

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, June 26, 2024** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

*We encourage anyone interested to join the Planning Commission meeting electronically through Tooele City's YouTube channel by logging onto www.youtube.com/@tooelecity or searching for our YouTube handle **@tooelecity**. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecity.gov any time after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.*

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Review and Decision** – Consider the application for Historic Landmark Designation of the Ritz Theater, located at 111 N. Main Street. *John Perez, Economic Development Director presenting*
4. **Review and Decision** – Consider the application for Historic Landmark Designation of the Coleman Pond and Home, located at 461 S. Coleman Street. *John Perez, Economic Development Director presenting*
5. **Review and Decision** – Resolution 2024-01, adopting a policy regarding public comments at public hearings. *Roger Baker, City Attorney presenting*
6. **City Council Reports**
7. **Review and Approval** – Planning Commission Minutes for the meeting held on June 12, 2024.
8. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Jared Hall, Tooele City Planner prior to the meeting at (435) 843-2132.

Date: June 20, 2024
To: Planning Commission
From: John Perez, Economic Development Director
Subject: Historic Landmark Nomination Process for Tooele City

Purpose:

This memo outlines the process and requirements for nominating a historic landmark in Tooele City, ensuring clarity and guidance of the Historic Landmark Nomination Form.

Background:

Tooele City boasts a rich history reflected in its architecture, cultural heritage, and significant events. Recognizing these elements through historic landmark designation preserves and celebrates the community's unique identity.

Process Overview:

Identification: Identify a property or site with historical significance. This could include buildings or structures that represent important events, persons, or architectural styles.

Criteria Check: Ensure the property meets the criteria for designation as a historic landmark.

A potential historic resource must meet all of the following criteria

- It is located within the boundaries of Tooele City.
- It is at least 75 years old.
- There are no major alterations or additions that have obscured or destroyed significant historic features.

A potential historic resource must also meet one of the following criteria

- Currently listed in the National Register of Historic Places or eligible for listing as shown in a survey from the State Historic Preservation Office.
- Associated with events that have made a significant contribution to the history of the city, state, or nation.
- Has distinct architectural characteristics; should include documentation from an architect or photos for review by Tooele City and partners at the State Historic Preservation Office.
- Has yielded important history or prehistory (e.g. archaeological sites).

Review Process: The nomination will undergo a review process by the Historic Preservation Commission. If recommended by the Historic Preservation Commission, this landmark is submitted to the Planning Commission.

Decision: Based on the review and evaluation of the nomination, the Planning Commission will decide regarding the property's designation as a historic landmark. If recommended by the Planning Commission a resolution will be drafted for the Planning Commission's review.

If approved, the property will be officially designated as a historic landmark by the City Recorder submitted the resolution to the Tooele County Recorder's Office.

Benefits of Landmark Designation:

Preservation: Ensures the preservation of historically significant properties for future generations.

Recognition: Recognizes and celebrates Tooele City's cultural and historical heritage.

Promotion: Can enhance community pride and attract heritage tourism.

Conclusion:

The nomination process for historic landmark designation in Tooele City is designed to honor and preserve the community's rich history. By following these steps diligently and engaging with stakeholders, we can successfully contribute to the conservation and celebration of the city's cultural heritage.

Please feel free to reach out if you have any questions or need further clarification on any aspect of the nomination process.

Thank you,



John Perez, MPA | Tooele City Corporation

Economic Development Director

90 North Main Street | Tooele, UT | 84074

Ph: (435) 843-2169 | Cell: (480) 667-9015

johnp@tooelecity.gov | <https://tooelecity.gov> | [LinkedIn](#)

Meeting Agenda – June 12, 2024

Tooele City Hall – Small Conference Room
Or Microsoft Teams: [Click here to join the meeting](#)
Meeting ID: 298 992 245 930
Passcode: 25URWX

Notice is hereby given that the Tooele City Historic Preservation Commission will meet on Wednesday, June 12, 2024 at the hour of 3:30 P.M. The Meeting will be held at Tooele City Hall in the upstairs Small Conference Room, located at 90 N Main Street, Tooele, Utah. Participants may also join virtually on Microsoft Teams at the link provided.

