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**PUBLIC NOTICE**

Notice is Hereby Given that the Tooele City Council & Tooele City Redevelopment Agency will meet in a Work Session, on Wednesday, December 19, 2018 at the hour of 5:00 p.m. The Meeting will be Held in 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:**

- **Left Hand Fork Campground Area & Options**  
**Presented by Steve Evans**
- **Settlement Canyon Grazing Lease**  
**Presented by Steve Evans**
- **Irrigation Company Water Shares**  
**Presented by Steve Evans**
- **Water & Sewer Modeling**  
**Presented by Steve Evans**
- **Street Design Standards**  
**Presented by Paul Hansen**
- **Ordinance 2018 – 26 An Ordinance of the Tooele City Council Amending the Tooele City Zoning Map for Property Located Near 300 West 400 North Reassigning 3.05 Acres of Property Currently Zoned R1-7 Residential to HDR High Density Residential**  
**Presented by Jim Bolser**
- **Petersen Industrial Depot Final Plat – Amending Subdivision Plat 2c**  
**Presented by Jim Bolser**
- **Petersen Industrial Depot Building 659 Condominium – Final Plat Request**  
**Presented by Jim Bolser**
- **Tooele 10<sup>th</sup> & Main Preliminary Subdivision Plan**  
**Presented by Jim Bolser**
- **Tooele 10<sup>th</sup> & Main Master Site Plan**  
**Presented by Jim Bolser**
- **Resolution 2018 - 70 A Resolution of the Tooele City Council Approving a Memorandum of Understanding Between Tooele City and the Tooele Technical College for a Tooele Small Business Development Center**  
**Presented by Mayor Debbie Winn**
- **Audit for Fiscal Year 2017/2018**  
**Presented by WSRP Certified Public Accountants**

**4. Close Meeting**

- **Litigation & Property Acquisition**

**5. Adjourn**

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**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](mailto:michellep@tooelecity.org), Prior to the Meeting.

**TOOELE CITY CORPORATION**

**RESOLUTION 2014-18**

**A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF TOOELE CITY A NEW 5-YEAR GRAZING LEASE WITH SETTLEMENT CANYON LAND AND WATER ASSOCIATION.**

WHEREAS, Tooele City is the owner of 1,770 acres of property (the Property) in the Left Hand Fork area of Settlement Canyon; and,

WHEREAS, Tooele City and Settlement Canyon Land and Water Association (the Association) entered into leases permitting the Association's cattle to graze on the Property from the 1930's to the present (see table attached as Exhibit A); and,

WHEREAS, the Association desires to enter into a new lease agreement, and the City Administration has expressed a willingness to recommend a 5-year term; and,

WHEREAS, this Council finds it in the interest of the city to renew the lease:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to sign on behalf of Tooele City a new five-year grazing lease (attached hereto as Exhibit B) with Settlement Canyon Land and Water Association to allow the grazing of cattle on the Property through December 31, 2018.

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 11<sup>th</sup> day of April, 2014.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

\_\_\_\_\_

Debra C. White

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Signature]

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

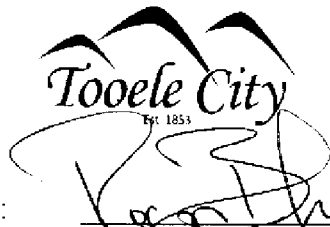
[Signature]

\_\_\_\_\_

ATTEST:

[Signature]  
Sharon Dawson, City Recorder  
Michelle Pitt

SEAL



Approved as to Form:

[Signature]  
Roger Baker, City Attorney

## Exhibit A

### Settlement Canyon Property Grazing Lease History: 1930-2018

| <b>Agreement Year</b> | <b>Agreement Term</b>   | <b>Authorizing Resolution</b> | <b>Rent</b> |
|-----------------------|-------------------------|-------------------------------|-------------|
| 2014                  | 01/01/2014 – 12/31/2018 | 2014-18                       | \$300/year  |
| 2009                  | 01/01/2009 – 12/31/2013 | 2009-19                       | \$300/year  |
| 2007                  | 07/01/2007 – 06/30/2008 | 2007-28                       | \$300/year  |
| 2005                  | 01/01/2005 – 12/31/2006 | 2005-27                       | \$300/year  |
| 1995                  | 01/01/1995 – 12/31/2004 | 1995-02A                      | \$300/year  |
| 1993                  | 01/01/1993 – 12/31/1994 | 1993-06                       | \$300/year  |
| 1990                  | 01/01/1990 – 12/31/1992 | 1990-18                       | \$300/year  |
| 1987                  | 01/01/1987 – 12/31/1989 | ?                             | \$300/year  |
| 1984                  | ?                       | ?                             | ?           |
| 1930-1984             | ?                       | ?                             | ?           |



## Exhibit B

### Grazing Lease

## 2014 SETTLEMENT CANYON PROPERTY GRAZING LEASE

THIS LEASE, made and entered by and between Tooele City Corporation, a municipal corporation of the State of Utah, hereinafter referred to as LESSOR, and Settlement Canyon Land and Water Association, a Utah non-profit corporation, hereinafter referred to as LESSEE, constitutes the entire agreement between the parties for the leasing of certain properties as described herein situated in Settlement Canyon, a canyon in the Oquirrh mountain range in Tooele County, State of Utah.

### I PROPERTY LEASED

LESSOR, in and for the consideration of the covenants and agreements hereinafter set forth to be performed by LESSEE, and for the yearly rent to be paid by LESSEE, does hereby covenant and agree to let, and does hereby lease, for grazing purposes only, all of that certain property situated in Tooele County, State of Utah, described as follows (see Exhibit A, attached hereto and incorporated herein):

TRACT A: The Southwest Quarter of Section 34, Township 3 South, Range 4 West, Salt Lake Base and Meridian, containing 160 acres.

TRACT B: Lots 1, 2, 3, 4, 7, 8, and 11, and the South 1/2 of the Northeast 1/4 and Southeast 1/4 of Section 3, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing approximately 420.95 acres.

TRACT C: That fractional part of Section 2, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing 363.60 acres and described as:

Beginning at a point on the Crest of the Dividing Ridge between the Left Hand Fork of Settlement Canyon and what is locally known as the Corner, which (said point of beginning) bears South 0°02' East 406 feet distant from the Northwest Corner of said Section 2, and running thence from said point of beginning, and along the Crest of said Dividing Ridge as indicated by the following courses and distances, to wit: North 71°00' East 210 feet; thence South 60°10' East 1,025 feet; thence South 75°40' East 712 feet; thence South 17°50' East 454 feet; thence South 28°36' East 1,289 feet; south 74°00' east 268 feet; thence leaving said Dividing Ridge South 51°49' East 864 feet; thence South 52°10' East 769 feet; thence South 57°01' East 660 feet; thence South 63°10' East 339 feet; thence South 59°30' East 239 feet; thence South 64°30' East 83 feet; to the point on the easterly boundary line of said Section 2; thence South 89°44' West 5280 feet, to the Southwest Corner of said Section 2; thence north 0°02' west 4,728.80 feet, along the west boundary of said Section 2 to the point of Beginning. Containing an area of 363.60 acres.

TRACT D: That fractional part of Section 11, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing approximately 385.60 acres and more particularly described as:

Beginning at the Northwest Corner of Section 11, Township 4 South, Range 4 West, Salt Lake Base and Meridian, and running thence along the North Boundary of said Section, South 89°44' East 5,280 feet to the Northeast Corner thereof; thence along the East Boundary of said Section, South 0°01' East 4,561 feet to the Crest of the Dividing Ridge between Settlement Canyon and the Left Hand Fork of said canyon; thence along the Crest of said Dividing Ridge; thence North 25°10' West 255 feet; thence North 32°20' West 117 feet; thence North 56°15' West 173 feet; thence North 82°00' West 298 feet; thence North 61°45' West 519 feet; thence South 61°15' West 539 feet; thence North 42°30' West 584 feet; thence North 59°30' West 972 feet; thence North 69°00' West 594 feet; thence North 30°40' West 796 feet; thence North 75°50' West 898 feet; thence North 37°00' West 550 feet; thence North 85°40' West 307 feet to the West Boundary line of said Section 11, thence along said West Boundary line North 0°01' West 1,650 feet; to the point of beginning. Containing an area of approximately 385.6 acres.

TRACT E: That fractional part of Section 10, Township 4 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northeast Corner of said Section 10, Township 4 South, Range 4 West, which is in the Left Hand Fork of Settlement Canyon and running thence along the East Boundary line of Section 10, South 0°02' East 1,650 feet, to the Crest of the Dividing Ridge between Settlement Canyon and Left Hand Fork of said canyon, thence along the Crest of said Dividing Ridge North 49°30' West 89 feet; thence North 44°45' West 440 feet; thence North 45°05' West 698 feet; thence North 12°45' West 369 feet; thence North 28°00' West 417 feet; thence North 53°15' West 109 feet to a point on the North Boundary line of said Section 10, thence along said North Boundary line South 89°44' East 1,235 feet to the point of beginning. Containing an area of 26.80 acres.

TRACT F: That fractional part of Section 12, Township 4 South, range 4 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northwest Corner of Section 12, Township 4 South, Range 4 West, and running thence along the boundary of said Section 12 South 89°59' East 3,009 feet; to the Crest of the Dividing Ridge between Middle Canyon and the Left Hand Fork of Settlement Canyon; thence continuing along the Crest of said Dividing Ridge as follows:

South 55°40' East 647 feet; thence South 67°15' East 892 feet; thence South 32°40' East 680 feet; thence South 61°45' East 514 feet; thence South 24°15' East 312 feet to a point on the Crest of said Dividing Ridge that is common to the said Ridge Crest, the Township line between Townships 4 South and Ranges 3 and 4 West; the East Boundary line of said Section 12 and the East Boundary Section 1, Township 4 South, Range 4 West, thence south along said Township line a distance of 3,498 feet to the Southeast Corner of Section 12; thence along the South Boundary of said Section 12, North 89°42' West 71 feet to the point of the Dividing Ridge between the Left Hand Fork and the Left Hand Kelsey Fork of Settlement Canyon; thence along said Dividing Ridge North 36°10' West 557 feet; thence North 64°00' West 267 feet; thence North 60°30' West 427 feet; thence North 85°10' West 487 feet; thence North 82°00' West 284 feet; thence North 55°30' West 940 feet; thence North 64°15' West 256 feet; thence South 64°15' West 1,404 feet; thence South 26°40' West 582 feet; thence 8°22' West 599 feet; thence North 35°10' West 615 feet to a point on the West Boundary line of Section 12 and 719 feet distant from the Southwest Corner of said Section 12; thence North 0°01' West 4,561 feet to the Northwest Corner of said Section 12, to the point of Beginning. Containing approximately 372.90 acres.

TRACT G: The Northwest Quarter of the Northwest Quarter of Section 14, Township 4 South, Range 4 West, Salt Lake Base and Meridian. Containing 40 acres.

It is the mutual understanding of the parties that reference to boundary lines, which follow the crests of natural ridges, was made for the purpose of determining acres rather than for fixing boundaries with strictness. These crests being enduring, easily recognized, and traceable, it is hereby mutually understood and agreed that in each and every case where this lease describes any boundary as being on or along the crest of a dividing ridge, that the crest or highest part of any traverse section along the designated ridges shall be the exact position of such boundary at that point.

It is further understood that the Elks Camp for the Handicapped (formerly the Girl Scout Camp), now being used in Left Hand Fork, is not to be included in the lands

leased herein and is expressly and entirely excluded.

**II  
LESSEE'S RESPONSIBILITIES**

LESSEE covenants and agrees to improve the Settlement Canyon grazing areas as follows:

1. By placing all salt for cattle on the crests of the canyon at established points when the cattle are grazing on the upper ridges or prior to the construction of cross fences so as to encourage the cattle to graze into the higher reaches of the canyon.
2. By maintaining the fences along the northern property line of LESSOR's property.

**III  
RENTAL**

For and in consideration of this lease, LESSEE hereby agrees to comply with the covenants and agreements contained herein and to pay Tooele City the sum of three hundred dollars (\$300.00) for each year throughout the term of this Lease.

**IV  
NUMBERS LIMITATION**

LESSEE covenants and agrees not to graze more than one (1) cow or horse, in any combination, per thirty (30) acres on the above-described land.

**V  
PROPERTY CONTROL**

It is understood and agreed between the parties that this lease shall pertain to grazing rights only, which rights are exclusive to the LESSEE. Aside from the grazing rights, LESSOR shall enjoy and exercise the exclusive control of all the property, including the water rights, the timber, and all vegetation growing thereon. The LESSEE may not preclude other lawful uses of the above-described land.

2014 Settlement Canyon Property Grazing Lease.

**VI  
TERM**

The term of the lease shall be five (5) years, commencing January 1, 2014, and ending December 31, 2018.

IN WITNESS WHEREOF, the respective parties hereto have executed the same on the \_\_\_\_ day of \_\_\_\_\_, 2014.

TOOELE CITY CORPORATION

ATTEST

\_\_\_\_\_  
Patrick H. Dunlavy, Mayor

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

S E A L

Approved as to Form:

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

SETTLEMENT CANYON LAND AND WATER  
ASSOCIATION

\_\_\_\_\_  
Gary Bevan, President

TOOELE CITY CORPORATION  
RESOLUTION 2014-18

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF TOOELE CITY A NEW 5-YEAR GRAZING LEASE WITH SETTLEMENT CANYON LAND AND WATER ASSOCIATION.

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WHEREAS, Tooele City and Settlement Canyon Land and Water Association (the Association) entered into leases permitting the Association's cattle to graze on the Property from the 1930's to the present (see table attached as Exhibit A); and,

WHEREAS, the Association desires to enter into a new lease agreement, and the City Administration has expressed a willingness to recommend a 5-year term; and,

WHEREAS, this Council finds it in the interest of the city to renew the lease:

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This Resolution shall take effect upon passage.

IN WITNESS, WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Tooele City Council Resolution 2014-18,

TOOELE CITY COUNCIL

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(Against)

ABSTAINING:

MAYOR OF TOOELE CITY (For)

Sharan-Clawson, C :Retci-7-der

Mtcheste• 1"or

(Against)

Tooele City

SEAL

Approved as to Form

City Attorney

Tooele City Council Resolution 2014-18.

Exhibit A

Settlement Canyon Property Grazing Lease History- 1930-2018

| Agreement Year | Agreement Term          | Authorizing Resolution | Rent       |
|----------------|-------------------------|------------------------|------------|
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| 1993           | 01/01/1993 — 12/31/1994 | 1993-06                | \$300/year |
| 1990           | 01/01/1990 — 12/31/1992 | 1990-18                | \$300/year |
| 1987           | 01/01/1987 — 12/31/1989 | ?                      | \$300/year |
| 1984           | ?                       | ?                      | ?          |
| 1930-1984      | ?                       | ?                      | ?          |

Tooele City Council Resolution 2014-18.

Exhibit B

Grazing Lease

2014 SETTLEMENT CANYON PROPERTY GRAZING LEASE

THIS LEASE, made and entered by and between Tooele City Corporation, a municipal corporation of the State of Utah, hereinafter referred to as LESSOR, and Settlement Canyon Land and Water Association, a Utah non-profit corporation, hereinafter referred to as LESSEE, constitutes the entire agreement between the parties for the leasing of certain properties as described herein situated in Settlement Canyon, a canyon in the Oquirrh mountain range in Tooele County, State of Utah.

PROPERTY LEASED

LESSOR, in and for the consideration of the covenants and agreements hereinafter set forth to be performed by LESSEE, and for the yearly rent to be paid by LESSEE, does hereby covenant and agree to let, and does hereby lease, for grazing purposes only, all of that certain property situated in Tooele County, State of Utah, described as follows (see Exhibit A, attached hereto and incorporated herein):

TRACT A: The Southwest Quarter of Section 34, Township 3 South, Range 4 West, Salt Lake Base and Meridian, containing 160 acres.

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South 17°50' East 454 feet; thence South 28°36' East 1,289 feet; south 74°00' east 268 feet; thence leaving said Dividing Ridge South 51049' East 864 feet: thence South 52°10' East 769 feet; thence South 57°01' East 660 feet; thence South 63°10' East 339 feet; thence South 59°30' East 239 feet; thence South 64°30' East 83 feet; to the point on the easterly boundary line of said Section 2; thence South 89°44' West 5280 feet, to the Southwest Corner of said Section 2; thence north 0°02' west 4,728.80 feet, along the west boundary of said Section 2 to the point of Beginning. Containing an area of 363.60 acres.

2014 Settlement Canyon Property Grazing Lease.

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TRACT E: That fractional part of Section 10, Township 4 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northeast Corner of said Section 10, Township 4 South, Range 4 West, which is in the Left Hand Fork of Settlement Canyon and running thence along the East Boundary line of Section 10, South 0°02' East 1,650 feet, to the Crest of the Dividing Ridge between Settlement Canyon and Left Hand Fork of said canyon, thence along the Crest of said Dividing Ridge North 49°30' West 89 feet; thence North 44°45' West 440 feet; thence North 45°05' West 698 feet; thence North 12°45' West 369 feet; thence North 28°00' West 417 feet; thence North 53°15' West 109 feet to a point on the North Boundary line of said Section 10, thence along said North Boundary line South 89°44' East 1,235 feet to the point of beginning. Containing an area of 26.80 acres.

TRACT F: That fractional part of Section 12, Township 4 South, range 4 West, Salt Lake Base and Meridian: more particularly described as:

2

2014 Settlement Canyon Property Grazing Lease.

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South 55°40' East 647 feet; thence South 67015' East 892 feet; thence South 32°40' East 680 feet; thence South 61°45' East 514 feet; thence South 24°15' East 312 feet to a point on the Crest of said Dividing Ridge that is common to the said Ridge Crest, the Township line between Townships 4 South and Ranges 3 and 4 West; the East Boundary line of said Section 12 and the East Boundary Section 1, Township 4 South, Range 4 West, thence south along said Township line a distance of 3,498 feet to the Southeast Corner of Section 12; thence along the South Boundary of said Section 12, North 89°42' West 71 feet to the point of the Dividing Ridge between the Left Hand Fork and the Left Hand Kelsey Fork of Settlement Canyon; thence along said Dividing Ridge North 36°10' West 557 feet; thence North 64°00' West 267 feet; thence North 60030' West 427 feet; thence North 85°10' West 487 feet; thence North 82°00' West 284 feet; thence North 55°30' West 940 feet; thence North 64°15' West 256 feet; thence South 64015' West 1,404 feet; thence South 26°40' West 582 feet; thence 8°22' West 599 feet; thence North 35°10' West 615 feet to a point on the West Boundary line of Section 12 and 719 feet distant from the Southwest Corner of said Section 12; thence North 0°01' West 4,561 feet to the Northwest Corner of said Section 12, to the point of Beginning. Containing approximately 372.90 acres.

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It is the mutual understanding of the parties that reference to boundary lines, which follow the crests of natural ridges, was made for the purpose of determining acres rather than for fixing boundaries with strictness. These crests being enduring, easily recognized, and traceable, it is hereby mutually understood and agreed that in each and every case where this lease describes any boundary as being on or along the crest of a dividing ridge, that the crest or highest part of any traverse section along the designated ridges shall be the exact position of such boundary at that point.

It is further understood that the Elks Camp for the Handicapped (formerly the Girl Scout Camp), now being used in Left Hand Fork, is not to be included in the lands

3

2014 Settlement Canyon Property Grazing Lease.

leased herein and is expressly and entirely excluded.

#### LESSEE'S RESPONSIBILITIES

LESSEE covenants and agrees to improve the Settlement Canyon grazing areas as follows:

1. By placing all salt for cattle on the crests of the canyon at established points when the cattle are grazing on the upper ridges or prior to the construction of cross fences so as to encourage the cattle to graze into the higher reaches of the Ca nyon
2. By maintaining the fences along the northern property line of LESSOR's property.

#### RENTAL

For and in consideration of this lease, LESSEE hereby agrees to comply with the covenants and agreements contained herein and to pay Tooele City the sum of three hundred dollars (\$300.00) for each year throughout the term of this Lease.

IV

#### NUMBERS LIMITATION

LESSEE covenants and agrees not to graze more than one (1) cow or horse, in any combination, per thirty (30) acres on the above-described land.



V

PROPERTY CONTROL

It is understood and agreed between the parties that this lease shall pertain to grazing rights only, which rights are exclusive to the LESSEE. Aside from the grazing rights, LESSOR shall enjoy and exercise the exclusive control of all the property, including the water rights, the timber, and all vegetation growing thereon. The LESSEE may not preclude other lawful uses of the above-described land.

4

2014 Settlement Canyon Property Grazing Lease.

VI

TERM

The term of the lease shall be five (5) years, commencing January 1, 2014, and ending December 31, 2018.

IN WITNESS WHEREOF, the respective parties hereto have executed the same on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TOOELE CITY CORPORATION

ATTEST

Patrick H. Dunlavy, Mayor      Michelle Pitt, City Recorder

SEAL

Approved as to Form:

Roger Baker, Tooele City Attorney

SETTLEMENT CANYON LAND AND WATER ASSOCIATION

Gary Bevan, President

5

**TOOELE CITY CORPORATION**

**ORDINANCE 2018-26**

**AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY ZONING MAP FOR PROPERTY LOCATED NEAR 300 WEST 400 NORTH, REASSIGNING 3.05 ACRES OF PROPERTY CURRENTLY ZONED R1-7 RESIDENTIAL TO HDR HIGH DENSITY RESIDENTIAL.**

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 findings 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 decisions 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 amendments for properties located near 300 West 400 North, as shown in the attached **Exhibit A**; and,

WHEREAS, the City Administration has recommended Zoning amendments for properties located near 300 West 400 North from the R1-7 Residential zoning district(s)

to the HDR High Density Residential zoning district(s) (see City Administration recommendation attached as **Exhibit B**); and,

WHEREAS, on November 28, 2018, the Planning Commission convened a duly noticed public hearing, accepted written and verbal 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-advertised public hearing:

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

1. this Ordinance and the zoning amendments proposed therein are in the best interest of the City in that they will greater opportunities for affordable housing and housing styles and are consistent with land uses in the immediate vicinity, and are consistent with the General Plan and Land Use Plan; and,
2. the Zoning Map is hereby amended for the properties located near 300 West 400 North (see **Exhibit A**) re assigning the properties from the R1-7 zoning district to the HDR High Density Residential zoning district.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Sharon Dawson, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger 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](http://www.tooelecity.org)



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

| Project Information   |           |                               |  |  |            |
|---|-----------|-------------------------------|--|--|------------|
| Date of Submission: 10/26/2018  |           | Current Map Designation: R1-7 |  | Proposed Map Designation: HDR                                |            |
| Project Name: MILLENNIAL PARK   |           |                               |  | Parcel #(s): 02-065-0-0006<br>02-065-0-0002<br>02-065-0-0007 |            |
| Project Address: 300 WEST 400 NORTH   |           |                               |  | Acres: 3.05  |            |
| Proposed for Amendment: <input checked="" type="checkbox"/> Zoning Map <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: _____                            |           |                               |  |  |            |
| Brief Project Summary: THE CURRENT LAND CONTAINS MOSTLY UNMAINTAINED WEED FILLED PARCELS AND OLD ABANDON BUILDINGS, WE WOULD LIKE TO MAKE IT A SINGLE FAMILY TOWNHOME NEIGHBORHOOD. |           |                               |  |  |            |
| Property Owner(s): MOUNTAIN PARTNERS INVESTMENTS LLC  |           |                               | Applicant(s): Ensign Engineering       |  |            |
| Address: 608 W LIFE DRIVE   |           |                               | Address: 169 North Main Street, Unit 1 |  |            |
| City: BLUFFDALE   | State: UT | Zip: 84065                    | City: Tooele City                      | State: UT  | Zip: 84074 |
| Phone: 801-860-0747   |           |                               | Phone: 435-843-3590                    |  |            |
| Contact Person: Doug Kinsman  |           |                               | Address: 169 North Main Street, Unit 1 |  |            |
| Phone: 435-843-3590   |           |                               | City: Tooele City                      | State: UT  | Zip: 84074 |
| Cellular:   |           | Fax:                          |  | Email: dkinsman@ensignutah.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.

