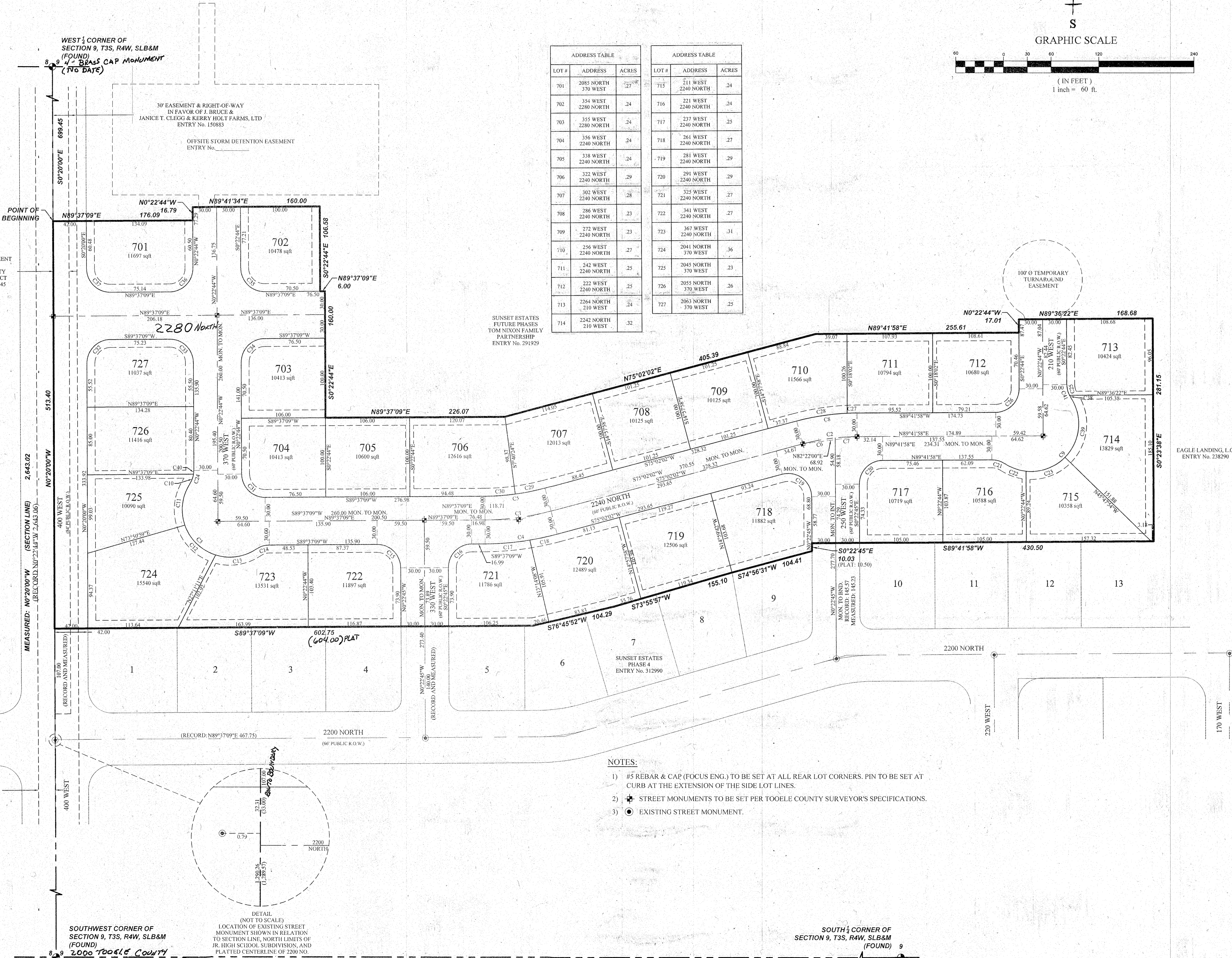
TOOELE COUNTY RECORDER

NO. _____
STATE OF UTAH, COUNTY OF TOOELE, RECORDED & FILED AT THE REQUEST OF _____
DATE _____ TIME _____

FEE \$ _____ TOOELE COUNTY RECORDER

ADDRESS TABLE			ADDRESS TABLE		
LOT #	ADDRESS	ACRES	LOT #	ADDRESS	ACRES
701	2085 NORTH 370 WEST	.27	715	211 WEST 2240 NORTH	.24
702	354 WEST 2280 NORTH	.24	716	221 WEST 2240 NORTH	.24
703	355 WEST 2280 NORTH	.24	717	237 WEST 2240 NORTH	.25
704	356 WEST 2240 NORTH	.24	718	261 WEST 2240 NORTH	.27
705	338 WEST 2240 NORTH	.24	719	281 WEST 2240 NORTH	.29
706	322 WEST 2240 NORTH	.29	720	291 WEST 2240 NORTH	.29
707	302 WEST 2240 NORTH	.28	721	325 WEST 2240 NORTH	.27
708	286 WEST 2240 NORTH	.23	722	341 WEST 2240 NORTH	.27
709	272 WEST 2240 NORTH	.23	723	367 WEST 2240 NORTH	.31
710	256 WEST 2240 NORTH	.27	724	2041 NORTH 370 WEST	.36
711	242 WEST 2240 NORTH	.25	725	2045 NORTH 370 WEST	.23
712	222 WEST 2240 NORTH	.25	726	2055 NORTH 370 WEST	.26
713	2264 NORTH 210 WEST	.24	727	2063 NORTH 370 WEST	.25
714	2242 NORTH 210 WEST	.32			

SUNSET ESTATES FUTURE PHASES TOM NIXON FAMILY PARTNERSHIP ENTRY No. 291929



NOTES:

- #5 REBAR & CAP (FOCUS ENG.) TO BE SET AT ALL REAR LOT CORNERS. PIN TO BE SET AT CURB AT THE EXTENSION OF THE SIDE LOT LINES.
- STREET MONUMENTS TO BE SET PER TOOELE COUNTY SURVEYOR'S SPECIFICATIONS.
- EXISTING STREET MONUMENT.

WEST 1/4 CORNER OF SECTION 9, T3S, R4W, SLB&M (FOUND) 1/4 BRASS CAP MONUMENT (NO DATE)

30' EASEMENT & RIGHT-OF-WAY IN FAVOR OF J. BRUCE & JANICE T. CLEGG & KERRY HOLT FARMS, LTD ENTRY No. 150883

OFFSITE STORM DETENTION EASEMENT ENTRY No. _____

20' SEWER EASEMENT IN FAVOR OF TOOELE COUNTY SCHOOL DISTRICT ENTRY No. 235145

PERRY/TOOELE ASSOCIATES LLC 2-139-7

MEASURED: N0°20'00"W (SECTION LINE) (RECORD N0°22'44"W 2,643.02)

400 WEST (RECORD AND MEASURED)

2,643.02

400 WEST (RECORD AND MEASURED)

107.00

20' WATER EASEMENT IN FAVOR OF TOOELE CITY ENTRY No. 209279

WEST 1/4 CORNER OF SECTION 9, T3S, R4W, SLB&M (FOUND) 2000 TOOELE COUNTY (FOUND) 1/4 BRASS MONUMENT

17°16' 16" F&P BRASS MONUMENT

DETAIL (NOT TO SCALE)
LOCATION OF EXISTING STREET MONUMENT SHOWN IN RELATION TO SECTION LINE, NORTH LIMITS OF JR. HIGH SCHOOL SUBDIVISION, AND PLATTED CENTERLINE OF 2200 N.

SOUTH 1/4 CORNER OF SECTION 9, T3S, R4W, SLB&M (FOUND)

BASIS OF BEARING MEASURED: N89°41'57"E 2,643.70 (RECORD N89°41'56"E 2,643.81)

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, June 21, 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. Public Comment Period
4. ***PUBLIC HEARING & MOTION*** on Resolution 2017-20 A Resolution of the Tooele City Council Adopting the Final Budget for Tooele City for Fiscal Year 2017-2018
Presented by Mayor Patrick Dunlavy
5. Ordinance 2017-20 An Ordinance of the Tooele City Council Adopting a Compensation Schedule
Presented by Roger Baker
6. ***PUBLIC HEARING & MOTION*** on Resolution 2017-21 A Resolution of the Tooele City Council Approving Budget Adjustments for Fiscal Year 2016-2017
Presented by Glenn Caldwell
7. Resolution 2017-24 A Resolution of the Tooele City Council Adopting the Certified Tax Rate for Fiscal Year 2017-2018
Presented by Glenn Caldwell
8. Ordinance 2017-17 An Ordinance of Tooele City Amending Tooele City Code Chapter 8-4 Regarding Nuisance Vegetation and Allowing the Emergency Abatement of Imminent Fire Hazards Due to Vegetation
Presented by Roger Baker
9. Ordinance 2017-22 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-7A-7 Regarding Solicitor ID Badges
Presented by Roger Baker
10. ***PUBLIC HEARING & MOTION*** on 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
11. ***PUBLIC HEARING & MOTION*** on 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
12. Bolinder Subdivision, Amended #1 Final Plat, a 3 Lot Subdivision Located at 1830 West Highway 112 Including 148.35 Acres
Presented by Jim Bolser

- 13. Sunset Estates Subdivision, Phase 7 Final Plat, a 29 Lot Subdivision Located at 244 West 2200 North Including 10.72 Acres
Presented by Jim Bolser**
- 14. Minutes**
- 15. Invoices
Presented by Michelle Pitt**
- 16. Adjourn to RDA**
- 17. *PUBLIC HEARING & MOTION* on RDA Resolution 2017-04 A Resolution of the Redevelopment Agency of Tooele City, Utah, Adopting a Budget for Fiscal Year 2017-2018
Presented by Randy Sant**
- 18. RDA Resolution 2017-05 A Resolution of the Redevelopment Agency of Tooele City, Utah ("RDA") Approving an Exclusive Sales Listing Agreement with Coldwell Banker Commercial for the Tooele City Commercial Park
Presented by Randy Sant**
- 19. 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 2017-20

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE FINAL BUDGET FOR TOOELE CITY FOR FISCAL YEAR 2017-2018.

WHEREAS, the Tooele City Council adopted the budget officer's tentative budget for fiscal year 2017-2018 on May 17, 2017, and established June 21, 2017, as the date for a public hearing for the final budget, as required by U.C.A. Chapter 10-6; and,

WHEREAS, the City Council convened a public hearing on June 21, 2017, as required by U.C.A. §10-6-114; and,

WHEREAS, the City Council is required to adopt the final budget pursuant to U.C.A. §10-6-118; and,

WHEREAS, the fiscal year 2017-2018 budget adoption process has followed the requirements of Utah Code Title 10, Chapter 6; and,

WHEREAS, the Tooele City Council now desires to adopt a final budget for fiscal year 2017-2018;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City final budget for fiscal year 2017-2018 is hereby adopted, and hereby directs the budget officer to certify the budget and to file the budget with the state auditor within 30 days of the date of this Resolution.

This Resolution shall be effective immediately 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

(For)

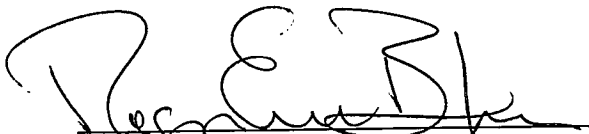
(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to form:



Roger Evans Baker, City Attorney

TOOELE CITY CORPORATION

ORDINANCE 2017-20

AN ORDINANCE OF THE TOOELE CITY COUNCIL ADOPTING A COMPENSATION SCHEDULE.

WHEREAS, Utah Code §10-3-818 requires that any compensation schedule for elective and statutory officers of municipalities be adopted by ordinance after public hearing; and,

WHEREAS, Tooele City Code §1-5-11(1) provides that “The council shall, by resolution in June of each municipal election year, fix the compensation per term of any and all Tooele City officers to be elected”; and,

WHEREAS, Tooele City Code §1-5-11(2) provides that “The council shall adopt a salary schedule for all Tooele City employees with each fiscal year’s budget”; and,

WHEREAS, Section 9 of the Tooele City Personnel Policies and Procedures Manual governs the compensation of Tooele City employees, including elective and statutory officers, and provides for the objective determination of employee salaries; and,

WHEREAS, the annual adoption by resolution after public hearing of the Tooele City fiscal year budget incorporates the calculated salary and benefit costs of all employees, including all elective and statutory officers; and,

WHEREAS, the public hearing on the budget is deemed to include a public hearing on the compensation schedule for elective and statutory officers and on the salary schedule, both included in the budget; and,

WHEREAS, in addition to the salary schedule being incorporated with the budget, the City Human Resources Department prepares an annual Tooele City Corporation Salary Schedule, subject to Policy Manual Section 9; and,

WHEREAS, on June 21, 2017, the City Council convened a duly-noticed public hearing, satisfying the requirement of Utah §10-3-818:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the compensation schedule for elective and statutory officers of Tooele City, as well as the Tooele City Corporation Salary Schedule, are contained within the Tooele City Corporation FY2017-18 budget, and are hereby adopted, and that this Ordinance satisfies the resolution requirement of TCC §1-5-11.

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

TOOELE CITY CORPORATION

RESOLUTION 2017-21

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING BUDGET ADJUSTMENTS FOR FISCAL YEAR 2016-2017.

WHEREAS, the City Council finds it necessary and prudent to re-open the 2016-2017 fiscal year budget to make adjustments in order to more efficiently utilize funds to be received, said adjustments described in Exhibit 1, attached, pursuant to U.C.A. §§10-6-124-128; and,

WHEREAS, the City Council convened a duly-noticed public hearing on June 21, 2017, pursuant to the requirements of U.C.A. §§10-6-113-114:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the budget adjustments for fiscal year 2016-2017 as shown on Exhibit 1, which is attached hereto and made a part hereof, are hereby approved.

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

Passed this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

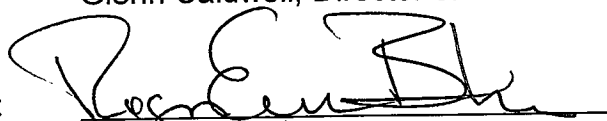
Michelle Y. Pitt, City Recorder

S E A L

Fiscal Approval:

Glenn Caldwell, Director of Finance

Approved as to Form:



Roger Evans Baker, City Attorney

Exhibit 1

Budget Adjustments

TOOELE CITY CORPORATION

RESOLUTION 2017-24

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE CERTIFIED TAX RATE FOR FISCAL YEAR 2017-2018.

WHEREAS, Utah Code §10-6-133 requires cities to set by ordinance or resolution the real and personal property tax levy, or certified tax rate, for various municipal purposes; and,

WHEREAS, the general tax rate has been calculated by the Utah State Auditor to be 0.001938 for Fiscal Year 2017-2018 (compared with 0.002030 for Fiscal Year 2016-2017, 0.002203 for Fiscal Year 2015-2016, 0.002310 for Fiscal Year 2014-2015, and 0.002520 for Fiscal Year 2013-2014):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City real and personal property tax levy, or certified tax rate, is hereby set at 0.001938 for Fiscal Year 2017-2018.

This Resolution shall become effective on the date of passage by authority of the Tooele City Charter.

Passed this ____ day of _____, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to form:

Roger Evans Baker, Tooele City Attorney

TOOELE CITY CORPORATION

ORDINANCE 2017-17

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 8-4 REGARDING NUISANCE VEGETATION AND ALLOWING THE EMERGENCY ABATEMENT OF IMMINENT FIRE HAZARDS DUE TO VEGETATION.

WHEREAS, Tooele City desires to lessen the risk of field fires, and the ensuing damage to life, health, and property, by increasing the required mow-strip around the exterior of unimproved land from 15 to 30 feet; and,

WHEREAS, Tooele City desires to lessen the risk of field fires, and the ensuing damage to life, health, and property, by allowing for an emergency abatement procedure for imminent fire hazards created by vegetation; and,

WHEREAS, the City Administration recommends that the proposed amendments shown in the attached Exhibit A be made to TCC Chapter 8-4 (Nuisance Abatement) to lessen the risk of field fires and the ensuing damage to life, health, and property; and,

WHEREAS, this ordinance is in the best interest of Tooele City and the public by enacting constitutional regulations that increase the public health and safety and protect property:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 8-4 is hereby amended as shown in Exhibit A.

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

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

Proposed Amendments to TCC Chapter 8-4

TOOELE CITY CORPORATION

ORDINANCE 2017-22

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 5-7A-7 REGARDING SOLICITOR ID BADGES.

WHEREAS, Tooele City Code (TCC) Chapter 5-7a regulates agricultural vendors, transient merchants, itinerant merchants, and solicitors under a single comprehensive regulation; and,

WHEREAS, TCC Section 5-7a-7 requires all businesses regulated by Chapter 5-7a to obtain both a business license and employee identification (ID) badges; and,

WHEREAS, the City Attorney and City Recorder recommend that the requirement for an ID badge is intended to apply to solicitors rather than to other regulated businesses, for which a license is sufficient; for solicitors, the business employing the solicitors must have a license, and the individual employee solicitors must have ID badges; and,

WHEREAS, the recommended amendments to TCC Section 5-7a-7 are shown in the attached Exhibit A; and,

WHEREAS, the proposed amendment requires a minor wording change to the Tooele City Fee Schedule, as shown in the attached Exhibit B:

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

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

Proposed Amendments to TCC Section 5-7a-7

information and belief the information provided is complete, truthful, and accurate.

(7) In addition to furnishing the information requested on the application, each applicant for a solicitor's license shall submit a copy of the applicant's current criminal history on file at the Utah Department of Public Safety Bureau of Criminal Identification.

(8) Each applicant for an agricultural vendor license shall, prior to doing business, obtain a letter from the city building inspector indicating that the inspector has reviewed the plan for point of sale and that adequate and safe parking exists there. Upon receiving such letter, agricultural vendors exempt from licensing may commence business. Upon presenting an approved parking letter from the building inspector to the City Recorder, a nonexempt applicant may then fill out and file with the recorder a business license application. (Ord. 2007-17, 6-20-2007)

5-7a-4. Fee.

Each itinerant or transient merchant, agricultural vendor, or solicitor shall pay a \$40.00 annual fee. No proration will be granted. (Ord. 2007-17, 6-20-2007)

5-7a-5. Review of application and issuance of license.

(1) Within five business days of receipt of the completed application and applicable documentation, the recorder shall review the application for completeness and shall take such other reasonable action to verify the information appearing on the application.

(2) The City Recorder shall issue a business license to the applicant if the information is complete and verified and the license fee has been paid.

(3) The license shall show the name of the licensee and the business permitted to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

(4) Licenses issued pursuant to this Chapter shall expire on December 31 of each year. (Ord. 2007-17, 6-20-2007)

5-7a-6. Denial of license and right of appeal.

(1) The City Recorder shall refuse to issue a license to an applicant for any of the following reasons:

(a) The information submitted by the applicant is incomplete, incorrect, or misrepresented.

(b) The applicant has answered affirmatively to any of the questions set forth in Section 5-7a-3(5).

(c) The applicant fails to pay the requisite fee.

(2) Appeal of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2013-07, 04-17-2013); (Ord. 2007-17, 6-20-2007)

5-7a-7. Solicitor photographs and identity badges.