1. 3:30 PM - Roll Call
2. Review and approval of December 2023 meeting minutes
3. Review and Discuss the Submitted Historic Landmark Nomination Forms
 - a. Coleman Home
 - i. Recommendation or Denial by the Historic Preservation Commission to the Planning Commission
 - b. Ritz Theater
 - i. Recommendation or Denial by the Historic Preservation Commission to the Planning Commission
4. Other Commission discussion items:
 - a. Historic Tooele website (feedback, priorities, etc.)
 - b. Historic Site Plaques (process and priorities)
 - c. Broadway/Newtown (storytelling, needs, etc.)
 - d. Formation of Tooele City Historic Main Street Commission (commission formation, priorities, etc.)
5. Adjourn

Historic Landmark Nomination Form

Economic Development Department
 90 N Main Street, Tooele UT 84074
 435-843-2169
jareds@tooelecity.gov



This form is used to nominate historic resources (a building, structure, or site) for designation as a Tooele City Historic Landmark under Tooele City Code Title 2 Chapter 9. To be considered, a property owner must approve of the designation by signing the form below.

A potential historic resource must meet **all** of the following criteria (check all that apply):

- It is located within the boundaries of Tooele City.
- It is at least 75 years old.
- There are no major alterations or additions that have obscured or destroyed significant historic features.

A potential historic resource must also meet **one** of the following criteria (check all that apply):

- Currently listed in the National Register of Historic Places or eligible for listing as shown in a survey from the State Historic Preservation Office.
- Associated with events that have made a significant contribution to the history of the city, state, or nation.
- Has distinct architectural characteristics; should include documentation from an architect or photos for review by Tooele City and partners at the State Historic Preservation Office.
- Has yielded important history or prehistory (e.g: archaeological sites).

Applicant Information						
Date of Submission: 4/15/24			Parcel Number(s):			
Property Name (Historic & Current): The Ritz						
Property Address: 111 N. Main St, Tooele						
Property Owner(s): TCAC			Applicant(s): <input checked="" type="checkbox"/> Same			
Address: 90 N. Main St			Address:			
City: Tooele	State: UT	Zip: 84074	City:	State:	Zip:	
Phone: 435-830-2458	Email: info@tooelecityarts.council.com		Phone:	Email:		

Pam Green Tooele City Arts Council, Director
 Property Owner Signature

Historic Landmark Nomination Form

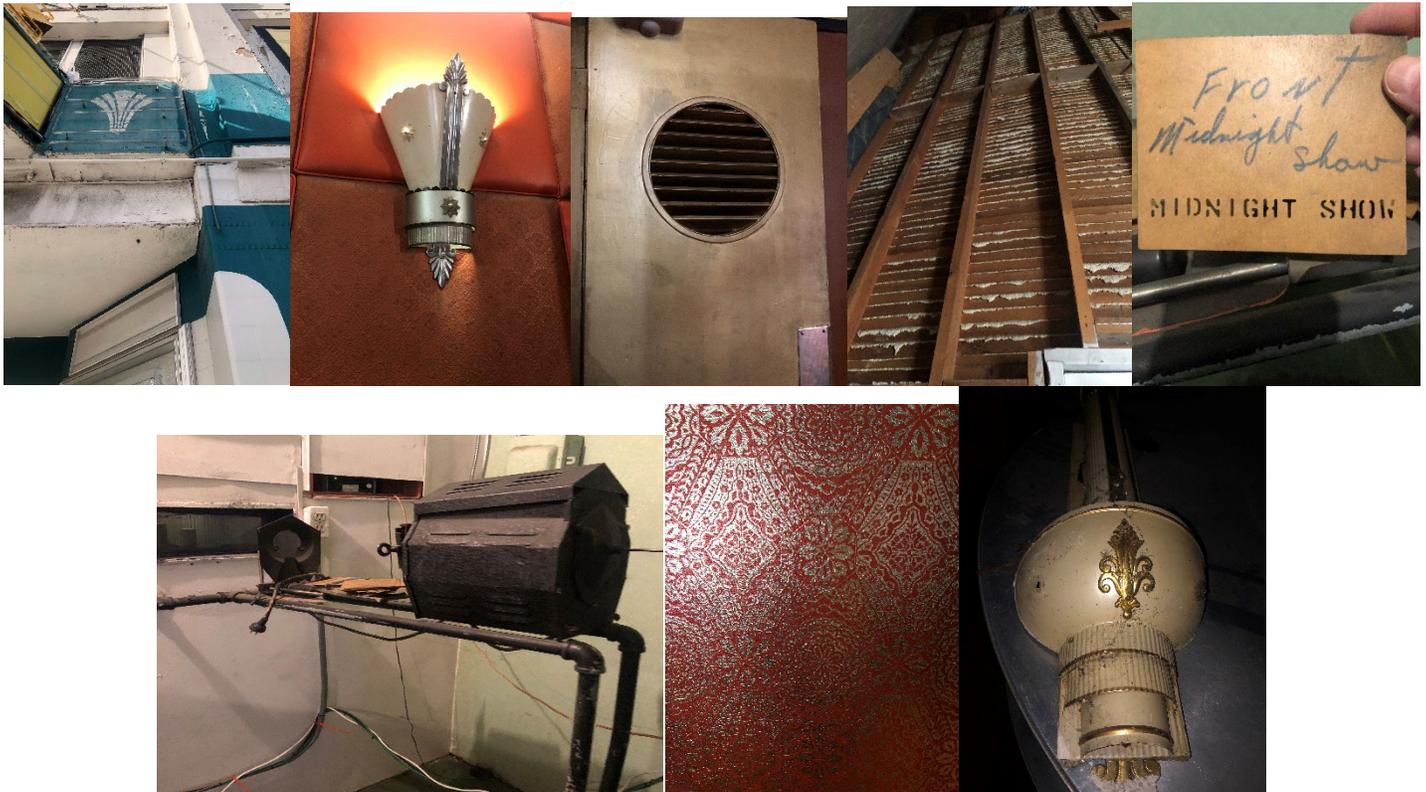
Economic Development Department
90 N Main Street, Tooele UT 84074
435-843-2169
jareds@tooelecitv.gov