2180792

| For Office Use Only |                         |               |                |
|---------------------|-------------------------|---------------|----------------|
| Received By:        | Date Received: 10/29/18 | Fees: 1300.00 | App. #: 326650 |

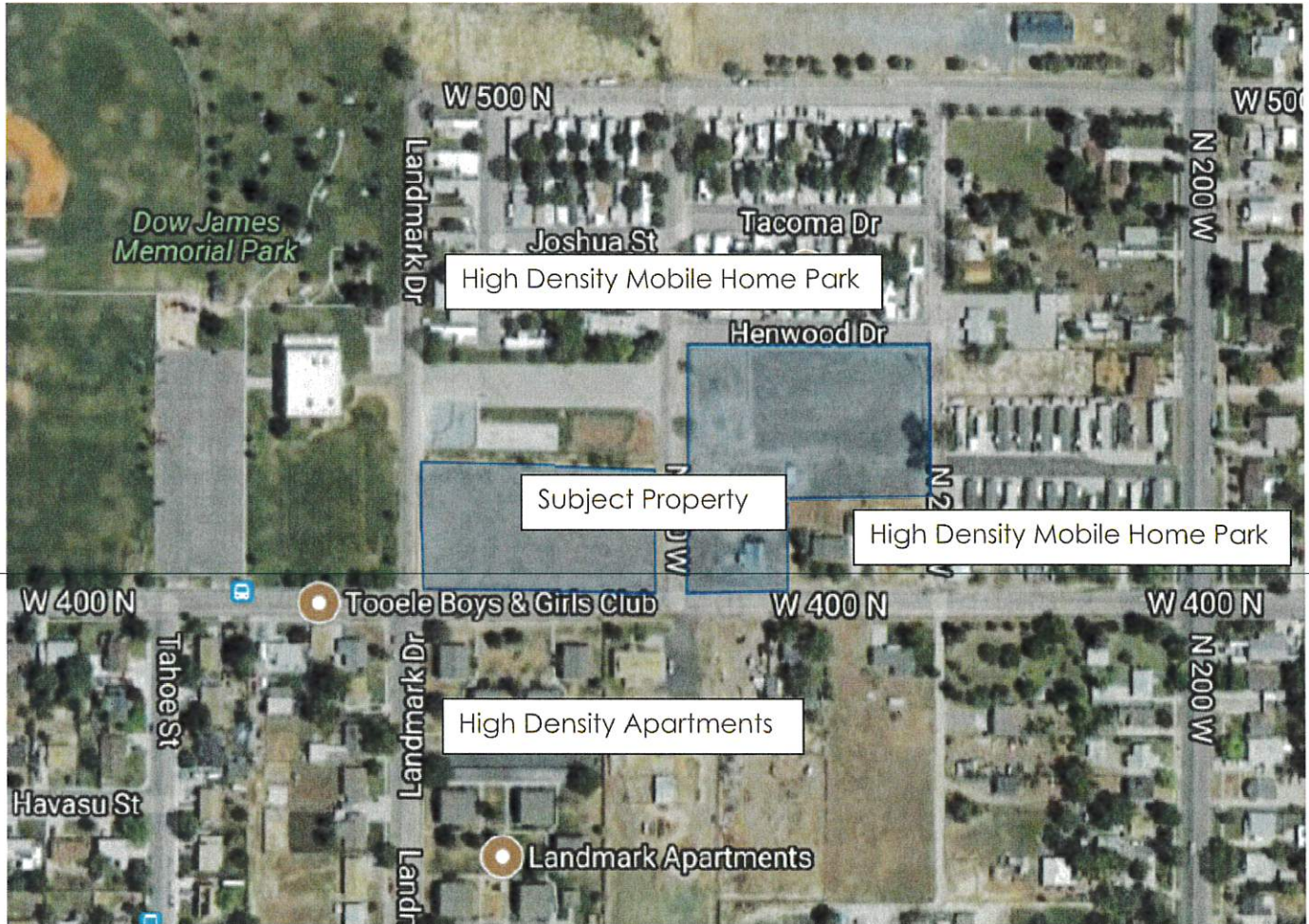
**EXHIBIT B**

**APPLICANT SUBMITTED INFORMATION**



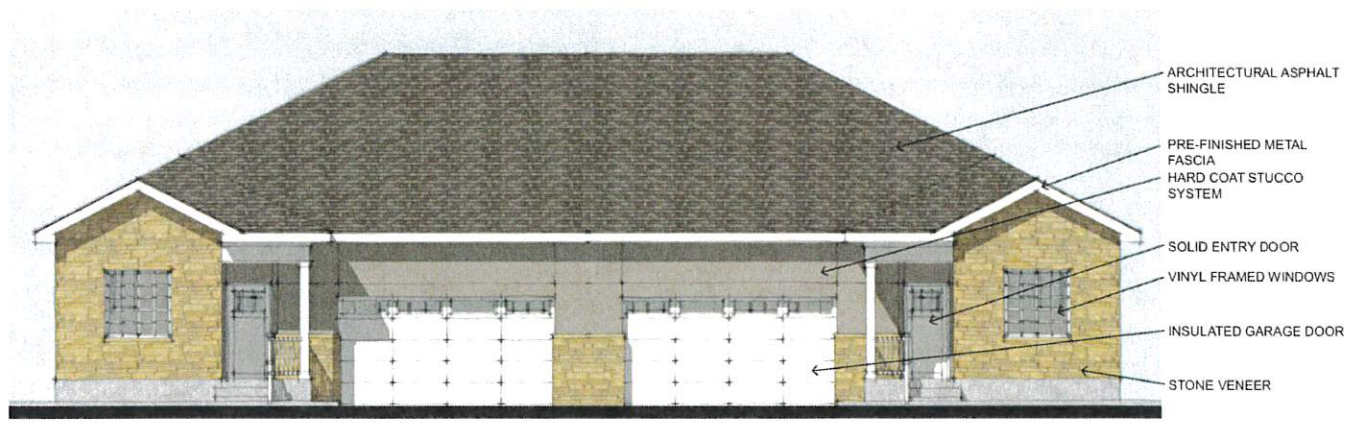
# SENTINEL PARK PROJECT

300 West 400 North Tooele – 3 Acres, Currently Zoned R1-7, Owned by Mountain Partners Investments



## Current Use

It is currently zoned R1-7 and we plan max density twin home rentals as of right. Here is our rendering of what fits the currently zoned:





## Proposed Use

We feel that the area would better fit more **affordable** For Sale town homes, mostly due to the adjacent trailer park. This would better match the densities of the developments on the 3 adjacent (North Side, East Side, and South Side) sides of our project. Plus selling the units to individual owners would increase home ownership in the mostly For Rent vicinity. The For Sale town homes would be around 2,000 SF, Two Stories, Two Car Garages, and maintained by an HOA that would take care of the yards and exterior of the buildings. As we drove the area, other projects without an HOA seemed to fall into disrepair with deferred maintenance depending on the individual owner. The HOA would ensure curb appeal and allow us to increase property values for all neighbors. We feel that there is a market for this product for first time home owners, move down no maintenance buyers, and people who want a new home product in the core of Tooele. We are just finishing a subdivision of town homes like this in Bluffdale and this is the rendering of what we would propose:



## Condition Use

We are curious if this is a use that the city council would "generally" like to see added to the area. If so, we would pursue a zoning change to ask for an HDR zone allowing for these specific type of town homes and we would provide all the necessary details to achieve the change. Or, if there is similar product/density that the city would like, we are open to suggestions, as we genuinely want to create an overall value add project to this site situated around a mobile home park.

**STAFF REPORT**

November 16, 2018

**To:** Tooele City Planning Commission  
Business Date: November 28, 2018

**From:** Planning Division  
Community Development Department

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

**Re: Millennial Park – Zoning Map Amendment Request**

Application No.: P18-785  
Applicant: Doug Kinsman, representing Ensign Engineering  
Project Location: Approximately 300 West 400 North  
Zoning: R1-7 Residential  
Acreage: 3.05 Acres (Approximately 132858 ft<sup>2</sup>)  
Request: Request for approval of a Zoning Map Amendment in the R1-7 Residential zone regarding reassignment of the subject property to the HDR High Density Residential zoning district.

**BACKGROUND**

This application is a request for approval of a Zoning Map Amendment for approximately 3.05 acres located at approximately 300 West 400 North. The property is currently zoned R1-7 Residential. The applicant is requesting that the zoning be reassigned to HDR High Density Residential to facilitate the construction of 5 unit attached town homes on 3 acres of largely vacant land.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Medium Density Residential land use designation for the subject property. The property has been assigned the R1-7 Residential zoning classification, supporting approximately 5 dwelling units per acre. The purpose of the R1-7 zone is to “provide a range of housing choices to meet the needs of Tooele City residents, to offer a balance of housing types and densities, and to preserve and maintain the City’s residential areas as safe and convenient places to live. These districts are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings and multi-family dwellings in appropriate locations within the City. Also allowed are parks, open space areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City.” The HDR High Density Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Medium Density Residential land use designation, however, many uses permitted in the HDR zoning are also permitted in the MDR zoning which complies with the General Plan. The subject properties are surrounded by properties zoned R1-7 on the north, east and south. Property to the west is zoned OS Open Space and is a city park. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant has submitted a conceptual site plan showing a development consisting of attached townhomes in 3 unit, 4 unit and 5 unit configurations. It should be pointed out that the MDR Medium Density Residential zone permits 3 and 4 unit buildings and the MDR Medium Density Residential zone

with a conditional use permit and complies with the Land Use Element of Tooele's General Plan. Multi-Family dwellings with more than 4 units are also permitted in the MDR Medium Density Residential zone with a conditional use permit. The main difference or issue at hand and the reason for the HDR High Density residential request is the overall density. The MDR zone permits 8 units per acre and at 3 acres the density is limited to 24 units. The HDR zone permits 16 units per acre. Therefore, in order to maximize density on the properties and yield 30 units the applicant is requesting the HDR zoning district.

Currently, Table 1 of Tooele City code 7-14-3 requires dwellings containing more than 4 units can only be constructed on parcels totaling more than 5 acres. This development has only 3 acres and under current codes does not qualify. However, the Planning Commission recommended approval of a change to this code that would remove the 5 acre minimum during its October 24<sup>th</sup> meeting. The City Council has not acted on this ordinance amendment and will be hearing the proposal in December. Therefore, this rezone request, if the Planning Commission is inclined to recommend approval, must be recommended with a condition upon ratification of the ordinance amendment by the Tooele City Council.

Neighboring land uses in the area are similar to that being requested by the applicant. To the north and the east rests a mobile home subdivision with densities approaching an estimated 11 units per acre. To the south is an apartment complex that has a density of about 16 units per acre. Therefore the zoning as requested by the applicant and the use of the properties are multi-family residential is appropriate for the area and the surrounding land uses.

Fencing. Tooele City Code Title 7, Chapter 11a Design Guidelines: Multi-Family Residential requires multi-family residential projects have 6 foot solid masonry fencing incorporated into perimeter design.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

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

## **REVIEWS**

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment submission and has issued a recommendation for approval for the request.

Engineering Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Zoning Map Amendment submission and have issued a recommendation for approval for the request.



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

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Zoning Map Amendment by Doug Kinsman, representing the Ensign Engineering, application number P18-785, subject to the following conditions:

1. Approval of the rezone request is subject to ratification by the Tooele City Council of the proposed amendment to Tooele City Code 7-14-3: Uses Allowed within the Residential Zoning Districts, Table 1, regarding removal of a 5 acre minimum requirement for multi-family dwellings more than 4 units.

This recommendation is based on the following findings:

1. The proposed zoning map amendment meets the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed zoning map amendment meets the requirements and provisions of the Tooele City Code.
3. The proposed zoning map amendment will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The public services in the area are adequate to support the anticipated development allowed by the proposed zoning district.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Millennial Park Zoning Map Amendment Request by Doug Kinsman, representing Ensign Engineering to reassign the subject properties to the HDR High Density Residential zoning district, application number P18-785, based on the findings and subject to the conditions listed in the Staff Report dated November 16, 2018:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Millennial Park Zoning Map Amendment Request by Doug Kinsman, representing Ensign Engineering to reassign the subject properties to the HDR High Density Residential zoning district, application number P18-785, based on the following findings.”

1. List any findings...

**EXHIBIT A**

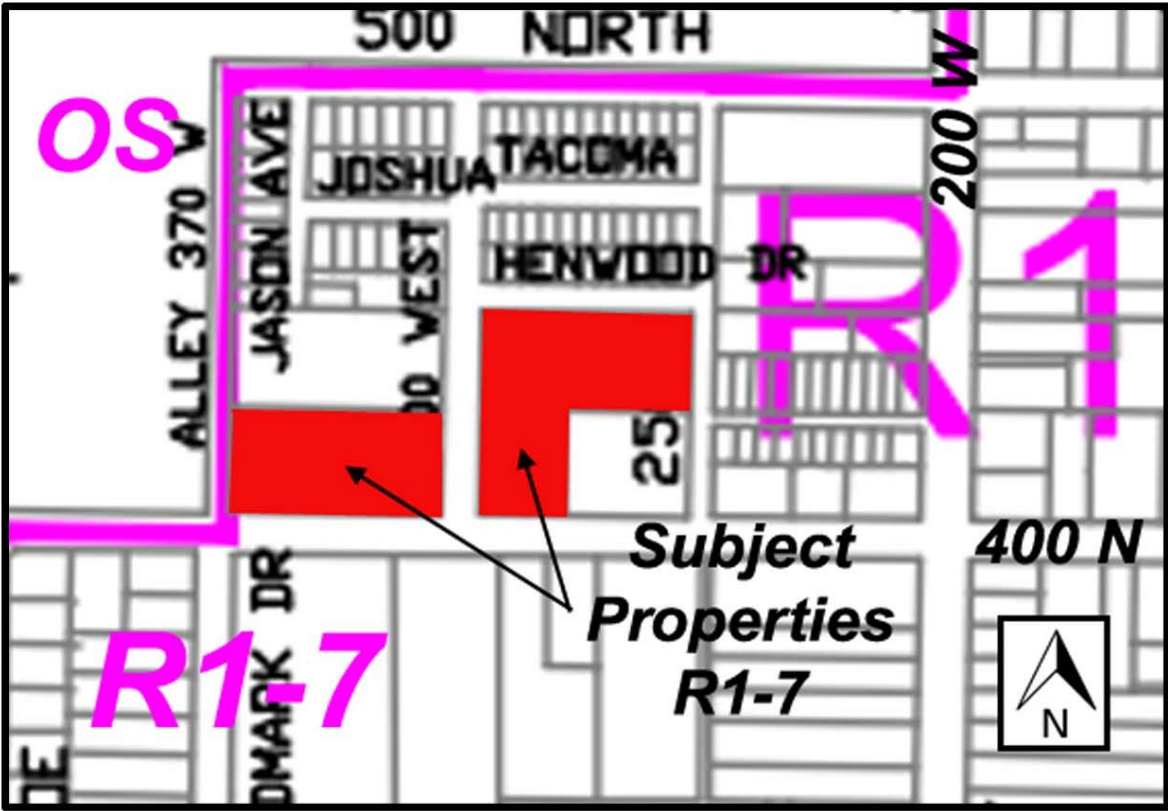
**MAPPING PERTINENT TO THE  
MILLENIAL PARK ZONING MAP AMENDMENT**

**Millenial Park Zoning Map Amendment**



**Aerial View**

**Millennial Park Zoning Map Amendment**



**Current Zoning**

**STAFF REPORT**

November 19, 2018

**To:** Tooele City Planning Commission  
Business Date: November 28, 2018

**From:** Planning Division  
Community Development Department

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

**Re: Petersen Industrial Depot Final Plat – Amending Subivision Plat 2c**

Application No.: P18-495  
Applicant: Brock Petersen, representing Petersen Industrial Depot  
Project Location: Approximately 90 South Garnet Street  
Zoning: PID PUD Industrial Zone  
Acreage: 39.26 Acres (Approximately 1,710,165 ft<sup>2</sup>)  
Request: Request for approval of a Final Plat in the PID PUD Industrial zone that would amend the existing 2c subdivision plat and create two new lots.

**BACKGROUND**

This application is a request for approval of a Final Plat for approximately 39.26 acres located at approximately 90 South Garnet Street. The property is currently zoned PID PUD Industrial. The applicant is requesting that a Final Plat be approved which would amend an existing subdivision plat and create two new industrial lots.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Industrial land use designation for the subject property. The property has been assigned the PID PUD Industrial zoning classification. The purpose of the PID PUD Industrial zone is to “recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity within the city.” The PID PUD Industrial zoning designation is identified by the General Plan as a preferred zoning classification for the Industrial land use designation. All properties within the area contain the same Industrial PUD zoning. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* The purpose of this application is amend the Petersen Industrial Depot, Plat 2c, but creating two new lots in the subdivision. Lot 205 is the smaller of the two lots and will be 4.24 acres (184,506 square feet). Lot 206 is significantly larger at 35.02 acres (1,525,777 square feet). The lots within this subdivision have access from Garnet Street and G Avenue, both are public streets. No road dedication or improvements are required with this subdivision plat. There are no lot size minimums or maximums for lots within the industrial zoning districts. Subdivision plat amendments such as this are approved under the same processes as a subdivision final plat as described below and are not subject to a preliminary plan review.



*Criteria For Approval.* The procedure for approval or denial of a Subdivision Final Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-10 and 11 of the Tooele City Code.

## **REVIEWS**

*Planning Division Review.* The Tooele City Planning Division has completed their review of the Final Plat submission and has issued a recommendation for approval for the request.

*Engineering Review.* The Tooele City Engineering and Public Works Divisions have completed their reviews of the Final Plat submission and have issued a recommendation for approval for the request.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Final Plat by Brock Petersen, representing the Petersen Industrial Depot, application number P18-495, subject to the following conditions:

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

This recommendation is based on the following findings:

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

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Final Plat Request by Brock Petersen, to amend the existing Petersen Industrial Depot, Plat 2c subdivision creating lots 205 and 206, application number P18-495, based on the findings and subject to the conditions listed in the Staff Report dated November 19, 2018:”

1. List any additional findings and conditions...

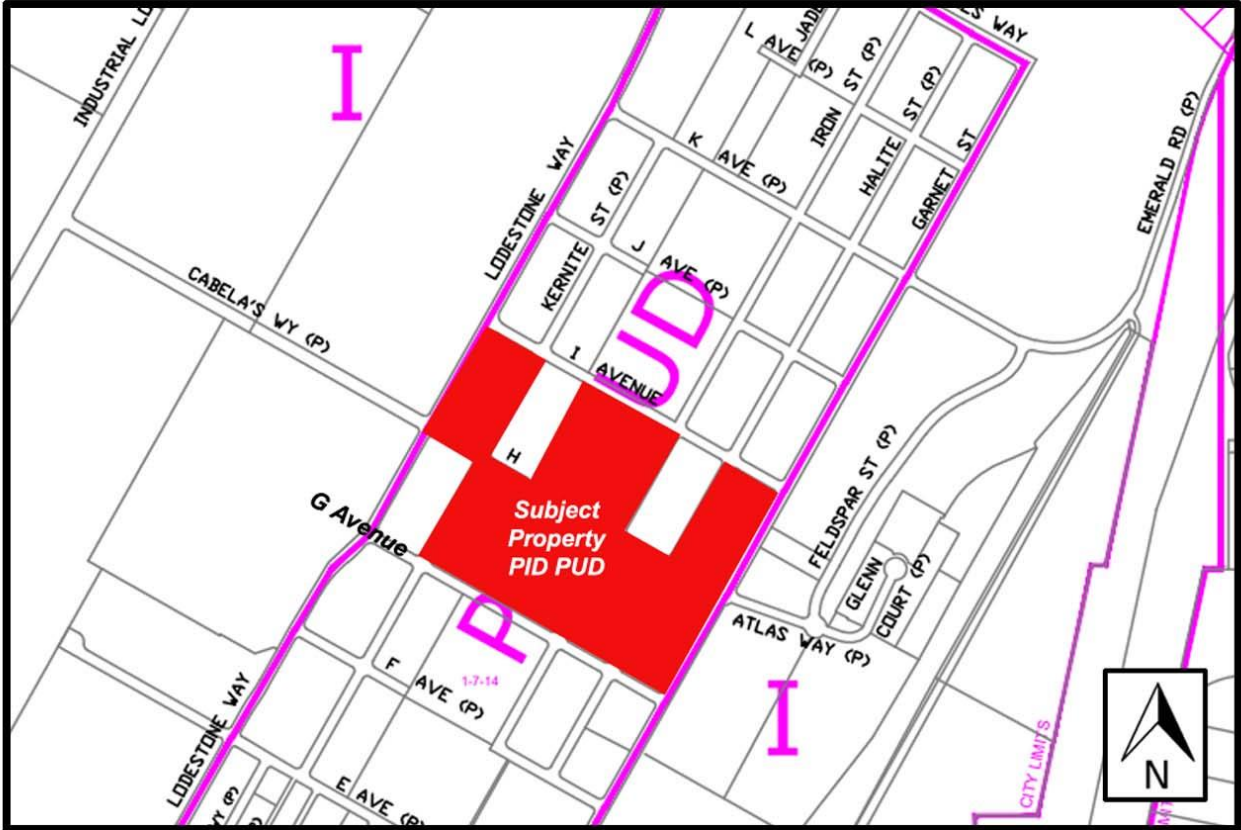
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Final Plat Request by Brock Petersen, to amend the existing Petersen Industrial Depot, Plat 2c subdivision creating lots 205 and 206, application number P18-495, based on the following findings:”

1. List any additional findings...

**EXHIBIT A**

**MAPPING PERTINENT TO THE PETERSEN INDUSTRIAL DEPOT FINAL PLAT  
AMENDMENT REQUEST**

***Petersen Industrial Depot Final Plat Amending Plat 2c***



**Current Zoning**

# Petersen Industrial Depot Final Plat Amending Plat 2c

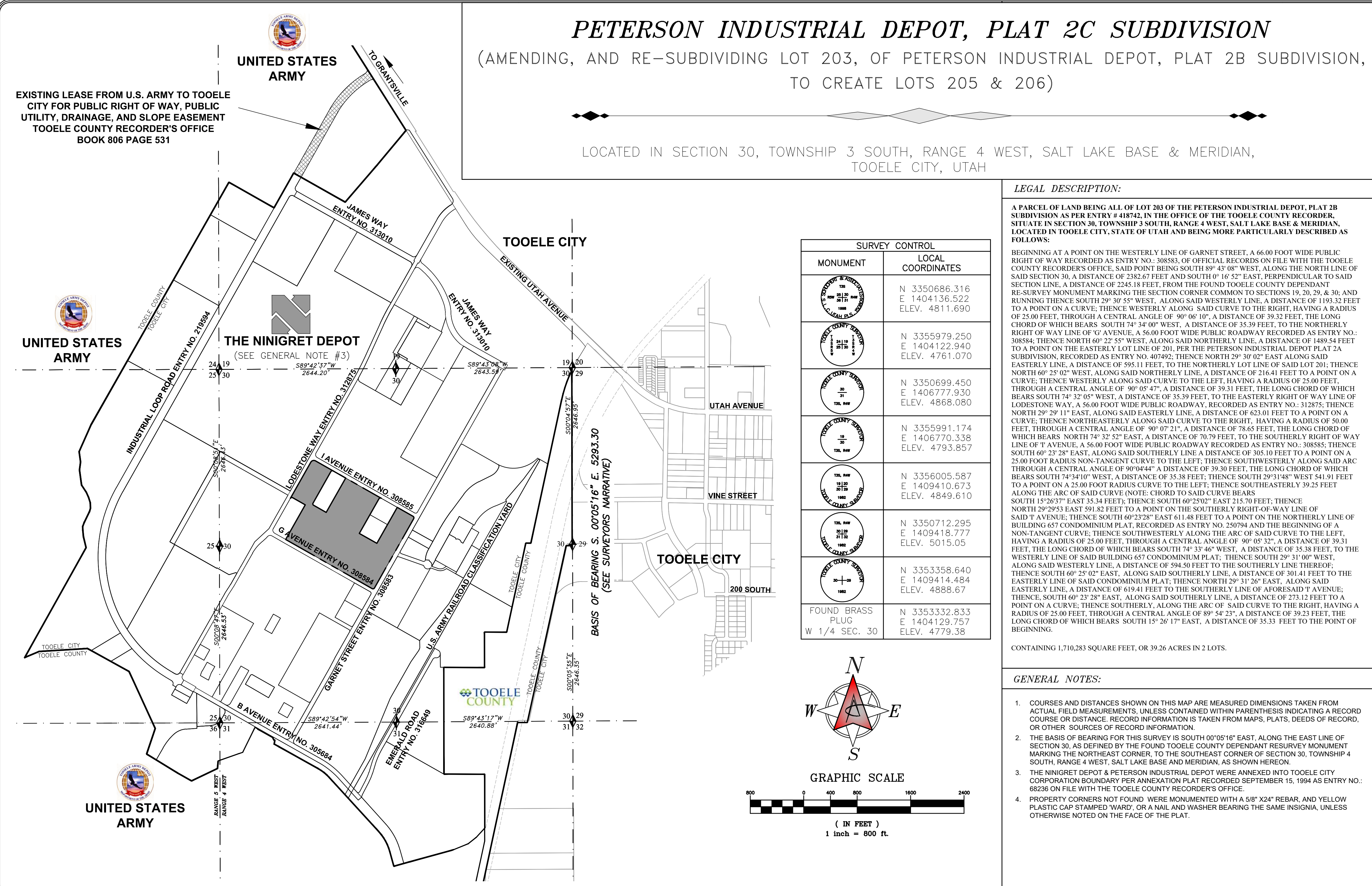


**Current Zoning**

**EXHIBIT B**

**PROPOSED SUBDIVISION PLAT**





# PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION

(AMENDING, AND RE-SUBDIVIDING LOT 203, OF PETERSON INDUSTRIAL DEPOT, PLAT 2B SUBDIVISION, TO CREATE LOTS 205 & 206)

LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, TOOELE CITY, UTAH

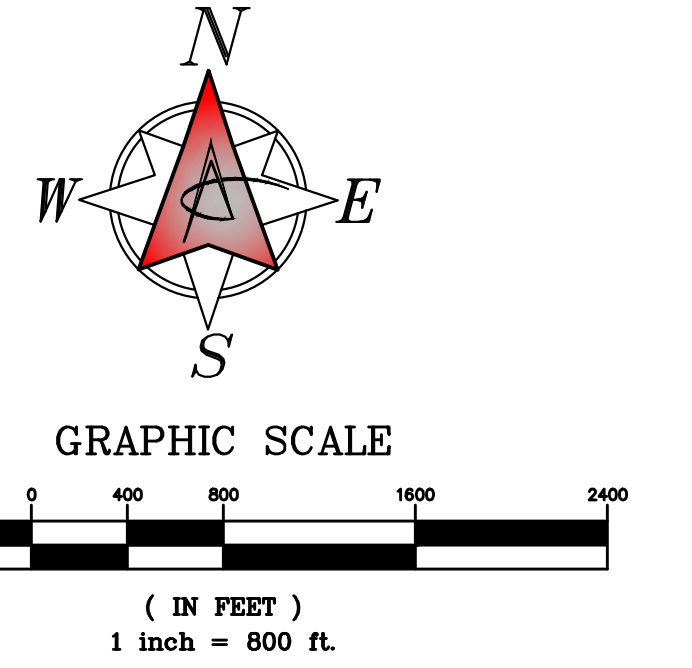
| SURVEY CONTROL                    |  |
|-----------------------------------|--|
| MONUMENT                          | LOCAL COORDINATES                                |
|                                   | N 3350686.316<br>E 1404136.522<br>ELEV. 4811.690 |
|                                   | N 3350699.250<br>E 1406777.930<br>ELEV. 4761.070 |
|                                   | N 3350699.450<br>E 1406777.930<br>ELEV. 4868.080 |
|                                   | N 3350591.174<br>E 1406770.338<br>ELEV. 4793.857 |
|                                   | N 3356005.587<br>E 1409410.673<br>ELEV. 4849.610 |
|                                   | N 3350712.295<br>E 1409418.777<br>ELEV. 5015.05  |
|                                   | N 3353358.640<br>E 1409414.484<br>ELEV. 4888.67  |
|                                   | N 3353332.833<br>E 1404129.757<br>ELEV. 4779.38  |
| FOUND BRASS PLUG<br>W 1/4 SEC. 30 | N 3353332.833<br>E 1404129.757<br>ELEV. 4779.38  |