Before commencing work, each ~~solicitor employee, agent, or other person~~ who is, or who will be, present in

the City to conduct the applicant's business shall:

~~(1) Furnish to the City Recorder two recent photographs, one of which shall be affixed to the certificate issued to the licensee and the other of which shall be retained in the records of the City Recorder; and;~~

~~(2) Obtain an identity badge from the City Recorder at a cost of \$10.00 and wear the badge at all times while conducting business in the City. The solicitor person shall return the badge to the City Recorder at the conclusion of the persons' business in the City or the end of the calendar year, whichever is earlier. Upon return of the identity badge the City Recorder shall refund \$5.00 of the cost of the badge.~~

(Ord. 2007-17, 6-20-2007)

5-7a-8. Inspections.

The City reserves the right to inspect any premises or location utilized for carrying on businesses regulated by this Chapter to assure compliance with the provisions of this Code and with the conditions of any City approval, permit, or license.

(Ord. 2012-35, 12-05-12); (Ord. 2007-17, 6-20-2007)

5-7a-9. Deceptive soliciting practices prohibited.

(1) No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

(2) A solicitor shall immediately disclose to the consumer during face-to-face solicitation:

(a) The name of the solicitor;

(b) The name and address of the entity with whom the solicitor is associated; and,

(c) The purpose of the solicitor's contact with the person.

(3) No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(4) No solicitor shall represent directly or indirectly that the City's grant of a license implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

(Ord. 2007-17, 6-20-2007)

5-7a-10. "No Solicitation" notice.

(1) Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign or sign of similar import which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

(2) The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

(Ord. 2007-17, 6-20-2007)

5-7a-11. Duties of Solicitors.

(1) A solicitor shall check each residence for the presence of a "No Solicitation" notice or notice of similar

Exhibit B

Tooele City Fee Schedule Excerpt

BUSINESS LICENSE

Licensing

Annual License Base Fee:	\$40.00
Disproportionate Size Fee:	\$3.00 per employee
Duplicate License Fee:	\$5.00
License Transfer Fee:	\$10.00
ID Badge (Solicitor, Agricultural Vendor):	\$10.00

The annual business license fee shall not exceed \$1,000.00.

Penalties

Late Fees: See §5-1-15 of the Tooele City Code

Grease Interceptor Inspection Fees

Yearly Fee:	\$70.00
(to be paid with Business license; includes 2 inspections)	
All Additional Inspections:	\$35.00

Beer License Fees

Class A:	\$200.00
Class B:	\$200.00
Class C:	\$200.00
Class D:	\$200.00
Class E:	\$200.00
Class F:	\$200.00 (or \$20.00 if issued in conjunction with another license)
Seasonal or Event:	\$200.00
Combination B & C:	\$300.00
Annual Renewal:	\$100.00

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**

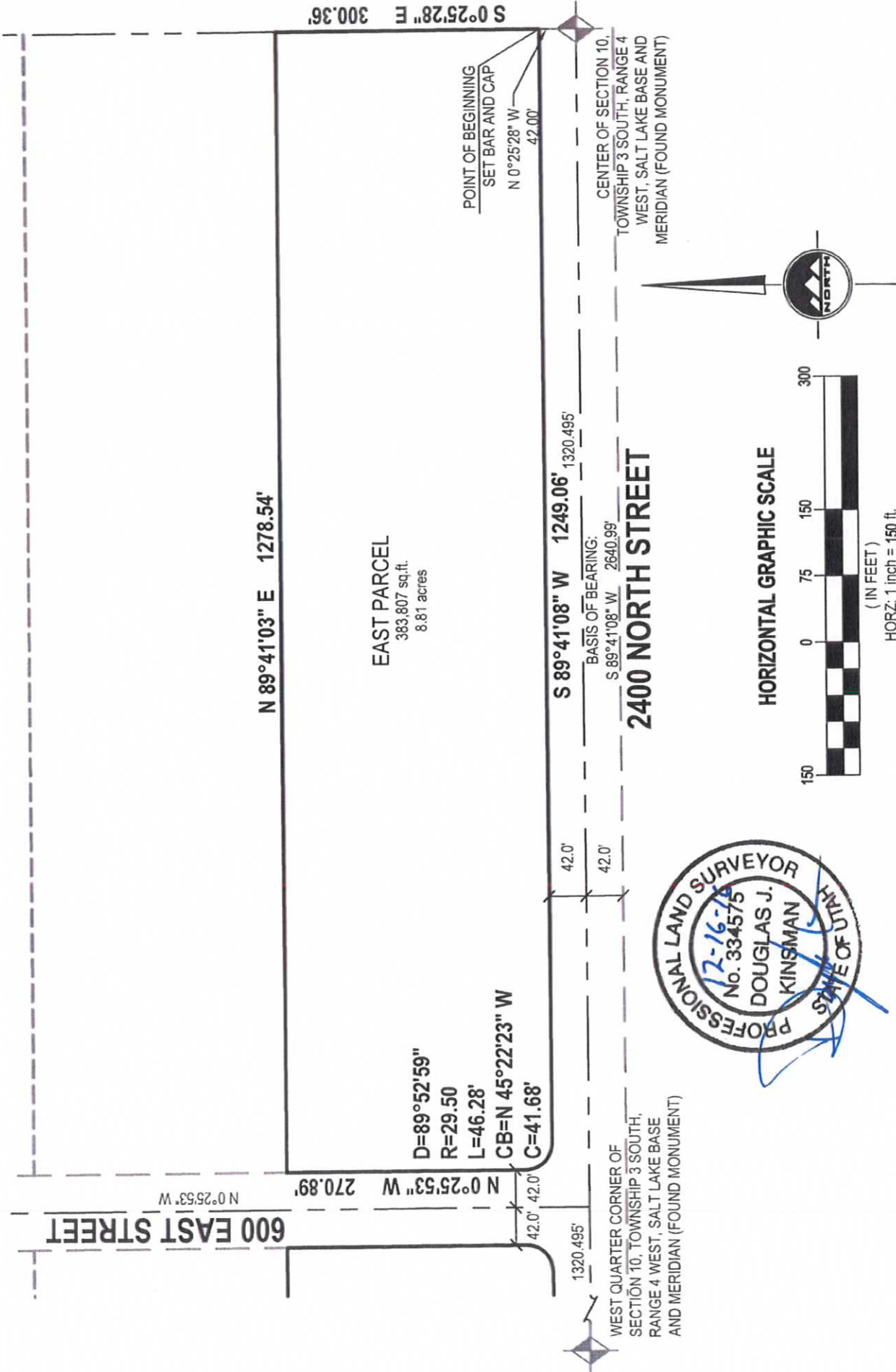
A parcel of land, situate in the Northwest Quarter of Section 10, Township 3 South, Range 5 West, Salt Lake Base and Meridian, said parcel also located in Tooele, Utah, more particularly described as follows:

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.





S 0°25'28\" E 300.36'

POINT OF BEGINNING
SET BAR AND CAP
N 0°25'28\" W
42.00'

CENTER OF SECTION 10,
TOWNSHIP 3 SOUTH, RANGE 4
WEST, SALT LAKE BASE AND
MERIDIAN (FOUND MONUMENT)

N 89°41'03\" E 1278.54'

EAST PARCEL
383,807 sq.ft.
8.81 acres

S 89°41'08\" W 1249.06' 1320.495'

BASIS OF BEARING:
S 89°41'08\" W 2640.99'

2400 NORTH STREET



600 EAST STREET
N 0°25'53\" W 270.89'

D=89°52'59\"
R=29.50
L=46.28'
CB=N 45°22'23\" W
C=41.68'

WEST QUARTER CORNER OF
SECTION 10, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE
AND MERIDIAN (FOUND MONUMENT)

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 B

City Staff Report

EXHIBIT A

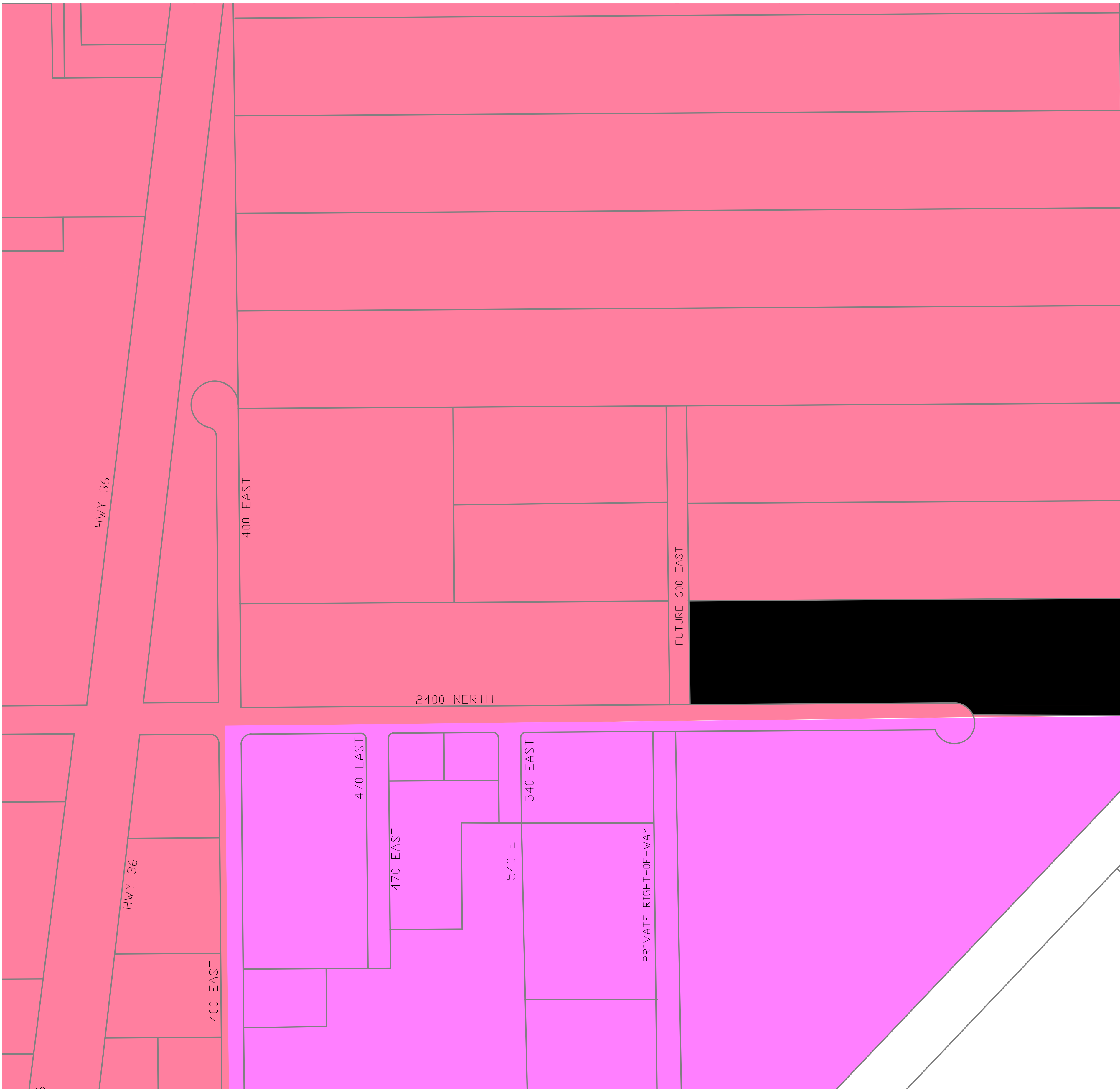
**MAPPING PERTINENT TO THE HIALEAH RUN AT TOOELE GENERAL PLAN
LAND USE ELEMENT MAP AMENDMENT**

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



600 ft



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.

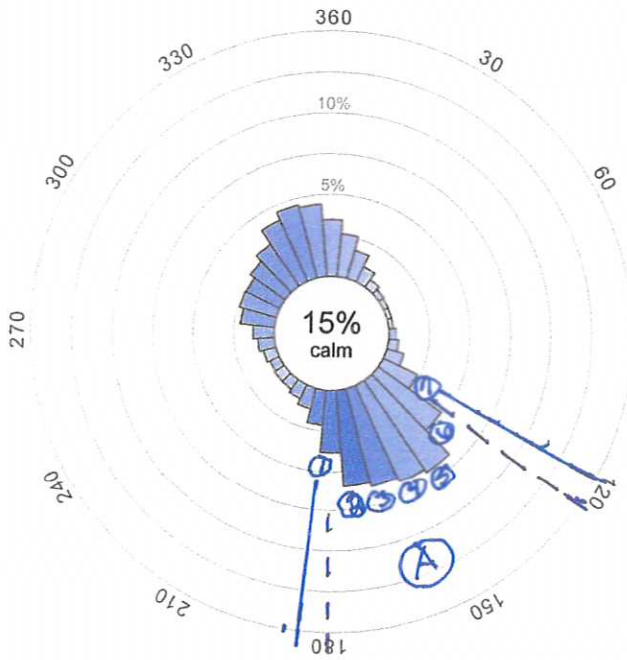
Respectfully submitted

Alan S. Cohen

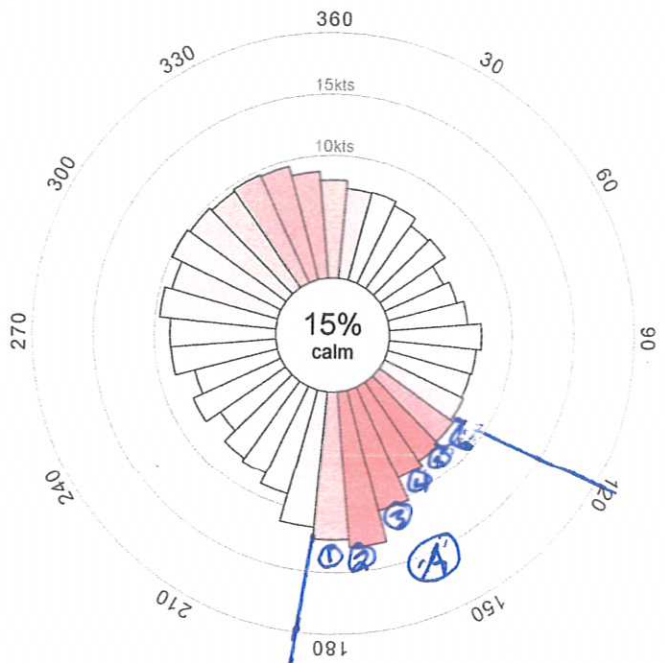
SITE STUDY EXHIBIT ONE

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

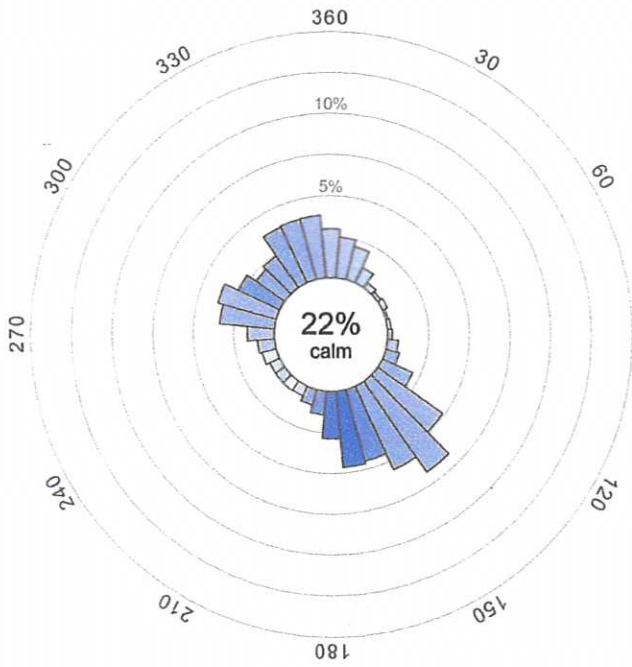


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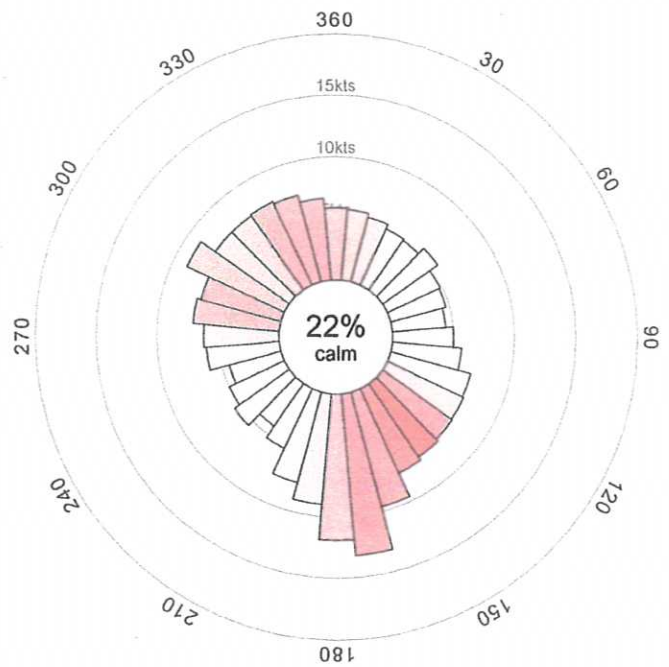
A diagram of the prevailing winds at KSLC: Salt Lake City International Airport. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For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

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KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

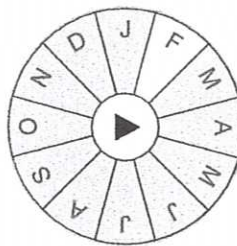
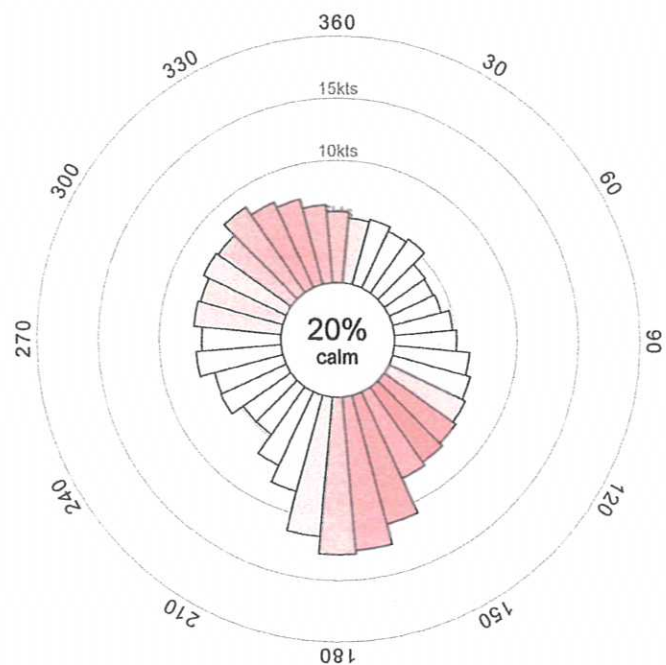
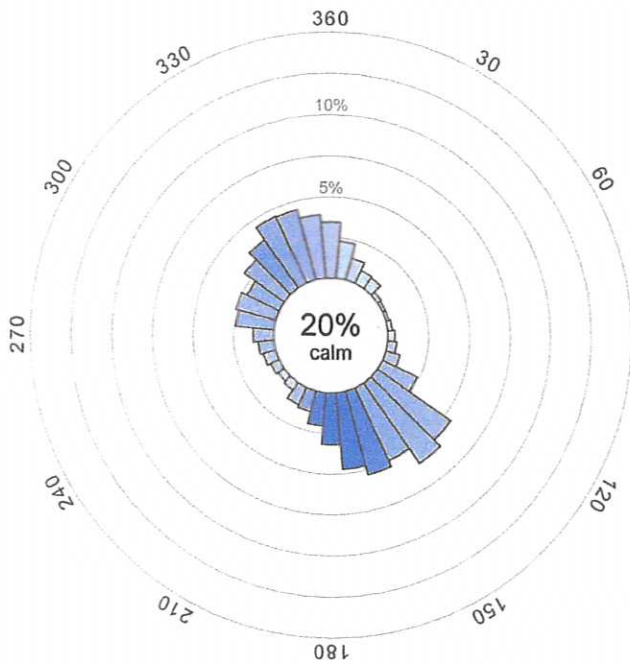