Historic Resource Information
Resource Classification (check all that apply): <input checked="" type="checkbox"/> Building <input type="checkbox"/> Natural Feature <input type="checkbox"/> Structure <input type="checkbox"/> Site <input type="checkbox"/> Other (please explain): _____
Historic Function or Use: Movie Theater
Current Function or Use: Performing Arts Venue
Please describe the physical characteristics of the site (e.g. architectural classification, materials of the foundation/walls/roof, unique features, etc.) Art Deco Lath & Plaster walls 1960s mural
Please describe the current physical appearance and state of the site, including any changes made over time and the dates, if known. addition added on in 1977 1970s decor added: paneling; leather
Describe the historic value of the resource/site: (What is the story of the property? Why should this resource be considered a historic landmark? What is significant about the site?). <i>Please attach relevant historic documents, photos and information.</i> attached



Art Deco Style of 1920-1940, lath and plaster walls and cinder block walls



The Ritz Theater opened in early 1938, replacing a previous Ritz Theater. During World War Two, bond rallies were often held at the theater, complete with speakers, movies, and a bond queen contest. Other speakers and live events were held at the theater occasionally throughout the years in addition to movies. In the late 1950s, there is an ad often seen in the Tooele Transcript newspaper from Allen's Food Town for 35-cent movie tickets with the purchase of at least \$3.00 of groceries.



This photo from the early 1940s shows Orville Jones with his theater partner Sam Gillette. Sam Gillette and his cousin, Orville Jones who worked the Ritz theater together in the 1940s. When it first opened, Sam, his wife and children lived in an apartment above the theater.

KDYL Tooele began airing in 1955 with the call sign KTUT, originally broadcasting from the Ritz Theater on Main Street. The station was renamed re-branded KDYL in the mid-1960s and was purchased by Wendell Winegar, who moved it across Main to the building that now houses the LA Hispanic Market at the corner of Vine.

During the "space race" of the 1960s a mural was painted in the main theater of the Ritz, which remains intact as a tribute to the era.

The alleyway was built over and made into a second theater in 1977. This remodel added in 70s features like paneling, and an orange pleather wall.

In 2015, the community raised money to purchase a digital projector because the movie industry had stopped distributing film-based movies and the second theater was shut down.

By the early 21st century, the building served as a dollar theater and post-covid struggled to stay open. It closed officially in June of 2023.

Historic Landmark Nomination Form

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 435-843-2169
jareds@tooelecity.gov



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- It is at least 75 years old.
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- Associated with events that have made a significant contribution to the history of the city, state, or nation.
- Has distinct architectural characteristics; should include documentation from an architect or photos for review by Tooele City and partners at the State Historic Preservation Office.
- Has yielded important history or prehistory (e.g. archaeological sites).

Applicant Information					
Date of Submission: 04/30/2024			Parcel Number(s): 02-075-00018		
Property Name (Historic & Current): George Edward Coleman - Aleta Diane Vorwaller					
Property Address: 461 South Coleman Street					
Property Owner(s): Aleta Diane Vorwaller			Applicant(s): <input checked="" type="checkbox"/> Same		
Address: 461 South Coleman Street			Address:		
City: Tooele	State: Utah	Zip: 84074	City:	State:	Zip:
Phone: 435-840-4423	Email: dianevorwaller@gmail.com		Phone:	Email:	


 Property Owner Signature

Historic Landmark Nomination Form

Economic Development Department
90 N Main Street, Tooele UT 84074
435-843-2169
jareds@tooelecitey.gov