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING ALL OF LOT 203 OF THE PETERSON INDUSTRIAL DEPOT, PLAT 2B SUBDIVISION AS PER ENTRY # 418742, IN THE OFFICE OF THE TOOELE COUNTY RECORDER, SITUATE IN SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN TOOELE CITY, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF GARNET STREET, A 66.00 FOOT WIDE PUBLIC RIGHT OF WAY RECORDED AS ENTRY NO. 308583, OF OFFICIAL RECORDS ON FILE WITH THE TOOELE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 89° 43' 08" WEST, ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 2382.67 FEET AND SOUTH 0° 16' 52" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 2245.18 FEET, FROM THE FOUND TOOELE COUNTY DEPENDANT RE-SURVEY MONUMENT MARKING THE SECTION CORNER COMMON TO SECTIONS 19, 20, 29, & 30; AND RUNNING THENCE SOUTH 29° 30' 55" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 1193.32 FEET TO A POINT ON A CURVE; THENCE WESTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 06' 10", A DISTANCE OF 39.32 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 74° 34' 00" WEST, A DISTANCE OF 35.39 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF 'G' AVENUE, A 56.00 FOOT WIDE PUBLIC ROADWAY RECORDED AS ENTRY NO.: 308584, THENCE NORTH 60° 22' 55" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1489.54 FEET TO A POINT ON THE EASTERLY LOT LINE OF 201, PER THE PETERSON INDUSTRIAL DEPOT PLAT 2A SUBDIVISION, RECORDED AS ENTRY NO. 407492; THENCE NORTH 29° 30' 02" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 595.11 FEET, TO THE NORTHERLY LOT LINE OF SAID LOT 201; THENCE NORTH 60° 25' 02" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 216.41 FEET TO A POINT ON A CURVE; THENCE WESTERLY ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 05' 47", A DISTANCE OF 39.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 74° 32' 05" WEST, A DISTANCE OF 35.39 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF LODESTONE WAY, A 56.00 FOOT WIDE PUBLIC ROADWAY, RECORDED AS ENTRY NO.: 312875; THENCE NORTH 29° 29' 11" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 623.01 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 07' 21", A DISTANCE OF 78.45 FEET, THE LONG CHORD OF WHICH BEARS NORTH 74° 32' 52" EAST, A DISTANCE OF 70.79 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF 'T' AVENUE, A 56.00 FOOT WIDE PUBLIC ROADWAY RECORDED AS ENTRY NO.: 308585; THENCE SOUTH 60° 23' 28" EAST, ALONG SAID SOUTHERLY LINE A DISTANCE OF 305.10 FEET TO A POINT ON A 25.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG SAID ARC THROUGH A CENTRAL ANGLE OF 90° 04' 44", A DISTANCE OF 39.30 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 74° 34' 10" WEST, A DISTANCE OF 35.38 FEET; THENCE SOUTH 29° 31' 48" WEST 541.91 FEET TO A POINT ON A 25.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY 39.25 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 15° 26' 33" EAST 35.34 FEET); THENCE SOUTH 60° 23' 28" EAST 215.70 FEET; THENCE NORTH 29° 29' 53" EAST 591.82 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 'T' AVENUE; THENCE SOUTH 60° 23' 28" EAST 611.48 FEET TO A POINT ON THE NORTHERLY LINE OF BUILDING 657 CONDOMINIUM PLAT, RECORDED AS ENTRY NO. 250794 AND THE BEGINNING OF A NON-TANGENT CURVE; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 05' 32", A DISTANCE OF 39.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 74° 33' 46" WEST, A DISTANCE OF 35.38 FEET, TO THE WESTERLY LINE OF SAID BUILDING 657 CONDOMINIUM PLAT; THENCE SOUTH 29° 31' 00" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 594.50 FEET TO THE SOUTHERLY LINE THEREOF; THENCE SOUTH 60° 25' 02" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 301.41 FEET TO THE EASTERLY LINE OF SAID CONDOMINIUM PLAT; THENCE NORTH 29° 31' 26" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 619.41 FEET TO THE SOUTHERLY LINE OF AFORESAID 'T' AVENUE; THENCE SOUTH 60° 23' 28" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 273.12 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 54' 23", A DISTANCE OF 39.23 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 15° 26' 17" EAST, A DISTANCE OF 35.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,710,283 SQUARE FEET, OR 39.26 ACRES IN 2 LOTS.



**SURVEYOR'S CERTIFICATE**

I, SAITAR N. TABRIZ, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 155100 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 EASEMENTS HEREAFTER TO BE KNOWN AS **PETERSON INDUSTRIAL DEPOT, PLAT 2C**, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

No. 155100  
SAITAR N. TABRIZ  
STATE OF UTAH

SATTAR N. TABRIZ  
155100

**OWNERS DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT **PETERSON INDUSTRIAL PROPERTIES LLC, A UTAH LIMITED LIABILITY COMPANY**, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC THE PUBLIC UTILITY EASEMENTS AS SHOWN AND DESCRIBED ON THIS PLAT, **PETERSON INDUSTRIAL DEPOT, PLAT 2C**, AS INTENDED FOR PUBLIC USE FOR THE PLACEMENT AND MAINTENANCE OF UTILITIES, SAID PLAT IS SUBJECT TO ANY EXISTING EASEMENTS, DECLARATIONS, COVENANTS, CONDITIONS, AND RESTRICTIONS.

IN WITNESS WHEREOF WE HAVE HERETO SET OUR HAND THIS \_\_\_\_\_ A.D., 20 \_\_\_\_

NAME: ROGER PETERSON,  
AS AUTHORIZED MEMBER FOR  
PETERSON INDUSTRIAL PROPERTIES, LLC.,  
A UTAH LIMITED LIABILITY COMPANY

**OWNER'S RESERVATION AND GRANT OF EASEMENTS**

KNOW ALL MEN BY THESE PRESENTS THAT **PETERSON INDUSTRIAL PROPERTIES LLC, A UTAH LIMITED LIABILITY COMPANY**, THE UNDERSIGNED OWNER DOES HEREBY RESERVE UNTO ITSELF, AND ITS SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT AND RIGHT-OF-WAY ON, OVER, UNDER, THROUGH, AND ACROSS ALL OF THE EASEMENTS (INCLUDING PUBLIC UTILITY EASEMENTS, INGRESS AND EGRESS EASEMENTS, RAILROAD EASEMENTS, AND ANY OTHER EASEMENTS) SHOWN AND DESCRIBED ON THIS PLAT, **PETERSON INDUSTRIAL DEPOT, PLAT 2C**, AND DOES HEREBY GRANT TO THE OWNERS OF THE LOTS DEPICTED ON THE PLAT A PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS ON, OVER, THROUGH, AND ACROSS THE INGRESS AND EGRESS EASEMENTS AS SHOWN AND DESCRIBED ON THIS PLAT AS INTENDED FOR USE BY SAID OWNER(S).

IN WITNESS WHEREOF WE HAVE HERETO SET OUR HAND THIS \_\_\_\_\_ A.D., 20 \_\_\_\_

NAME: ROGER PETERSON,  
AS AUTHORIZED MEMBER FOR  
PETERSON INDUSTRIAL PROPERTIES, LLC.,  
A UTAH LIMITED LIABILITY COMPANY

**ACKNOWLEDGMENT**

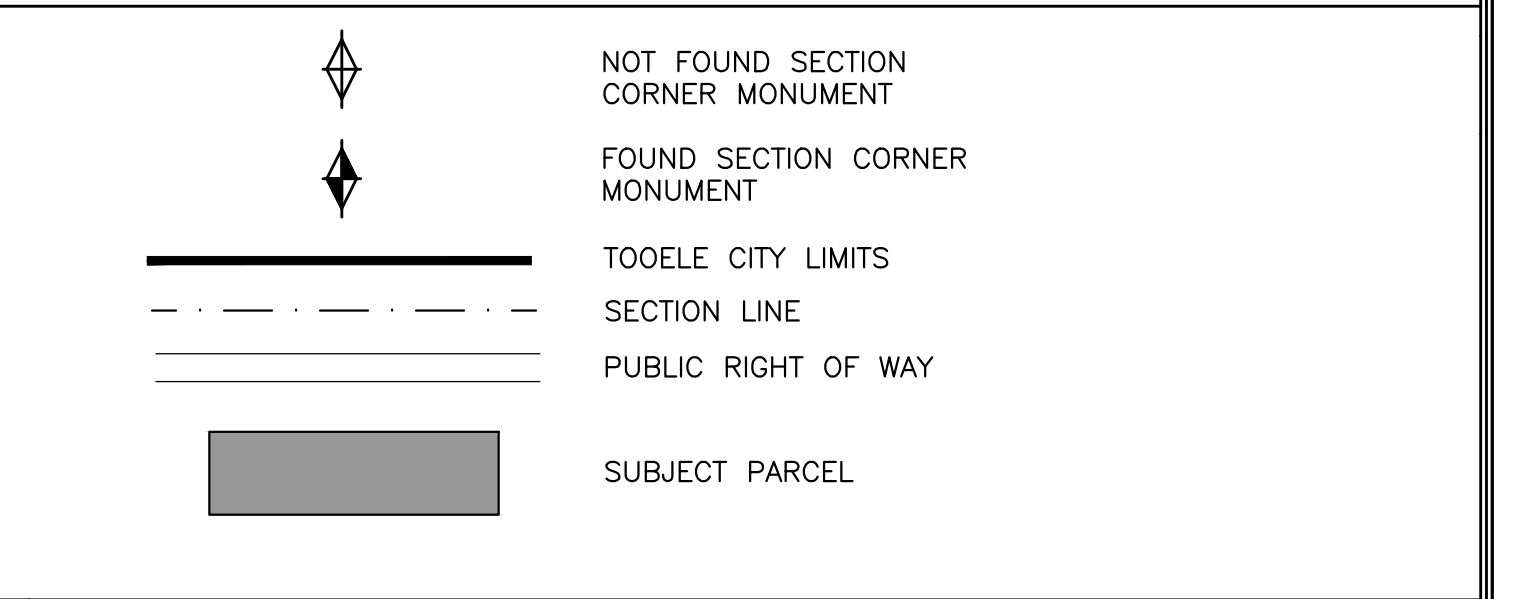
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20 \_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF \_\_\_\_\_ IN SAID STATE OF UTAH, THE SIGNER ( ) OF THE ABOVE OWNER'S DEDICATION, \_\_\_\_\_ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT \_\_\_\_\_ SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_

**GENERAL NOTES:**

- COURSES AND DISTANCES SHOWN ON THIS MAP ARE MEASURED DIMENSIONS TAKEN FROM ACTUAL FIELD MEASUREMENTS, UNLESS OTHERWISE INDICATED BY A RECORD COURSE OR DISTANCE. RECORD INFORMATION IS TAKEN FROM MAPS, PLATS, DEEDS OF RECORD, OR OTHER SOURCES OF RECORD INFORMATION.
- THE BASIS OF BEARING FOR THIS SURVEY IS SOUTH 00°05'16" EAST, ALONG THE EAST LINE OF SECTION 30, AS DEFINED BY THE FOUND TOOELE COUNTY DEPENDANT RESURVEY MONUMENT MARKING THE NORTHEAST CORNER, TO THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, AS SHOWN HEREON.
- THE NINIGRET DEPOT & PETERSON INDUSTRIAL DEPOT WERE ANNEXED INTO TOOELE CITY CORPORATION UNDER PER ANNEXATION PLAT RECORDED SEPTEMBER 15, 1994 AS ENTRY NO.: 68236 ON FILE WITH THE TOOELE COUNTY RECORDER'S OFFICE.
- PROPERTY CORNERS NOT FOUND WERE MONUMENTED WITH A 5/8" X24" REBAR, AND YELLOW PLASTIC CAP STAMPED 'WARD' OR A NAIL AND WASHER BEARING THE SAME INSIGNIA, UNLESS OTHERWISE NOTED ON THE FACE OF THE PLAT.



**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. DOMINION 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

ROCKY MOUNTAIN POWER

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**DOMINION ENERGY**

DOMINION APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION 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 DOMINION'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

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

DOMINION ENERGY

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**COUNTY HEALTH DEPT.**

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

TOOELE COUNTY HEALTH DEPARTMENT

**COUNTY TREASURER**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ BY THE TOOELE COUNTY TREASURER.

TOOELE COUNTY TREASURER

**COUNTY SURVEY DEPT.**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ BY THE TOOELE COUNTY SURVEY DEPARTMENT RECORD OF SURVEY REF# \_\_\_\_\_ 2010-0011

TOOELE COUNTY SURVEY DIRECTOR

**PETERSON INDUSTRIAL DEPOT, PLAT 2C**

AMENDING, AND RE-SUBDIVIDING LOT 203, OF PETERSON INDUSTRIAL DEPOT, PLAT 2B SUBDIVISION, TO CREATE LOTS 205 & 206

LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN

**TOOELE CITY, UTAH**

**Ward Engineering Group**  
Planning • Engineering • Surveying

231 W 800 S  
Salt Lake City, Utah 84101

tel. (801) 487-8040  
fax (801) 487-8668

**CITY ATTORNEY**

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

TOOELE CITY ATTORNEY

**CITY ENGINEER**

APPROVED AS TO FORM ON 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

**PLANNING COMMISSION**

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

CHAIRMAN TOOELE CITY PLANNING COMM.

**CITY COUNCIL**

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

ATTEST: CITY RECORDER

**TOOELE COUNTY RECORDER**

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

FEE \$ \_\_\_\_\_ TOOELE COUNTY RECORDER

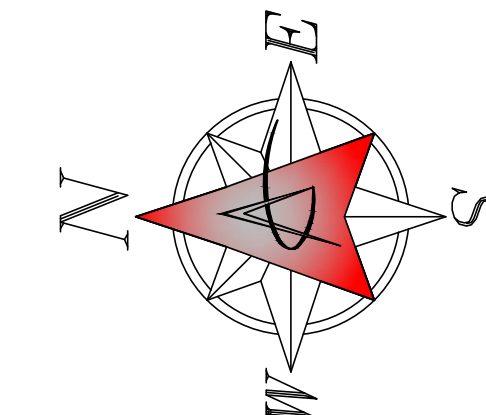
SHEET:  
**1 of 2**

Approved 10/26/2018 EJ MBN



# PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION

(AMENDING, AND RE-SUBDIVIDING LOT 203,  
OF PETERSON INDUSTRIAL DEPOT PLAT 2B SUBDIVISION,  
TO CREATE LOTS 205 & 206)  
SITUATE IN SECTION 30 OF TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN,  
LOCATED IN TOOELE CITY, COUNTY OF TOOELE, STATE OF UTAH.



GRAPHIC SCALE

( IN FEET )  
1 inch = 100 ft.

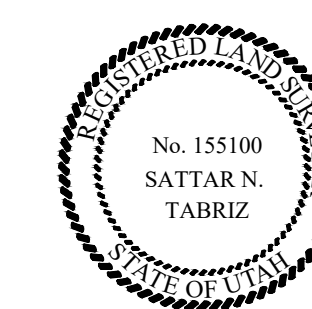
### LEGEND:

- FOUND TOOELE COUNTY SECTION CORNER
- FOUND CENTERLINE MONUMENT
- FOUND WARD REBAR, OR NAIL & WASHER UNLESS OTHERWISE NOTED
- BOUNDARY LINE
- PUBLIC RIGHT OF WAY LINE
- PRIVATE RIGHT OF WAY LINE
- CENTERLINE
- SECTION LINE
- DEED LINE
- ADJOINING SUBDIVISION LINE
- RADIAL TIE LINES
- MONUMENT
- TIE LINE
- LESS & EXCEPTING PARCEL
- INT. INTERSECTION
- P.C. POINT OF CURVATURE
- Bnd. BOUNDARY

### EASEMENT KEY TABLE

| No. | Entry no. | NOTE   |
|-----|-----------|--|
| 1   | 127345    | 7' US West Easement  |
| 2   | 139744    | Questar easement   |
| 3   | 192242    | 20' Questar easement                                       |
| 4   | 230806    | Qwest easement   |
| 5   | 232828    | Private Roadway & P.U.E.                                   |
| 6   | 237094    | Pacificorp easement-same as entry no. 243221               |
| 7   | 237095    | Pacificorp easement-same as entry no. 243223               |
| 8   | 243221    | Pacificorp-same as entry no. 237094                        |
| 9   | 243223    | Pacificorp-same as entry no. 237095                        |
| 10  | 243228    | Pacificorp Easement granted from Cyrus Land Investment LLC |
| 11  | 249062    | Tooele City pipeline and drainage easement                 |
| 12  | 253499    | Pacificorp easement in minor sub no 6                      |
| 13  | 254067    | Pacificorp easement  |
| 14  | 301640    | Pacificorp easement  |
| 15  | 334654    | Rail Easement Agreement                                    |
| 16  | 337435    | Water Line Easement  |
| 17  | 337436    | Sewer Line Easement  |
| 18  | 337437    | Corrective access drive Easement agreement                 |
| 19  | 337438    | Corrective Storm Drainage Easement agreement               |

| Curve # | Length | Radius | Delta     | Bearing     | Chord |
|---------|--------|--------|-----------|-------------|-------|
| C1      | 39.23  | 25.00  | 89°54'23" | S15°26'17"E | 35.33 |
| C2      | 39.31  | 25.00  | 90°06'10" | S74°34'00"W | 35.39 |
| C3      | 39.31  | 25.00  | 90°05'47" | S74°32'05"W | 35.39 |
| C4      | 78.65  | 50.00  | 90°07'21" | N74°32'52"E | 70.79 |
| C5      | 39.30  | 25.00  | 90°04'44" | S74°34'10"W | 35.38 |
| C6      | 39.25  | 25.00  | 89°56'50" | S15°26'37"E | 35.34 |
| C7      | 39.31  | 25.00  | 90°05'32" | S74°33'46"W | 35.38 |



SHEET:

2 OF 2

DRAWN BY: MWM  
FIELD CREW: BM  
CHECKED BY: SNT  
DATE: 06/01/18  
JOB NO: 11-047  
SHEET: 2 OF 2

CLIENT: PETERSON INDUSTRIAL DEPOT  
DWG: JUD LOT 2 AMENDED PLAT 2C.DWG  
JOB NO: 11-047  
DRAWING IS REDUCED IF LESS THAN 25%  
DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.

Peterson Industrial Depot, Plat 2C  
TOOELE CITY, UTAH  
LOCATED IN SECTION 30 OF TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE & MERIDIAN.

| No. | DATE     | BY  | REVISION          |
|-----|----------|-----|-------------------|
| 0   | 06/01/18 | SNT | RELEASE TO CLIENT |

Salt Lake City Office  
tel (801) 487-8040  
fax (801) 487-8668  
231 W. 800 S.  
Salt Lake City, Utah 84101

**Ward Engineering Group**  
Planning • Engineering • Surveying

Approved 10/26/2018 EJ MBN

H:\DEPOT\2018\UTA 659\survey\Bldg 651\condo\UTD Lot 2 Amended plat 2c SHI 2.dwg Oct 11, 2018 - 11:08am



**STAFF REPORT**

November 19, 2018

**To:** Tooele City Planning Commission  
Business Date: November 28, 2018

**From:** Planning Division  
Community Development Department

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

**Re: Petersen Industrial Depot Building 659 Condominium – Final Plat Request**

Application No.: P18-496  
Applicant: Brock Petersen, representing Petersen Industrial Depot  
Project Location: Approximately 90 South Garnet Street  
Zoning: PID-PUD Industrial Zone  
Acreage: 4.25 Acres (Approximately 185,130 ft<sup>2</sup>)  
Request: Request for approval of a Final Plat in the PID-PUD Industrial zone amends lot 205 of the Peterson Industrial Depot, Plat 2c, regarding the creation of condominium spaces in an existing industrial building.

**BACKGROUND**

This application is a request for approval of a Final Plat for approximately 4.25 acres located at approximately 90 South Garnet Street. The property is currently zoned PID-PUD Industrial. The applicant is requesting that a Final Plat be approved to allow amendments lot 205 of the Petersen Industrial Depot, Plat 2c, thus creating two condominium spaces in the existing building 659. The building will be divided into two units. Unit 2 will be 1.04 Acres (45,249 square feet) and Unit 4 will be the same size. The plat also creates 44,599 square feet of limited common area and 24,023 square feet of common area as a private road in Halite Street and H Avenue.

**ANALYSIS**

The Land Use Map of the General Plan calls for the Industrial land use designation for the subject property. The property has been assigned the PID PUD Industrial zoning classification. The purpose of the PID PUD Industrial zone is to “recognize existing industrial sites and uses within the city and to allow for the establishment of additional industrial uses which add to employment opportunities and economic diversity within the city.” The PID PUD Industrial zoning designation is identified by the General Plan as a preferred zoning classification for the Industrial land use designation. All properties within the area contain the same Industrial PUD zoning. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The purpose of this plat amendment is convert the property from single ownership of the parcel and structure into separate ownership of the individual units combined with joint and collective ownership of common areas, facilities and other elements.

*Subdivision Layout.* The only changes to the subdivision plat relate to potential ownership of building 659 and the common area surrounding the building and the private lanes of Halite Street and H Avenue. The plat divides building 659 into two privately owned units.



Criteria for Approval. The criteria for review and potential approval of a Condominium Final Plat request is found in Section 7-20-11 of the Tooele City Code.

## **REVIEWS**

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

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

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Condominium Final Plat by Brock Petersen, representing the Petersen Industrial Depot, application number P18-496, subject to the following conditions:

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

This recommendation is based on the following findings:

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

## **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the final plat amendment to lot 205 of the Petersen Industrial Depot, Plat 2c,

Subdivision, requested by Brock Petersen, representing the Petersen Industrial Depot, for the purpose of creating two condominium units in building 659, application number P18-496, based on the findings and subject to the conditions listed in the Staff Report dated November 19, 2018:”

1. List findings and conditions...

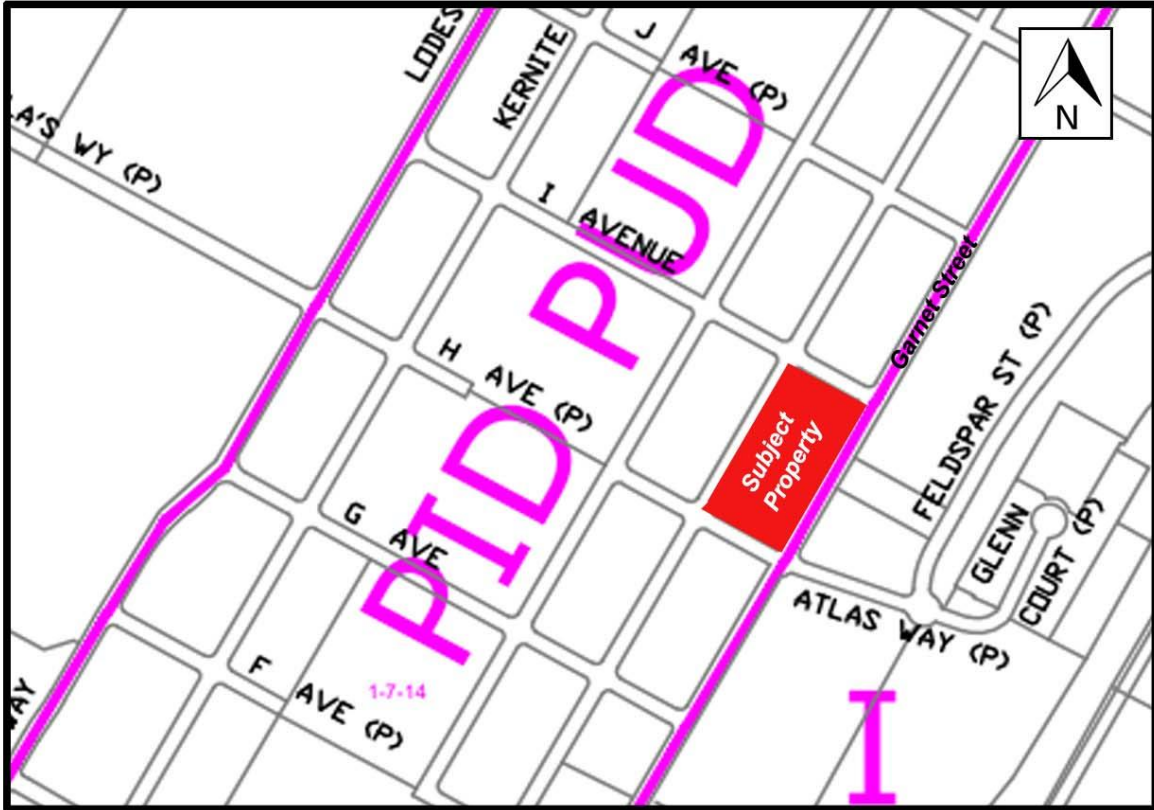
Sample Motion for a Negative Recommendation – “I move we forward a positive recommendation to the City Council for the final plat amendment to lot 205 of the Petersen Industrial Depot, Plat 2c, Subdivision, requested by Brock Petersen, representing the Petersen Industrial Depot, for the purpose of creating two condominium units in building 659, application number P18-496, based on the following findings.”