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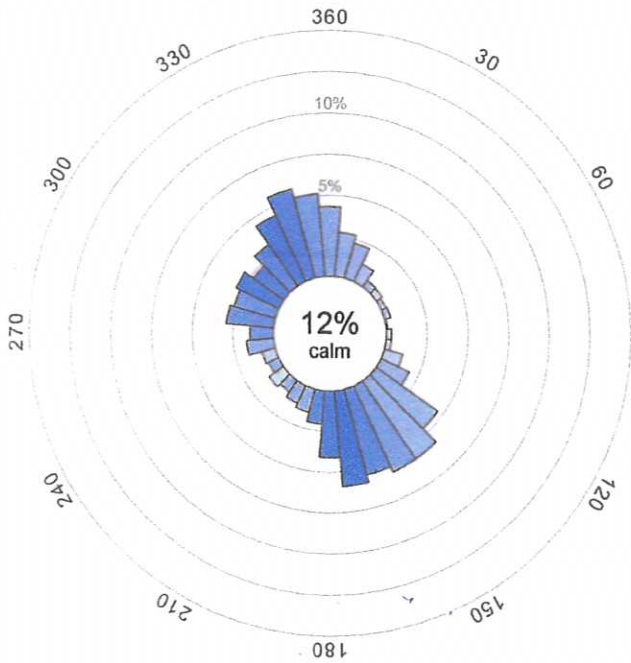


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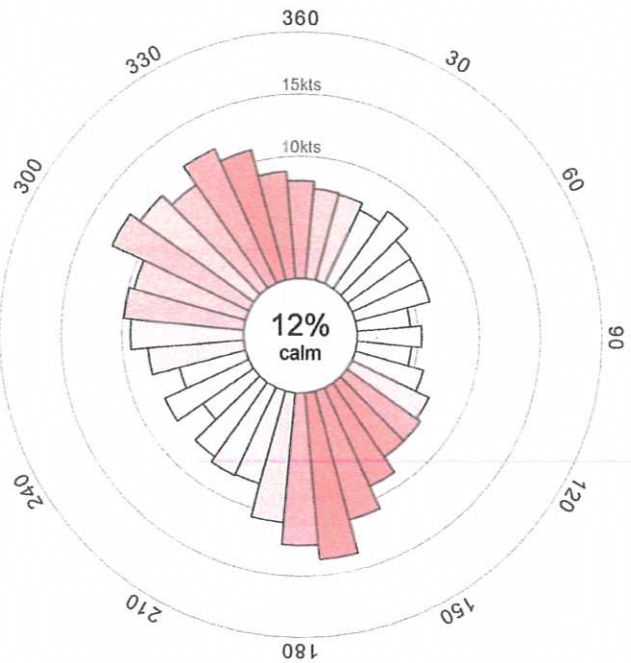
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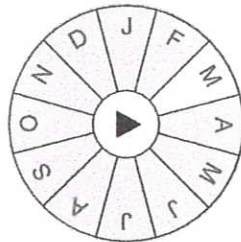
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Frequency by Direction



Average Speed by Direction

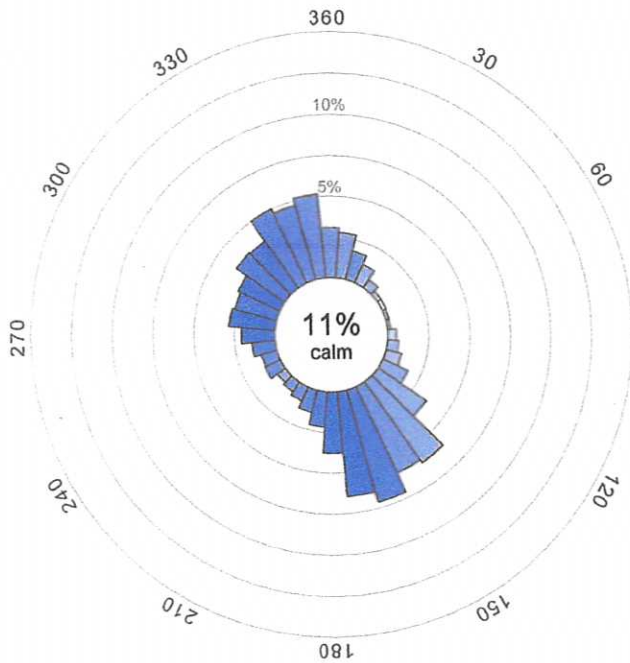


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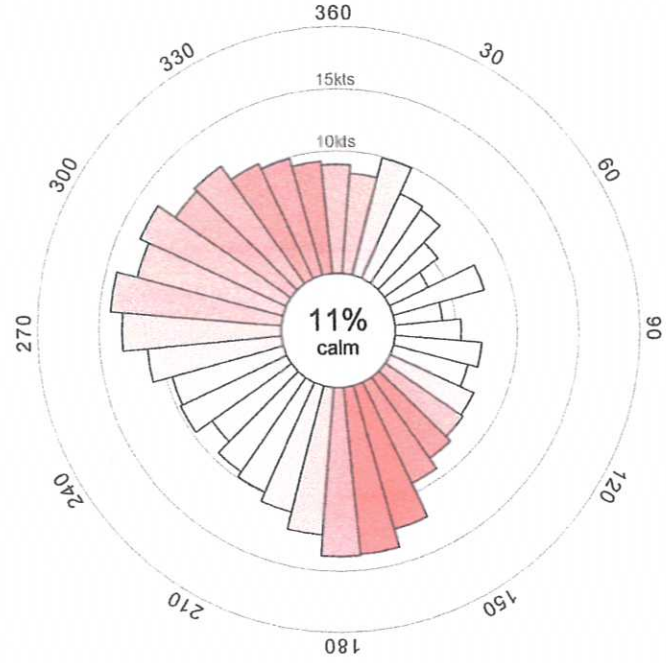
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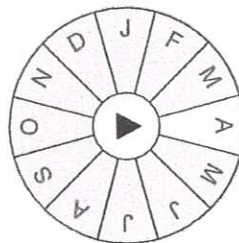
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Frequency by Direction



Average Speed by Direction

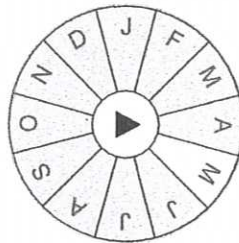
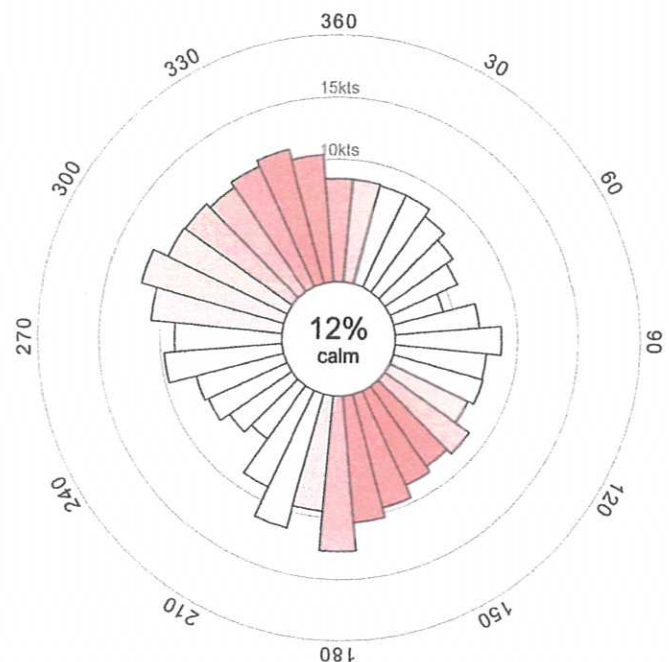
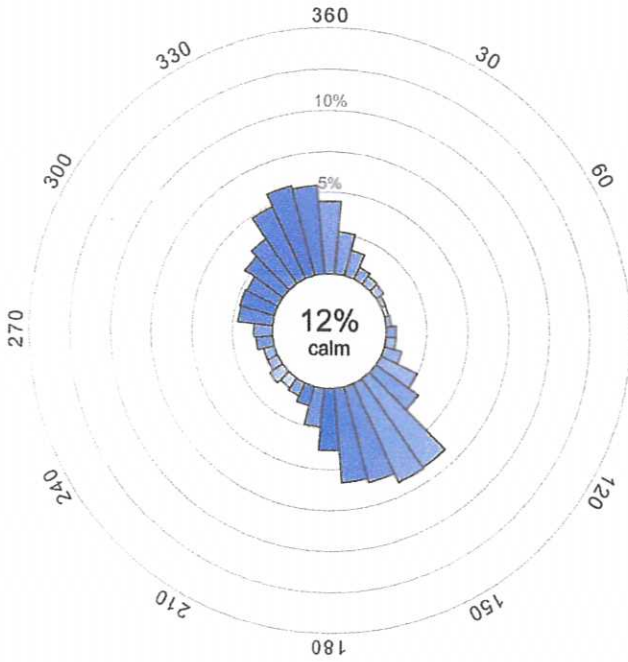


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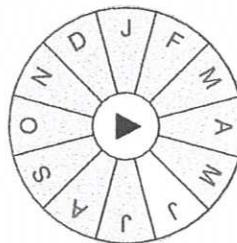
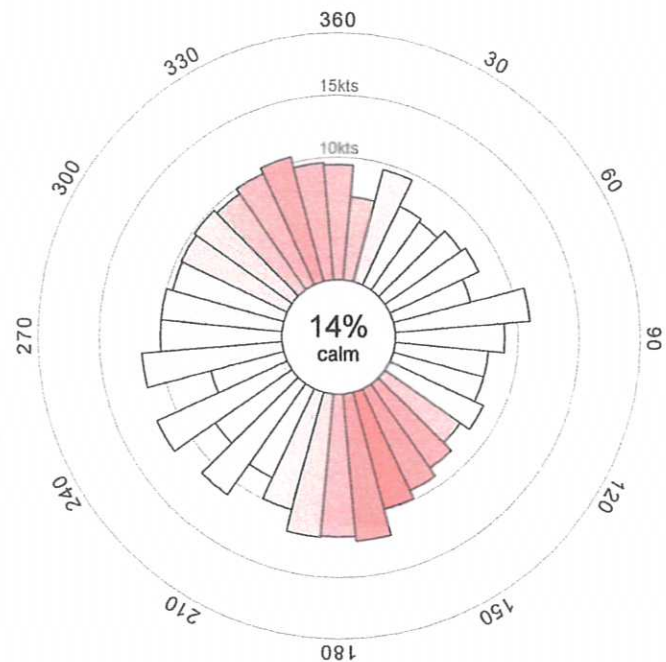
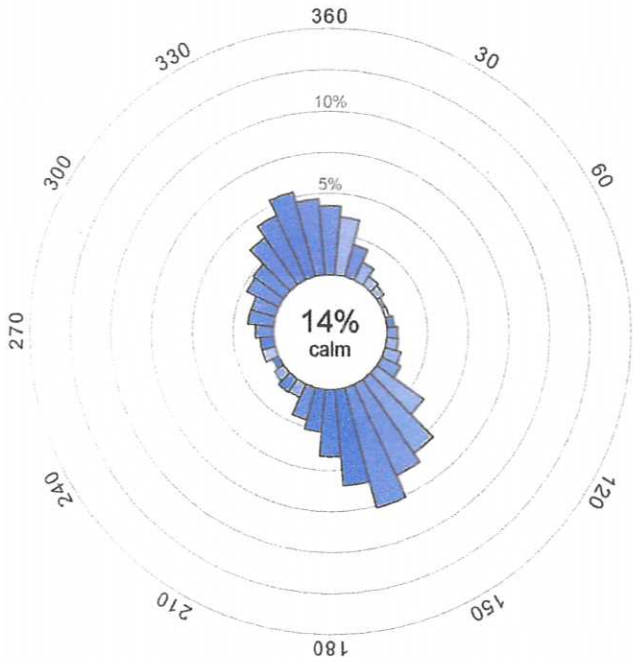


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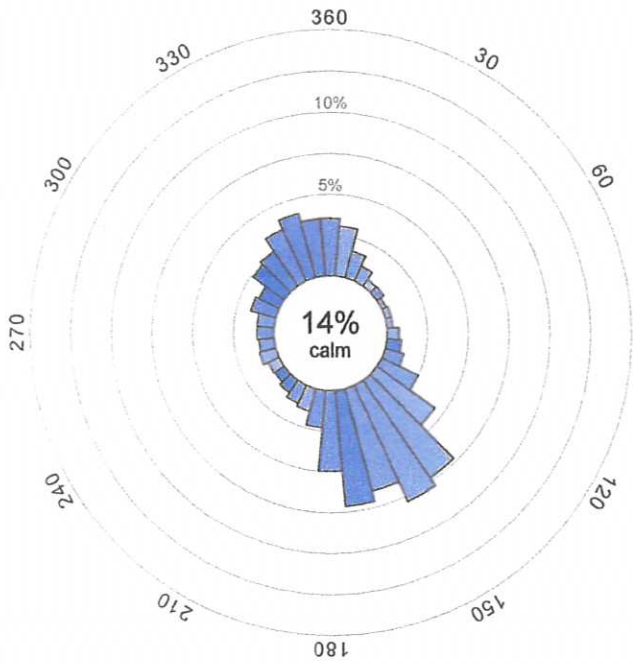


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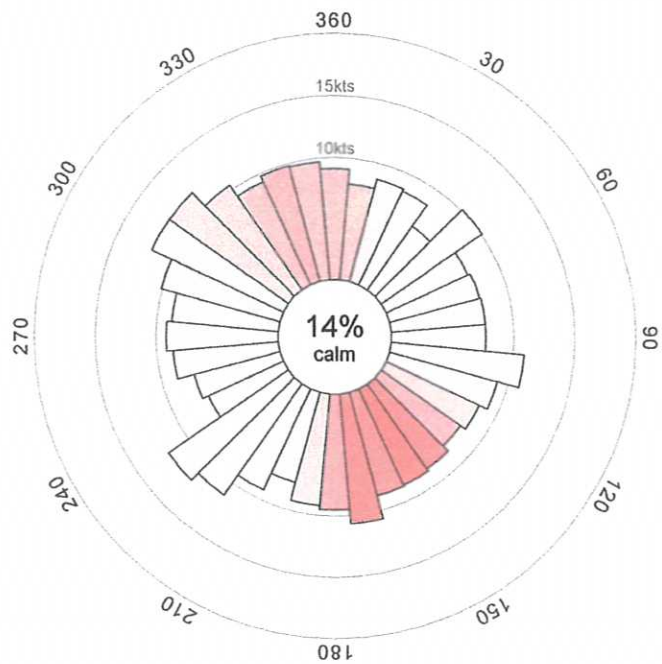
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Frequency by Direction



Average Speed by Direction

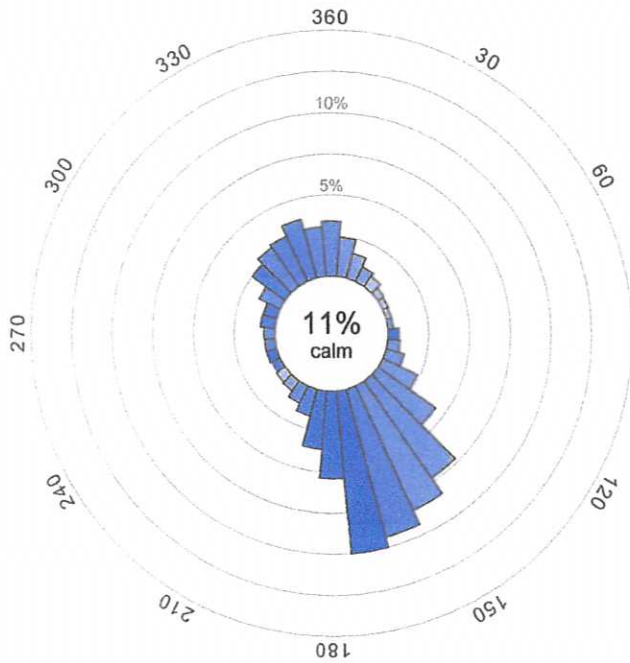


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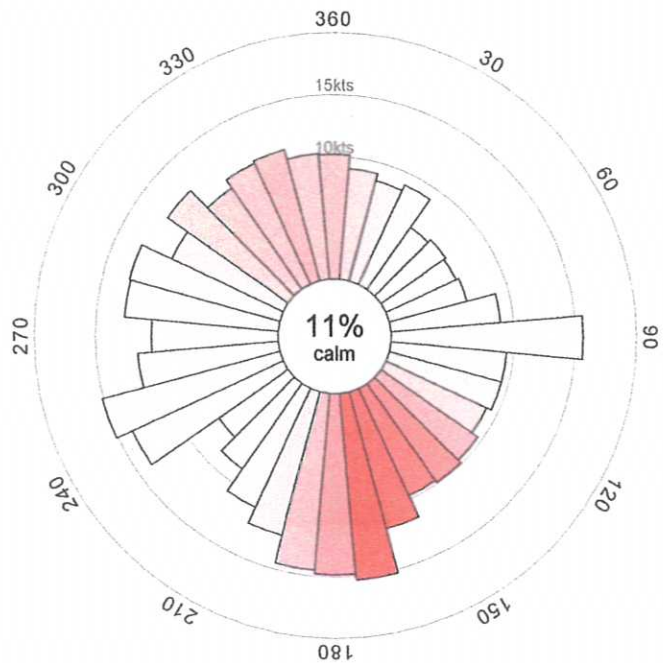
A diagram of the prevailing winds at **KSLC: Salt Lake City International Airport**. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction.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

Wind History. Copyright © 2011 Daedalus Bits, LLC. All rights reserved.