Historic Resource Information	
Resource Classification (check all that apply): <input checked="" type="checkbox"/> Building <input type="checkbox"/> Natural Feature <input checked="" type="checkbox"/> Structure <input checked="" type="checkbox"/> Site <input type="checkbox"/> Other (please explain): _____	
Historic Function or Use: Baptisms performed at Coleman Pond until the early 1900s.	
Current Function or Use: Private residence	
Please describe the physical characteristics of the site (e.g. architectural classification, materials of the foundation/walls/roof, unique features, etc.) Pond consists of stone/rock. Stone/rock foundation used for the George Coleman home. Ice house/cellar is comprised of stone/rock.	
Please describe the current physical appearance and state of the site, including any changes made over time and the dates, if known. The integrity of the pond has been preserved with annual pond maintenance. Bentonite was added to the pond for water retention purposes. External plaster was applied over the exterior stone/rock of the ice house/cellar. The house has had updates/renovations over the years.	
Describe the historic value of the resource/site: (What is the story of the property? Why should this resource be considered a historic landmark? What is significant about the site?). <i>Please attach relevant historic documents, photos and information.</i> LeGrand Richards, who was a LDS Apostle was baptized in the Coleman Pond. The Coleman Pond was used for early day baptisms until the 1900s. Coleman Street which is located west of the property is named after George Coleman. Pear tree in front of house was planted at the time of Lincoln's inauguration and is still living, along with other heritage trees on the property.	

Historic Landmark Nomination Form

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90 N Main Street, Tooele UT 84074
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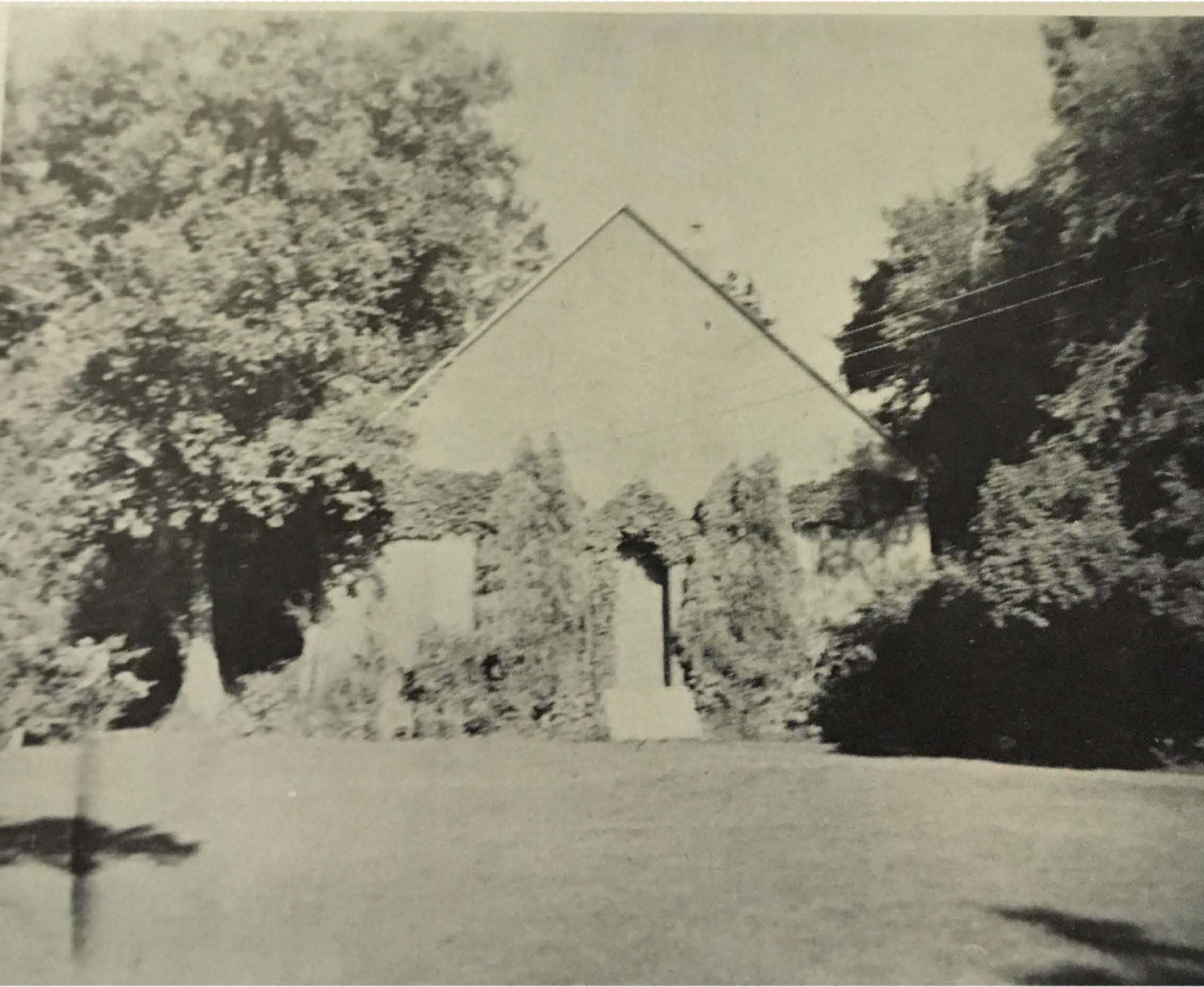
Process after Nomination:

1. Notice of public meetings to the property owner (City Code states they should be notified at least 5 days prior to the Historic Preservation Commission meeting.).
2. Recommendation by the Historic Preservation Commission; the commission will meet in a public meeting to review the nomination form and other submitted information.
3. Action by the Planning Commission; the Planning Commission will review the nomination and recommendation and vote to approve or deny.
4. After a historic resource is designated, a resolution will be recorded at the Tooele County Recorder's Office and be associated with the property in perpetuity.
5. If changes, renovations, or construction are proposed at the site a Certificate of Appropriateness will first be required. This will involve an application to Tooele City Economic Development, review by the Historic Preservation Commission, and action by the Planning Commission.





Farm & Pond on Coleman St. Toole, Vt.





MY MATERNAL GRANDFATHER
 GEORGE EDWARD COLEMAN
 2/28/1833 -- 9/26/1894

GEORGE COLEMAN WAS BORN IN LEA BAILEY, FOREST OF EAST DEAN, GLOUCESTERSHIRE, ENGLAND, THE SON OF THOMAS COLEMAN AND ELIZABETH MORGAN. HIS FATHER WAS BORN IN THE PARISH OF FLACKSLEY, GLOUCESTERSHIRE AND HIS MOTHER WAS BORN NEAR COLEPART IN MANMOUTHSHIRE.

THERE WERE NO SCHOOLS WHERE HE WAS RAISED AND HE HAD NO FORMAL EDUCATION. HIS FATHER WAS KILLED IN A COAL PIT NEAR LINDERFORD, LEAVING HIS MOTHER WITH FOUR SMALL CHILDREN TO RAISE. GEORGE WAS ONLY 8 YRS. OLD AT THE TIME. HIS OLDER BROTHER (10 YRS.) HAD TO WORK TO HELP SUPPORT THE FAMILY, BUT THEY COULD NOT MANAGE AND GEORGE ENTERED SERVITUDE FOR A ROBERT F. BENNETT. HE SERVED FOR FOUR YEARS. DURING THAT TIME HIS MOTHER REMARRIED TO THOMAS SMITH (A YOUNG MAN JUST SIX YEARS OLDER THAN GRANDFATHER). THIS, OF COURSE, TOOK A GREAT BURDEN OFF HIS SHOULDERS AND HE WAS ABLE TO OBTAIN RELEASE FROM HIS "BONDAGE" AND BECAME A FREEMAN.

SOON AFTER, HE RETURNED HOME TO VISIT HIS FAMILY AND DISCOVERED THAT (AS HE WROTE IN HIS PERSONAL DIARY: "...I FOUND THAT MY MOTHER, STEPFATHER AND YOUNGEST BROTHER HAD JOINED THE PEOPLE THAT CALLED THEMSELVES LATTER-DAY-SAINTS, WHICH PEOPLE HAD DECLARED THEY HAD SEEN AN ANGEL, AND THAT THE ANGEL HAD BROUGHT BACK THE EVERLASTING GOSPEL AND REVEALED THE MIND AND WILL OF GOD TO THEM ON EARTH, AND HAD CALLED ALL PEOPLE TO REPENTANCE."

HIS YOUNGER BROTHER, ONLY 12 AT THE TIME, PREACHED TO HIM ABOUT THE GOSPEL AS GEORGE RELATES IN HIS DIARY: "...AS WELL AS HE COULD. HE TOLD ME THAT THE GIFTS AND BLESSINGS THAT WAS ENJOYED BY THE ANCIENT SAINTS WAS ENJOYED BY THEM AND HAD THE POWER OF LAYING ON OF HANDS FOR THE HEALING OF THE SICK, AS WELL AS MANY OTHER BLESSINGS WHICH WAS IN THEIR CHURCH."