1. List findings...

**EXHIBIT A**

**MAPPING PERTINENT TO THE PETERSEN INDUSTRIAL DEPOT BUILDING 659  
CONDOMINIUM FINAL PLAT**

***Peterson Industrial Depot Building 659 Condo Plat***



**Current Zoning**

**Petersen Industrial Depot Building 659 Condo Plat**



**Aerial View**

**EXHIBIT B**  
**CONDO PLATS**



PREPARED FOR:

PETERSON INDUSTRIAL DEPOT

EXISTING LEASE FROM U.S. ARMY TO TOOELE CITY FOR PUBLIC RIGHT OF WAY, PUBLIC UTILITY, DRAINAGE, AND SLOPE EASEMENT TOOELE COUNTY RECORDER'S OFFICE BOOK 806 PAGE 531

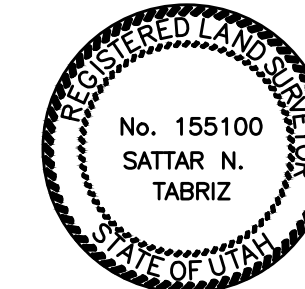
UNITED STATES ARMY

BUILDING 659 CONDOMINIUM AMENDING LOT 205 OF PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION

LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, TOOELE CITY, UTAH

SURVEYOR'S CERTIFICATE

I, SAITAR N. TABRIZ, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 155100 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 EASEMENTS HEREAFTER TO BE KNOWN AS BUILDING 659 CONDOMINIUM, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.



OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PETERSON INDUSTRIAL PROPERTIES, LLC, A UTAH LIMITED LIABILITY COMPANY, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC THE PUBLIC UTILITY EASEMENTS AS SHOWN AND DESCRIBED ON THIS PLAT, BUILDING 659 CONDOMINIUM, AS INTENDED FOR PUBLIC USE FOR THE PLACEMENT AND MAINTENANCE OF UTILITIES, SAID PLAT ALSO BEING SUBJECT TO ANY EXISTING EASEMENTS, DECLARATIONS, COVENANTS, CONDITIONS, AND RESTRICTIONS.

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NAME: ROGER PETERSON AS AUTHORIZED MEMBER FOR PETERSON INDUSTRIAL PROPERTIES L.L.C., A UTAH LIMITED LIABILITY COMPANY

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IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS \_\_\_\_ A.D., 20 \_\_\_\_

NAME: ROGER PETERSON AS AUTHORIZED MEMBER FOR PETERSON INDUSTRIAL PROPERTIES L.L.C., A UTAH LIMITED LIABILITY COMPANY

ACKNOWLEDGMENT

ON THE \_\_\_\_ DAY OF \_\_\_\_ A.D., 20 \_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF \_\_\_\_ IN SAID STATE OF UTAH, THE SIGNER( ) OF THE ABOVE OWNER'S DEDICATION, \_\_\_\_ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT \_\_\_\_ SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_ NOTARY PUBLIC RESIDING IN \_\_\_\_

GENERAL NOTES:

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UNITED STATES ARMY

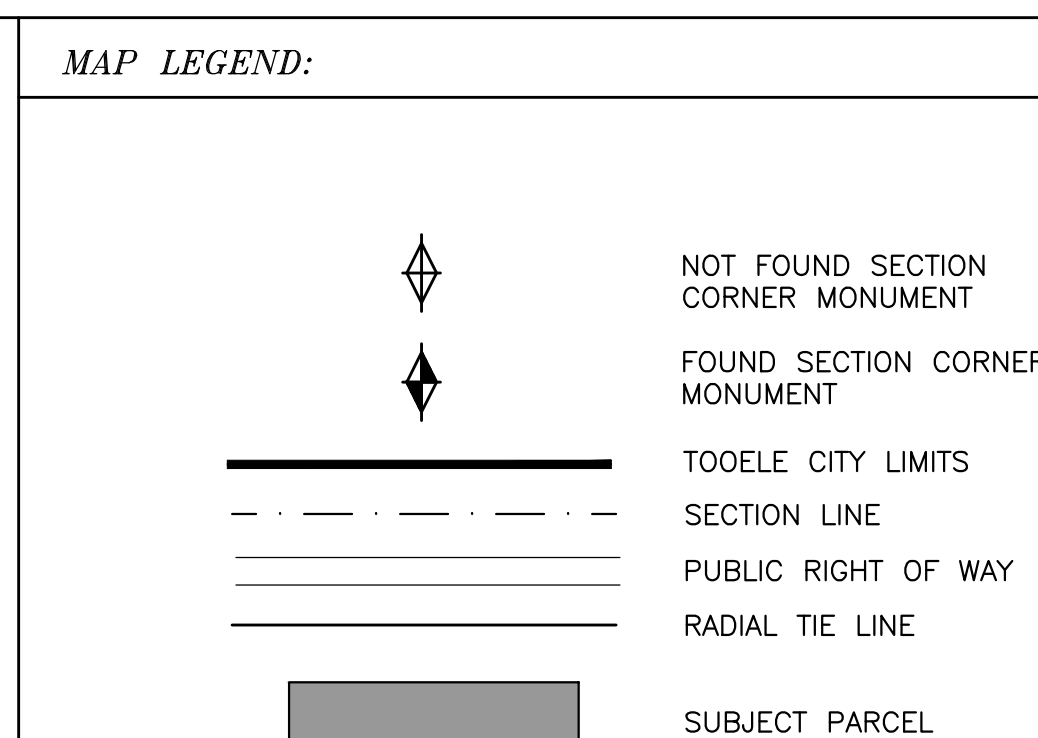
PETERSON INDUSTRIAL DEPOT (SEE GENERAL NOTE #3)

TOOELE CITY

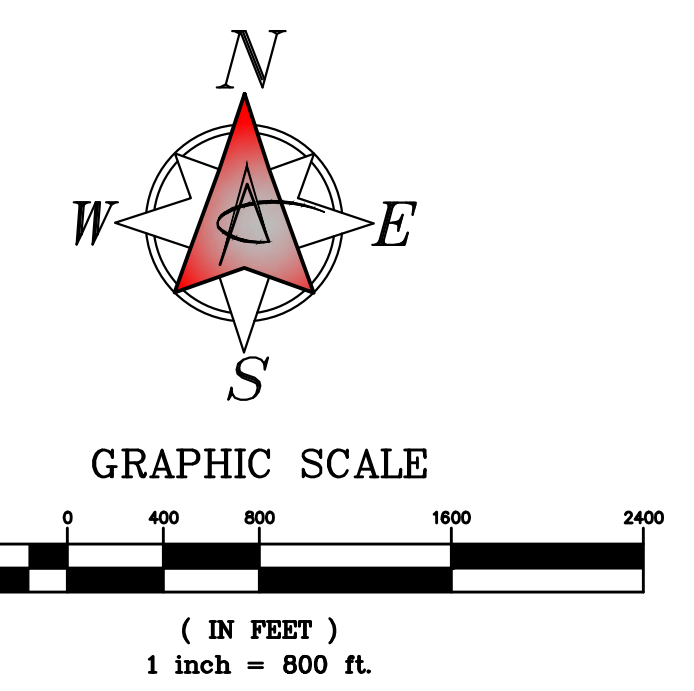
TOOELE CITY

UNITED STATES ARMY

Table with 2 columns: MONUMENT, LOCAL COORDINATES. Lists various survey control points with their coordinates and elevations.



LEGAL DESCRIPTION: A PARCEL OF LAND BEING ALL OF LOT 205 OF THE PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION AS PER ENTRY # \_\_\_\_, IN THE OFFICE OF THE TOOELE COUNTY RECORDER, SITUATE IN SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN TOOELE CITY, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF 'I' AVENUE, A 56.00 FOOT WIDE PUBLIC RIGHT OF WAY RECORDED AS ENTRY NO.: 308585, OF OFFICIAL RECORDS ON FILE WITH THE TOOELE COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 89° 43' 08" WEST, ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 2406.00 FEET AND SOUTH 00° 16' 52" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 2202.98 FEET FROM THE FOUND TOOELE COUNTY DEPENDANT RE-SURVEY MONUMENT MARKING THE SECTION CORNER COMMON TO SECTIONS 19, 20, 29, & 30; AND RUNNING THENCE SOUTH 29° 30' 51" WEST 619.29 FEET; THENCE NORTH 60° 25' 02" WEST 256.96 FEET; THENCE NORTH 29° 31' 26" EAST 619.41 FEET; THENCE SOUTH 60° 23' 28" EAST 256.86 FEET TO THE POINT OF BEGINNING. CONTAINING 159,118 SQUARE FEET, OR 3.65 ACRES



ROCKY MOUNTAIN POWER and DOMINION ENERGY approval sections with text and signature lines.

COUNTY HEALTH DEPT., COUNTY TREASURER, and COUNTY SURVEY DEPT. approval sections with text and signature lines.

BUILDING 659 CONDOMINIUM AMENDING LOT 205 OF PETERSON INDUSTRIAL DEPOT, PLAT 2C SUBDIVISION. TOOELE CITY, UTAH

Ward Engineering Group logo and contact information: 231 W 800 S Salt Lake City, Utah 84101. Tel: (801) 487-8040, Fax: (801) 487-8668

CITY ATTORNEY approval section with text and signature line.

CITY ENGINEER approval section with text and signature line.

COMMUNITY DEVELOPMENT approval section with text and signature line.

PLANNING COMMISSION approval section with text and signature line.

CITY COUNCIL approval section with text and signature line.

TOOELE COUNTY RECORDER approval section with text and signature line.

SHEET: 1 of 3

Approved 10/26/2018 EJ MBN

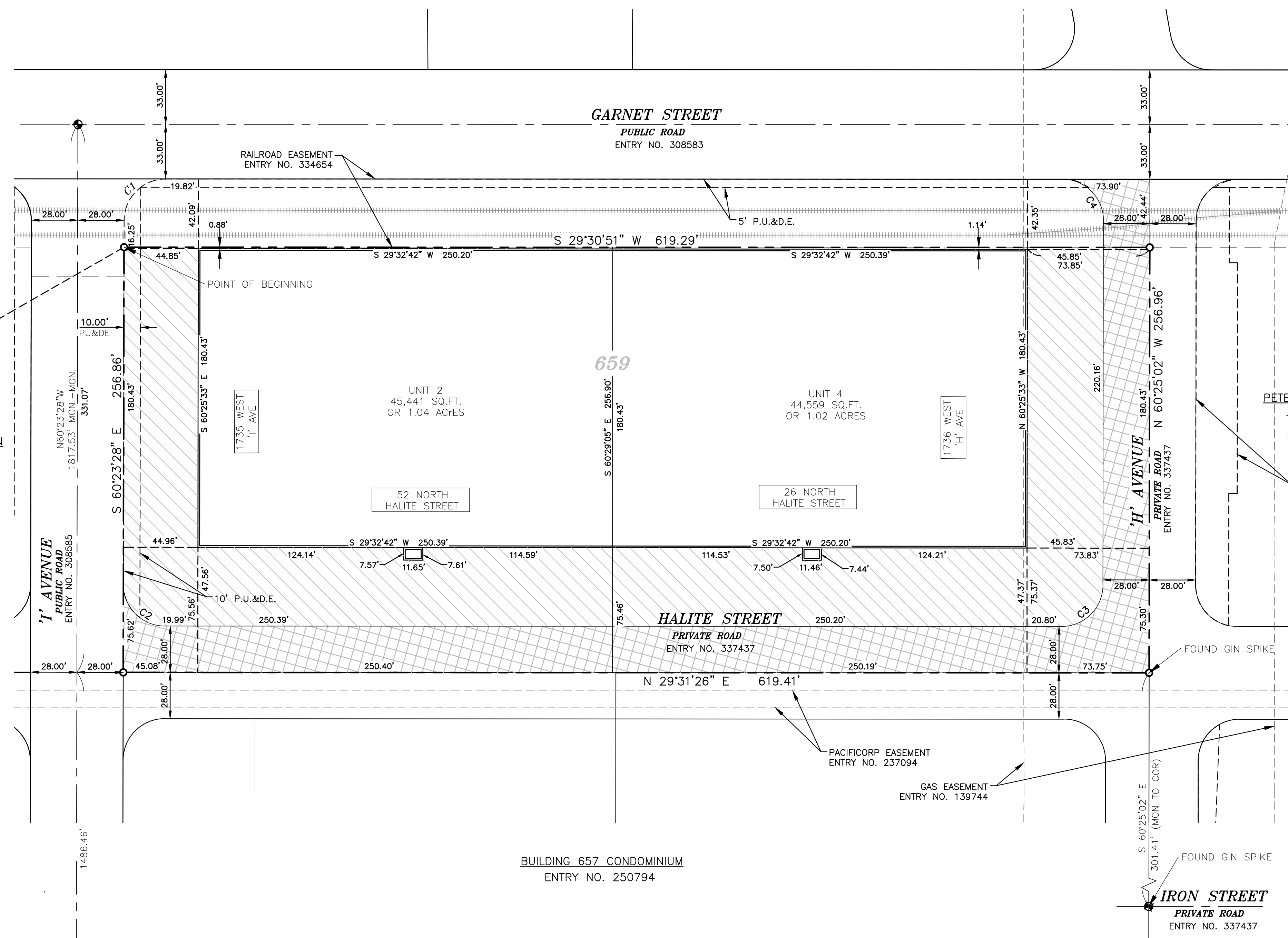
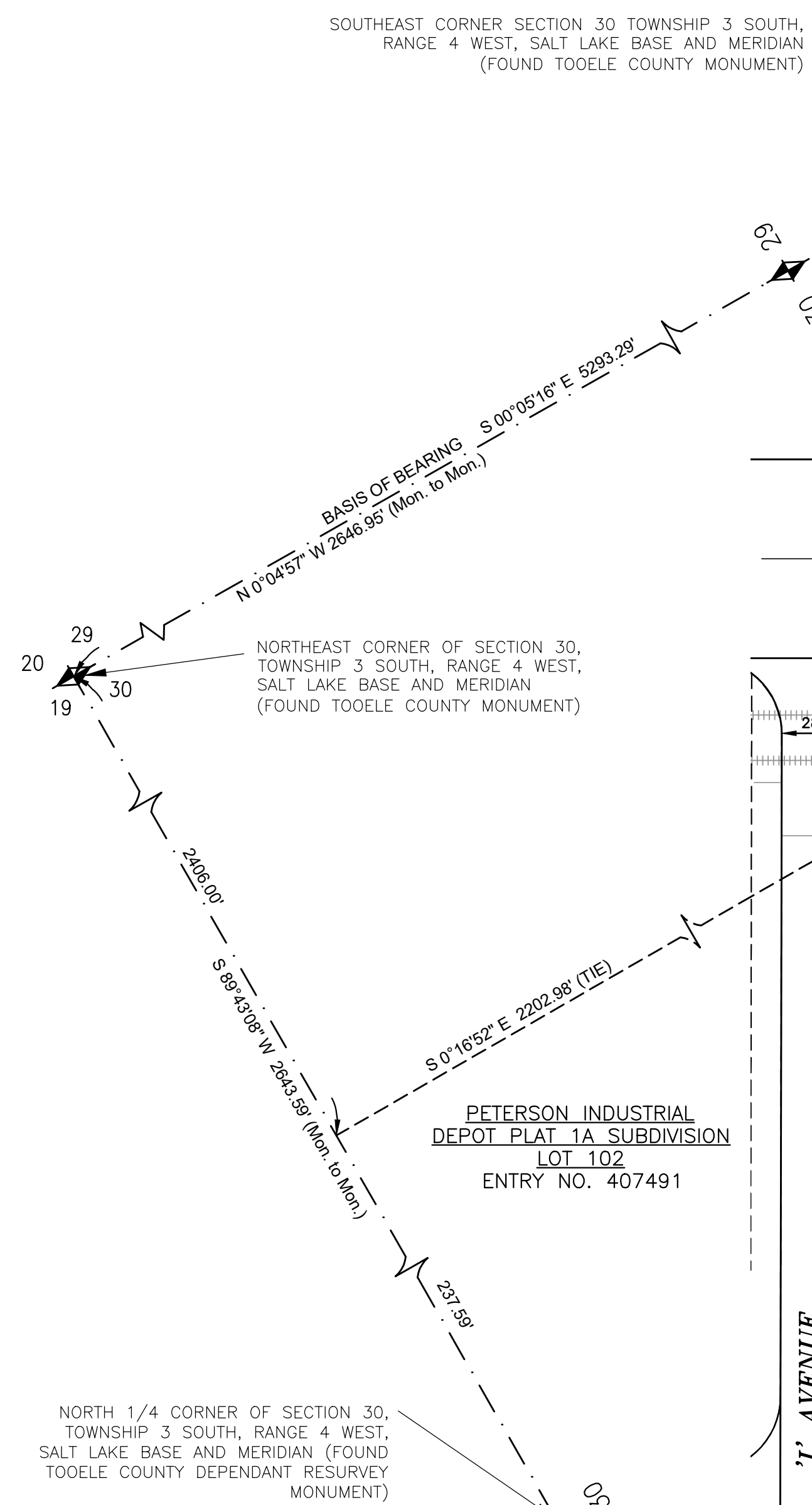


# FINAL CONDOMINIUM PLAT FOR BUILDING 659 CONDOMINIUM

AMENDING LOT 205 OF PETERSON INDUSTRIAL  
DEPOT, PLAT 2C SUBDIVISION,  
LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SALT LAKE BASE AND MERIDIAN, TOOELE CITY, UTAH.

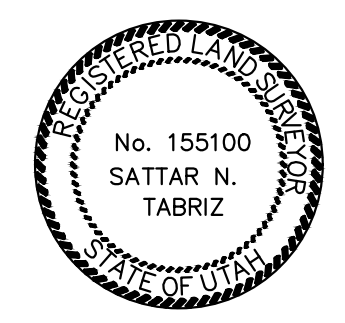
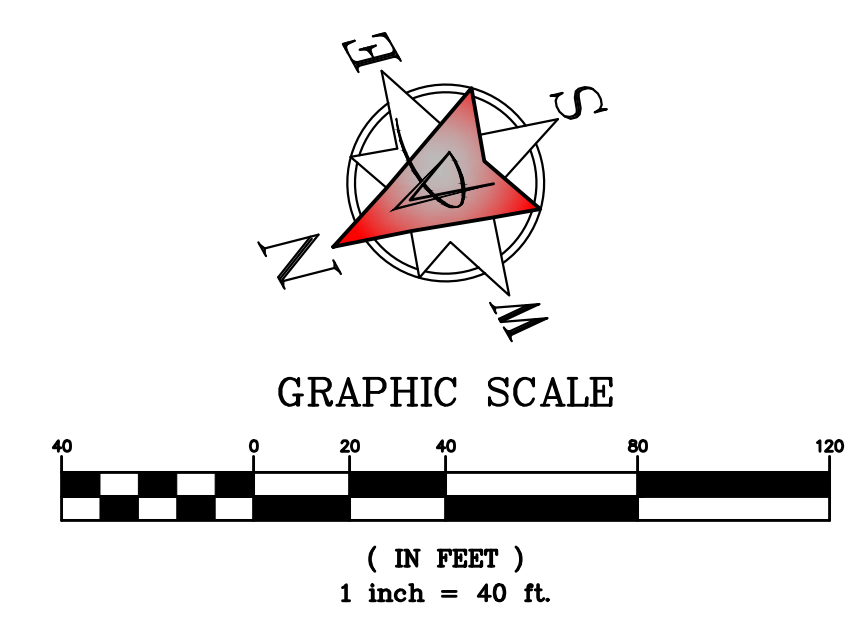
**MAP LEGEND:**

|  |   |
|--|---|
|  | LOT BOUNDARY CORNER<br>(SET 5/8" X 24" REBAR AND CAP<br>UNLESS OTHERWISE NOTED) |
|  | TOOELE COUNTY MON. (FOUND)  |
|  | EXISTING STREET MONUMENT  |
|  | SECTION LINE  |
|  | RIGHT OF WAY LINE   |
|  | SUBDIVISION BOUNDARY LINE   |
|  | SURVEY TIE LINE   |
|  | PARCEL LOT LINES  |
|  | RIGHT OF WAY CONTROL LINE   |
|  | EASEMENT LINES  |
|  | RAILROAD TRACK  |
|  | PUBLIC UTILITY & DRAINAGE<br>EASEMENT (P.U. & D.E.)<br>(UNLESS OTHERWISE NOTED) |
|  | UTILITY EASEMENT  |



**LEGEND**

|  |                                       |
|--|---------------------------------------|
|  | LIMITED COMMON AREA<br>44,599 SQ. FT. |
|  | COMMON AREA<br>25,311 SQ. FT.         |



**CURVE TABLE**

| CURVE | DELTA     | RADIUS | LENGTH | CHORD       | CHORD DIST |
|-------|-----------|--------|--------|-------------|------------|
| C1    | 89°54'23" | 25.00' | 39.23' | N15°26'17"W | 35.33'     |
| C2    | 90°05'04" | 25.00' | 39.31' | N74°34'00"E | 35.38'     |
| C3    | 89°56'28" | 25.00' | 39.24' | N15°26'48"W | 35.34'     |
| C4    | 90°04'03" | 25.00' | 39.30' | S74°32'56"W | 35.38'     |

PREPARED FOR:  
**PETERSON INDUSTRIAL DEPOT**  
LODESTONE WAY  
PUBLIC ROAD  
ENTRY NO. 312875

**REVISIONS**

| No. | DATE | BY | REVISION |
|-----|------|----|----------|
|     |      |    |          |
|     |      |    |          |

DRAWN BY: FWH  
DESIGN BY: SNT  
CHECKED BY: SNT  
DATE: 5/25/18

CLIENT: PETERSON INDUSTRIAL DEPOT  
DWG: BLD 659 FINAL CONDOMINIUM PLAT.dwg  
JOB No: DEP-198  
DRAWING IS REDUCED IF LESS THAN 22"x34"  
DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.

**Ward Engineering Group**  
Planning • Engineering • Surveying

Salt Lake City Office  
231 WEST 800 SOUTH  
Salt Lake City, Utah 841101

tel (801) 487-8040  
fax (801) 487-8668

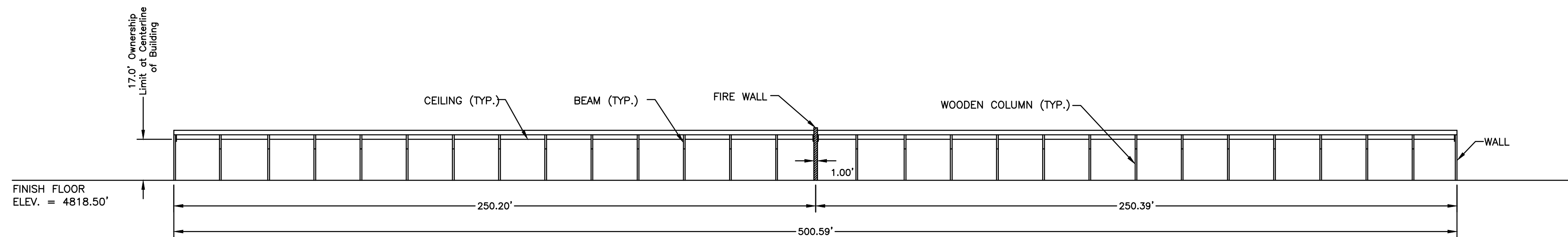
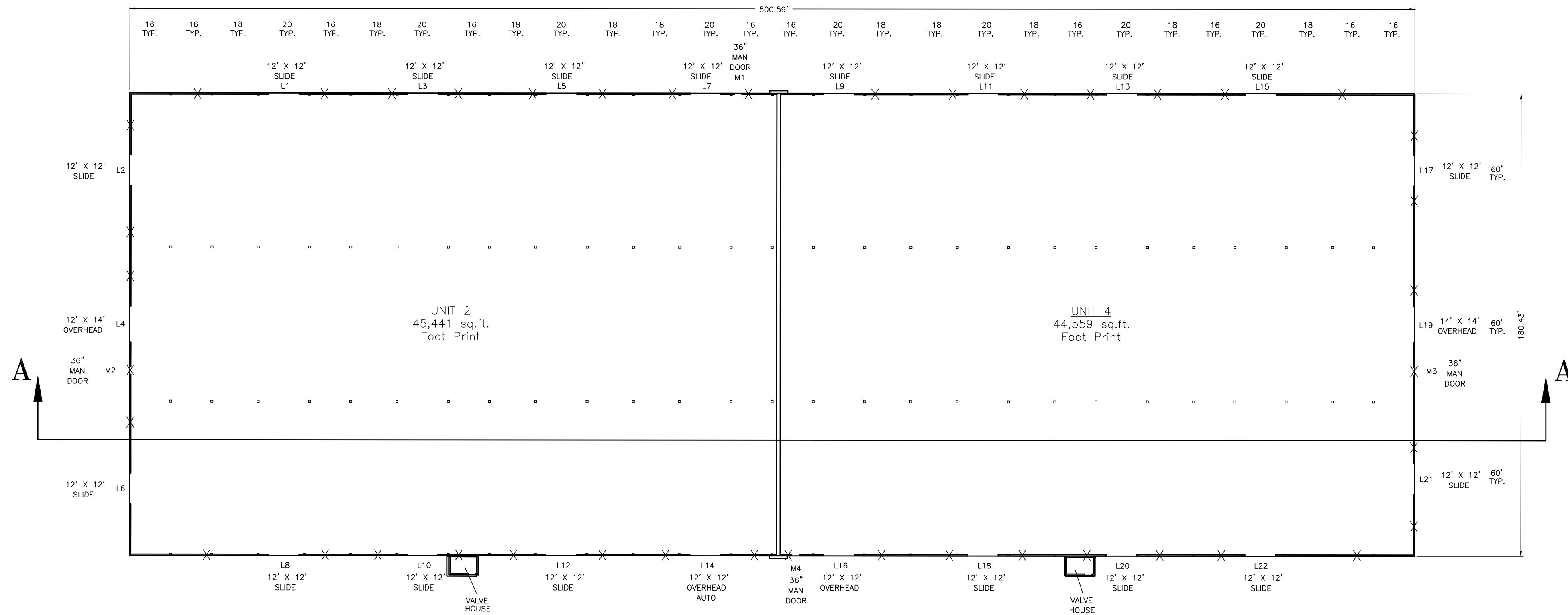
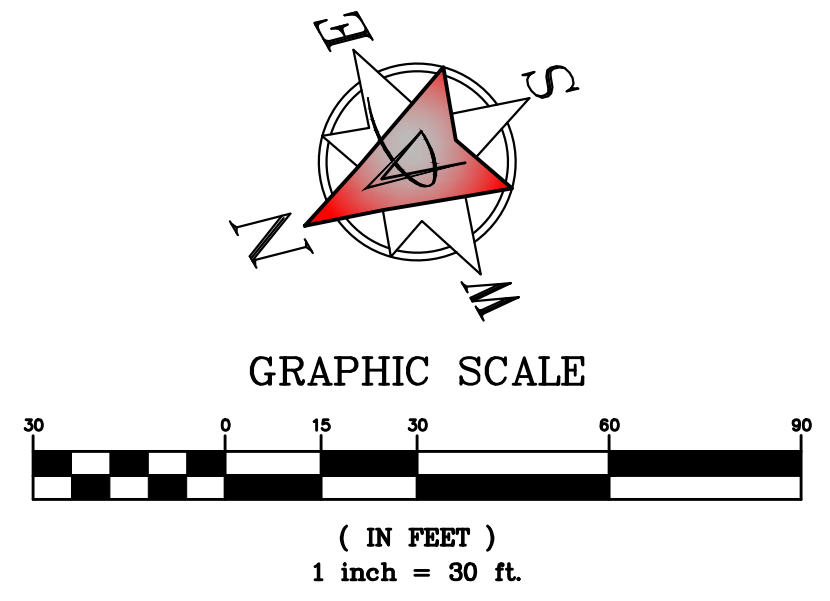
**BUILDING 659 CONDOMINIUM  
FINAL PLAT**  
AMENDING LOT 205 OF PETERSON INDUSTRIAL  
DEPOT PLAT 2C

LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH,  
RANGE 4 WEST, SALT LAKE BASE & MERIDIAN,  
TOOELE CITY, UTAH

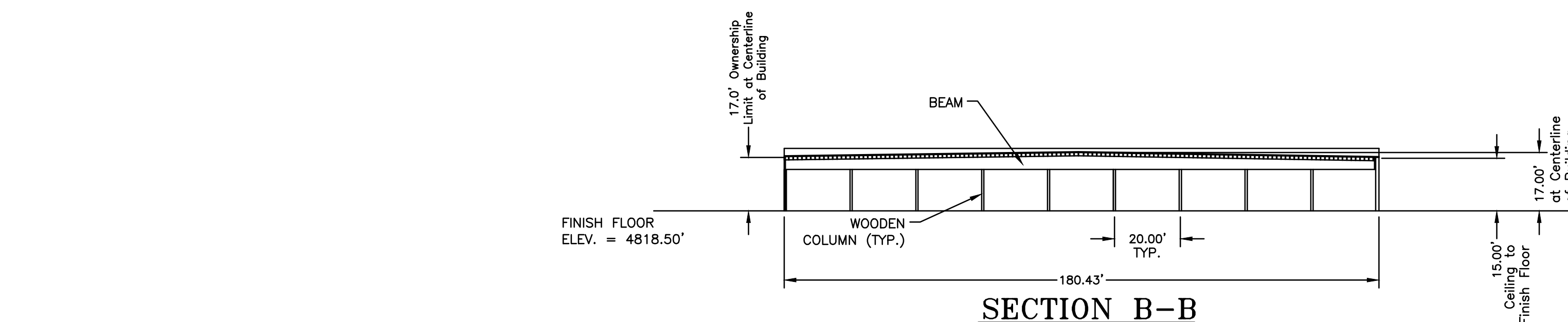
SHEET:  
**2 OF 3**

Approved 10/26/2018 E.J. MBN

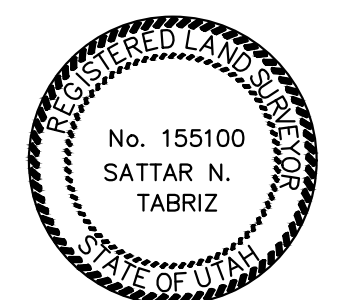
**FINAL CONDOMINIUM PLAT FOR  
BUILDING 659 CONDOMINIUM**  
AMENDING LOT 205 OF PETERSON INDUSTRIAL DEPOT,  
PLAT 2C SUBDIVISION,  
LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH,  
RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, UTAH.



**SECTION A-A**



**SECTION B-B**



**PREPARED FOR:**  
**PETERSON INDUSTRIAL DEPOT**

| REVISIONS |      |    |          |  |
|-----------|------|----|----------|--|
| No.       | DATE | BY | REVISION |  |
|           |      |    |          |  |
|           |      |    |          |  |
|           |      |    |          |  |

DRAWN BY: **FWH**  
DESIGN BY: **SNT**  
CHECKED BY: **SNT**  
DATE: **5/25/18**

CLIENT: **PETERSON INDUSTRIAL DEPOT**  
DWG: **BLD 659 FINAL CONDOMINIUM PLAT.dwg**  
JOB No: **DEP-198**  
DRAWING IS REDUCED IF LESS THAN 22"x34"  
DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.



Salt Lake City Office  
231 WEST 800 SOUTH  
Salt Lake City, Utah 84101  
tel (801) 487-8040  
fax (801) 487-8668

**BUILDING 659 CONDOMINIUM  
FINAL PLAT**  
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DEPOT PLAT 2C

LOCATED IN SECTION 30, TOWNSHIP 3 SOUTH,  
RANGE 4 WEST, SALT LAKE BASE & MERIDIAN,  
TOOELE CITY, UTAH

SHEET:  
**3 OF 3**

Approved 10/26/2018 EJ MBN



**STAFF REPORT**

December 4, 2018

**To:** Tooele City Planning Commission  
Business Date: December 12, 2018

**From:** Planning Division  
Community Development Department

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

**Re: Tooele 10th and Main – Preliminary Plan Request**

Application No.: P18-825  
Applicant: Justin Kimball, representing M-53 Associates LLC  
Project Location: Approximately 1000 North Main Street  
Zoning: GC General Commercial Zone  
Acreage: 36.59 Acres (Approximately 1,593,860 ft<sup>2</sup>)  
Request: Request for approval of a Preliminary Plan in the GC General Commercial zone regarding the creation of a 9 lot subdivision.

**BACKGROUND**

This application is a request for approval of a Preliminary Plan for approximately 36.59 acres located, at approximately 1000 North Main Street. The property is currently zoned GC General Commercial. The property is currently owned by the Tooele City Redevelopment Agency and is under contract to be sold to the applicant. Approval of a Master Site Plan for the project is a part of the agreement for sale of the property. The applicant is requesting that a Preliminary Plan be approved to create a 9 lot subdivision that will facilitate the construction of a commercial development on 7 lots on the eastern half of the subdivision and possible residential development on the two western lots.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. The purpose of the GC zone is to “encourage the establishment of a wide variety of retail commercial uses, service commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this District should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the city’s tax base.” The GC General Commercial zoning designation is identified by the General Plan as a preferred zoning classification for the Commercial land use designation. Properties to the west of the subject property as zoned as “Copper Canyon PUD” and are utilized as residential. Properties to the north and east are all zoned GC General Commercial. Properties to the south are zoned GC General Commercial are utilized as commercial uses along the Main Street frontage and legally non-conforming residential behind them. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

*Subdivision Layout.* This proposed subdivision creates 9 lots ranging in size from 37,744 square feet (.866 acres) up to 412,400 square feet (9.4 acres) from 36.59 acres between 200 West and Main Street on the south side of 1000 North. The subdivision plat vacates various easements for natural gas, telephone,

slope, etc., and will create new sewer, water, and storm water easements necessary for new utilities required by future development. The subdivision plat also dedicates to Tooele City enough property to accommodate a public right-of-way that will provide a connection from Main Street to 200 West. This road is critical to the development of the property as accesses to Main Street and 1000 North are limited by UDOT. The road parcel to be dedicated to Tooele City covers 85,311 square feet (1.958 acres). The road is planned to be 60 feet wide for the eastern half of the road and widens out to 66 feet wide road for the western half of the road to help accommodate large trucks servicing and making deliveries to the commercial project. The 7-11 and Lee & G parcels are not participants in this subdivision.

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

#### 7-19-8, Procedure for Approval of a Preliminary Plan

(1) Pre-Development Review. Prior to the submission of any land use application, the applicant may and is strongly encouraged to attend a pre-development meeting to review the proposed land development activity and its use, the site, area of potential conformity or conflict with the City's development policy, and the process by which the proponent may proceed to seek a permit for the proposed land development activity sought by the applicant. The pre-development meeting shall concern all aspects of the application proposal as it relates to applicable ordinances and laws, policy considerations, land uses proposed, neighboring properties and uses, community aesthetics and standards, and any other issue that may affect the approvability of the application or the implementation of the proposal. Applications to be reviewed during a pre-development meeting shall be scheduled for the next reasonably available meeting according to the Community Development Departments regular meeting schedule.

(2) Preliminary Plan Preparation. The applicant shall cause to be prepared the preliminary plan which shall include all of the property to be subdivided or developed by the applicant as well as all other property owned or controlled by the applicant which is adjacent to or considered contiguous to the portion to be subdivided or developed. The applicant shall also prepare such other supplementary material as was specified by the City in the pre-development meeting, as well as a written application for approval of the land use proposed. The applicant shall deliver copies of the proposed preliminary plan for review to the Community Development Department and to the Tooele Post Office, Tooele County School District, the Tooele County Health Department, County Surveyor, and each non-City utility company involved in the subdivision or development.

(3) Planning Commission Review. Prior to Planning Commission review, the applicant shall deliver copies of the proposed preliminary plan to the Community Development Department that demonstrates a signed review by, and any comments from, the Tooele Post Office, Tooele County School District, County Surveyor, County Recorder, and Health Department.

(a) The Planning Commission shall approve, approve with conditions, or disapprove the proposed preliminary plan and submit its recommendation to the City Council. An application shall not be approved until receiving all the signatures listed in subsection (2) above.

(b) If the Planning Commission finds that changes, additions, or corrections are required on the preliminary plan, the Commission shall so advise the applicant on the record in a public meeting or in writing. The applicant may resubmit the preliminary plan to the Commission without paying an additional fee. The Commission shall approve, approve with conditions, or disapprove the revised preliminary plan and submit its recommendations in writing to the City Council.

(4) City Council Review. The City Council shall accept, accept with conditions, or reject said plan within a reasonable time following the action of the Planning Commission.

(5) Preliminary Plan Approval. The following qualifications shall govern approval of the preliminary plan:

- (a) Approval of the preliminary plan by the Planning Commission is tentative only, involving merely the general acceptability of the layout as submitted.
- (b) Approval of the preliminary plan shall be effective for a maximum period of one year unless, prior to the one-year period lapsing, the Council grants an extension in a public meeting, not to exceed six months, upon written request of the developer. The request for said extension shall not require an additional fee, or the submittal of additional copies of the preliminary plan of the subdivision. If the final plat is not submitted to the Community Development Department prior to the expiration of said one year period which begins to run from the date that the preliminary plan is approved by the Council, the approval of the said preliminary plan automatically lapses and is void and of no further force or effect. Thereafter, the developer must recommence the application process then in effect.
- (c) Where a preliminary plan contemplates more than one final subdivision plat, the failure of a subdivider to submit a completed final plat application for a second or subsequent subdivision final plat within two years of the previous subdivision final plat approval by the City Council shall cause the City Council approval for all un-platted portions of the preliminary plan to automatically lapse and expire and become of no further force or effect. Thereafter, the subdivider must recommence the land use application process then in effect.

## **REVIEWS**

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

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

1. Access into and out of the subject property along SR-36 (Main Street) and SR-112 (1000 North) is controlled by U.D.O.T., and will require U.D.O.T. review and acceptance based upon traffic study analysis and travel demand modeling. Access from these State roadways into the subject property must align with the final U.D.O.T. approval, and shall be reflected in the Final Plat prior to City review and consideration. It should be understood that the final roadway plans may include modifications to both existing U.D.O.T. right of way, as well as to adjustments of the internal roadway system in order to meet the conditions of the final, approved traffic study.
2. Access onto either 200 West, or the R.O.W. proposed to be created by the Preliminary plat are under the jurisdiction of Tooele City, and will be reviewed and considered for specific locations, widths, etc. as part of future land development of the adjacent lots and their specific traffic demands.
3. The locations of easements and cross access considerations interior to the individual lots, as shown on the Preliminary Plan are based upon anticipated conditions at this time. The final location of all easements and cross access considerations will be based upon final site plan considerations.
4. The Preliminary Plan proposes to relocate a segment of an existing large diameter sanitary sewer trunk line which crosses east to west across the property. Pending ongoing study of the flow capacity and design characteristics of the existing trunk line, it may be necessary to modify the proposed alignment shown. Any realignment

modifications will be included as part of the Final Plat, and will be conditioned on no adverse impact to the City's collection system.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Preliminary Plan by Justin Kimball, representing the M-53 Associates LLC, application number P18-825, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Department shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
6. Access into and out of the subject property along SR-36 (Main Street) and SR-112 (1000 North) is controlled by U.D.O.T., and will require U.D.O.T. review and acceptance based upon traffic study analysis and travel demand modeling. Access from these State roadways into the subject property must align with the final U.D.O.T. approval, and shall be reflected in the Final Plat prior to City review and consideration. It should be understood that the final roadway plans may include modifications to both existing U.D.O.T. right of way, as well as to adjustments of the internal roadway system in order to meet the conditions of the final, approved traffic study.
7. Access onto either 200 West, or the R.O.W. proposed to be created by the Preliminary plat are under the jurisdiction of Tooele City, and will be reviewed and considered for specific locations, widths, etc. as part of future land development of the adjacent lots and their specific traffic demands.
8. The locations of easements and cross access considerations interior to the individual lots, as shown on the Preliminary Plan are based upon anticipated conditions at this time. The final location of all easements and cross access considerations will be based upon final site plan considerations.
9. The Preliminary Plan proposes to relocate a segment of an existing large diameter sanitary sewer trunk line which crosses east to west across the property. Pending ongoing study of the flow capacity and design characteristics of the existing trunk line, it may be necessary to modify the proposed alignment shown. Any realignment modifications will be included as part of the Final Plat, and will be conditioned on no adverse impact to the City's collection system.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.

3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Tooele 10th and Main Preliminary Plan Request by Justin Kimball, representing M-53 Associates LLC, application number P18-825, based on the findings and subject to the conditions listed in the Staff Report dated December 4, 2018:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Tooele 10th and Main Preliminary Plan Request by Justin Kimball, representing M-53 Associates LLC, application number P18-825, based on the following findings:

1. List findings...



**EXHIBIT A**

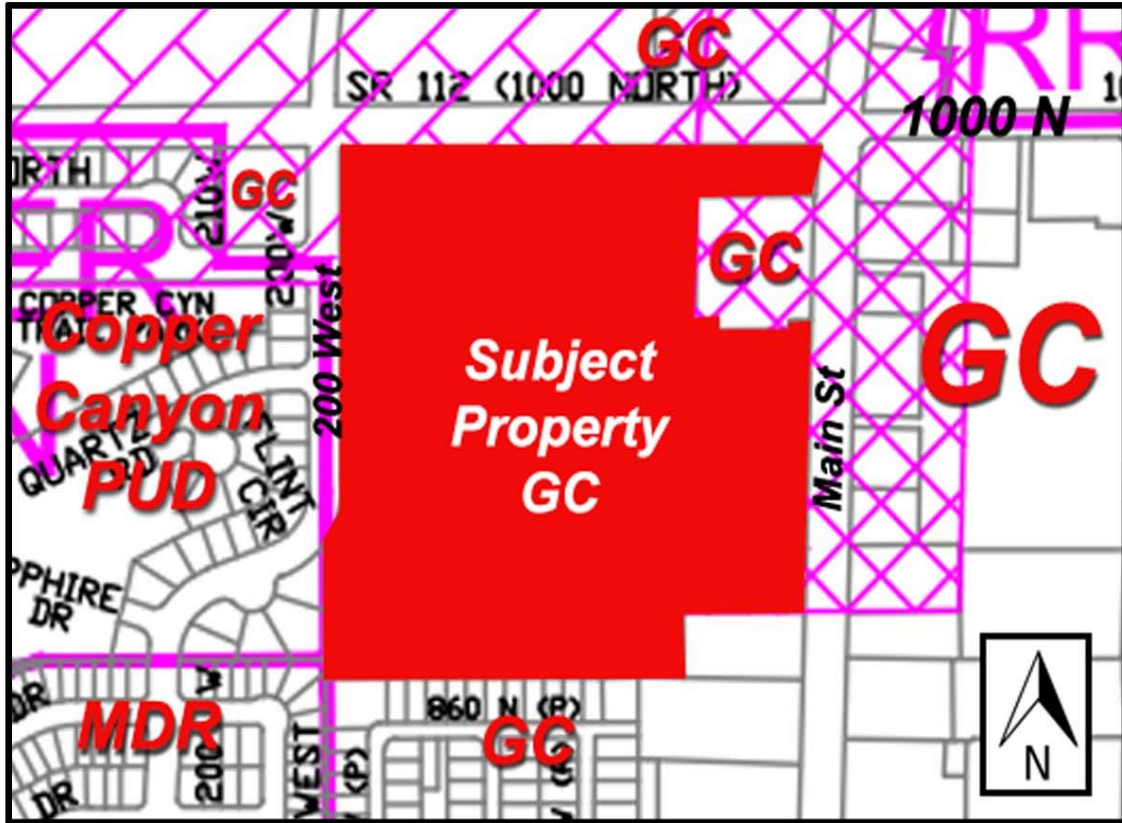
**MAPPING PERTINENT TO THE TOOELE 10TH AND MAIN PRELIMINARY PLAN**

***Tooele 10th and Main Preliminary Plan***



***Aerial View***

**Tooele 10th and Main Preliminary Plan**



**Current Zoning**



**EXHIBIT B**  
**PROPOSED DEVELOPMENT PLANS**

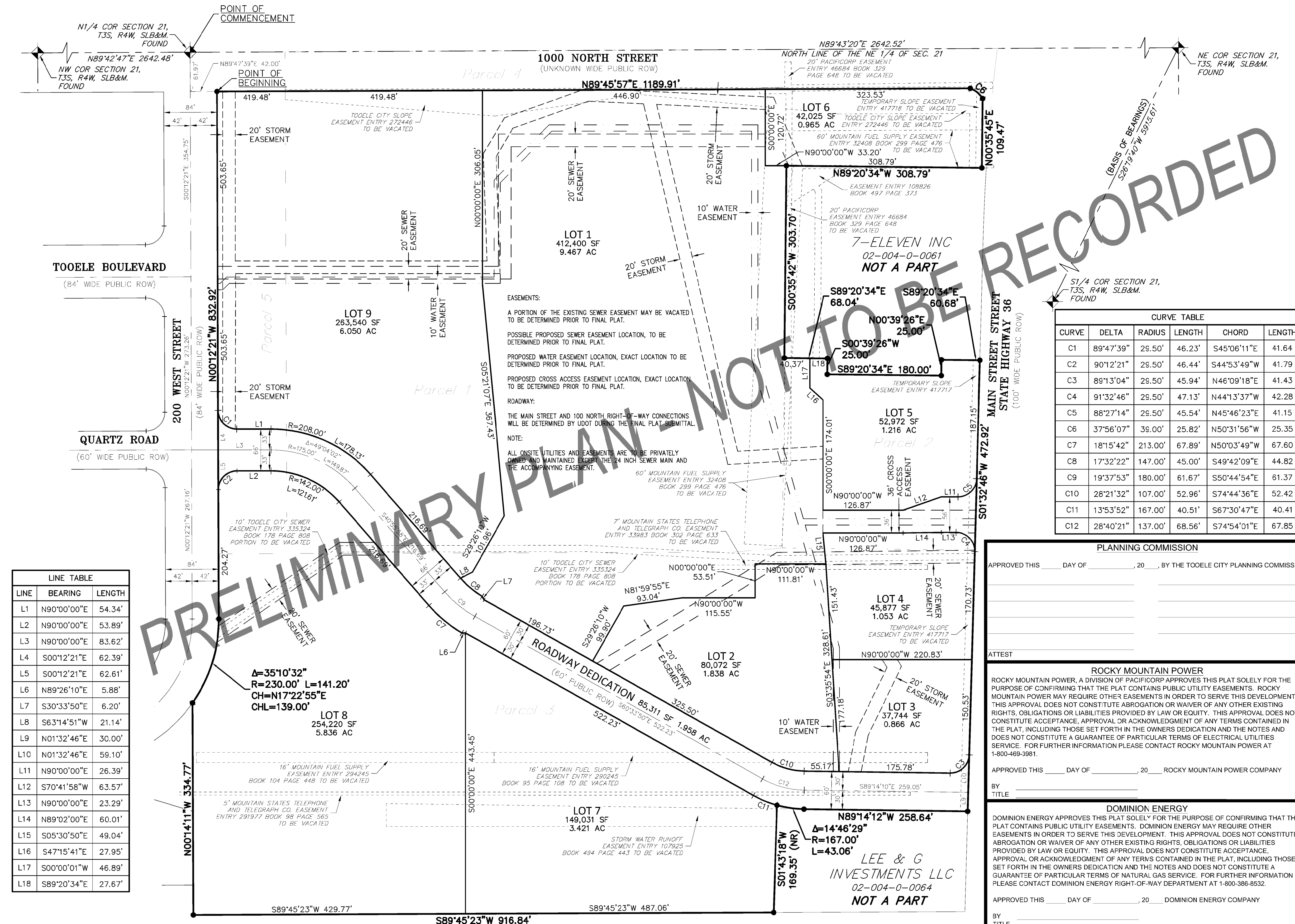


# 10TH & MAIN SUBDIVISION

1000 NORTH MAIN STREET  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 4 WEST  
 SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH.

**SURVEYOR'S CERTIFICATE**  
 I, WILLIS LONG DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 10708886 AS PRESCRIBED UNDER UNIFORM 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, HEREBY KNOWN AS TOOELE SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS MEET FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

**BOUNDARY DESCRIPTION**  
 A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOOELE CITY, COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 21;  
 THENCE SOUTH 00°12'21" EAST, A DISTANCE OF 61.97 FEET;  
 THENCE NORTH 89°47'39" EAST, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING;  
 THENCE ALONG THE NORTHERLY AND WESTERLY RIGHT OF WAY OF 1000 NORTH STREET THE FOLLOWING THREE (3) COURSES:  
 1) THENCE NORTH 89°45'57" EAST, A DISTANCE OF 1189.91 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT;  
 2) THENCE ALONG SAID CURVE HAVING A RADIUS OF 39.00 FEET, A CENTRAL ANGLE OF 37°56'07", THE ARC LENGTH OF 25.82 FEET AND A CHORD BEARING SOUTH 50°31'58" EAST, A DISTANCE OF 25.35 FEET;  
 THENCE NORTH 89°20'34" WEST, A DISTANCE OF 308.79 FEET;  
 THENCE SOUTH 00°35'42" WEST, A DISTANCE OF 303.70 FEET;  
 THENCE SOUTH 89°20'34" EAST, A DISTANCE OF 68.04 FEET;  
 THENCE SOUTH 00°39'26" WEST, A DISTANCE OF 25.00 FEET;  
 THENCE SOUTH 89°20'34" EAST, A DISTANCE OF 180.00 FEET;  
 THENCE NORTH 00°39'26" EAST, A DISTANCE OF 25.00 FEET;  
 THENCE SOUTH 89°20'34" EAST, A DISTANCE OF 60.68 FEET TO THE WESTERLY LINE OF SAID HIGHWAY 36;  
 THENCE ALONG SAID WESTERLY LINE SOUTH 01°32'46" WEST, A DISTANCE OF 472.92 FEET;  
 THENCE NORTH 89°14'12" WEST, A DISTANCE OF 258.64 FEET TO A POINT OF CURVATURE TO THE LEFT;  
 THENCE ALONG SAID CURVE HAVING A RADIUS OF 167.00 FEET, A CENTRAL ANGLE OF 14°46'29" AND AN ARC LENGTH OF 43.06 FEET;  
 THENCE SOUTH 01°43'18" WEST, A DISTANCE OF 169.35 FEET;  
 THENCE SOUTH 89°45'23" WEST, A DISTANCE OF 916.84 FEET TO THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 21;  
 THENCE ALONG SAID WESTERLY LINE NORTH 00°14'11" WEST, A DISTANCE OF 334.77 FEET TO A POINT OF CURVATURE TO THE LEFT THE EASTERLY LINE OF 200 WEST STREET;  
 THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO (2) COURSES:  
 1) THENCE ALONG SAID CURVE HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 35°10'32", AND THE ARC LENGTH OF 141.20 FEET;  
 2) THENCE NORTH 00°12'21" WEST A DISTANCE OF 832.92 FEET TO THE POINT OF BEGINNING;  
 CONTAINING 32.672 ACRES (1,423,192 SQUARE FEET), MORE OR LESS.