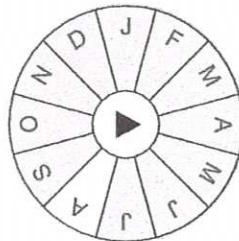
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

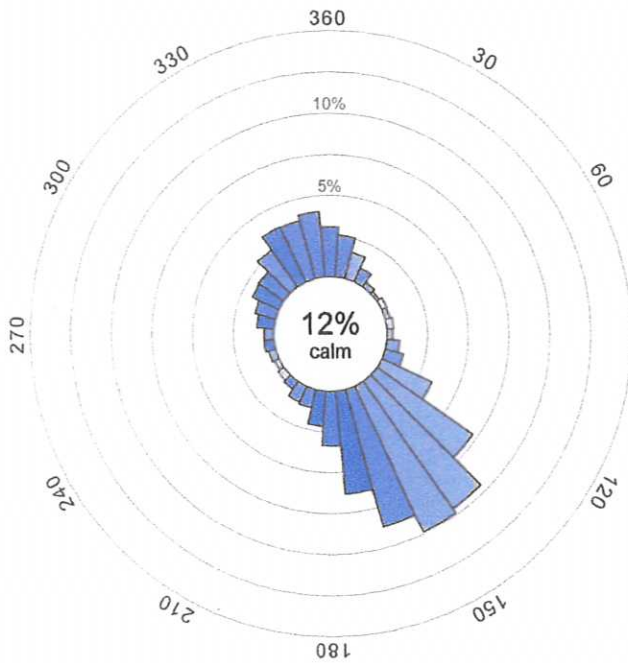


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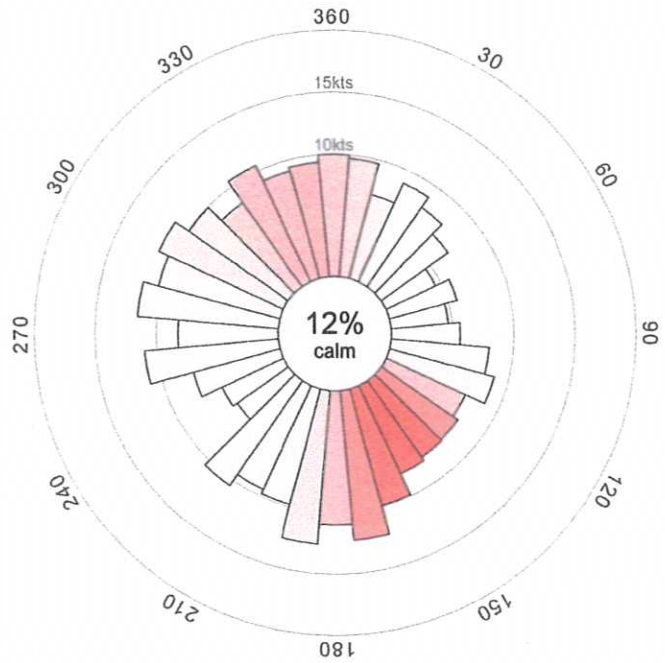
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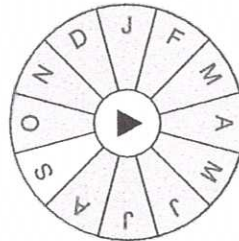
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

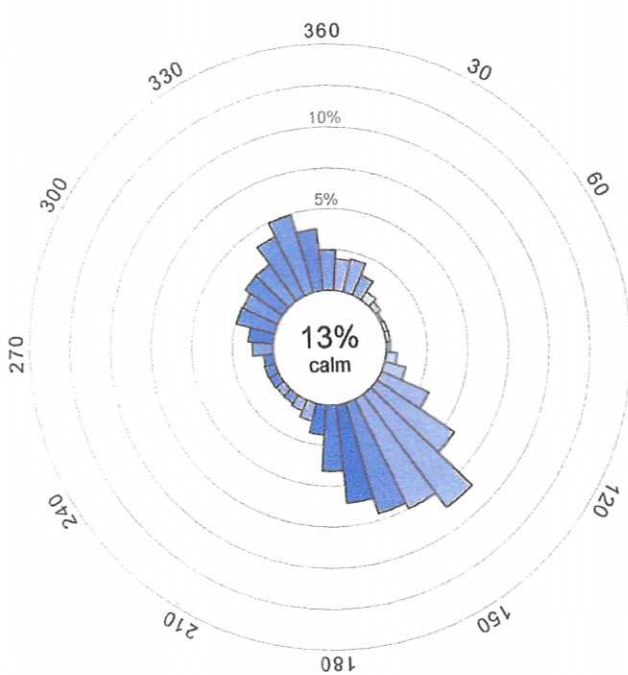


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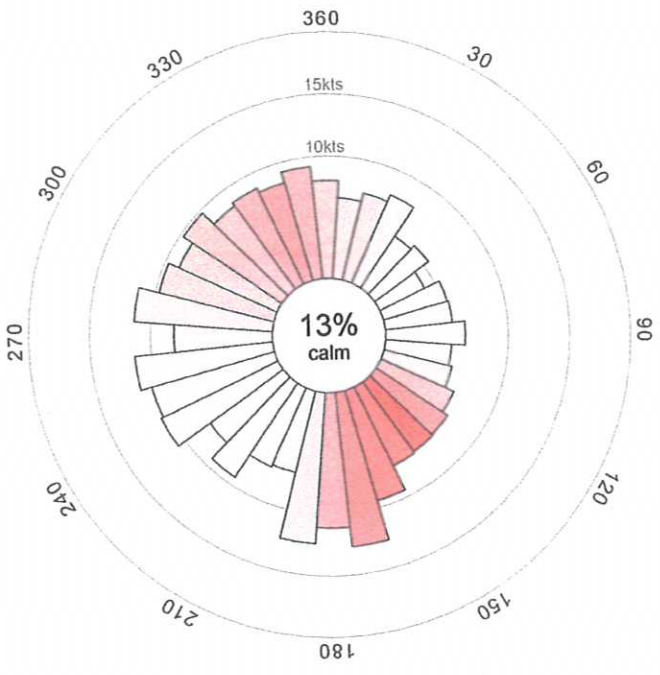
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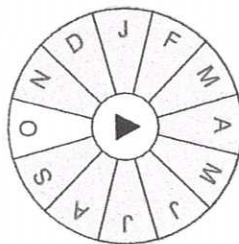
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

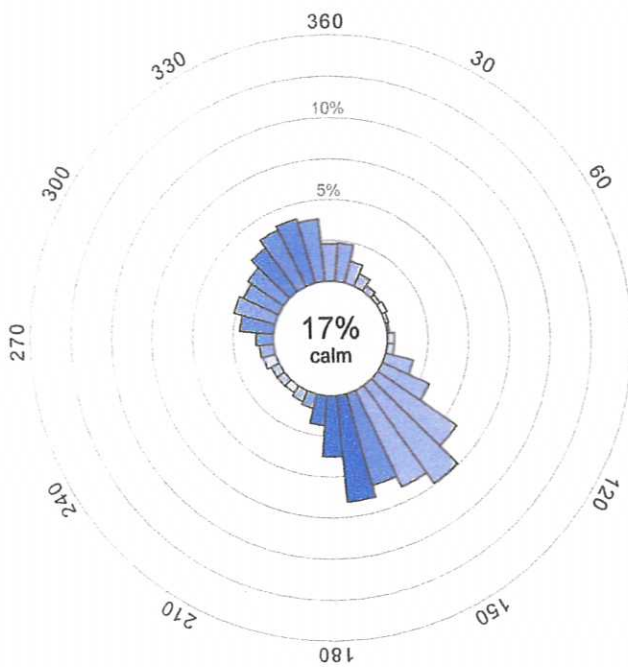


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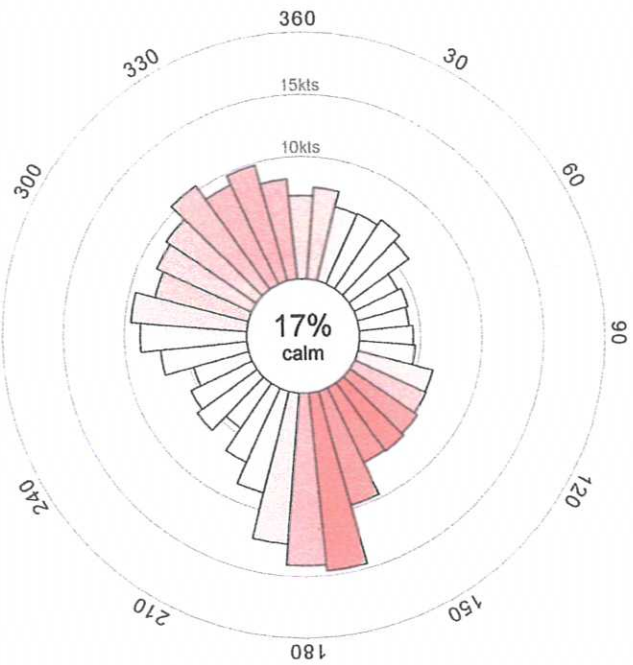
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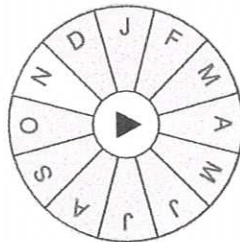
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

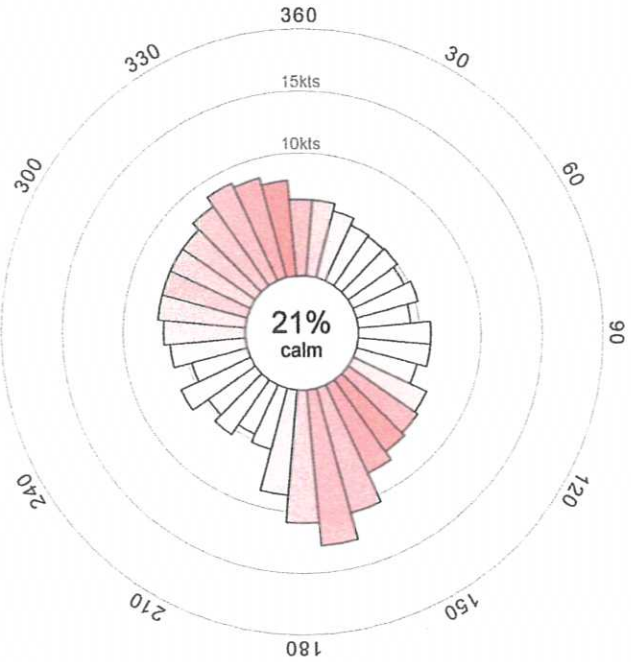
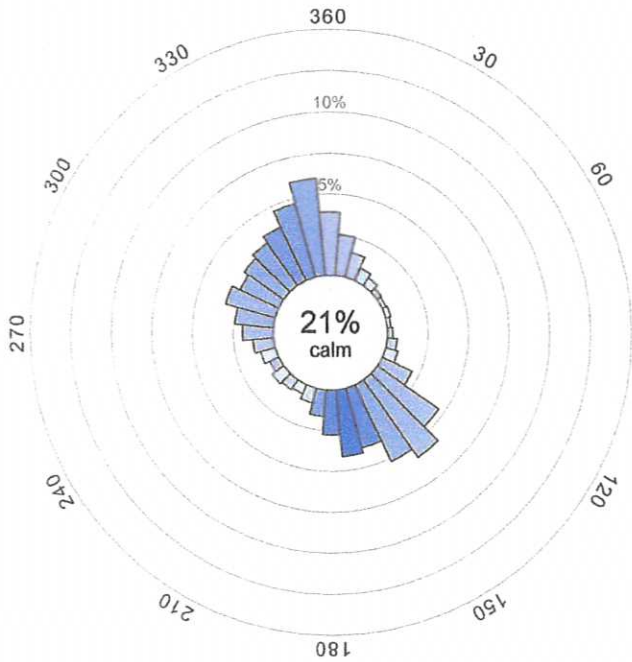


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TOOELE CITY CORPORATION

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 Hiialeah 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 ^{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		

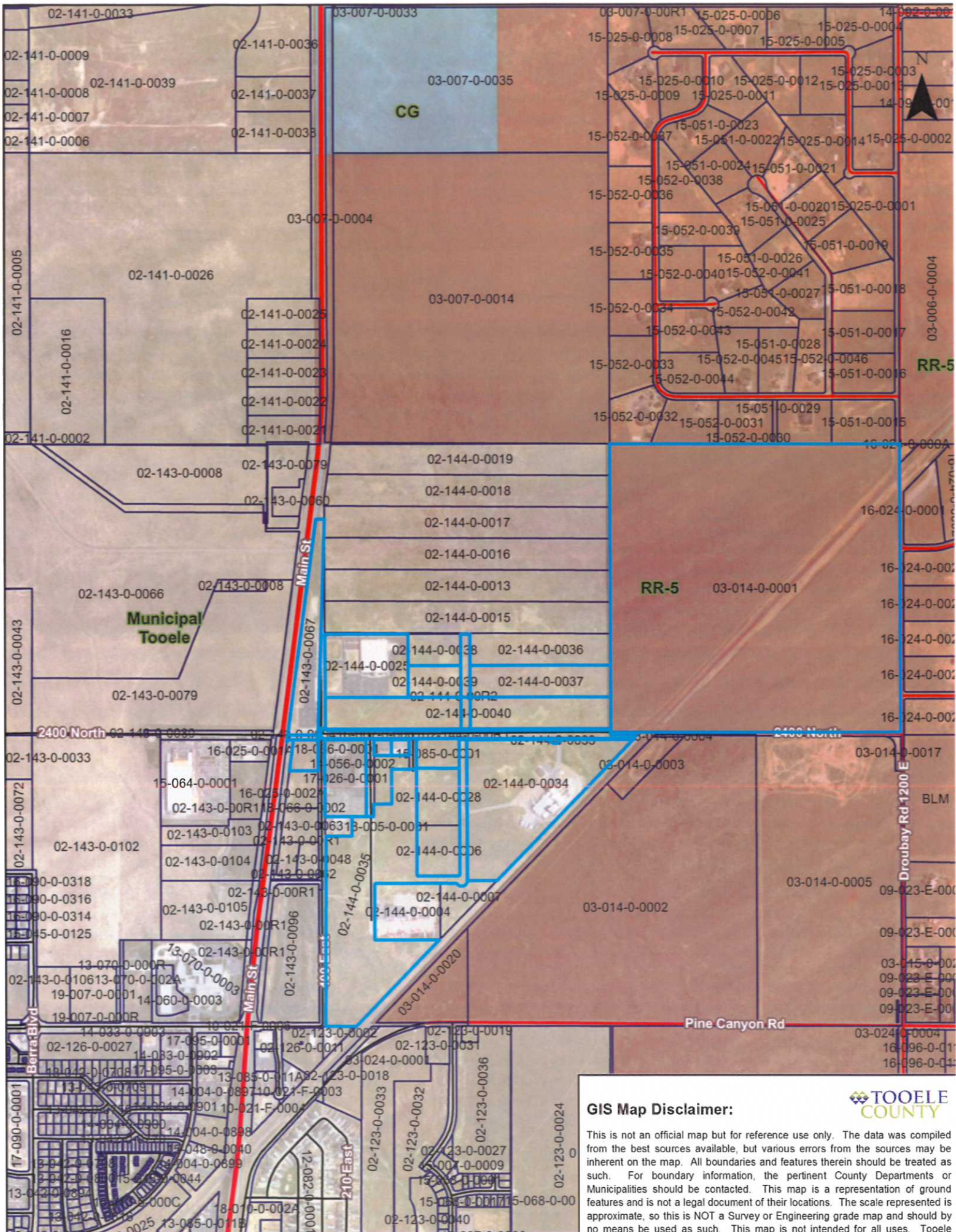
*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This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

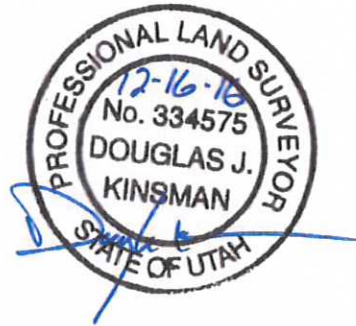
**EXHIBIT A
BOUNDARY DESCRIPTION
East Parcel**

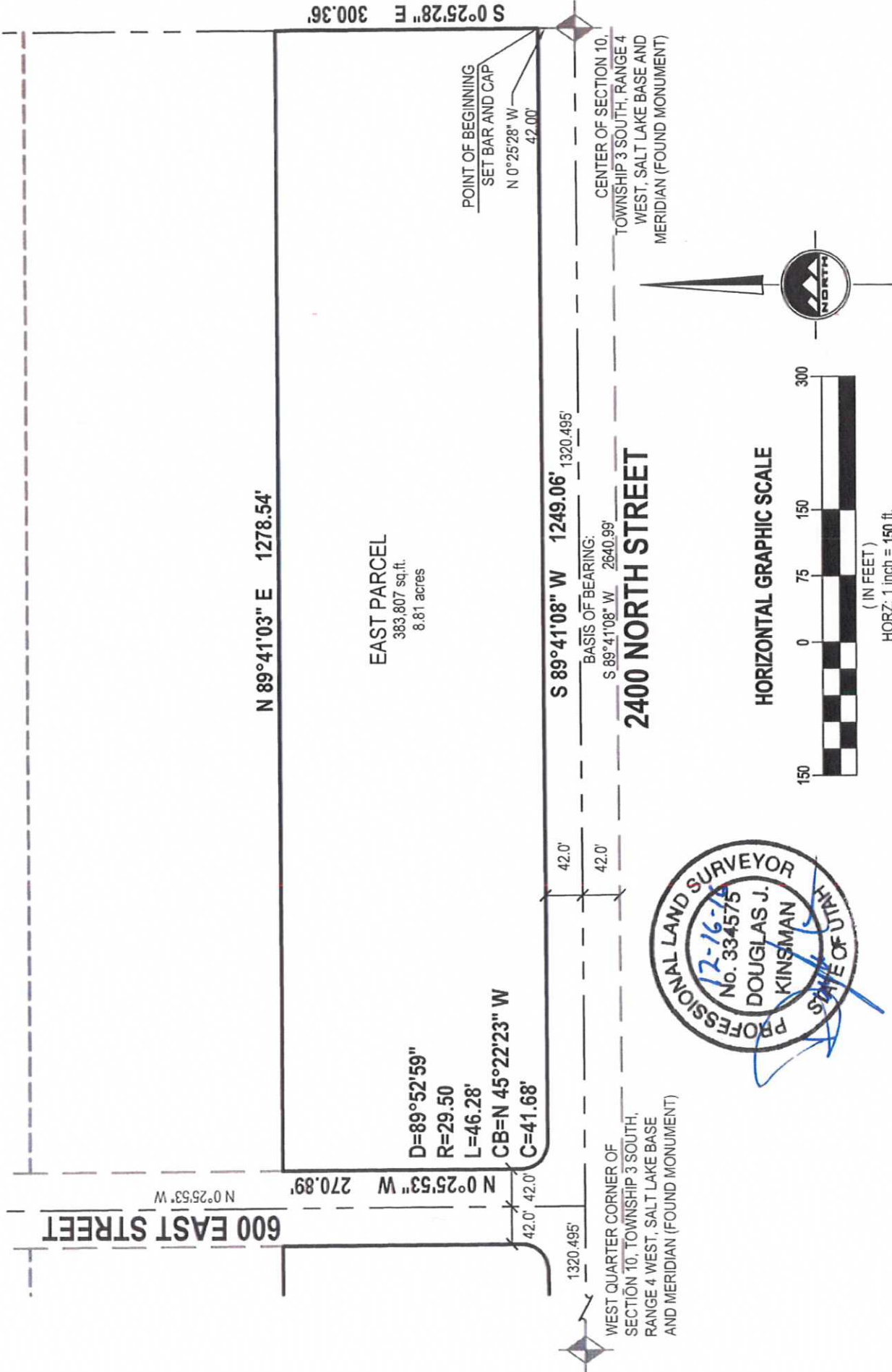
A parcel of land, situate in the Northwest Quarter of Section 10, Township 3 South, Range 5 West, Salt Lake Base and Meridian, said parcel also located in Tooele, Utah, more particularly described as follows:

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

N 89°41'03" E 1278.54'

S 89°41'08" W 1249.06'

2400 NORTH STREET

S 0°25'28" E 300.36'

POINT OF BEGINNING
SET BAR AND CAP
N 0°25'28" W
42.00'

CENTER OF SECTION 10,
TOWNSHIP 3 SOUTH, RANGE 4
WEST, SALT LAKE BASE AND
MERIDIAN (FOUND MONUMENT)

WEST QUARTER CORNER OF
SECTION 10, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SALT LAKE BASE
AND MERIDIAN (FOUND MONUMENT)



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 B

City Staff Report

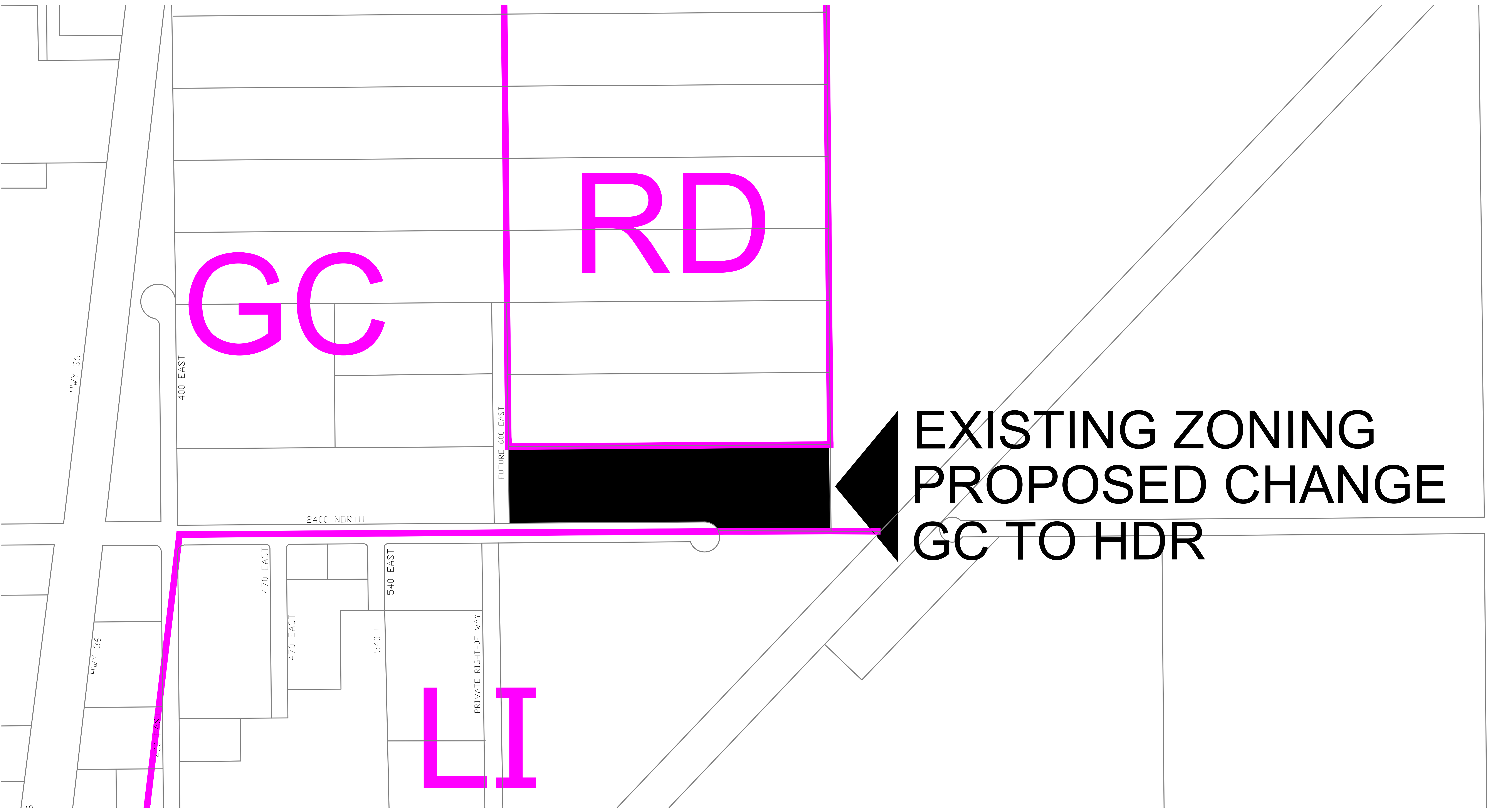
EXHIBIT A

**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





GC

RD

EXISTING ZONING
PROPOSED CHANGE
GC TO HDR

LI

HWY 36

400 EAST

2400 NORTH

FUTURE 600 EAST

HWY 36

400 EAST

470 EAST

470 EAST

540 E

540 EAST

PRIVATE RIGHT-OF-WAY

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.

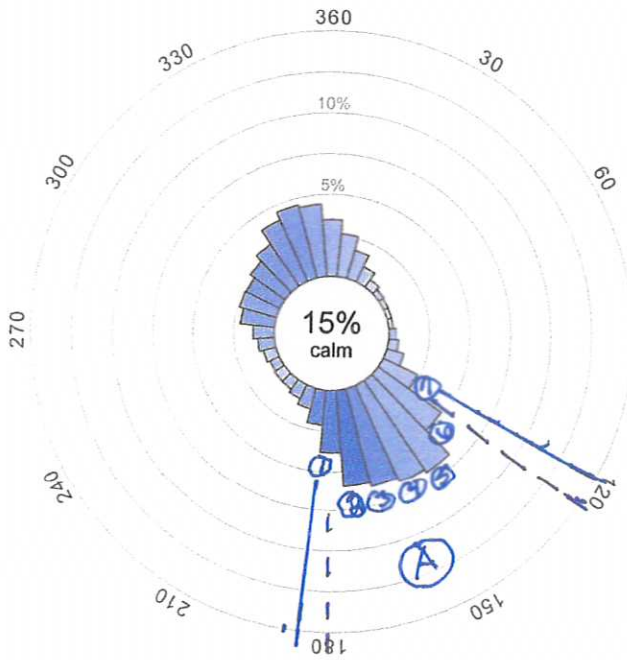
Respectfully submitted

Alan S. Cohen

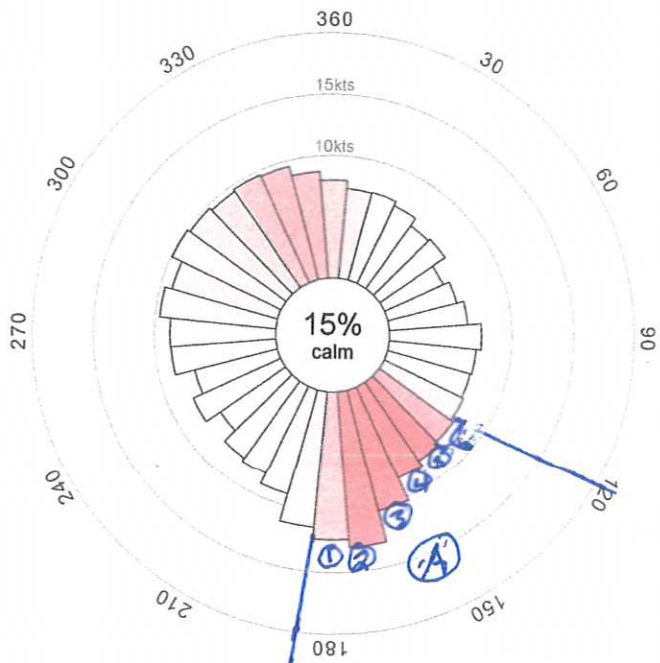
SITE STUDY EXHIBIT ONE

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

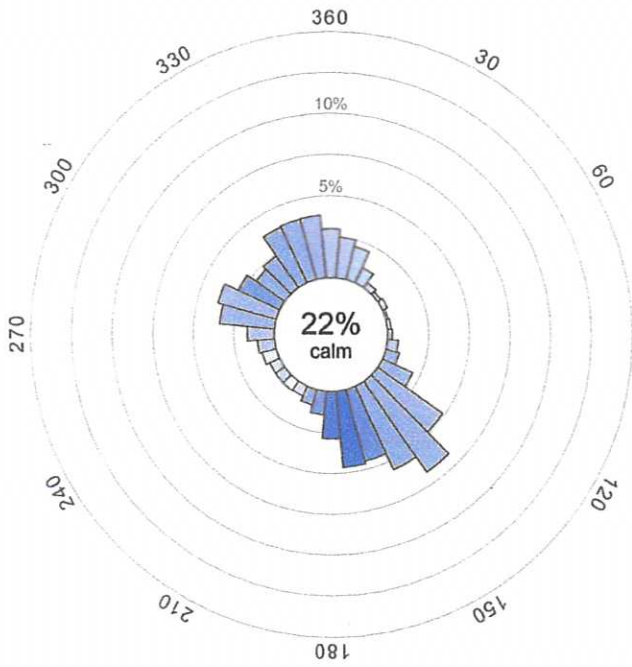


40.7764, -111.9586 [WeatherSpark](#) [Wunderground](#) [VFRMap](#) [RunwayFinder](#) [NavMonster](#)

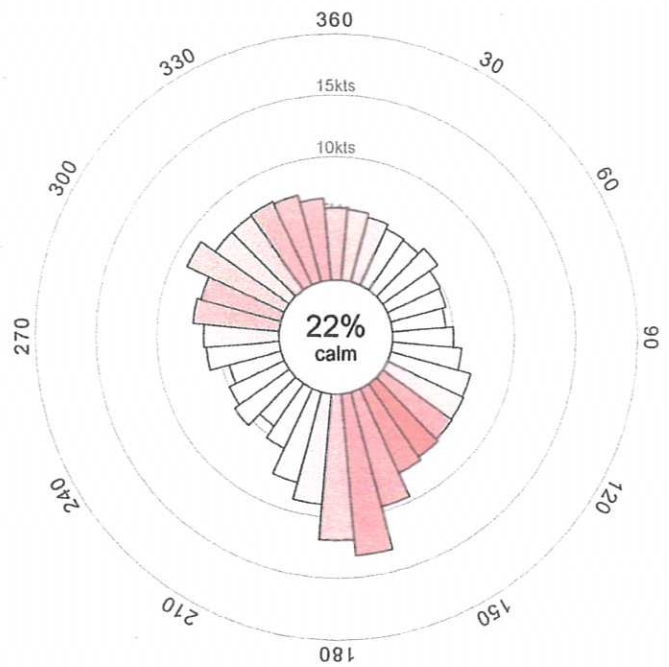
A diagram of the prevailing winds at KSLC: Salt Lake City International Airport. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction. For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

[Wind History](#). Copyright © 2011 Daedalus Bits, LLC. All rights reserved.

KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

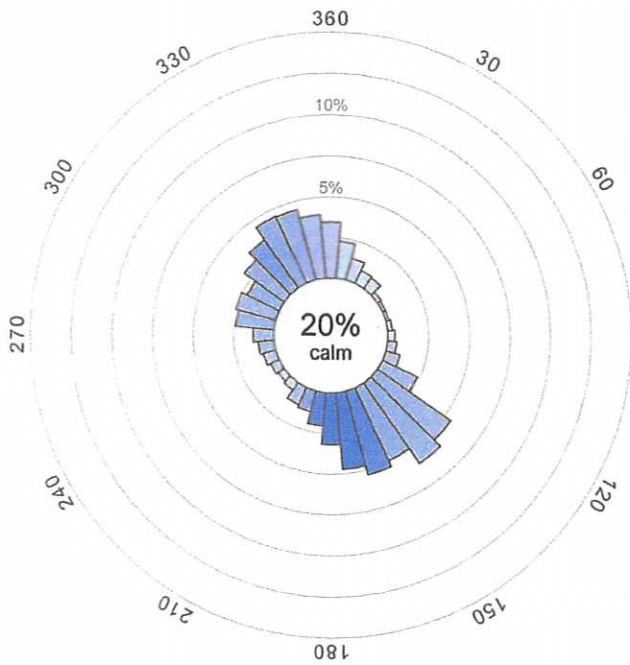


40.7764, -111.9586 [WeatherSpark](#) [Wunderground](#) [VFRMap](#) [RunwayFinder](#) [NavMonster](#)

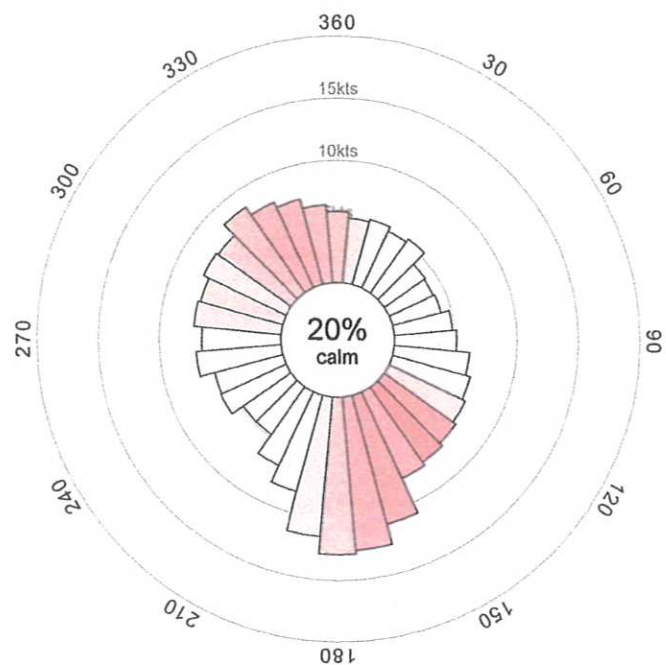
A diagram of the prevailing winds at **KSLC: Salt Lake City International Airport**. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction.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

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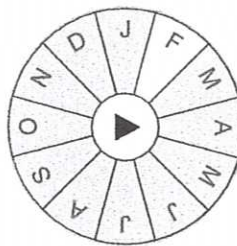
KSLC: Salt Lake City International Airport



Frequency by Direction



Average Speed by Direction

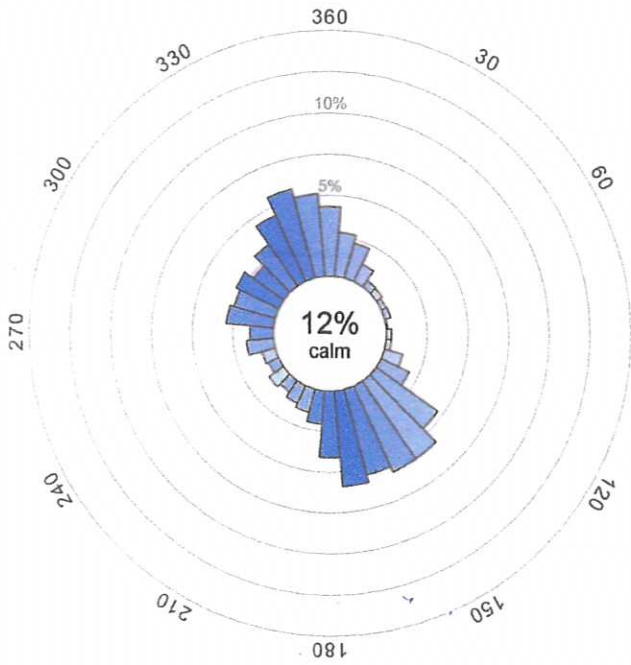


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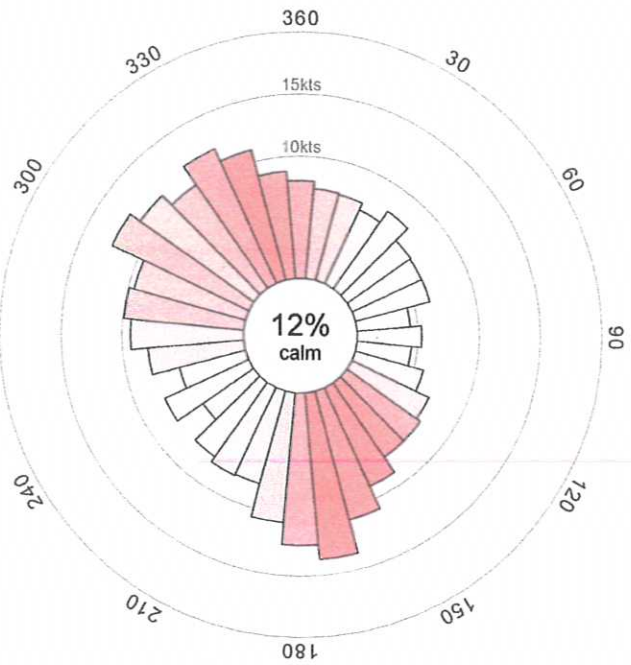
A diagram of the prevailing winds at **KSLC: Salt Lake City International Airport**. The blue diagram at left is a wind rose: the bar length shows the frequency of winds from each direction. In the red diagram at right the bar length shows the average speed of winds when they come from that direction.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

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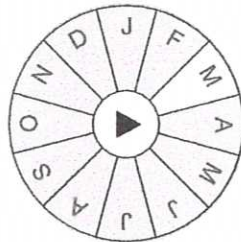
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Frequency by Direction



Average Speed by Direction

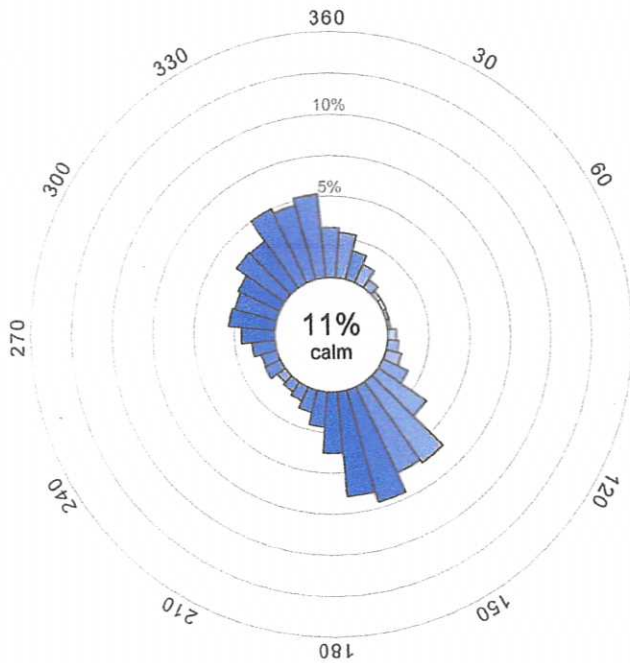


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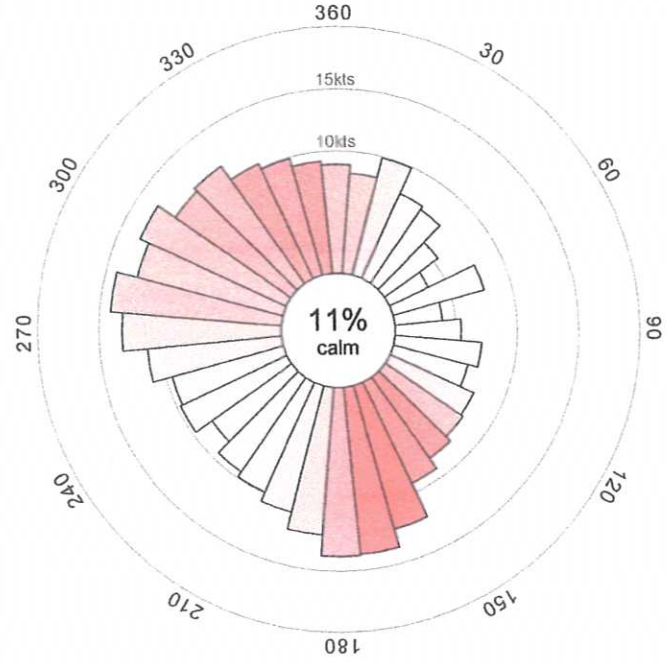
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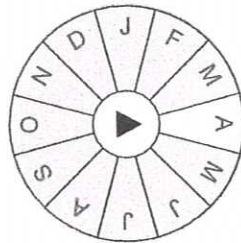
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Frequency by Direction