A SHORT TIME LATER, GEORGE BECAME ILL AND RETURNED TO HIS HOME. HE FOUND THAT THINGS HAD REALLY IMPROVED. THEY TREATED HIM WELL AND CALLED UPON SOME MISSIONARIES TO BLESS HIM. HE WROTE ABOUT THE OCCASION: "I HAD BEEN LYING IN BED FOR THE PAST WEEK AND THE LAST FOUR DAYS I HAD NOT EATEN ANY FOOD AND WAS NOT ABLE TO GET IN AND OUT OF BED...I WAS ANOINTED WITH OIL AND THEY LAYED THEIR HANDS ON ME AND PRAYED IN THE NAME OF THE LORD...I CAN BEAR TESTIMONY THAT I WAS HEALED FROM THAT VERY HOUR, AND THE FOLLOWING SUNDAY I WAS BAPTIZED (FEBRUARY 14, 1850) BY HENRY SMITH IN EAST DEAN, GLOUCESTERSHIRE."

GRANDFATHER WENT TO WORK IN LONDON FOR 15 MONTHS AND ANOTHER SIX MONTHS FOR THE G. R. WESTERN RAILWAY IN GLOUCESTERSHIRE AT WHICH TIME HE WAS CALLED ON A MISSION FOR THE CHURCH AND TRAVELLED THROUGH THAT PART OF ENGLAND PREACHING THE GOSPEL FOR THREE YEARS BEFORE HE MIGRATED TO UTAH.

GRANDFATHER CROSSED THE PLAINS IN 1856, DRIVING A HOSPITAL WAGON. HE EVIDENTLY HAD BEEN THRIFTY AND ABLE TO SAVE CONSIDERABLE MONEY FOR HIS JOURNEY TO UTAH, BECAUSE AS SOON AS HE ARRIVED HE LOOKED FOR SUITABLE PROPERTY TO BUILD A BREWERY. HE FIRST WENT TO SANTAQUIM (SOUTH OF PROVO) THEN TO FOUNTAIN GREEN (EAST OF NEPHI) AND FINALLY PURCHASED PROPERTY IN SANDY, UTAH, WHERE HE BUILT AND SUCCESSFULLY OPERATED HIS BREWERY. SOME OF HIS BEST CUSTOMERS WERE HIERARCHY OF THE CHURCH. HOWEVER, DURING THIS PERIOD, BRIGHAM YOUNG HAD DECLARED THAT THE WORD OF WISDOM WAS NO LONGER "BY WAY OF SUGGESTION", BUT BY COMMANDMENT AND GEORGE WAS ORDERED TO CLOSE DOWN HIS BREWERY. HE REFUSED TO DO SO AND ON THE GROUNDS OF "DISOBEDIENCE TO AUTHORITY" HE WAS DISFELLOWSHIPED FROM THE CHURCH. HE WAS STRIPPED OF HIS PRIESHOOD, BUT REMAINED A FAITHFUL MEMBER.

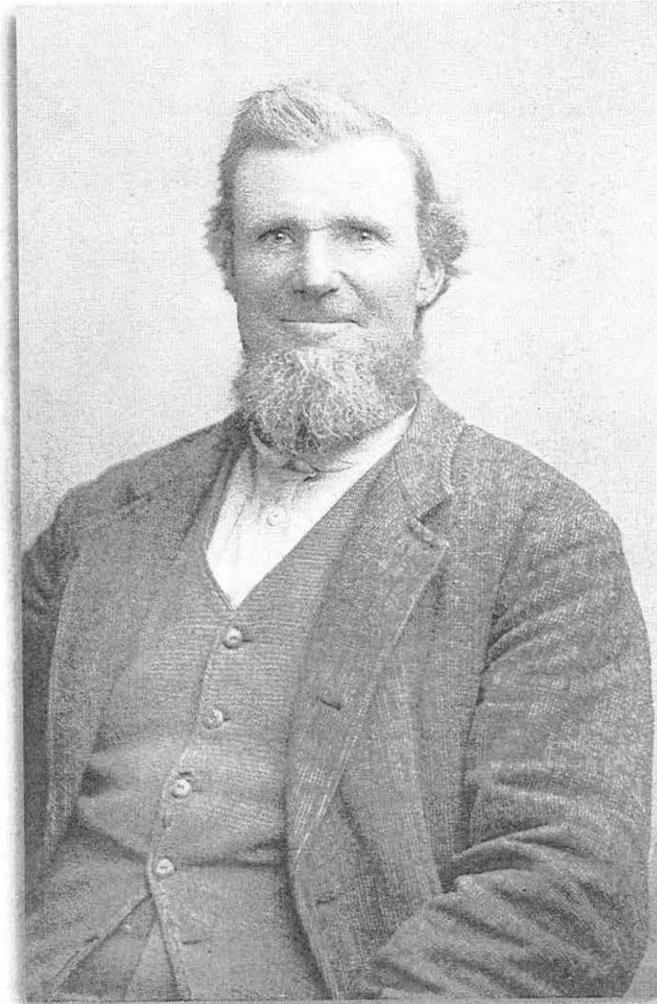
ALTHOUGH I HAVE NO RECORDS TO SUBSTANTIATE THIS, I BELIEVE HE FINALLY GAVE US HIS BREWERY BECAUSE OF STIFF COMPETITION. PORTER ROCKWELL, PERSONAL BODY-GUARD TO BOTH JOSEPH SMITH AND BRIGHAM YOUNG, ESTABLISHED A HOTEL-INN NEAR BLUFFDALE (JUST A FEW MILES SOUTH OF SANDY) AND BUILT A BREWERY THERE CAPABLE OF BREWING 500 GALLONS OF BEER PER DAY. THAT WAS PRETTY STIFF COMPETITION, PLUS ROCKWELL HELD AN IMPORTANT POSITION IN THE CHURCH.