**LINE TABLE**

| LINE | BEARING     | LENGTH |
|------|-------------|--------|
| L1   | N90°00'00"E | 54.34' |
| L2   | N90°00'00"E | 53.89' |
| L3   | N90°00'00"E | 83.62' |
| L4   | S00°12'21"E | 62.39' |
| L5   | S00°12'21"E | 62.61' |
| L6   | N89°26'10"E | 5.88'  |
| L7   | S30°33'50"E | 6.20'  |
| L8   | S63°14'51"W | 21.14' |
| L9   | N01°32'46"E | 30.00' |
| L10  | N01°32'46"E | 59.10' |
| L11  | N90°00'00"E | 26.39' |
| L12  | S70°41'58"W | 63.57' |
| L13  | N90°00'00"E | 23.29' |
| L14  | N89°02'00"E | 60.01' |
| L15  | S05°30'50"E | 49.04' |
| L16  | S47°15'41"E | 27.95' |
| L17  | S00°00'01"W | 46.89' |
| L18  | S89°20'34"E | 27.67' |

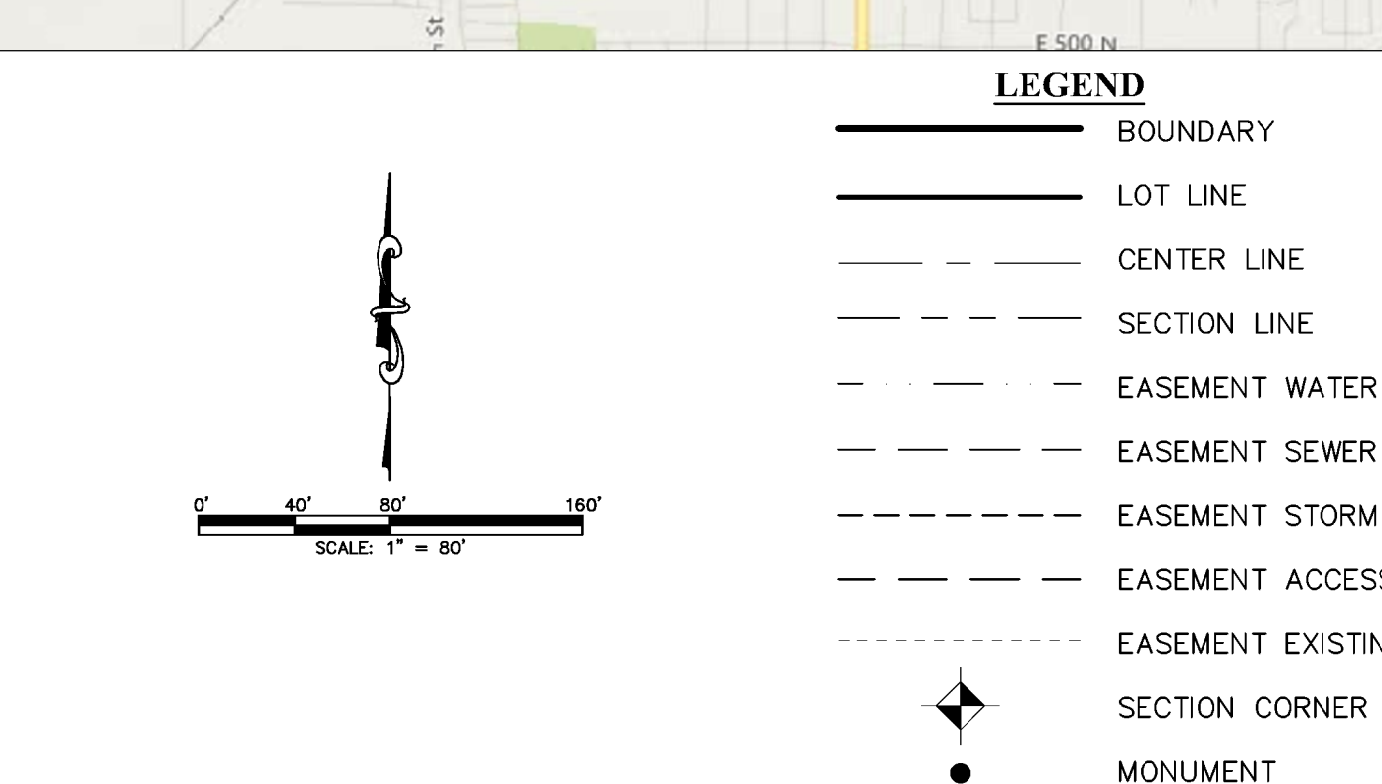
**CURVE TABLE**

| CURVE | DELTA     | RADIUS  | LENGTH | CHORD       | LENGTH |
|-------|-----------|---------|--------|-------------|--------|
| C1    | 89°47'39" | 29.50'  | 46.23' | S45°06'11"E | 41.64' |
| C2    | 90°12'21" | 29.50'  | 46.44' | S44°53'49"W | 41.79' |
| C3    | 89°13'04" | 29.50'  | 45.94' | N46°09'18"E | 41.43' |
| C4    | 91°32'46" | 29.50'  | 47.13' | N44°13'37"W | 42.28' |
| C5    | 88°27'14" | 29.50'  | 45.54' | N45°46'23"E | 41.15' |
| C6    | 37°56'07" | 39.00'  | 25.82' | N50°31'56"W | 25.35' |
| C7    | 18°15'42" | 213.00' | 67.89' | N50°03'49"W | 67.60' |
| C8    | 17°32'22" | 147.00' | 45.00' | S49°42'09"E | 44.82' |
| C9    | 19°37'53" | 180.00' | 61.67' | S50°44'54"E | 61.37' |
| C10   | 28°21'32" | 107.00' | 52.96' | S74°44'36"E | 52.42' |
| C11   | 13°53'52" | 167.00' | 40.51' | S67°30'47"E | 40.41' |
| C12   | 28°40'21" | 137.00' | 68.56' | S74°54'01"E | 67.85' |

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

**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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, ROCKY MOUNTAIN POWER COMPANY  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_

**DOMINION ENERGY**  
 DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET 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 DOMINION ENERGY RIGHT-OF-WAY DEPARTMENT AT 1-800-386-8532.  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, DOMINION ENERGY COMPANY  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_



**PRELIMINARY PLAT  
 10TH & MAIN SUBDIVISION**

1000 NORTH MAIN STREET  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,  
 TOWNSHIP 3 SOUTH, RANGE 4 WEST SALT LAKE BASE AND MERIDIAN  
 TOOELE CITY, TOOELE COUNTY, UTAH.

|   |   |  |  |   |  |  |
|---|---|--|--|---|--|--|
| <b>DEVELOPER</b><br>KIMBALL INVESTMENTS<br>1000 SOUTH MAIN STREET, STE#104<br>SALT LAKE CITY, UT 84101<br>CONTACT: JUSTIN KIMBALL<br>PH: (801) 652-3867 | <b>COMCAST APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE COMCAST<br>COMCAST  | <b>CENTURYLINK APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE CENTURYLINK<br>CENTURYLINK                                     | <b>POST MASTER APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE POST MASTER<br>POST MASTER                                     | <b>COUNTY HEALTH DEPARTMENT APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY HEALTH DEPARTMENT<br>TOOELE CITY HEALTH DEPARTMENT               | <b>SCHOOL DISTRICT APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY SCHOOL DISTRICT<br>TOOELE COUNTY SCHOOL DISTRICT               | <b>CHIEF OF POLICE APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY CHIEF OF POLICE<br>TOOELE CITY CHIEF OF POLICE |
| <b>FIRE CHIEF APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY FIRE CHIEF<br>TOOELE CITY FIRE CHIEF                         | <b>PARKS DEPARTMENT APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY PARKS DEPARTMENT<br>TOOELE CITY PARKS DEPARTMENT | <b>CITY ATTORNEY'S APPROVAL</b><br>APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY ATTORNEY<br>TOOELE CITY ATTORNEY | <b>CITY ENGINEER'S APPROVAL</b><br>APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY ENGINEER<br>TOOELE CITY ENGINEER | <b>COMMUNITY DEVELOPMENT APPROVAL</b><br>APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY COMMUNITY DEVELOPMENT<br>TOOELE CITY COMMUNITY DEVELOPMENT | <b>COUNTY RECORDER APPROVAL</b><br>REVIEWED THIS _____ DAY OF _____, 20____, BY THE TOOELE COUNTY RECORDER AS TO DESCRIPTION OF RECORD<br>TOOELE COUNTY RECORDER | <b>CITY COUNCIL APPROVAL</b><br>APPROVED THIS _____ DAY OF _____, 20____, BY THE TOOELE CITY COUNCIL<br>CHAIRMAN TOOELE CITY COUNCIL           |

**SAM** 9980 South Sandy Park Way Suite 200 Sandy, Utah 84070 Ofc: 385.246.5124 email: info@sam.biz website: www.sam.biz

SHEET 1 OF 1  
 PROJECT NO.: 1018046795  
 SURVEYOR: W. LONG  
 DRAWN BY: S. TAULMAN  
 DATE: 11/27/2018



**STAFF REPORT**

December 3, 2018

**To:** Tooele City Planning Commission  
Business Date: December 12, 2018

**From:** Planning Division  
Community Development Department

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

**Re: Tooele 10<sup>th</sup> and Main – Master Site Plan Request**

Application No.: P18-826  
Applicant: Justin Kimball representing M-53 Associates LLC  
Project Location: Approximately 1000 North Main Street  
Zoning: GC General Commercial Zone  
Acreage: 18.82 Acres (Approximately 820,121 ft<sup>2</sup>)  
Request: Request for approval of a Master Site Plan in the GC General Commercial zone regarding the commercial development of approximately 18.8 acres as retail and office uses.

**BACKGROUND**

This application is a request for approval of a Master Site Plan for approximately 18.8 acres located at 1000 North Main Street. The property is currently zoned GC General Commercial. The property is currently owned by the Tooele City Redevelopment Agency and is under contract to be sold to the applicant. Approval of a Master Site Plan for the project is a part of the agreement for sale of the property. The applicant is requesting that a Master Site Plan be approved which will facilitate the development of the property as a mix of commercial, retail and food service uses. The commercial development will occupy the eastern half of the larger 36.5 acre property. There is an existing Wendy's / 7-11 convenience store located to the northeast that is not part of this development and will remain. As this request is for approval of a Master Site Plan combined with the terms the applicant's agreement with the City's Redevelopment Agency, this application carries with it a recommendation to the RDA Board rather than a decision by the Planning Commission as is typical for a site plan.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. The purpose of the GC General Commercial zone is to encourage the establishment of a wide variety of retail commercial uses, service commercial activities, entertainment and other services and activities meeting the needs of the residents of the City. The General Commercial District (GC) allows and encourages that retail and service businesses and related uses be grouped together into commercial centers. The uses and activities allowed in this District should enhance employment opportunities, provide for commercial activities and services required by residents of the city and surrounding areas, encourage the efficient use of land, enhance property values and add to the overall strength of the city's tax base. The GC General Commercial zoning designation is identified by the General Plan as a preferred zoning classification for the Commercial land use designation. Properties to the north and east are zoned GC General Commercial. Properties to the west are in the Copper Canyon PUD and are residentially zoned except the North West corner of 1000 North 200 West. Properties to the south are zoned GC General Commercial are utilized as commercial uses along the Main Street frontage

and legally non-conforming residential behind them. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Site Plan Layout. The applicant has submitted an overall Master Site Plan for review and recommendation. Please note that lots 8 and 9 on the western half of the property are lots that are created by the Tooele 10<sup>th</sup> and Main Subdivision plat but they are not participating in this commercial development at this time. It is anticipated that these parcels will be developed as higher density residential uses. This application focuses on the eastern 18 acres and proposes the construction of 12 retail units in a combination of in line spaces and individual buildings three office buildings and a new public road connecting Main Street to 200 West. Please note that a Master Site Plan is not a final approval. A Master Site Plan demonstrates a general layout of the development, establishes approximate points of access, parking areas and approximate building locations. Each lot or pad will be required to undergo a final site plan review as development occurs.

The site will have limited access to 1000 North on the north and Main Street on the east. These rights-of-way are controlled by UDOT and have adopted corridor access agreements for each. The proposed new public right-of-way through the property between Main Street and 200 West is a connection to Main Street that is anticipated and shown in the corridor access agreement. The applicant does have the ability to prepare traffic studies to submit and proposed to UDOT to address changes or adjustments to the identified accesses in the agreements, which they are in the process of pursuing for the 1000 North frontage.

The buildings in the development are oriented so that the commercial buildings are located along the perimeter with parking generally located at the center. There is an existing Wendy’s / 7-11 convenience store located at the northeast and will remain. At this point in time in the development of the property it has not been clearly determined whether that existing commercial business will connect to the proposed new development. Although staff believes it would benefit that business and this development to have a point of connection to the proposed development but the City cannot force a connection.

The main building with the larger retail centers will be located along the western edge of the commercial property. Loading docks will be on the western side of the property and it is anticipated that trucks will enter from the new public road, travel north to their respective stores, deposit their goods and then travel north to 1000 North where they will exit the development. Staff is concerned that this also presents the possibility of those trucks travelling across the front of the buildings and crossing paths with customer vehicles and pedestrians.

Lot 6 at the northeast corner is also zoned GC General Commercial and is not being included in these development plans at this time. This is due to its long and narrow shape which allows for a limited scope of uses that can utilize such a property. It is anticipated that this parcel will develop but for the purposes of this application its possibilities have not yet been determined. There is a possibility that some of the buildings may have drive through windows. All drive through uses are permitted with a Conditional Use Permit approved by the Planning Commission. These situations will be addressed in detail when final site plans for those uses are brought forward.

Storm water management is an issue with a site of this size and must be retained or detained on site by City ordinance. This Master Site Plan does not indicate where or how storm water will be addressed. These details will be addressed when final site plans for those uses are brought forward.

There is an existing Denny’s Restaurant at the southeast corner that will remain. However, due to the new road being constructed, Denny’s existing Main Street access will be closed and a new access provided to the new road. This access will enable Denny’s customers to utilize the traffic signal and will

result in a much safer situation. The owners of Denny's were approached several years ago with this concept and were in support of this access change.

Landscaping. Landscaping plans at this time are very preliminary but do indicate substantial landscape buffers along 1000 North, Main Street and the new public road. Some interior landscaping is also proposed around the buildings and in the parking areas with buffer landscaping along the southern boundary adjacent to the existing residential uses. Landscaping will be a combination of sod, cobble areas, trees, shrub beds and so forth. Landscape plans will be required and reviewed in greater detail as each pad or lot develops. City ordinance requires at least 10% of the site be landscaping and this proposal provides 14% in the retail portion of the development and 30% in the office portion. The landscaping will be privately owned and maintained by the development.

Parking. Large parking areas are provided at the center of the main retail development and the northern portion of the office development. Specific parking needs will be determined with the final site plan applications for each lot / pad as they are submitted. Parking will be as required by Table 3 of Section 7-16-5 of the City Code and based upon the uses and square footages of each building or tenant space.

Architecture. Building elevations have not been provided with the Master Site Plan application and will be reviewed during the final site plan applications of each lot as development occurs.

Signage. The proposed plan is showing possible locations for pylon signs along Main Street and 1000 North. It should be emphasized that signs may be located and constructed only as permitted by the Tooele City Code Chapter 7-25.

Fencing. The only location where fencing is required by this development is along the southern property line where adjacent to the residential mobile home subdivision. Section 7-2-16 authorizes the Planning Commission to require a solid privacy fence when commercial uses are adjacent to residential uses. The type of fence to be provided may also be determined by the Planning Commission.

There may also be a need for fencing along the western boundary of the development adjacent to lots 8 and 9

Criteria For Approval. The criteria for review and potential approval of a Master Site Plan request is found in Sections 7-11-6, 8 and 9 of the Tooele City Code. This section depicts the standard of review for such requests as:

Section 7-11-6. Approval. The Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with [Chapter 7-11 TCC] and with the general policies and objectives of [Title 7 TCC], and shall give or withhold approval accordingly. Before making this determination, the Planning Commission shall receive the written recommendations of the City Engineer, the Accessibility Committee, and the Fire Chief. Such recommendation may be by letter, memorandum, or signature on the plans.

Section 7-11-8. Considerations in review of applications. The Planning Commission and the Engineering Department shall consider the following matters, among others, in their review of applications:

- (1) Considerations relating to traffic safety and traffic congestion:
  - (a) The effect of the site development plan on traffic conditions on abutting streets.
  - (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.

- (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
- (d) The location, arrangement, and dimensions of truck loading and unloading facilities.
- (e) The circulation patterns within the boundaries of the development.
- (f) The surfacing and lighting of off-street parking facilities.
- (2) Considerations relating to outdoor advertising:
  - (a) The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.
- (3) Considerations relating to landscaping:
  - (a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.
  - (b) The planting of ground cover or other surfacing to prevent dust and erosion.
  - (c) The unnecessary destruction of existing healthy trees.
- (4) Considerations relating to buildings and site layout:
  - (a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.
  - (b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.
- (5) Considerations relating to drainage:
  - (a) The effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.

Section 7-11-9. Considerations. The Planning Commission, or the City Engineer, when authorized, shall decide all applications for design review. Design approval may include such conditions consistent with the considerations of [Chapter 7-11 TCC] as the Planning Commission or City Engineer deem reasonably necessary under the circumstances to carry out the intent of [Chapter 7-11 TCC].

## **REVIEWS**

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

1. All future drive through uses shall orient their vehicle stacking lanes so that all ordering and product pick up lanes are located on the interior non-street sides of the building.
2. All signage within the development shall be according to the standards set forth by Tooele City's Sign Ordinance.
3. All semi trucks shall enter the loading and unloading areas from the south and exit onto 1000 North and shall not travel south through the development.
4. Each pad or lot shall receive final site plan approval.
5. At the time of final site planning that all drive aisles throughout the development shall be a minimum width of 26 feet at the discretion of the Fire Department.

6. Landscaping plans shall be finalized with each final site plan.
7. Building elevations shall be reviewed and finalized with each final site plan and shall be based on a project-wide building elevation plan.

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

1. The site plan presented for consideration is conceptual in nature, and it should reasonably be expected to be modified based upon specific tenants. Actual building size, locations within the individual lots, orientations, parking, and other amenities will appropriately be considered based upon site specific consideration. For example, the plan does not include development with drive thru lanes. However, it is possible that a future tenant, or tenants, may request such as a key element of their business model.
2. As noted above, the Preliminary Plan proposes to relocate a segment of an existing large diameter sanitary sewer trunk line which crosses east to west across the property. Pending ongoing study of the flow capacity and design characteristics of the existing trunk line, it may be necessary to modify the proposed alignment shown. Any realignment modifications will be included as part of the Final Plat, and will be conditioned on no adverse impact to the City's collection system.
3. For the purposes of public protection, the developer will not be allowed to directly connect individual business sanitary sewer laterals into the existing large diameter sanitary sewer trunk line. Rather, a separate sewer system shall be installed, and then connected to the City's collection system at locations as approved by the City. The final location, layout and size of the sanitary sewer system will be based upon final site plan development and demand.
4. The developer will be required to install a "looped" (redundant) culinary water system to each business. The location and size of the culinary water system shall be based upon final site plan development considerations and shall include input from the Fire Department.
5. The developer will be required to install a storm drain system per City Code. The location and size of the storm drain system (including detention and/or retention capacity), shall be based upon final site plan development considerations.

Public Works Division Review. The Tooele City Public Works Division has completed their review of the Master Site Plan submission and has issued a recommendation for approval for the request with the following proposed conditions:

1. Depending on water model studies, and or fire flow tests; said Developer will need new or additional infrastructure to provide for needs of the development and shall be required to install such infrastructure.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Master Site Plan by Justin Kimball, representing M-53 Associates LLC, application number P18-826, subject to the following conditions:

1. That all requirements of the Tooele City Engineering-Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.



2. That all requirements of the Tooele City Public Works Department shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.
6. All future drive through uses shall orient their vehicle stacking lanes so that all ordering and product pick up lanes are located on the interior non-street sides of the building.
7. All signage within the development shall be according to the standards set forth by Tooele City Code.
8. All semi trucks shall not enter or exit the development across the front of the buildings.
9. Each pad or lot shall receive final site plan approval.
10. At the time of final site planning that all drive aisles throughout the development shall be a minimum width of 26 feet at the discretion of the Fire Department.
11. Landscaping plans shall be finalized with each final site plan.
12. Building elevations shall be reviewed and finalized with each final site plan and shall be based on a project-wide building elevation plan.
13. The site plan presented for consideration is conceptual in nature, and it should reasonably be expected to be modified based upon specific tenants. Actual building size, locations within the individual lots, orientations, parking, and other amenities will appropriately be considered based upon site specific consideration. For example, the plan does not include development with drive thru lanes. However, it is possible that a future tenant, or tenants, may request such as a key element of their business model.
14. As noted above, the Preliminary Plan proposes to relocate a segment of an existing large diameter sanitary sewer trunk line which crosses east to west across the property. Pending ongoing study of the flow capacity and design characteristics of the existing trunk line, it may be necessary to modify the proposed alignment shown. Any realignment modifications will be included as part of the Final Plat, and will be conditioned on no adverse impact to the City's collection system.
15. For the purposes of public protection, the developer will not be allowed to directly connect individual business sanitary sewer laterals into the existing large diameter sanitary sewer trunk line. Rather, a separate sewer system shall be installed, and then connected to the City's collection system at locations as approved by the City. The final location, layout and size of the sanitary sewer system will be based upon final site plan development and demand.
16. The developer will be required to install a "looped" (redundant) culinary water system to each business. The location and size of the culinary water system shall be based upon final site plan development considerations and shall include input from the Fire Department.
17. The developer will be required to install a storm drain system per City Code. The location and size of the storm drain system (including detention and/or retention capacity), shall be based upon final site plan development considerations.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.

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

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the Tooele City Redevelopment Agency Board for the Tooele 10<sup>th</sup> and Main Master Site Plan Request by Justin Kimball, representing M-53 Associates, LLC, application number P18-826, based on the findings and subject to the conditions listed in the Staff Report dated December 3, 2018:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the Tooele City Redevelopment Agency Board for the Tooele 10<sup>th</sup> and Main Master Site Plan Request by Justin Kimball, representing M-53 Associates, LLC, application number P18-826, based on the following findings:”

1. List findings...

**EXHIBIT A**

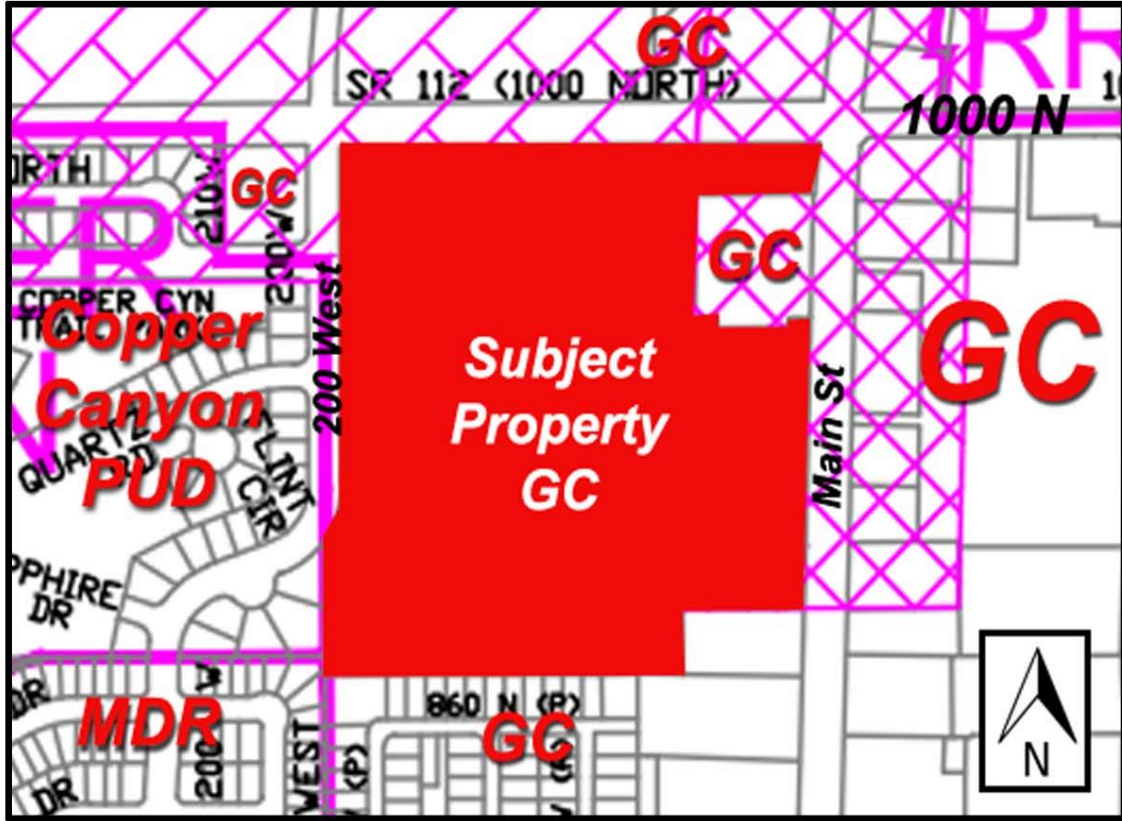
**MAPPING PERTINENT TO THE TOOELE 10<sup>TH</sup> AND MAIN MASTER SITE PLAN.**