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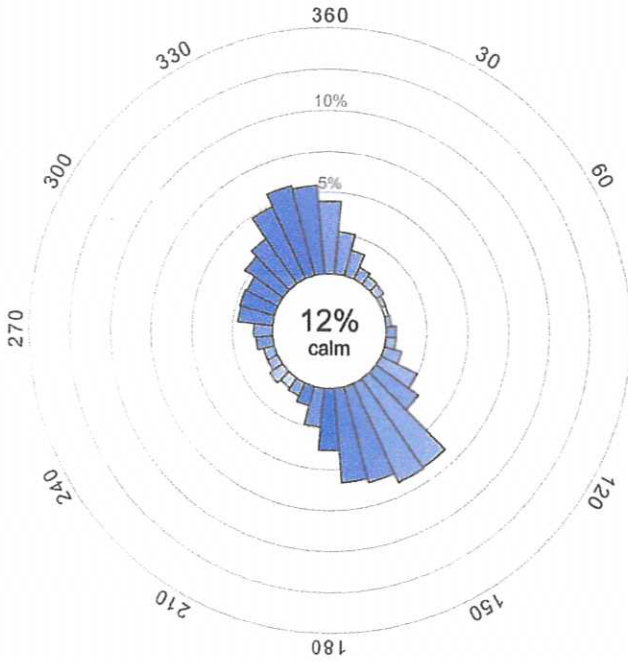


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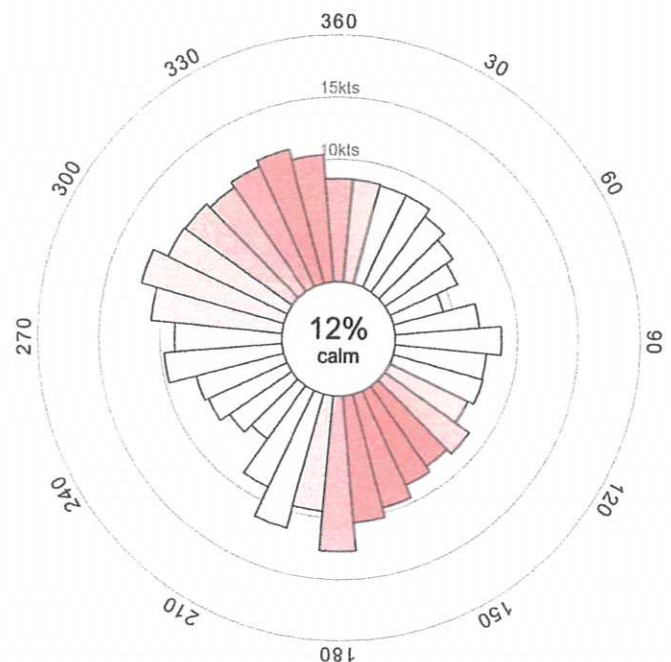
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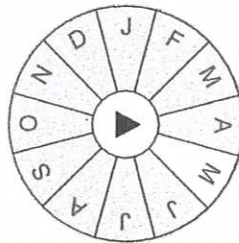
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Frequency by Direction



Average Speed by Direction

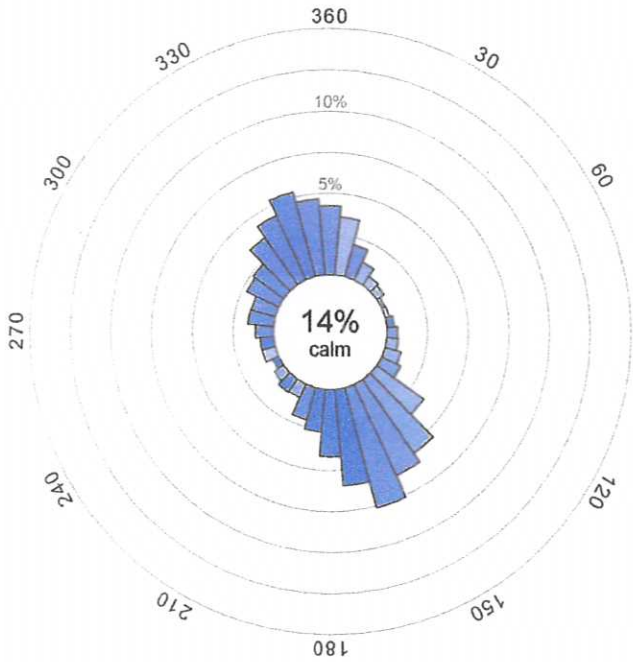


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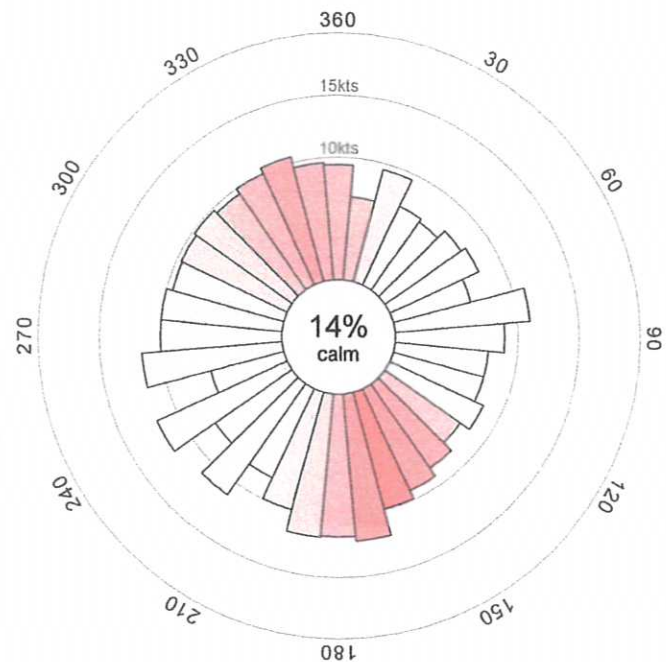
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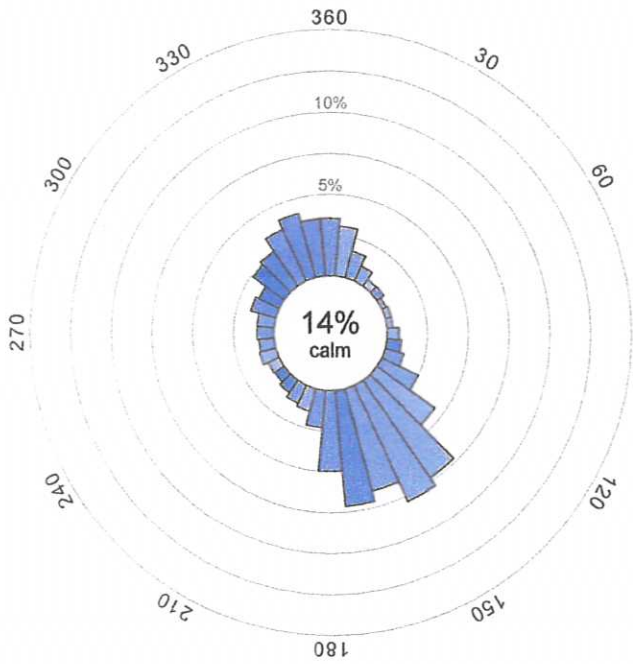


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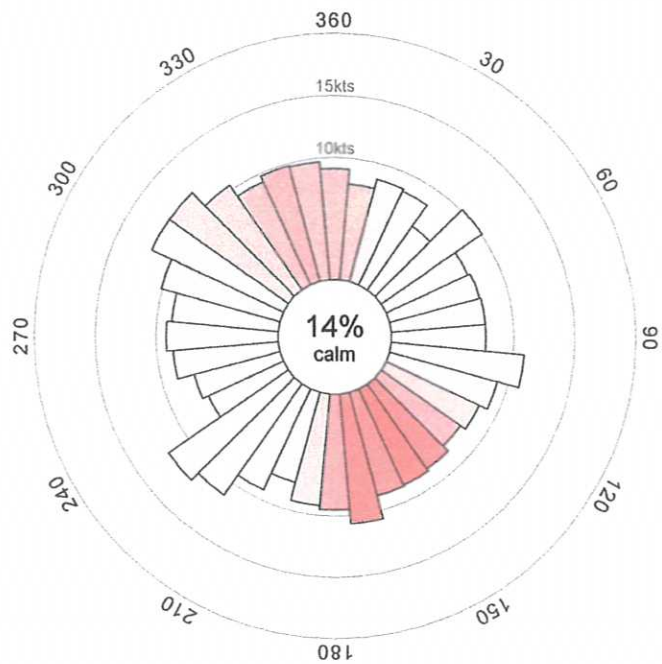
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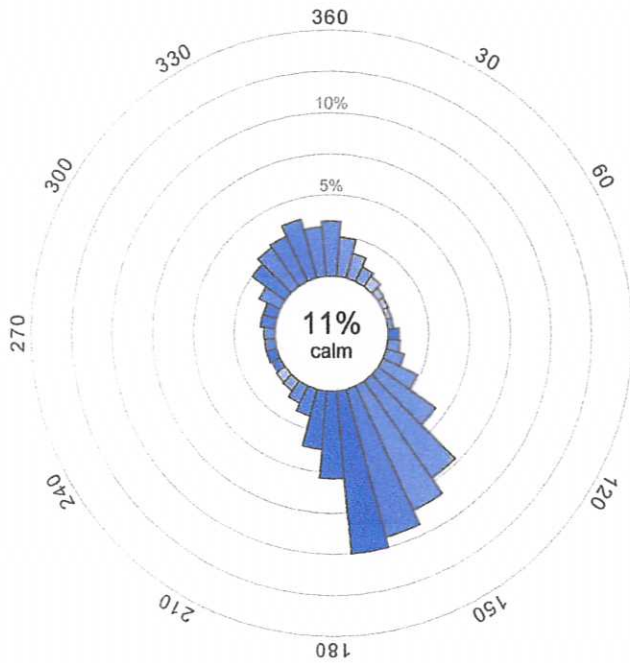


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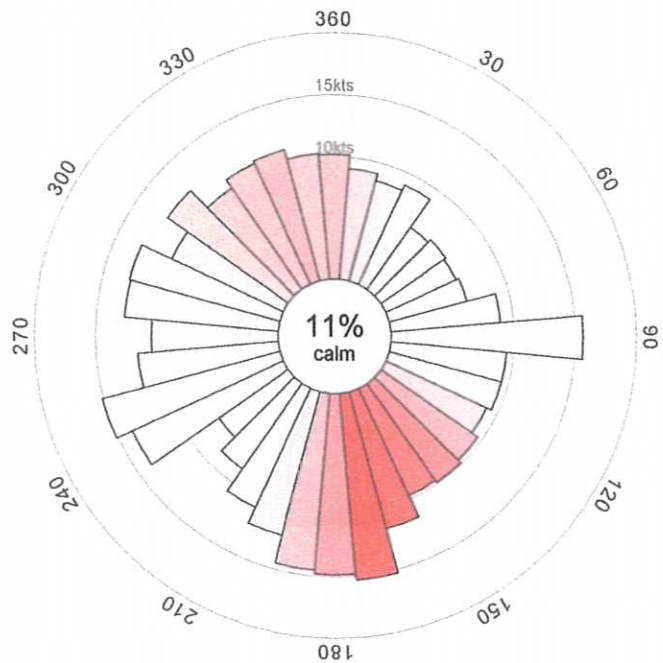
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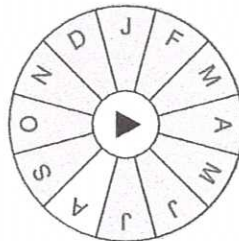
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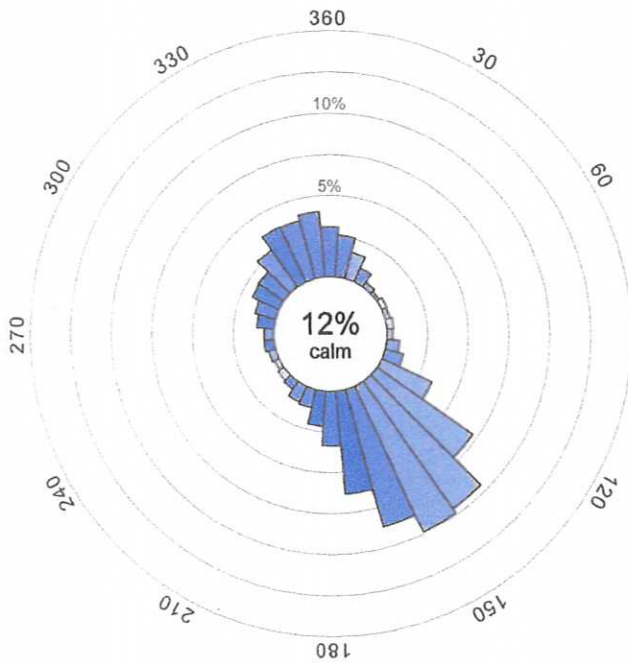


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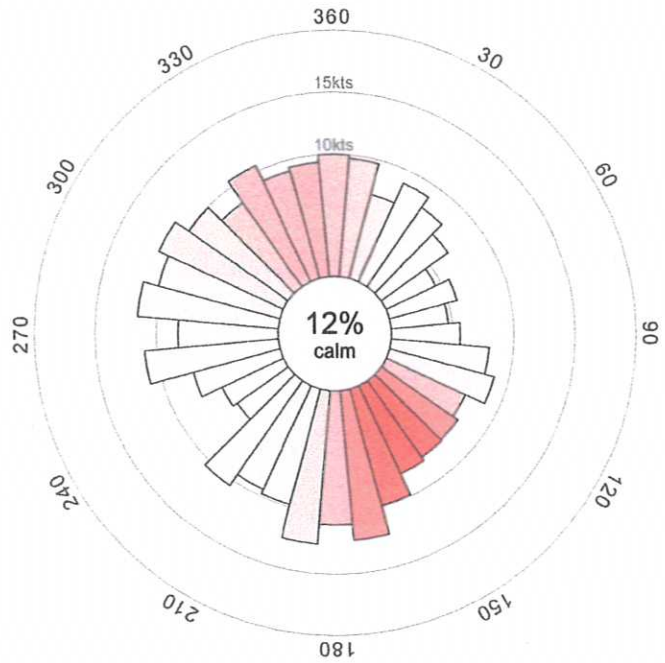
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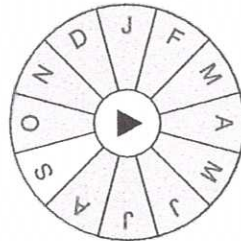
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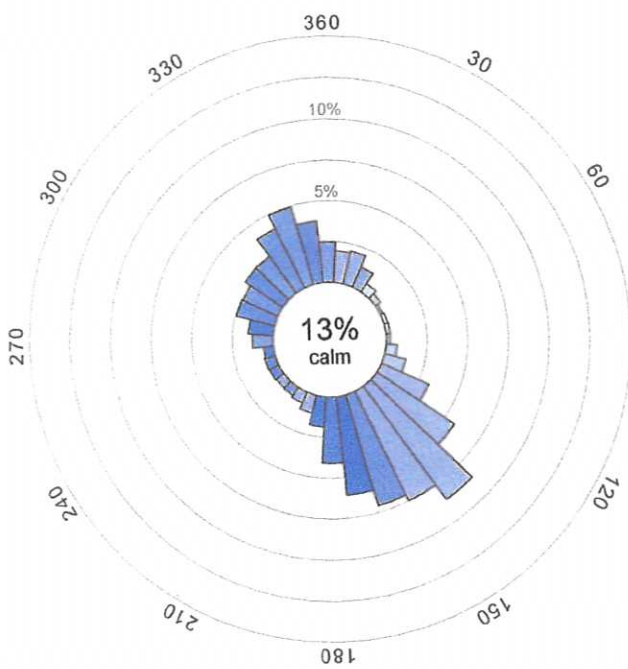


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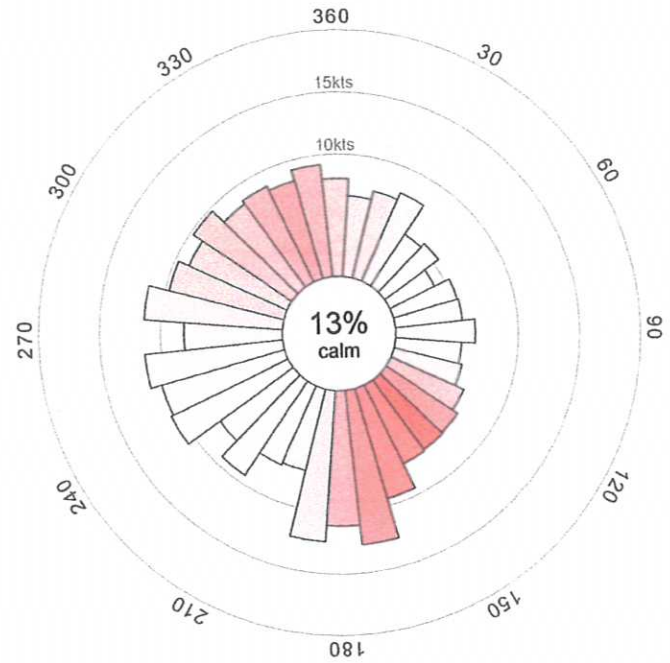
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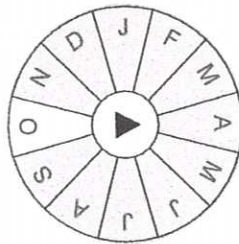
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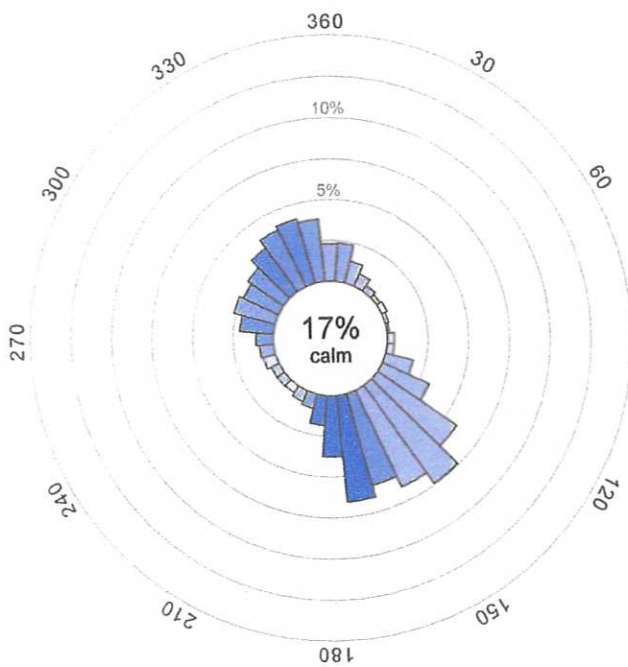