GRANDFATHER MOVED TO CAMP FLOYD (SOUTHWEST OF BLUFFDALE) WHERE HE FOUND EMPLOYMENT AS A HANDY MAN AT THE CAMP. HE ATTENDED THE 15TH BIRTHDAY PARTY OF ELIZABETH JANE YOUNG, GIVEN BY HER PARENTS AND THERE HE MET AND FELL IN LOVE WITH ELIZABETH. THEY WERE MARRIED JUST TWO MONTHS LATER. AFTER THEIR MARRIAGE THEY MOVED BACK TO SANDY AND GRANDFATHER TOOK UP FARMING. SHE BECAME SO HOMESICK FOR HER FAMILY THAT THEY MOVED BACK TO CAMP FLOYD. FIVE OF THEIR CHILDREN WERE BORN THERE. WHEN EMPLOYMENT AT THE CAMP DWINDLED, GRANDFATHER SOLD HIS PROPERTY AT SANDY AND MOVED TO TOOELE, UTAH, WHERE HE BOUGHT A LARGE RANCH AND CONSIDERABLE DOWN-TOWN PROPERTY. NINE OF THEIR FOURTEEN CHILDREN WERE BORN THERE.

GRANDFATHER WAS CONSIDERED TO BE A "WELL-TO-DO" RANCHER AND BUILT A SUBSANTIAL HOME FOR HIS FAMILY. THE "COLEMAN PROPERTY" AS IT IS KNOWN IN TOOELE STILL REMAINS. A FEATURE OF THE PROPERTY IN THE EARLY DAYS OF TOOELE WAS "COLEMAN'S POND" WHICH WAS CONSIDERED TO BE THE BEST ICE-SKATING POND AND SWIMMING HOLE IN THE AREA AND WAS USED FOR ALL BAPTISMS UNTIL THE EARLY 1900'S.

GRANDFATHER WAS A VERY DEVOTED FAMILY MAN -- GENEROUS TO THEM WITH TIME AND RESOURCES. IN 1890 THEIR YOUNGEST SON, FRANK, WAS KILLED WHEN HE WAS KICKED IN THE HEAD BY A COLT. HE WAS ONLY SIX YEARS OLD AT THE TIME. GRANDFATHER NEVER RECOVERED FROM THAT SHOCK. HE LOST ALL INTEREST IN HIS RANCH AND OTHER PROPERTY AND DIED FOUR YEARS LATER OF TYPHOID FEVER. MY MOTHER WAS JUST NINETEEN YEARS OLD WHEN HER FATHER PASSED AWAY. SHE WAS VERY CLOSE TO HIM AND HIS DEATH HAD A PROFOUND EFFECT ON HER LIFE, AS SHE HAD JUST GRADUATED FROM HIGH SCHOOL AND PLANNED FOR A HIGHER EDUCATION.

PAUL Y. DUNN 9/88



George Edward Coleman



3 April 1893 • Monday

Tooele Weather pleasant. [p. 113]

I bought seed potatoes of F. D. Horman oats from J. W. Tate, Received a letter with check of \$150.00 from Abram with which to pay for two acres of water to Geo. Atkin. Bought the water, had the transfer acknowledged, recorded Cr. Attended Baptism at Coleman's pond in the afternoon and in the absence of Bishop & Counselors I presided. Instructed the candidates for baptism & offered prayr. J. S. Lee officiated in the baptising after which all repaired to the Meeting house Vestry and were confirmed I assisted in the Confirming and among others I confirmed Estella. Prest Gowans confirmed Nerva both having been baptized.

Called at Speirs & bought large brass kettle \$1.60 & called at Sister Hooglands to see about carpet. In the evening I wrote in my Journal &c.

5 September 1895 • Thursday

Fast Day.