**Tooele 10th and Main Master Site Plan**



**Aerial View**

**Tooele 10th and Main Master Site Plan**

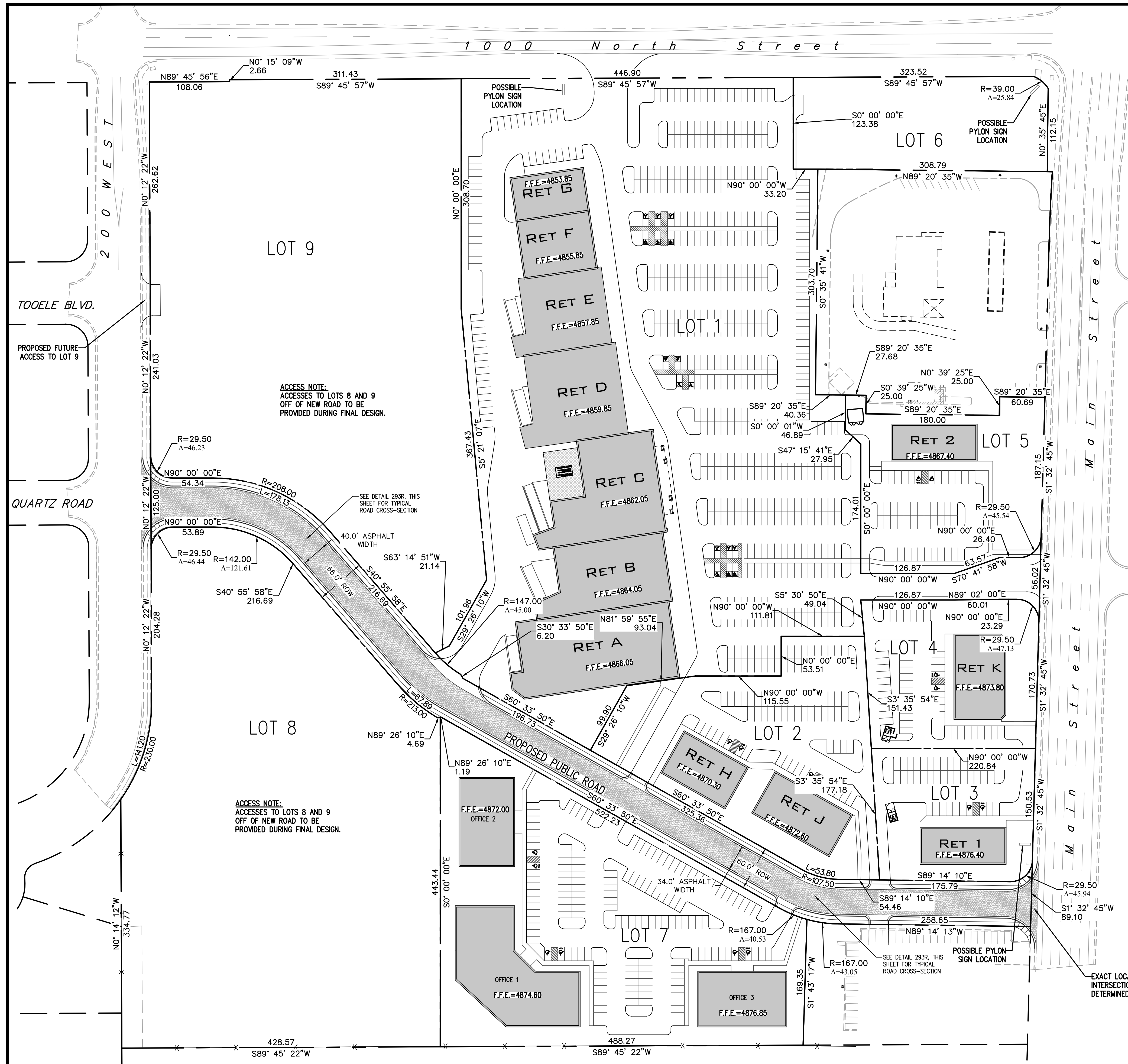


**Current Zoning**

**EXHIBIT B**

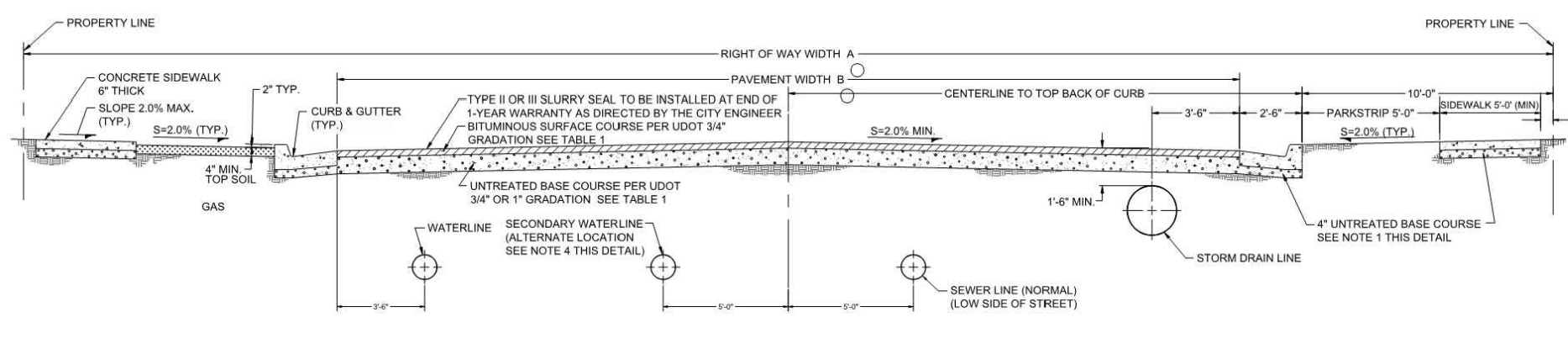
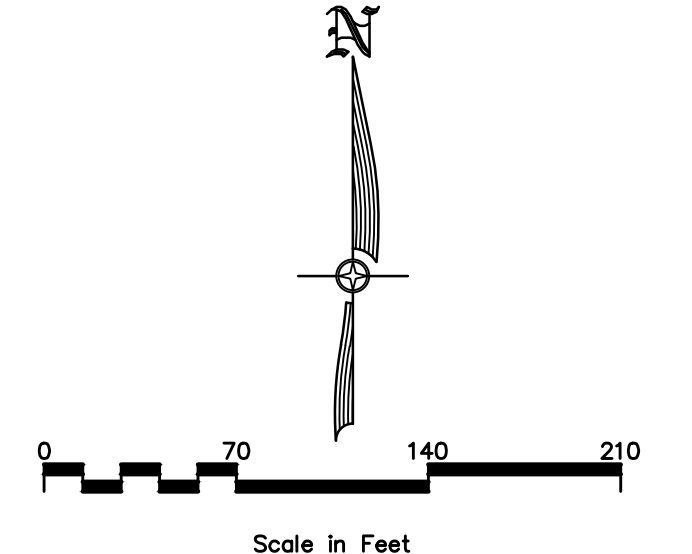
**PROPOSED DEVELOPMENT PLANS**





**GENERAL NOTE:**  
THE SITE PLAN COMMENTS SHOWN HEREON ARE INTENDED TO BE INFORMATIONAL ONLY, AND WILL REQUIRE DETAILED SITE PLANS PRIOR TO FINAL APPROVAL PER CITY CODE.

**ONSITE DETENTION NOTE:**  
STORM WATER DETENTION BASIN LOCATIONS AND SIZING TO BE DETERMINED DURING FINAL PLAT SUBMITTAL.



- NOTES:**
1. PROVIDE 4" MINIMUM OF 3/4" OR 1" UNTREATED BASE COURSE UNDER SIDEWALKS AND CURB & GUTTER, 4" UNDER DRIVE APPROACH (RESIDENTIAL AND 6" COMMERCIAL). WILL REQUIRE APPROVAL OF CITY ENGINEER BASED UPON SITE SPECIFIC CONSIDERATIONS.
  2. PAVEMENT THICKNESS SHOWN ARE CONSIDERED AS CITY STANDARDS. ANY MODIFICATIONS WILL REQUIRE APPROVAL OF CITY ENGINEER BASED UPON SITE SPECIFIC CONSIDERATIONS.
  3. ALL ROAD CUTS SHALL BE REPAIRED WITH BASE THICKNESS AND PAVEMENT THICKNESS (PLUS 1" AS SHOWN IN TABLE 1).
  4. SECONDARY WATER LINES SHALL BE LOCATED IN REAR LOT EASEMENT. ALTERNATE LOCATION TO BE USED ONLY WITH APPROVAL OF CITY ENGINEER. REQUIREMENTS.

**TABLE 1**

| STREET CLASSIFICATION  | R.O.W. WIDTH | PAVEMENT WIDTH | PAVEMENT THICKNESS                  | BASE COURSE THICKNESS |
|------------------------|--------------|----------------|-------------------------------------|-----------------------|
| LOCAL                  | 60'          | 34'            | 2" (RESIDENTIAL)<br>4" (COMMERCIAL) | 4"                    |
| SUB-COLLECTOR          | 66'          | 40'            | 2" (RESIDENTIAL)<br>4" (COMMERCIAL) | 8"                    |
| MODIFIED SUB-COLLECTOR | 70'          | 50'            | 2" (RESIDENTIAL)<br>4" (COMMERCIAL) | 10"                   |
| LIMITED ACCESS         | 84'          | 56'            | 2" (RESIDENTIAL)<br>4" (COMMERCIAL) | 10"                   |
| ARTERIAL               | 100'         | 60'            | 2" (RESIDENTIAL)<br>4" (COMMERCIAL) | 10"                   |

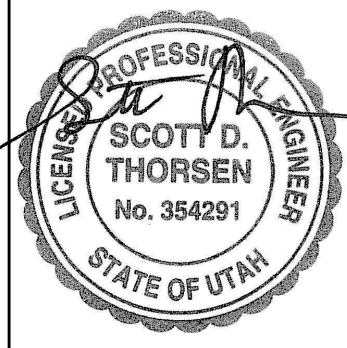
PAVEMENT SECTIONS TO BE PER CITY STANDARDS OR GEOTECHNICAL REPORT, WHICHEVER IS GREATER.

| NO. | REVISIONS | BY | DATE |
|-----|-----------|----|------|
| 1   |           |    |      |

COMMENTS

**CIR**  
ENGINEERING, L.L.C.  
3032 SOUTH 1030 WEST, SUITE 202  
S.L.C. Utah 84119 - 801-949-6296

TOOELE 10TH & MAIN - MASTER PLAN  
1000 NORTH MAIN ST., TOOELE, UT 84074  
OVERALL SITE PLAN



PRELIMINARY PLAN - NOT TO BE RECORDED



SHEET NO. C1.0  
PROJECT ID: K1013-01  
DATE: 11/16/18  
FILE NAME: PRJ-KTT  
SCALE: 1"=70'



1000 North Street

SEMI TRUCK TRAVEL PATH

SEMI TRUCK TRAVEL PATH

SEMI TRUCK TRAVEL PATH

SEMI TRUCK TRAVEL PATH

PROPOSED PUBLIC ROAD

F.F.E.=4872.00  
OFFICE 2

F.F.E.=4853.85  
RET G

RET F  
F.F.E.=4855.85

RET E  
F.F.E.=4857.85

RET D  
F.F.E.=4859.85

RET C  
F.F.E.=4862.05

RET B  
F.F.E.=4864.05

RET A  
F.F.E.=4866.05

RET H  
F.F.E.=4870.30

RET J  
F.F.E.=4872.60

RET 2  
F.F.E.=4867.40

RET K  
F.F.E.=4873.80

RET 1  
F.F.E.=4876.40

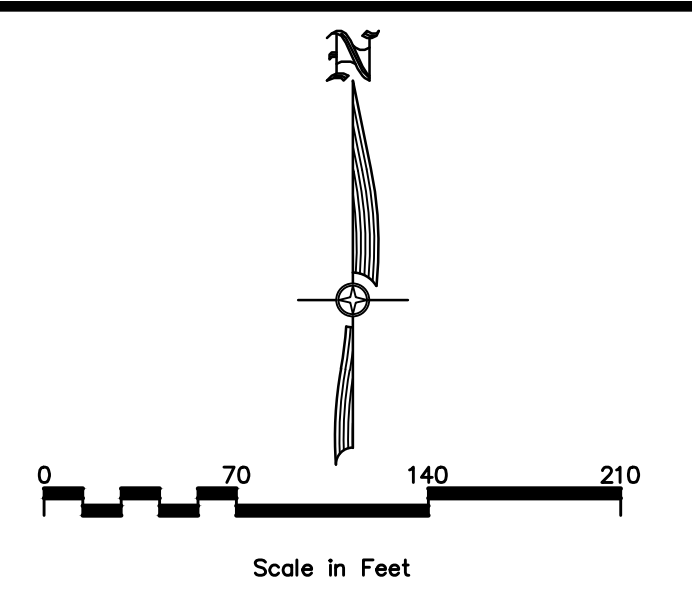


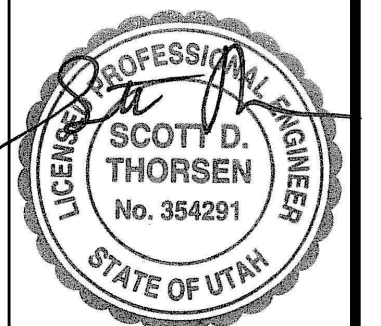
EXHIBIT-FOR  
INFORMATIONAL  
PURPOSES ONLY

| NO | REVISIONS | BY | DATE |
|----|-----------|----|------|
| 1  | COMMENTS  |    |      |

DESIGNER: SDT  
PROJECT ENGINEER: SDT

**CIR**  
ENGINEERING, L.L.C.  
3032 SOUTH 1030 WEST, SUITE 202  
S.L.C. Utah 84119 - 801-949-6296

TOOELE 10TH & MAIN - MASTER PLAN  
1000 NORTH MAIN ST., TOOELE, UT 84074  
TRUCK TURNING RADIUS PLAN



SHEET NO. C1.1  
PROJECT ID: K1013-01  
DATE: 11/16/18  
FILE NAME: PRJ-KTT  
SCALE: 1"=70'



**TOOELE CITY CORPORATION**

**RESOLUTION 2018-70**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN TOOELE CITY AND THE TOOELE TECHNICAL COLLEGE FOR A TOOELE SMALL BUSINESS DEVELOPMENT CENTER.**

WHEREAS, with the assistance of the Tooele Technical College (“College,” formerly the Tooele Applied Technology College), Tooele City has supported the College’s operation of a Business Resource Center; and,

WHEREAS, the College desires to continue to work with Tooele City to support new and continuing small businesses in Tooele City for the educational and economic benefit of Tooele City residents and the community as a whole, through a redefined and restructured program in coordination with the State of Utah’s Small Business Development Centers (see background materials attached as Exhibit B); and,

WHEREAS, the Tooele Small Business Development Center (“Center”) would be operated by the College with funding assistance from Tooele City, Grantsville City, and Tooele County, in the amount of \$15,000 each per fiscal year; and,

WHEREAS, the Memorandum of Understanding (“MOU”) attached as Exhibit A sets forth the terms and conditions under which the College will operate the Center; and,

WHEREAS, because the MOU is between two governmental entities, it is in the nature of an interlocal agreement which requires approval by entity resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that: the Memorandum of Understanding between the Tooele Technical College and Tooele City for the operation of the Tooele Small Business Development Center (see Exhibit A) is hereby approved, and the Mayor 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 Tooele City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

TOOELE CITY MAYOR

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

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





# Exhibit A

## Memorandum of Understanding

## Exhibit B

### Tooele Small Business Development Center Background Materials

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
TOOELE CITY  
AND  
TOOELE TECHNICAL COLLEGE**

This Memorandum of Understanding ("MOU") made this 30<sup>th</sup> day of November 2018, by and between the Tooele City, (hereinafter the "City") and the Tooele Technical College (hereinafter "TTech"), on behalf of its Tooele Small Business Development Center (hereinafter "SBDC") Program. The period of this MOU is effective from July 1, 2018, through June 30, 2023.

WHEREAS, TTech, through its Tooele SBDC Program, has provided access to small business governmental resources and advising services to existing and new business owners for several years as a Business Resource Center; and

WHEREAS, TTech, has been established in Tooele County as a direct result of the support it has received from the City; and

WHEREAS, TTech, has partnered with the City and other governmental entities for several years to offer these small business services; and

WHEREAS, without theses entities requesting TTech to provide these services and without and their financial support it would not have been and would still not be possible for TTECH to provide these services which are, in part, federally funded (U.S. Small Business Administration) for residents of Tooele County; and

WHEREAS, the City has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to support the SBDC and business community in accordance with this MOU.

**WITNESSETH**, that for and in consideration of the mutual promises, consideration of payments and undertakings herein described, the promises and other valuable considerations of the parties hereto agree as follows:

I. **OBLIGATIONS OF TTECH:**

- A. Provide small business counseling within Tooele County. Services will be provided primarily at TTEch, or at another location based upon the request of the SBDC Client and requests of partners to be more visible at their places of business around or within Tooele County.
- B. Hire, train and supervise a qualified SBDC Director to provide counseling to small businesses in Tooele County. The SBDC Director shall:
  - (a) Develop, manage and implement functions associated with the SBDC which may include long- and short-term counseling, consulting, seminars, workshops, classes, business programs, assessments, services and referral of other resources or programs to small business owners and entrepreneurs in accordance with SBDC / SBA guidelines and procedures; promotes growth, expansion, innovation, increased productivity, sustainability, and management improvement in area small businesses and prospective businesses.
  - (b) Shall assist in the Custom Fit Program at TTEch to the extent it supports SBDC clients or potential clients in the Tooele County region.
  - (c) Shall fulfill the duties required of a State authorized Business Resource Center (BRC) which are congruent with the mission of an SBDC by providing "One-Stop" business resources which may include the following:
    - (i) Initiate and encourage business education programs, including programs in coordination and collaboration with public, private, and governmental institutions;
    - (ii) Provide research, development, or training programs for new businesses; Develop programs to aid business clients in finding the resource they need;
    - (iii) Work with the host institution in providing academic resources, including faculty and student assistance, as appropriate; Develop programs for outreach to entrepreneurs in rural areas of the state as appropriate; and
    - (iv) Provide individuals seeking business support referrals to state and federal agencies who provide business services.
  - (d) Develop, maintain, and report metrics to determine the effectiveness of efforts.
  - (e) At the end of SBDC fiscal year, TTEch will provide the Mayor with a written report and may provide an oral presentation to the Mayor and other concerned partners at their request. The report will be submitted by the end of August each year. The annual report may include the following:
    - (i) Clients served; the number of hours counseled;
    - (ii) Individuals attending training events and the number and title of events;
    - (iii) New business startups;
    - (iv) Custom Fit companies served;



- (v) Capital infusion realized by area clients; and
  - (vi) Jobs created.
- C. TTech shall invoice the City each year after the annual report has been delivered.

II. **OBLIGATIONS OF THE CITY:**

- A. Upon receiving an invoice from TTech for the fiscal year (July 1 – June 30) operations of the TTech SBDC, the City shall provide fifteen thousand dollars (\$15,000.00) each year it participates in this agreement.
- B. The payment should be submitted within 30 days from receipt of the invoice from TTech.
- C. Support promotion of the SBDC and TTECH through collaboration in developing business programs and services to expand the economic base within the City.
- D. Refer potential clients to the SBDC Director.

III. **OTHER PROVISIONS:**

- A. **Time Table.** This MOU will follow the fiscal year of TTech which is July 1<sup>st</sup> through June 30<sup>th</sup>. The annual report will be delivered by the end of August each year. To provide stability of services for the community and both parties of this agreement, the intent of this MOU is to create an SBDC program which will continue from year to year until such time when either party decides to terminate this agreement. This MOU shall be in effect for the period of July 1, 2018, through June 30, 2023.
- B. **Termination.** Either party may terminate this MOU by providing written notice of termination to the other party ninety (90) days in advance of termination. Should the notice of termination be written by the City, all funds previously received by TTech are mutually understood to have been obligated for the purposes of providing the SBDC program until the end of the fiscal year. Therefore, no funds will be returned unless all parties agree to terminate the SBDC program, then all unassigned funds will be returned to the funding partners on a pro-rated basis.
- C. **Amendments.** This MOU represents the entire agreement between the parties and supersedes all prior and contemporaneous discussions, representations or agreements, whether written, electronic, oral or by a course of conduct. The MOU may not be altered or amended except in writing which is signed by the authorized representative of both parties.
- D. **Substantial Program Changes.** TTECH agrees to notify the City of any changes to the SBDC program or program service in writing within 30 days of said changes.

If changes to the SBDC program reduce the level of service as determined by this MOU, the City may withdraw participation from the SBDC program on a pro-rated fiscal year basis.

- E. **Notices.** All notices, approvals, or requests in connection with this MOU shall be in writing and shall be deemed given when delivered personally by hand or one business day after the day sent to the following address:

(a) **If to the City:**

Tooele City  
90 North Main Street  
Tooele, UT 84074

(b) **If to the Tooele Technical College:**

Tooele Technical College  
88 South Tooele Blvd.  
Tooele, Utah 84074

- F. **Governance.** It is mutually understood and agreed that this agreement shall be governed by the laws of the State of Utah, both as to interpretation and as to performance.

**IN WITNESS WHEREOF**, the parties hereto have signed and sealed this Memorandum of Understanding as the duly authorized act and deed of their respective entities as of the day and year first above written.

**TOOELE CITY**

By: \_\_\_\_\_

Name: Debbie Winn

Title: Mayor

Date: \_\_\_\_\_

**TOOELE TECHNICAL COLLEGE**

By: Paul Hacking

Name: Paul Hacking

Title: President

Date: 11/30/2018

Approved as to Form:

Benjamin Blum  
Tooele City Attorney





November 29, 2018

Mayor Debbie Winn  
Tooele City  
90 North Main Street  
Tooele, UT 84074

Dear Mayor Winn,

I am grateful for your support as we have realigned our efforts to determine how best Tooele Tech can pragmatically offer small business consulting and resources to our community. I am happy to let you know that we have finalized an agreement with the State Director of Utah's Small Business Development Centers (SBDC) to bring this program back to Tooele and we have hired a capable individual, Mr. Jess Clifford, to be the new Director. In the short time I have known Jess and observed his performance, I have been very impressed. He has the right personality, state and local connections, drive, knowledge, and community commitment to exceed our mutual expectations. I also feel he will be a helpful resource to the city as you need help with small businesses who are just starting or who are needing help with expansion in your city.

Being part of the SBDC system will bring additional resources, respect, and services to the businesses we are and will be assisting. Another benefit will include a more formalized reporting process which is currently used at every SBDC location throughout the state. As part of our new processes, we will be providing an accountability report to you each year by the end of August, and the Director will stay connected with your office to help maintain good communication between the SBDC and the City.

As promised, this email has attached three documents as follows:

1. First, I have included a report of business resource activities which took place at Tooele Tech during the last fiscal year and a second page covering our activities since July. Now that Jess is the Director of the SBDC and these activities, I am confident that reports and communications will be more regular and substantial.
2. Second, we agreed in our discussions that it would be wise to formalize in writing our mutual interests in this area, commitment, and expected actions as we realign this program. As promised, I have drafted an MOU which I believe reflects our discussions. I

November 29, 2018

tried to keep the MOU as simple as possible to avoid misunderstandings. If you have any changes you would like to make, please let Jess know, and we will make appropriate modifications as quickly as possible. I hope we can get this document signed soon so that we both know what the expectations are and move forward.

3. Third, I have included an invoice for your portion of the SBDC partnership for this fiscal year. Tooele Tech desires to meet your expectations for us to offer small business development within our County, but without your financial help, our college would not be able to deliver these services. Your partnership is much appreciated and valued.

Jess will be reaching out for a time to visit with you very soon, so that you both can discuss his ideas, desires, and plans, and your expectations for this position. Please also take this opportunity to discuss any modifications you would like to see in the MOU.

Finally, I wish to express my appreciation for your support and patience as we all have reevaluated how best to move forward. As the “new person” on the block, I especially needed to take some time and sort out why our business resource activities have developed the way they have, and how Tooele Tech could best meet the community’s expectations in the future to deliver these services. Thank you for being part of the process of evaluating what the best path forward should be considering our community’s current growth, economic and financial realities and Tooele Tech’s mission. I believe we now have a good plan, the right person in place and that we have our mutual arms around the expectations, resources, and the services we will be offering. Should you ever wish to speak with me about this program, our workforce development programs or any other area I might be able to help with, please do not be hesitant to contact me.