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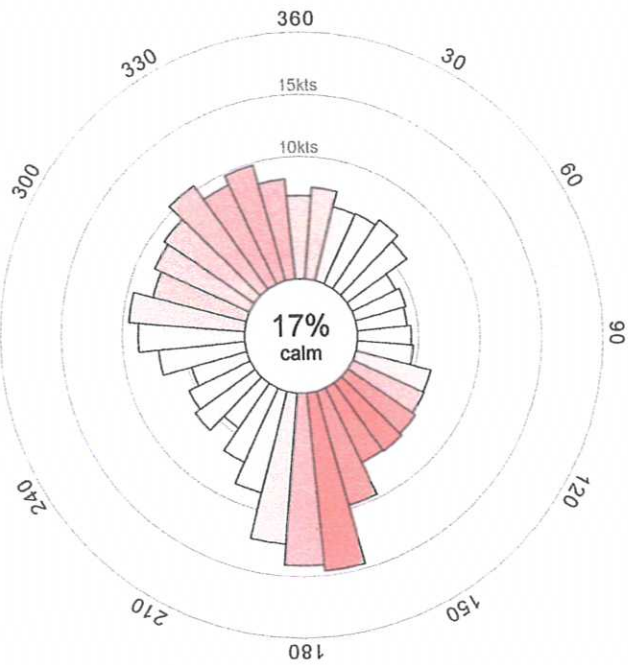
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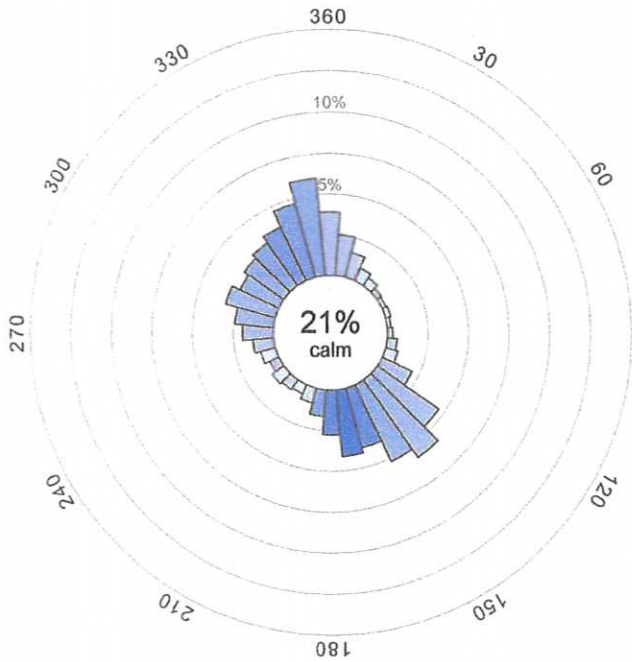


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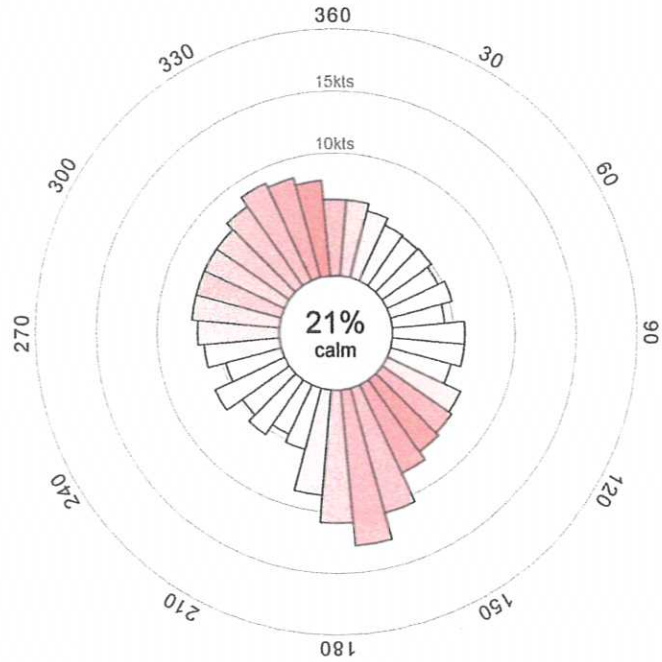
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**Tooele City Council and the
Tooele City Redevelopment Agency of Tooele City, Utah
Work Session Meeting Minutes**

Date: Wednesday, June 7, 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
Brad Pratt
Steve Pruden

City Employees Present:

Mayor Patrick Dunlavy
Glenn Caldwell, Finance Director
Michelle Pitt, Recorder
Roger Baker, City Attorney
Jim Bolser, Community Development and Public Works Director
Rachelle Custer, City Planner
Lisa Carpenter, Deputy Recorder
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
Brad Pratt, Present
Steve Pruden, Present

3. Discussion:

- Hialeah Run at Tooele

Presented by Jeff and Alan Cohen

Jeff Cohen explained that the last time he was before the Council, the Council expressed some concerns about the proposed development. Mr. Cohen stated he wanted to address those concerns. He said that the smell from the fish food plant wasn't an issue for them because it did not bother them. He said that if it bothered the tenants, they could leave and find somewhere else to live. Mr. Cohen indicated that the traffic study was done and was included in the materials that would be given to the Council. He said that the economic feasibility study would be done before the project begins. He said that they, as developers, felt that putting the commercial atmosphere in the back of the project was not conducive, but the front of the property was. He felt that since this area is zoned light industrial, the proposed development would add to that. The project would provide places to live which would be close to rapid transit. He said that they are not in to making a cheap, ugly project, and that they would make sure the project looked nice.

Rob Haywood, with the Richie Group addressed the Council. He said that since 2016, they have brought 994 multi-family units to the Wasatch Front area. He added that they were the first developers to bring in multi-family housing which are smart homes. He feels that they have amenities such as gyms and pools that make people want to stay. They also hire professional managers, and mentioned that they like Connerstone, who are in the Tooele area. Mr. Haywood showed the Council a conceptual layout and design. Mr. Haywood said that he has found that cities and towns want to bring high density developments to areas that are suited to mass transit. Mr. Baker asked for a clarification of what was meant by "mass transit". Mr. Haywood said that the housing units would be within walking distance of the bus stop, or the park and ride. The Council members were given a confidential report which included the traffic study.

Councilman Wardle asked if the developers had current letters of interest for the commercial portion of their property. Mr. Cohen indicated that they had one letter of interest in progress, and others who have expressed interest.

Chairwoman Winn indicated that this item would be placed on the next business meeting.

- Ordinance 2017-17 An Ordinance of Tooele City Amending Tooele City Code Chapter 8-4 Regarding Nuisance Vegetation and Allowing the Emergency Abatement of Imminent Fire Hazards Due to Vegetation
Presented by Roger Baker

Mr. Baker explained that this amendment arose from a discussion between himself, Mr. Bolser, the fire chief, Trisha Waltz, and Rachelle Custer regarding the interpretation of the existing code. Mr. Baker stated that currently, weeds beyond 15 feet from the property line are not considered a nuisance. The code should say what a nuisance is, not what it is not. This amendment would expand the mow strip requirement from 15 feet to 30 feet from the property line. The fire chief had said that expanding the mow strip requirement from 15 to 30 feet would buy a critical amount of time in preventing a grass fire from spreading to neighboring developments. Mr. Baker explained that this ordinance does four things: (1) redefines the term "unimproved land" to say it is real property that is not built upon with a primary structure; it doesn't have a house or

a business on the property. If there is a house or business on the property, it is improved land; (2) clarifies that the property owner is responsible to keep the weeds down between the road edge-of-asphalt and the property line. It doesn't matter what improvements exist between the road and property line, it is the property owner's responsibility to cut the weeds to avoid a nuisance citation; (3) increases the mow strip width from 15 to 30 feet; (4) allows emergency abatement by listing nuisances of such importance that they warrant an emergency abatement. It allows the City to take care of the emergency without all of the notice requirements that are usually afforded to property owners. The fire chief requested that the City declare that an emergency abatement process be available for vegetation conditions that create a fire hazard. Mr. Baker further explained that the code is not going to run over property rights, but will allow for emergency abatement, and allow the City to provide the proper notices on the back side.

Councilman Wardle said that he had some of the property owners that lost their houses in last year's fire express real concern that a large fire would happen again. A perfect storm happened a year ago with wind and fire. Councilman Wardle said that he would hate to see that happen again. He would like these amendments be put in place.

Councilman Pratt stated that after the incident last year a lot of questions were asked of how the City could prevent the catastrophe and how it could be minimized in the future. The mow strip width increase will help, especially when the wind is blowing. Last year's fire became apparent that 15 feet is not a very big requirement. Some property owners have come to him to ask what the safe distance was. These changes put a vehicle in place for the City to take care of emergency situations. Councilman Pratt went on to say that sometimes contacting property owners, especially if they don't live here, may not work because they don't realize the condition of their property.

Chairwoman Winn said she appreciated Fire Chief Bucky Whitehouse's input in these amendments.

Councilman McCall indicated he liked the stricter requirement. When it's dry like it is right now, the additional width will slow a fire down. Councilman McCall said that owners need to cut their grass, and maybe the whole field, instead of just the mow strip. Mr. Baker indicated that he appreciated Councilman McCall bringing that issue up. Mr. Baker said that he hadn't mentioned that any undeveloped property that is smaller than five acres, has to cut the entire field. If the property is larger than five acres, they are allowed the 30 foot mow strip. Mr. Baker said that if that didn't address Councilman McCall's concern, the Council may want to discuss the issue further in a future meeting. Mr. Baker suggested that because of the current hot season, to move forward with the ordinance, then maybe discuss it further later.

Chairwoman Winn mentioned that Randy Sant and Lisa Carpenter joined the meeting.

- Ordinance 2017-19 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-6 Regarding Home Occupations Presented by Roger Baker

Mr. Baker stated that the definition of home occupation is in the land use portion and it's also as a regulation in other sections of the code. Mr. Baker added that he was suggesting that definitions, as a matter of the rules of drafting good legislative, should define the term. The other sections of the code should regulate that defined term. The definition of a home occupation will be listed in Title 7, and the regulations will be merged so that they are no longer conflicted. Mr. Baker went on to say that the definition in Title 7 does not allow home occupations such as vehicle repair, body shops, firewood sales, welding, nursing homes, and it defines musical instruction. Mr. Baker explained that the City allows musical instruction, but they don't want to allow a marching band, so it specifies that businesses can only have one student at a time. Councilman Wardle stated that he struggled with only allowing one person at a time. Councilman Pruden added that maybe the type of instrument could dictate the number of students. Ms. Custer stated that dancing instruction allows more than one student at a time. Chairwoman Winn said that maybe it could be covered under the nuisance ordinance, rather under the business license home occupation definition. Mr. Baker felt that it was better addressed in the definition, but that the nuisance and noise ordinances also had a role. Councilman Wardle asked for further discussion on this issue.

Mr. Baker explained that Senate Bill 81 does not allow a City to collect a fee for licensing home occupations unless that business materially exceeds the offsite impact of the primary residential use alone. He stated that he has discussed this issue with staff, the League of Cities and Towns, and other attorneys about how to measure the impacts in the neighborhoods. After those discussions, he concluded that it can't be done in any legally definable way. He cited an example of someone that was a wood hobbyist who has a wood shop, but only does it as a hobby, not a business. Then there is someone next to him doing the same thing, but sells his wares, and asked how one would cause more of an impact than the other. Mr. Baker said that he looked at the issue in terms of customers coming to the residence. But asked how that would be different than visitors, friends, or family members coming and going. Councilman Pratt said that there are a lot of home businesses, such as vinyl cutting, where they sell a kit including cut wood, to put together crafts. He also asked how the City could set a definition, because some people pick up products, and what kind of impact does picking up product bring.

Councilman Wardle asked about charging a fee for inspections, and if that could be considered a run around the law. He asked how many building inspections the building department did on home occupations. Ms. Custer answered that there were alot. Councilman Wardle stated he would like to study this issue more before it was codified. He felt that the City didn't need to be so regulatory. Mr. Baker stated that it was an unfunded state mandate from the legislature. Mr. Baker added that the City still can license home occupations, but are not able to recover a cost for licensing them. Mr. Baker asked if the Council was interested in knowing what types of home occupations there are in the community, or not, because they could decide to not even license them. Councilman Wardle stated he felt like it would be beneficial to sit down with staff for clarification. He also wanted to contact Senator Andregg to ask him for clarification on this bill. He stated he didn't want it to appear like the City was creating a run around in charging the inspection fee. Mr. Baker stated that some cities were going to charge a fee, saying that all home businesses with customers impact the neighborhood.

Ms. Carpenter stated that a lot of cities have received a GRAMA for a list of home occupations. She has learned that the request is coming from an organization hired to do a study for Senator Andregg. There may be additional bills regarding home occupations in the near future.

Mr. Baker clarified that if the City conducts an inspection, they will be able to impose an inspection fee, which happens to be larger than the business licensing fee. Mr. Sant said that there are some businesses that require inspections for safety purposes. The legislature agreed that those types of inspections were acceptable, and Senator Andregg concurred. Councilman Wardle stated that he felt that lines 133-136 on the bill were vague. He again stated that he wanted some time to try to contact Senator Andregg for clarification on the bill.

Mr. Sant said that he felt like Senator Andregg had a business in his district, who was put through a process and charged a fee. The business owner felt it was not done correctly. The compromise was that cities wouldn't charge a fee, but would still be able to license them.

Councilman Wardle said that he would like the code to say which types of businesses need inspections, and which don't. Mr. Baker said that if the City provides an inspection, they have the right to recoup the cost. Mr. Baker asked if the Council wanted to handle this issue in two phases: the business license fee, then the inspection fee. Councilman Wardle indicated he would contact Senator Andregg to see what direction the bill would go in January. Mr. Sant felt that would be a good tactic, to contact him and let him know how difficult it was going to be for cities.

Councilman Wardle asked what the penalty was for businesses that don't obtain a license. Mr. Baker answered that they could be charged with doing business without a license, which was a misdemeanor.

Mayor Dunlavy said that this law creates serious problems for cities. There is a cost associated with licensing businesses. If the City can't recoup the cost, it takes away from other services the City provides. Councilman Wardle said that as long as the City can substantiate the inspection fee, he was okay with it, but he didn't want it to look like it was a way to get around not being able to charge the license fee. Councilman Pruden wondered how it was fair to the brick and mortar businesses who are paying fees and rent, to not charge home-based businesses. Mayor Dunlavy stated that the City used to collect licensing fees based on gross sales. The legislature came back and changed the law so that cities could only charge what it costs to process the license. Mayor Dunlavy indicated that a while ago the City did an informal study, and fees were different all across the state. Ms. Carpenter added that some cities are charging a processing fee, instead of the business license fee. Councilman Pruden asked Councilman Wardle to talk with Senator Andregg, and then the Council will discuss this more in a future meeting.

- Ordinance 2017-21 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-1-8 Regarding Business Premises Inspections
Presented by Roger Baker

Mr. Baker indicated that this ordinance discusses the inspection fee. It is clear that the City has the authority to do inspections, and clarifies that when an inspection is done, there is a \$50 fee. Councilman Wardle wants to discuss this again at the next meeting.

- Ordinance 2017-22 An Ordinance of Tooele City Amending the Tooele City Code Chapter 5-7A-7 Regarding Solicitor ID Badges
Presented by Roger Baker

Mr. Baker explained that there is a provision in the business code requiring agricultural, itinerant, and transient merchants, to have ID badges. Mr. Baker stated that when someone is going door to door, the City wants them to have an ID badge, but if someone has a fruit stand, they don't need to have an ID badge, just the business license on the premises. This amendment clarifies that the ID badges are for solicitors. It also takes out the requirement for them to provide photographs to the City.

- Ordinance 2017-23 A Resolution of Tooele City Establishing Fees for Various Administrative Appeals
Presented by Roger Baker

Mr. Baker said that the City Code Enforcement Officer, Trisha Waltz and Michelle Pitt noticed that some appeals did not have appeal fees in the Fee Schedule.

Mr. Baker explained that during policy discussions, staff discovered that, although we have an administrative hearing officer, very few appeals have established appeal fees which help run the administrative hearing program. Mr. Baker listed the types of appeals that did not have a recouping cost associated with it. Mr. Baker stated that there were a couple of appeals that had a fee of \$150. Mr. Baker said that a fee cannot over-recover the cost of administering the program, it can't create revenue, or be a tax. He said he believed that the \$150 fee under-recovered the cost of the program, but a fee that would recover the cost would cause people not to appeal at all, and the City doesn't want to do that. Although some appeal fees might seem to create a situation that would legally be considered absurd, such as a \$50 parking ticket, Mr. Baker recommended a \$150 fee for all appeals. He went on to say that the appeal fee is not intended to prohibit appeals. Mr. Baker added that his recommendation was that the City shouldn't provide a service to a specific individual without a fee because that would cause the general taxpayer to pay for a service rendered to an individual.

Councilman Pratt said that he struggled with the \$150 fee, especially in the case of a traffic ticket. The \$150 amount seemed high. He said that there were some instances where a property owner doesn't take care of their property because they can't afford to take care of it, then they have to pay a high appeal fee. Councilman Pratt said, at the same time, weighing the cost of taking care of the program, shouldn't be on the backs of citizens in the community. He said that he wanted to take care of the costs and expenses of the appeals, but he didn't want to put in a situation where it was too much, or too little of a fee. Chairwoman Winn asked if the fee could be adjusted depending on the appeal. Mr. Baker answered that the Council could waive the fees, could undercharge, or set any amount. Depending on what the Council decided, it may be more complicated to administer. Mr. Baker added that it would be easier to have a uniform fee. Mr.

Baker said that the \$150 fee would under-recover every appeal the City received. Mr. Baker asked the Council if they felt that someone should be refunded their appeal fee if they won their case. Mr. Baker recommended that they do pay the fee whether they win or lose because there is still a process taking place at a cost to the City. If the appellant wins, it doesn't mean that the City was evil or wrong.

Councilman Wardle said he remembered the City having to pay a fee when they filed with the court to defend a lawsuit. He would like to see what other municipalities are doing, and what they are charging before he makes a decision on this issue. He asked staff to check with other cities to see what they are doing. He also wanted to see a breakdown of the cost to administer the program. Mr. Baker indicated that he would bring an estimate of the cost for the City to administer the program. Councilman Wardle felt it was important for the public to see the full measure of the cost, so that the Council could show that it was not a tax.