Best regards,



Paul Hacking  
President  
Tooele Technical College

88 South Tooele Blvd. Tooele, Utah 84074

Phone 435.248.1800 Fax 435.248.1900 [www.tooeletech.edu](http://www.tooeletech.edu)





# 2017-2018 BRC Activity Report



## Business Support

### Coaching / Counseling

- The SBDC left Tooele in November 2017 with the departure of Ryan Salazar
- Affiliation with SCORE as an official business counseling center was established in March 2018
- Since that time The TBRC logged
  - 47 hours of business coaching
  - 42 individual sessions
  - 22 business Served
    - 2 business acquisitions
    - 3 established businesses looking to grow
    - 17 startups

### Corporate Training 2017-18

- 12,848 Hours of instruction
- 217 Businesses Served

## Other Activity

### Referrals to Affiliate Resources

- SBA - 13
- GOED - 5
- VBRC - 4
- MEP - 8
- Local business services - 26

### Events / Outreach in progress

- Re-build of TooeleBusiness.org
- Co-producer of Taste of our County Business and Career Showcase
- Free Monthly lunch and learns
- Formation of Tooele County Small business boot camp

# 2018-2019 BRC Activity Report

Revised 11/19/2018



## Business Support

### Coaching / Counseling

- The SBDC left Tooele in November 2017 with the departure of Ryan Salazar and has been Reinstated as of 11/9/2018
- Affiliation with SCORE as an official business counseling center was established in March 2018
- Since June 30<sup>th</sup>, 2018 The TBRC logged
  - 80 hours of business coaching
  - 77 individual sessions
  - 29 business Served
    - 2 business acquisitions
    - 5 established businesses looking to grow
    - 22 startups

### Corporate Training 2018-19 YTD

- 5737 Hours of instruction
- 51 Businesses Served

## Other Activity

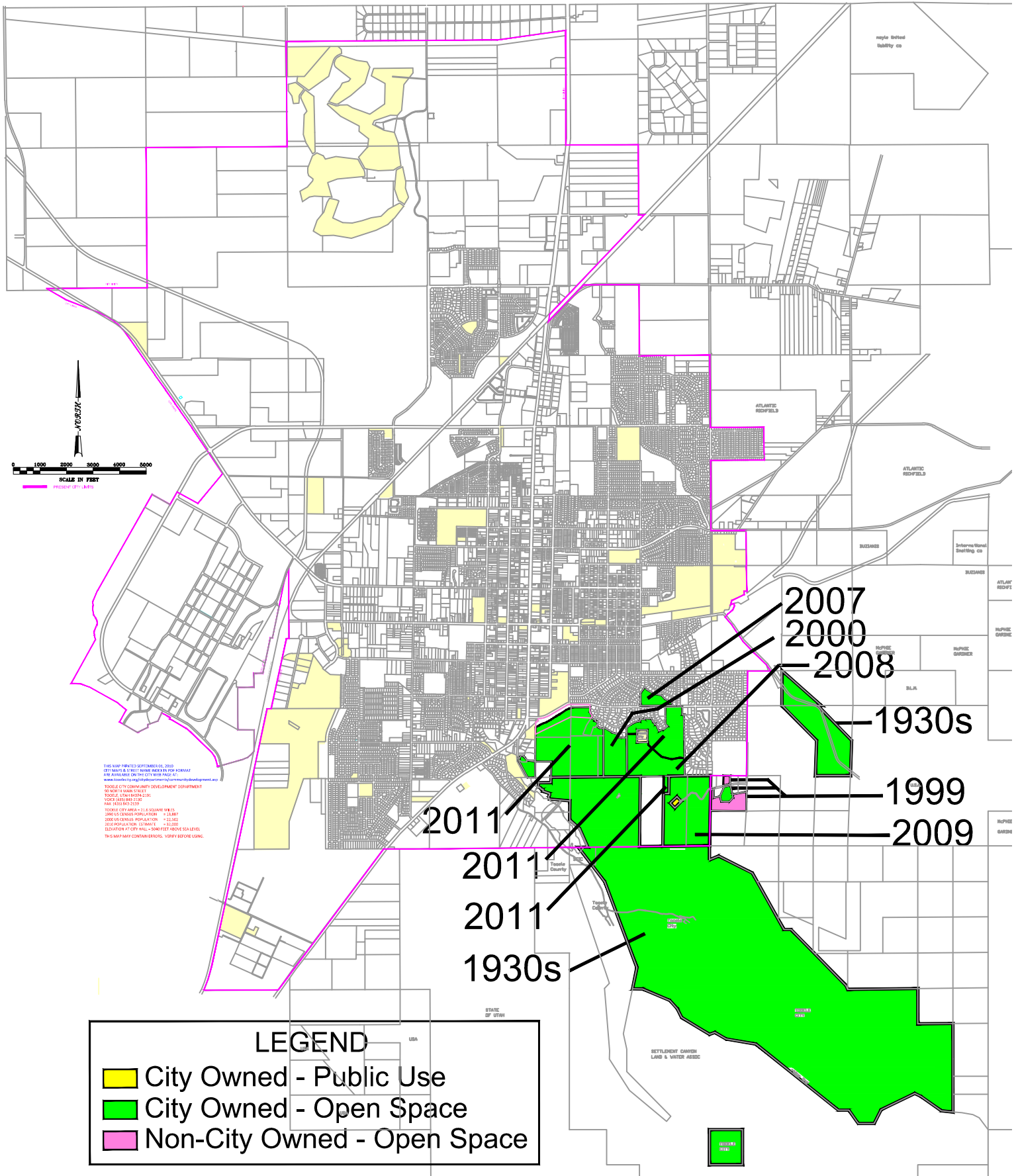
### Referrals to Affiliate Resources

- SBA -2
- GOED - 2
- WTCU - 1
- MEP – 1
- PTAC - 5
- Local business services - 29

### Events / Outreach in progress

- Re-build of TooeleBusiness.org
- Free Monthly lunch and learns
- Formation of Tooele County Small business boot camp in partnership with the Tooele County Chamber
- Hosted SBA Rural Small Business Roadshow
- Ongoing business counseling and coaching

# TOOELE CITY



**TOOELE CITY CORPORATION**

**RESOLUTION 2014-18**

**A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF TOOELE CITY A NEW 5-YEAR GRAZING LEASE WITH SETTLEMENT CANYON LAND AND WATER ASSOCIATION.**

WHEREAS, Tooele City is the owner of 1,770 acres of property (the Property) in the Left Hand Fork area of Settlement Canyon; and,

WHEREAS, Tooele City and Settlement Canyon Land and Water Association (the Association) entered into leases permitting the Association's cattle to graze on the Property from the 1930's to the present (see table attached as Exhibit A); and,

WHEREAS, the Association desires to enter into a new lease agreement, and the City Administration has expressed a willingness to recommend a 5-year term; and,

WHEREAS, this Council finds it in the interest of the city to renew the lease:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to sign on behalf of Tooele City a new five-year grazing lease (attached hereto as Exhibit B) with Settlement Canyon Land and Water Association to allow the grazing of cattle on the Property through December 31, 2018.

This Resolution shall take effect upon passage.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 11<sup>th</sup> day of April, 2014.



TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

\_\_\_\_\_

Debra C. White

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Signature]

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(For)

(Against)

[Signature]

\_\_\_\_\_

ATTEST:

[Signature]  
Sharon Dawson, City Recorder  
Michelle Pitt

SEAL



Approved as to Form:

[Signature]  
Roger Baker, City Attorney

## Exhibit A

### Settlement Canyon Property Grazing Lease History: 1930-2018

| <b>Agreement Year</b> | <b>Agreement Term</b>   | <b>Authorizing Resolution</b> | <b>Rent</b> |
|-----------------------|-------------------------|-------------------------------|-------------|
| 2014                  | 01/01/2014 – 12/31/2018 | 2014-18                       | \$300/year  |
| 2009                  | 01/01/2009 – 12/31/2013 | 2009-19                       | \$300/year  |
| 2007                  | 07/01/2007 – 06/30/2008 | 2007-28                       | \$300/year  |
| 2005                  | 01/01/2005 – 12/31/2006 | 2005-27                       | \$300/year  |
| 1995                  | 01/01/1995 – 12/31/2004 | 1995-02A                      | \$300/year  |
| 1993                  | 01/01/1993 – 12/31/1994 | 1993-06                       | \$300/year  |
| 1990                  | 01/01/1990 – 12/31/1992 | 1990-18                       | \$300/year  |
| 1987                  | 01/01/1987 – 12/31/1989 | ?                             | \$300/year  |
| 1984                  | ?                       | ?                             | ?           |
| 1930-1984             | ?                       | ?                             | ?           |

## Exhibit B

### Grazing Lease

## 2014 SETTLEMENT CANYON PROPERTY GRAZING LEASE

THIS LEASE, made and entered by and between Tooele City Corporation, a municipal corporation of the State of Utah, hereinafter referred to as LESSOR, and Settlement Canyon Land and Water Association, a Utah non-profit corporation, hereinafter referred to as LESSEE, constitutes the entire agreement between the parties for the leasing of certain properties as described herein situated in Settlement Canyon, a canyon in the Oquirrh mountain range in Tooele County, State of Utah.

### I PROPERTY LEASED

LESSOR, in and for the consideration of the covenants and agreements hereinafter set forth to be performed by LESSEE, and for the yearly rent to be paid by LESSEE, does hereby covenant and agree to let, and does hereby lease, for grazing purposes only, all of that certain property situated in Tooele County, State of Utah, described as follows (see Exhibit A, attached hereto and incorporated herein):

TRACT A: The Southwest Quarter of Section 34, Township 3 South, Range 4 West, Salt Lake Base and Meridian, containing 160 acres.

TRACT B: Lots 1, 2, 3, 4, 7, 8, and 11, and the South 1/2 of the Northeast 1/4 and Southeast 1/4 of Section 3, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing approximately 420.95 acres.

TRACT C: That fractional part of Section 2, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing 363.60 acres and described as:

Beginning at a point on the Crest of the Dividing Ridge between the Left Hand Fork of Settlement Canyon and what is locally known as the Corner, which (said point of beginning) bears South 0°02' East 406 feet distant from the Northwest Corner of said Section 2, and running thence from said point of beginning, and along the Crest of said Dividing Ridge as indicated by the following courses and distances, to wit: North 71°00' East 210 feet; thence South 60°10' East 1,025 feet; thence South 75°40' East 712 feet; thence South 17°50' East 454 feet; thence South 28°36' East 1,289 feet; south 74°00' east 268 feet; thence leaving said Dividing Ridge South 51°49' East 864 feet; thence South 52°10' East 769 feet; thence South 57°01' East 660 feet; thence South 63°10' East 339 feet; thence South 59°30' East 239 feet; thence South 64°30' East 83 feet; to the point on the easterly boundary line of said Section 2; thence South 89°44' West 5280 feet, to the Southwest Corner of said Section 2; thence north 0°02' west 4,728.80 feet, along the west boundary of said Section 2 to the point of Beginning. Containing an area of 363.60 acres.



TRACT D: That fractional part of Section 11, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing approximately 385.60 acres and more particularly described as:

Beginning at the Northwest Corner of Section 11, Township 4 South, Range 4 West, Salt Lake Base and Meridian, and running thence along the North Boundary of said Section, South 89°44' East 5,280 feet to the Northeast Corner thereof; thence along the East Boundary of said Section, South 0°01' East 4,561 feet to the Crest of the Dividing Ridge between Settlement Canyon and the Left Hand Fork of said canyon; thence along the Crest of said Dividing Ridge; thence North 25°10' West 255 feet; thence North 32°20' West 117 feet; thence North 56°15' West 173 feet; thence North 82°00' West 298 feet; thence North 61°45' West 519 feet; thence South 61°15' West 539 feet; thence North 42°30' West 584 feet; thence North 59°30' West 972 feet; thence North 69°00' West 594 feet; thence North 30°40' West 796 feet; thence North 75°50' West 898 feet; thence North 37°00' West 550 feet; thence North 85°40' West 307 feet to the West Boundary line of said Section 11, thence along said West Boundary line North 0°01' West 1,650 feet; to the point of beginning. Containing an area of approximately 385.6 acres.

TRACT E: That fractional part of Section 10, Township 4 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northeast Corner of said Section 10, Township 4 South, Range 4 West, which is in the Left Hand Fork of Settlement Canyon and running thence along the East Boundary line of Section 10, South 0°02' East 1,650 feet, to the Crest of the Dividing Ridge between Settlement Canyon and Left Hand Fork of said canyon, thence along the Crest of said Dividing Ridge North 49°30' West 89 feet; thence North 44°45' West 440 feet; thence North 45°05' West 698 feet; thence North 12°45' West 369 feet; thence North 28°00' West 417 feet; thence North 53°15' West 109 feet to a point on the North Boundary line of said Section 10, thence along said North Boundary line South 89°44' East 1,235 feet to the point of beginning. Containing an area of 26.80 acres.

TRACT F: That fractional part of Section 12, Township 4 South, range 4 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northwest Corner of Section 12, Township 4 South, Range 4 West, and running thence along the boundary of said Section 12 South 89°59' East 3,009 feet; to the Crest of the Dividing Ridge between Middle Canyon and the Left Hand Fork of Settlement Canyon; thence continuing along the Crest of said Dividing Ridge as follows:

South 55°40' East 647 feet; thence South 67°15' East 892 feet; thence South 32°40' East 680 feet; thence South 61°45' East 514 feet; thence South 24°15' East 312 feet to a point on the Crest of said Dividing Ridge that is common to the said Ridge Crest, the Township line between Townships 4 South and Ranges 3 and 4 West; the East Boundary line of said Section 12 and the East Boundary Section 1, Township 4 South, Range 4 West, thence south along said Township line a distance of 3,498 feet to the Southeast Corner of Section 12; thence along the South Boundary of said Section 12, North 89°42' West 71 feet to the point of the Dividing Ridge between the Left Hand Fork and the Left Hand Kelsey Fork of Settlement Canyon; thence along said Dividing Ridge North 36°10' West 557 feet; thence North 64°00' West 267 feet; thence North 60°30' West 427 feet; thence North 85°10' West 487 feet; thence North 82°00' West 284 feet; thence North 55°30' West 940 feet; thence North 64°15' West 256 feet; thence South 64°15' West 1,404 feet; thence South 26°40' West 582 feet; thence 8°22' West 599 feet; thence North 35°10' West 615 feet to a point on the West Boundary line of Section 12 and 719 feet distant from the Southwest Corner of said Section 12; thence North 0°01' West 4,561 feet to the Northwest Corner of said Section 12, to the point of Beginning. Containing approximately 372.90 acres.

TRACT G: The Northwest Quarter of the Northwest Quarter of Section 14, Township 4 South, Range 4 West, Salt Lake Base and Meridian. Containing 40 acres.

It is the mutual understanding of the parties that reference to boundary lines, which follow the crests of natural ridges, was made for the purpose of determining acres rather than for fixing boundaries with strictness. These crests being enduring, easily recognized, and traceable, it is hereby mutually understood and agreed that in each and every case where this lease describes any boundary as being on or along the crest of a dividing ridge, that the crest or highest part of any traverse section along the designated ridges shall be the exact position of such boundary at that point.

It is further understood that the Elks Camp for the Handicapped (formerly the Girl Scout Camp), now being used in Left Hand Fork, is not to be included in the lands

leased herein and is expressly and entirely excluded.

**II  
LESSEE'S RESPONSIBILITIES**

LESSEE covenants and agrees to improve the Settlement Canyon grazing areas as follows:

1. By placing all salt for cattle on the crests of the canyon at established points when the cattle are grazing on the upper ridges or prior to the construction of cross fences so as to encourage the cattle to graze into the higher reaches of the canyon.
2. By maintaining the fences along the northern property line of LESSOR's property.

**III  
RENTAL**

For and in consideration of this lease, LESSEE hereby agrees to comply with the covenants and agreements contained herein and to pay Tooele City the sum of three hundred dollars (\$300.00) for each year throughout the term of this Lease.

**IV  
NUMBERS LIMITATION**

LESSEE covenants and agrees not to graze more than one (1) cow or horse, in any combination, per thirty (30) acres on the above-described land.

**V  
PROPERTY CONTROL**

It is understood and agreed between the parties that this lease shall pertain to grazing rights only, which rights are exclusive to the LESSEE. Aside from the grazing rights, LESSOR shall enjoy and exercise the exclusive control of all the property, including the water rights, the timber, and all vegetation growing thereon. The LESSEE may not preclude other lawful uses of the above-described land.

2014 Settlement Canyon Property Grazing Lease.

**VI  
TERM**

The term of the lease shall be five (5) years, commencing January 1, 2014, and ending December 31, 2018.

IN WITNESS WHEREOF, the respective parties hereto have executed the same on the \_\_\_\_ day of \_\_\_\_\_, 2014.

TOOELE CITY CORPORATION

ATTEST

\_\_\_\_\_  
Patrick H. Dunlavy, Mayor

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

S E A L

Approved as to Form:

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

SETTLEMENT CANYON LAND AND WATER  
ASSOCIATION

\_\_\_\_\_  
Gary Bevan, President



TOOELE CITY CORPORATION  
RESOLUTION 2014-18

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF TOOELE CITY A NEW 5-YEAR GRAZING LEASE WITH SETTLEMENT CANYON LAND AND WATER ASSOCIATION.

WHEREAS, Tooele City is the owner of 1,770 acres of property (the Property) in the Left Hand Fork area of Settlement Canyon; and,

WHEREAS, Tooele City and Settlement Canyon Land and Water Association (the Association) entered into leases permitting the Association's cattle to graze on the Property from the 1930's to the present (see table attached as Exhibit A); and,

WHEREAS, the Association desires to enter into a new lease agreement, and the City Administration has expressed a willingness to recommend a 5-year term; and,

WHEREAS, this Council finds it in the interest of the city to renew the lease:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Mayor is hereby authorized to sign on behalf of Tooele City a new five-year grazing lease (attached hereto as Exhibit B) with Settlement Canyon Land and Water Association to allow the grazing of cattle on the Property through December 31, 2018.

This Resolution shall take effect upon passage.

IN WITNESS, WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Tooele City Council Resolution 2014-18,

TOOELE CITY COUNCIL

40isto

(Against)

ABSTAINING:

MAYOR OF TOOELE CITY (For)

Sharan-Clawson, C :Retci-7-der

Mtcheste• 1"or

(Against)

Tooele City

SEAL

Approved as to Form

City Attorney

Tooele City Council Resolution 2014-18.

Exhibit A

Settlement Canyon Property Grazing Lease History- 1930-2018

| Year      | Agreement  | Agreement Term | Authorizing Resolution | Rent       |
|-----------|------------|----------------|------------------------|------------|
| 2014      | 01/01/2014 | — 12/31/2018   | 2014-18                | \$300/year |
| 2009      | 01/01/2009 | — 12/31/2013   | 2009-19                | \$300/year |
| 2007      | 07/01/2007 | — 06/30/2008   | 2007-28                | \$300/year |
| 2005      | 01/01/2005 | — 12/31/2006   | 2005-27                | \$300/year |
| 1995      | 01/01/1995 | — 12/31/2004   | 1995-02A               | \$300/year |
| 1993      | 01/01/1993 | — 12/31/1994   | 1993-06                | \$300/year |
| 1990      | 01/01/1990 | — 12/31/1992   | 1990-18                | \$300/year |
| 1987      | 01/01/1987 | — 12/31/1989   | ?                      | \$300/year |
| 1984      | ?          | ?              | ?                      |            |
| 1930-1984 | ?          | ?              | ?                      |            |

Tooele City Council Resolution 2014-18.

Exhibit B

Grazing Lease

2014 SETTLEMENT CANYON PROPERTY GRAZING LEASE

THIS LEASE, made and entered by and between Tooele City Corporation, a municipal corporation of the State of Utah, hereinafter referred to as LESSOR, and Settlement Canyon Land and Water Association, a Utah non-profit corporation, hereinafter referred to as LESSEE, constitutes the entire agreement between the parties for the leasing of certain properties as described herein situated in Settlement Canyon, a canyon in the Oquirrh mountain range in Tooele County, State of Utah.

PROPERTY LEASED

LESSOR, in and for the consideration of the covenants and agreements hereinafter set forth to be performed by LESSEE, and for the yearly rent to be paid by LESSEE, does hereby covenant and agree to let, and does hereby lease, for grazing purposes only, all of that certain property situated in Tooele County, State of Utah, described as follows (see Exhibit A, attached hereto and incorporated herein):

TRACT A: The Southwest Quarter of Section 34, Township 3 South, Range 4 West, Salt Lake Base and Meridian, containing 160 acres.

TRACT B: Lots 1, 2, 3, 4, 7, 8, and 11, and the South 1/2 of the Northeast 1/4 and Southeast 1/4 of Section 3, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing approximately 420.95 acres.

TRACT C: That fractional part of Section 2, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing 363.60 acres and described as:

Beginning at a point on the Crest of the Dividing Ridge between the Left Hand Fork of Settlement Canyon and what is locally known as the Corner, which (said point of beginning) bears South 0°02' East 406 feet distant from the Northwest Corner of said Section 2, and running thence from said point of beginning, and along the Crest of said Dividing Ridge as indicated by the following courses and distances, to wit: North 71°00' East 210 feet; thence South 60°10' East 1,025 feet; thence South 75°40' East 712 feet; thence

South 17°50' East 454 feet; thence South 28°36' East 1,289 feet; south 74°00' east 268 feet; thence leaving said Dividing Ridge South 51049' East 864 feet: thence South 52°10' East 769 feet; thence South 57°01' East 660 feet; thence South 63°10' East 339 feet; thence South 59°30' East 239 feet; thence South 64°30' East 83 feet; to the point on the easterly boundary line of said Section 2; thence South 89°44' West 5280 feet, to the Southwest Corner of said Section 2; thence north 0°02' west 4,728.80 feet, along the west boundary of said Section 2 to the point of Beginning. Containing an area of 363.60 acres.

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TRACT ft That fractional part of Section 11, Township 4 South, Range 4 West, Salt Lake Base and Meridian, containing approximately 385.60 acres and more particularly described as:

Beginning at the Northwest Corner of Section 11, Township 4 South, Range 4 West, Salt Lake Base and Meridian, and running thence along the North Boundary of said Section, South 89°44' East 5,280 feet to the Northeast Corner thereof; thence along the East Boundary of said Section, South 0001' East 4,561 feet to the Crest of the Dividing Ridge between Settlement Canyon and the Left Hand Fork of said canyon; thence along the Crest of said Dividing Ridge; thence North 25°10' West 255 feet; thence North 32°20' West 117 feet; thence North 56°15' West 173 feet; thence North 82°00' West 298 feet; thence North 61°45' West 519 feet; thence South 61°15' West 539 feet; thence North 42°30' West 584 feet; thence North 59°30' West 972 feet; thence North 69°00' West 594 feet; thence North 30°40' West 796 feet; thence North 75°50' West 898 feet; thence North 37°00' West 550 feet; thence North 85°40' West 307 feet to the West Boundary line of said Section 11, thence along said West Boundary line North 0°01' West 1,650 feet; to the point of beginning. Containing an area of approximately 385.6 acres.

TRACT E: That fractional part of Section 10, Township 4 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as:

Beginning at the Northeast Corner of said Section 10, Township 4 South, Range 4 West, which is in the Left Hand Fork of Settlement Canyon and running thence along the East Boundary line of Section 10, South 0°02' East 1,650 feet, to the Crest of the Dividing Ridge between Settlement Canyon and Left Hand Fork of said canyon, thence along the Crest of said Dividing Ridge North 49°30' West 89 feet; thence North 44°45' West 440 feet; thence North 45°05' West 698 feet; thence North 12°45' West 369 feet; thence North 28°00' West 417 feet; thence North 53°15' West 109 feet to a point on the North Boundary line of said Section 10, thence along said North Boundary line South 89°44' East 1,235 feet to the point of beginning. Containing an area of 26.80 acres.

TRACT F: That fractional part of Section 12, Township 4 South, range 4 West, Salt Lake Base and Meridian: more particularly described as:

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Beginning at the Northwest Corner of Section 12, Township 4 South, Range 4 West, and running thence along the boundary of said Section 12 South 89°59' East 3,009 feet; to the Crest of the Dividing Ridge between Middle Canyon and the Left Hand Fork of Settlement Canyon; thence continuing along the Crest of said Dividing Ridge as follows:

South 55°40' East 647 feet; thence South 67015' East 892 feet; thence South 32°40' East 680 feet; thence South 61°45' East 514 feet; thence South 24°15' East 312 feet to a point on the Crest of said Dividing Ridge that is common to the said Ridge Crest, the Township line between Townships 4 South and Ranges 3 and 4 West; the East Boundary line of said Section 12 and the East Boundary Section 1, Township 4 South, Range 4 West, thence south along said Township line a distance of 3,498 feet to the Southeast Corner of Section 12; thence along the South Boundary of said Section 12, North 89°42' West 71 feet to the point of the Dividing Ridge between the Left Hand Fork and the Left Hand Kelsey Fork of Settlement Canyon; thence along said Dividing Ridge North 36°10' West 557 feet; thence North 64°00' West 267 feet; thence North 60030' West 427 feet; thence North 85°10' West 487 feet; thence North 82°00' West 284 feet; thence North 55°30' West 940 feet; thence North 64°15' West 256 feet; thence South 64015' West 1,404 feet; thence South 26°40' West 582 feet; thence 8°22' West 599 feet; thence North 35°10' West 615 feet to a point on the West Boundary line of Section 12 and 719 feet distant from the Southwest Corner of said Section 12; thence North 0°01' West 4,561 feet to the Northwest Corner of said Section 12, to the point of Beginning. Containing approximately 372.90 acres.

TRACT G: The Northwest Quarter of the Northwest Quarter of Section 14, Township 4 South, Range 4 West, Salt Lake Base and Meridian. Containing 40 acres.

It is the mutual understanding of the parties that reference to boundary lines, which follow the crests of natural ridges, was made for the purpose of determining acres rather than for fixing boundaries with strictness. These crests being enduring, easily recognized, and traceable, it is hereby mutually understood and agreed that in each and every case where this lease describes any boundary as being on or along the crest of a dividing ridge, that the crest or highest part of any traverse section along the designated ridges shall be the exact position of such boundary at that point.

It is further understood that the Elks Camp for the Handicapped (formerly the Girl Scout Camp), now being used in Left Hand Fork, is not to be included in the lands

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leased herein and is expressly and entirely excluded.

#### LESSEE'S RESPONSIBILITIES

LESSEE covenants and agrees to improve the Settlement Canyon grazing areas as follows:

1. By placing all salt for cattle on the crests of the canyon at established points when the cattle are grazing on the upper ridges or prior to the construction of cross fences so as to encourage the cattle to graze into the higher reaches of the Canyon
2. By maintaining the fences along the northern property line of LESSOR's property.

#### RENTAL

For and in consideration of this lease, LESSEE hereby agrees to comply with the covenants and agreements contained herein and to pay Tooele City the sum of three hundred dollars (\$300.00) for each year throughout the term of this Lease.

IV

#### NUMBERS LIMITATION

LESSEE covenants and agrees not to graze more than one (1) cow or horse, in any combination, per thirty (30) acres on the above-described land.

V

PROPERTY CONTROL

It is understood and agreed between the parties that this lease shall pertain to grazing rights only, which rights are exclusive to the LESSEE. Aside from the grazing rights, LESSOR shall enjoy and exercise the exclusive control of all the property, including the water rights, the timber, and all vegetation growing thereon. The LESSEE may not preclude other lawful uses of the above-described land.

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VI

TERM

The term of the lease shall be five (5) years, commencing January 1, 2014, and ending December 31, 2018.

IN WITNESS WHEREOF, the respective parties hereto have executed the same on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

TOOELE CITY CORPORATION

ATTEST

Patrick H. Dunlavy, Mayor      Michelle Pitt, City Recorder

SEAL

Approved as to Form:

Roger Baker, Tooele City Attorney

SETTLEMENT CANYON LAND AND WATER ASSOCIATION

Gary Bevan, President

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