Mayor Dunlavy stated that in the past it was the Recorder who was the parking appeal officer and an appeal fee wasn't charged. The Council decided that it should be moved away from an employee, and go to a more impartial program with a higher standard. The hearing officer is now an attorney.

Chairwoman Winn indicated that this matter would be brought back before the Council in two weeks.

- Listing Agreement for Tooele Commercial Park
Presented by Randy Sant

Mr. Sant stated that this matter had been discussed in previous meetings. The RDA has 268 acres in the Tooele Industrial area by USU and TATC. Given the fact that this property has been improved, Mr. Sant felt that the RDA should start selling the property. It would promote economic development in the City. Mr. Sant indicated that he had talked with CBRE, Caldwell Banker, and a couple of local people. He suggested that the RDA go with Caldwell Banker as the listing agent, at a 6% commission. Mr. Sant explained that the RDA would still have control over the offer, if it didn't meet goals or objectives. The RDA could suggest a 4% commission, or base it on the sale. Mr. Sant said that the RDA has a right, with a 30 day notice, to cancel the agreement. He recommended that the RDA approve the agreement and retain Caldwell Banker Commercial as the listing agent. He further explained that the agreement required the RDA to consent that the owner's agent broker could represent both the buyer and the owner, but said he didn't see a problem with that. Mr. Sant went on to say that the appraisal came in at \$56,000 an acre. He would like to add that any costs be included in that so that the RDA net \$56,000 an acre.

Mr. Baker indicated that he would prepare a resolution for the Council for approval.

4. 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, Councilman McCall, Councilman Wardle, Councilman Pratt, Councilman Pruden, and Chairwoman Winn.

The meeting closed at 6:20 p.m.

No minutes were taken on these items.

5. Adjourn

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

The meeting adjourned at 6:54 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 21st day of June, 2017

Debra E. Winn, Tooele City Council Chair

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

Date: Wednesday, June 7, 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

Captain Adrian Day, Police Department

Michelle Pitt, City Recorder

Lisa Carpenter, Deputy Recorder

Glenn Caldwell, Finance

Jim Bolser, Public Works and Community Development Director

Minutes prepared by Amanda Graf

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Pruden

2. Roll Call

Scott Wardle, Present

Brad Pratt, Present

Steve Pruden, Present

Dave McCall, Present

Debbie Winn, Present

3. Public Comment Period

Chairwoman Winn welcomed Boy Scout Troop 867 to the meeting.

Chairwoman Winn invited public comment from the audience.

Dr. Kay Reese came forward. He has a building on 200 East 200 South that has been vandalized by graffiti twice within the past few weeks. He requested assistance from the city regarding this matter. Councilman Pruden asked if Dr. Reese reported it to the police; he verified he had contacted the police. Chairwoman Winn stated that she hopes neighbors can keep an eye out for one another to help in situations such as this. She also mentioned the Parks and Rec department has recommendations on how to remove the graffiti.

Councilman Wardle asked Mayor Dunlavy about a fund that was created eight years ago that gave monetary rewards to those who came forward with information about individuals who vandalize properties. Mayor Dunlavy commented that the rewards system has helped in the past. The police have had success with matching various graffiti markings to the same perpetrator and have been able to successfully prosecute the offenders.

Councilman Pratt mentioned that he saw the graffiti on Dr. Reese's property and received information about two other pieces of property that had similar markings spray painted on them. Because of this he does not think that Dr. Reese was targeted specifically, that it was just people trying to break the law. He stated that it's difficult to stop crime from happening all together, but that we need to be proactive as a community to watch out for each other. He commended the police department for all of the work they do to help the community.

Councilman McCall told Dr. Reese that sadly with growth comes an increase in crime. He takes some of the markings that were painted on his building personally. He echoed Councilman Pratt's sentiment that he doesn't feel his building was specifically targeted, that his building just happened to be there. It was a billboard for individuals to release their anger and hatred. He knows the police department is doing the best they can catch the offenders. Councilman McCall told Dr. Reese to contact him, that he'd be happy to help remove the graffiti.

Dr. Reese suggested starting a neighborhood watch. Mayor Dunlavy commented that the police department can give him information and teach the neighborhood how to get the program started. Chairwoman Winn invited anyone else from the public to come forward; there were no other public comments. Chairwoman Winn closed the public comment period.

4. Resolution 2017-22 A Resolution of the Tooele City Council Approving Polling Locations Within Tooele City Limits

Presented by Michelle Pitt

Utah Code mandates that an election officer designate polling locations and the municipal legislative body approve the polling locations. The proposed polling locations for the 2017 elections are: the Tooele County Building, the Tooele National Guard Armory, Middle Canyon Elementary, Overlake Elementary, the Dow James Building, and Settlement Canyon Elementary.

Councilman Pruden motioned to adopt Resolution 2017-22. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

5. Public Hearing and Motion on Ordinance 2017-13 an Ordinance of Tooele City Amending Tooele City Code Section 7-25-6 Regarding Permits for Temporary Special Event Signs

Presented by Roger Baker

This Ordinance was discussed at the City Council Meeting on April 19, 2017 and with the Planning Commission at their meeting on May 24, 2017. The Ordinance regards permits for temporary special event signs. City Code provides that any business can post a temporary special event sign during identified holiday periods or floating periods for a certain number of days. The Code provides that the temporary special event signs for floating periods require a sign permit. Floating periods are times up to 21 days when individuals can choose when they want their signs up. Holiday period signs do not require a sign permit from the City. Another provision of the code states that all temporary event signs are exempt from permits. This has created a small conflict in the code. This Ordinance clarifies that signs for floating periods require a permit while signs for holiday periods do not require a permit. Chairwoman Winn invited anyone from the public to comment on this Ordinance; there were no public comments. Chairwoman Winn closed the public hearing.

Councilman McCall motioned to adopt Ordinance 2017-13. 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." The motion passed.

6. Public Hearing and Motion on Ordinance 2017-14 an Ordinance of Tooele City Amending Tooele City Code Regarding Home Occupations

Presented by Roger Baker

This ordinance was discussed with the City Council May 3, 2017, and with the Planning Commission at their meeting on May 24, 2017. The Planning Commission voted to forward their recommendation of this Ordinance to the City Council. This ordinance simplifies the definition of a home occupation and merges it with other regulations in the City Code. This Ordinance also adds welding to the list of prohibited home occupation uses.

The City Code also had a conflict regarding signage. One provision of the Code allowed for a 1' x 1' sign for a home occupation whereas the regulation stated that homes could not have any signs. No signage would be allowed under this proposed Ordinance. The idea of a home occupation business is to allow someone to have a low impact business in their home; signage in front of a home would change the nature of a home to be more of a business in nature and appearance.

A provision was also added that requires home occupations to comply with state and federal law. Chairwoman Winn invited anyone from the public to comment on this Ordinance; there were no public comments. Chairwoman Winn closed the public hearing.

Councilman Wardle motioned to adopt Ordinance 2017-14. 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." The motion passed.

7. Minutes

Councilman Pratt motioned to approve the minutes from the City Council Meeting dated May 17, 2017. 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." The motion passed.

8. Invoices

Presented by Michelle Pitt

An invoice for Performance Ford for a 2017 Ford F150 truck in the amount of \$21,631.00 was presented. An invoice for Nickerson Company, Inc. for a well pump motor replacement in the amount of \$41,872.05 was also presented.

Councilman Pruden motioned to approve the invoice. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Wardle, "Aye," Councilman Pratt, "Aye," and Chairwoman Winn, "Aye." The motion passed.

9. Adjourn

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

The meeting adjourned at 7:27 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 21st day of June, 2017.

Debra E. Winn, Tooele City Council Chair

DRAFT

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

RESOLUTION 2017-04

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH,
ADOPTING A BUDGET FOR FISCAL YEAR 2017-2018.**

WHEREAS, the staff of the Redevelopment Agency of Tooele City, Utah ("RDA") has prepared and presented a proposed budget to the RDA's Board of Directors for the 2017-2018 fiscal year; and,

WHEREAS, the proposed budget was prepared in accordance with the requirements of U.C.A. §17C-1-601; and,

WHEREAS, the RDA held a required public hearing on the proposed FY 2017-2018 budget on June 21, 2017:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH, as follows:

1. That the fiscal year 2017-2018 RDA budget is hereby adopted; and,
2. The RDA Secretary is hereby directed to file a copy of said budget within 90 days of the date of this Resolution with (a) the Tooele County Auditor, (b) the State Tax Commission, (c) the State Auditor, (d) the State Board of Education, and (e) each other taxing entity that levies a tax on property from which the RDA collects tax increment, in accordance with the provisions of Utah Code Ann. §17C-1-601(6).

IN WITNESS WHEREOF, this Resolution is passed by the Board of Directors of the Redevelopment Agency of Tooele City, Utah, this ____ day of _____, 2017.

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

(For)

(Against)

ABSTAINING: _____

RDA CHAIRMAN

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, RDA Secretary

S E A L

Approved as to Form:

Roger Evans Baker, RDA Attorney

REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH

RESOLUTION 2017-05

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH (“RDA”) APPROVING AN EXCLUSIVE SALES LISTING AGREEMENT WITH COLDWELL BANKER COMMERCIAL FOR THE TOOELE CITY COMMERCIAL PARK.

WHEREAS, the RDA is authorized to purchase, own, and sell real estate by authority of UCA Section 17C-1-202; and,

WHEREAS, the RDA owns the unplatted portions of the Tooele City Commercial Park, pursuant to Tooele City Resolutions 2009-10 and 2007-46 and RDA Resolution 2009-01; and,

WHEREAS, the RDA desires to sell the unplatted and/or undeveloped portions of the Tooele City Commercial park for purposes consistent with UCA Title 17C, the “Limited Purpose Local Government Entities – Community Reinvestment Agency Act”:

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF TOOELE CITY, UTAH, that the Exclusive Sales Listing Agreement, attached as Exhibit A, is hereby approved, and that the RDA Chairman is hereby authorized to execute the same.

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

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

TOOELE CITY RDA

(For)

(Against)

ABSTAINING: _____

RDA CHAIRMAN

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, RDA Secretary

S E A L

Approved as to Form:



Roger Evans Baker, RDA Attorney

EXHIBIT A

Exclusive Sales Listing Agreement
Coldwell Banker Commercial



EXCLUSIVE SALES LISTING AGREEMENT

May 1, 2017

1. In consideration of the listing for sale of the real property hereinafter described ("the Property") by Coldwell Banker Commercial Advisors and Coldwell Banker Commercial Intermountain ("Broker"), and Broker's agreement to use its best efforts to effect a sale of the same, the undersigned ("Owner") hereby grants to Broker the exclusive right to sell the Property for a period commencing upon mutual acceptance and continuing for one year, to automatically renew for one-year periods indefinitely, however, either party may cancel with 30 days prior written notice, ("the Term"), at a price acceptable to Owner upon terms acceptable to Owner. The Property is situated in the City of Tooele County of Tooele, State of Utah, and further described as approximately 268 acres of land designated by the pink shaded areas on the attached map.

2. Owner agrees to pay Broker a sales commission equal to six percent (6%) of the gross selling price. This commission shall be earned and paid for services rendered if, during the Term: (a) A Buyer is procured (by Broker, Owner, or anyone else) who is ready, willing and able to purchase the Property at the price and on the terms above stated, or on any other price and terms agreeable to Owner, (b) Any contract for the sale of the Property is entered into by Owner, (c) Owner removes the Property from the market, or (d) Owner contributes or conveys the Property, or any interest therein, to a partnership, joint venture, or other business entity, or transfers an interest in an entity which has an ownership interest in the Property in lieu of a sale of the Property.

3. As used in this Agreement the term "sale" shall include an exchange of the Property, and also the granting of an option to purchase the Property. Owner agrees that in the event such an option is granted, Owner shall pay Broker a sales commission in accordance with the Schedule on the price paid for the option and for any extensions thereof. This commission shall be paid upon receipt by Owner of any such payment(s). In the event such an option is exercised, whether during the Term or thereafter, Owner shall also pay Broker a sales commission on the gross sales price of the Property in accordance with the Schedule. Notwithstanding the foregoing, to the extent that all or part of the price paid for the option or any extension thereof is applied to the sales price of the Property, then any commission previously paid by Owner to Broker on account of such option payments shall be credited against the commission payable to Broker on account of the exercise of the option.

4. Owner further agrees that Owner shall pay broker the aforementioned commission if, within 90 days after the expiration of the Term: (a) the Property is sold, (b) Owner enters into a contract of sale for the Property, or (c) negotiations commence and thereafter continue leading to the sale of the Property to any person or entity to whom Broker has submitted the Property prior to the expiration of the Term in an effort to effect a sale of the Property. Broker agrees to submit a list of such persons or entities to Owner no later than 15 days following the expiration of the Term, provided, however, if Broker has submitted a written offer then it shall not be necessary to include the offeror's name on the list.

5. By signing this Exclusive Sales Listing Agreement, Owner designates that Owner's Agent and Broker will represent Owner and will work diligently to locate a Buyer for the Property, the Owner also authorizes the Owner's Agent or the Broker to appoint another Agent in the company to represent the Owner in the event the Owner's Agent or Broker will be temporarily unavailable to service the Owner. As the Owner's Agent, they will act consistent with their fiduciary duties to Owner of loyalty, full disclosure, confidentiality, and reasonable care. Owner understands, however, that the Owner's Agent and Broker may now, or in the future, agree to act as agent for a Buyer who may wish to negotiate purchase of the Property. Then the Owner's Agent and Broker would be acting as Limited Agent representing both Owner and the Buyer at the same time.

Limited Agency is allowed under Utah law only with the informed consent of the Buyer and Owner. For consent to be informed, Owner and Buyer must understand that conflicting duties of disclosure, loyalty and confidentiality to each party may arise. To resolve these conflicting duties, the Limited Agent will be bound by a further duty of neutrality. Being neutral, the Limited Agent will not disclose to either party information likely to weaken the bargaining position of the other, for example, the highest price the Buyer will offer or the lowest price the Owner will accept. However, the Limited Agent must disclose to both parties material information known to the Limited Agent regarding a defect in the property and the ability of the other party to fulfill all obligations under their agreement.

By initialing here, Owner understands and consents that Owner's Agent and Broker are authorized to represent both Owner and Buyer as Limited Agents when Owner's Agent presents a Buyer for the Property. When another agent from Coldwell Banker Commercial Advisors presents a Buyer, that agent will exclusively represent the Buyer as a Buyer's Agent, and Owner's Agent will exclusively represent Owner as Owner's Agent, and the Broker will act as a Limited Agent.

6. Unless otherwise provided herein, the terms of sale shall be, at the option of the Buyer, either cash or cash to any existing loan. Unless otherwise mutually agreed between Owner and the Buyer, the time limit for closing shall not exceed 90 days, and any offer may contain normal and customary contingencies such as Buyer's approval within 10 days of receipt thereof of title report, soils test and existing leases.

7. It is understood that it is illegal for either Owner or Broker to refuse to display, sell the Property to any person because of race, color, religion, national origin, sex, marital status or physical disability.

8. Owner agrees to cooperate with Broker in bringing about a sale of the Property and to immediately refer to Broker all inquiries of anyone interested in the Property. All negotiations are to be through Broker. Broker is authorized to accept a deposit from any prospective Buyer. Broker is further authorized to advertise the Property and to place a "For Sale" sign or signs on the Property if, in Broker's opinion, such would facilitate the sale of the Property.

8.(a) The Owner authorizes the Broker(s) to advertise the Property for sale through any printed and/or electronic media deemed necessary and appropriate by the Broker(s), including, but not limited to, each Multiple Listing Service (MLS) in which the Broker participates. The Owner further agrees that the Broker(s) are authorized to: (i) Disclose to the MLS the square footage of the Property as obtained from County, Appraisal, Building or Expansion Plans Records, or other source deemed reliable by Broker(s). (ii) Disclose to the MLS after the sale, the final terms of the sale for the Property consistent with the requirements of the MLS.

9. Owner agrees to indemnify and hold Broker harmless for any damage to Broker as a result of any and all claims, disputes, litigation or judgments arising from any incorrect information supplied by Owner, or from any material fact known by Owner concerning the property, which Owner fails to disclose. Broker is authorized to record a notice of interest against the Property if Owner fails to fulfill Owner's duties under this Agreement. Owner represents that it is the lawful owner of the Property and warrants that the individuals or entity listed below as the "Owner" represents all of the record owners of the Property.

10. This agreement shall be binding in all respects upon, and shall inure to the benefit of the Parties and their respective heirs, successors and assigns, employees, agents and representatives, subrogates, and to all persons or entities claiming by, through or under them.

11. This Agreement shall be governed by the law of the State of Utah.

12. Any provision of this Agreement which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction only, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof, and any such prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction. Furthermore, all other provisions not so prohibited or unenforceable shall remain effective.

13. This Agreement constitutes the entire agreement between Broker and Owner and a complete merger of all prior negotiations and agreements. This Agreement represents the entire understanding between Broker and Owner, and there are no written or oral agreements between them which are not set forth herein. None of the provisions of this Agreement may be changed, discharged or terminated orally and may be modified or amended only by an instrument in writing, signed by Broker and Owner. Likewise, the rights available to each of the parties under this Agreement cannot be waived or released orally, and may be waived or released only by an instrument in writing, signed by the party whose rights will be diminished or adversely affected by the waiver.

14. Every dispute concerning the interpretation or effect of this Agreement, if not first submitted to mediation, shall be resolved in the Third Judicial District Court in and for Salt Lake County, State of Utah. To the maximum extent permitted by law, Owner and Broker consent and voluntarily submit themselves to the personal jurisdiction, subject matter jurisdiction and venue of said court.

15. In the event that a party breaches this Agreement, such breaching party shall pay, in addition to any other liability, all costs and expenses incurred by or on behalf of the non-breaching party or its successor-in-interest in enforcing, or in exercising any remedies under this Agreement, including but not limited to reasonable attorneys' fees, whether or not any action or proceeding is brought to enforce the provisions hereof.

16. The Parties agree to execute and deliver any and all additional papers, documents, instruments, and other assurances, and shall do any and all acts and things reasonably necessary, in connection with the performance of their obligations hereunder, to carry out the intent of the Parties as expressly stated in this Agreement.

17. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all such counterparts shall constitute one and the same Agreement. Facsimile signatures shall have the same force and effect as original signatures.

The undersigned Owner hereby acknowledges receipt of a copy of this Agreement and the Schedule.

Coldwell Banker Commercial Advisors

6550 South Millrock Drive, Suite 200
Salt Lake City, UT 84121
(801) 947-8300 Fax (801) 947-8301

By: _____
Steven Bogden

Title: Principal Broker

Date: _____

Owner:

By: _____

Name: _____

Title: _____

Company: _____

Address: _____

Telephone: _____

Date: _____

Coldwell Banker Commercial Intermountain

6550 South Millrock Drive, Suite 200
Salt Lake City, UT 84121
(801) 947-8300 Fax (801) 947-8301

By: _____
Russell Booth

Title: Principal Broker

Date: _____

The above duties of real estate agent/broker in a real estate transaction do not relieve a Buyer or Seller from the responsibility to exercise good business judgement in protecting their prospective interests. You should carefully read all agreements to assure that they adequately express your understanding of the transaction. If legal or tax advice is desired, consult a competent professional attorney or accountant.