Tooele Weather pleasant, night cool. I Shaved, took the Kelsey water at 9 A.M. Attended Fast meeting & blessed Mrs. McLain E Kenstaur's baby & offered the [p. 167] the benediction Fasted. After meeting I gave blessings to Florance & Mary Ann McLaws, before dinner. After dinner gave blessings to Sister Geo. Lee, Martha Heggie & Liza Smith. Attended baptismal at Coleman's pond where Joel was baptized by Joseph M. Dunn & confirmed by my self at Vestry. Assisted in confirming two others Marsden boy & P. A. Droubay's girl. Rewrote Florence McLaws' blessing in evening.

Moroni England Baptizes future Apostle

"The second outstanding event was LeGrand's bapism in Coleman's Pond, Tooele, on June 11, 1894, by Moroni England. He was confirmed the same day by his faher." (Tooele LDS Ward Records, bk. 7716A, p. 5, LDS Church Archives,) as quoted in "LeGrand Richards, Beloved Apostle" by Lucile Tate apostle by



Heritage Blossoms On Coleman Estate

by Margaret VanNoy

A pear tree planted the day of Abraham Lincoln's inauguration may be the oldest tree in Tooele County. Planted in 1860 by pioneer cattleman, George Coleman, for his sixteen year old bride Elizabeth, the tree still blossoms and produces fruit after 118 years.

Editors Note: If you are aware of any other tree in Tooele County planted earlier than the one in the Wardell property, call the Transcript-Bulletin Office and let us know about it.

The tree, loaded with blossoms, spreads its prolific branches over the front lawn of the Coleman estate located on the street named after George Coleman.

The estate is presently owned by the Clayton Wardells. She is the youngest granddaughter of the original pioneer settler.

The tree's origin is as interesting as the history of the Coleman estate which surrounds it.

COLEMAN, BORN in England in 1833, was converted to the Mormon faith and emigrated to America in 1856 arriving in Utah after a hard journey across the country pushing a hand cart.

He bought the Tooele land while living in Fountain Green, Utah. The story goes that he asked Elizabeth what she wanted him to do first with the land. She loved pears and asked for a pear tree.

He planted the tree and then proceeded to clear the rest of the land using hand-made tools which the Wardells still have.

COLEMAN then built the home and the family moved in 1867.

The estate has been preserved as much as possible. The home was built been the closing of a stairway to install a furnace.

of stone hauled from the mountains east of Tooele, but the outside has now been covered with stucco.

The inside partitions are also stone and are very thick and the only construction change inside the house has

COUNTERTOPS have been covered with Formica, but cupboards and pantry closets have not been changed.

Inside the home are many mementoes of past generations in the form of clocks, dishes and bric-a-brac.

Outside are many other fruit trees, some planted by Coleman. Currant and raspberry bushes and grape vines produce plentifully now as in the past years.

A HUGE irrigation pond surrounded by meadow grass and ancient trees dominates the yard. Built to provide water for cattle, the pond was used for many years by Tooele LDS wards as a baptismal font.

Later huge blocks of ice were cut

from it in the winter, stored in straw and used in the iceboxes of many a Tooele residence. . .

Mrs. Wardell said many residents, among them Alfred Hanks, 95, and Ike Walters have fond memories of the pond as a place for ice skating.

There is also the original stone root cellar, still used for preserving potatoes, carrots and tomatoes. The original grainery converted by Mr. Coleman into sleeping quarters for the boys in his family of fourteen children still stands, although the Wardells have had to do some reinforcing and covering of the old brick which has crumbled over the years.

Until recently, Coleman's 100 year old hay wagon was on display, but the wood finally disintegrated from age. An old lattice house used as a greenhouse by Mrs. Wardell's mother, a daughter of Coleman, is now used by the Wardells as a work room.

Clayton Wardell, retired coach and high school principal and Marjorie Wardell, retired from 22 years of nursing, carry on the tradition of George Coleman, keeping the estate as a family gathering place, and as a place to enjoy their hobbies and neighborly pursuits.

**Tooele County Pony Baseball
Presents Michael Caine and a**

DISCO DANCE

Friday, May 5

Admission \$1.50

13 years and older invited

8:30-11:30 p.m.

Tooele Jr. High

TOOELE CITY PLANNING COMMISSION

RESOLUTION 2024-01

A RESOLUTION OF THE TOOELE CITY PLANNING COMMISSION ADOPTING A POLICY REGARDING PUBLIC COMMENTS AT PUBLIC HEARINGS.

WHEREAS, Tooele City Charter Article 5 calls for the creation of a seven-member Planning Commission, with enumerated terms and powers; and,

WHEREAS, Utah Code Chapter 10-9a Part 3 (Part of the Municipal Land Use, Development, and Management Act, or MLUDMA) requires municipalities to enact ordinances creating a Planning Commission; and,

WHEREAS, Tooele City Code Chapter 2-3 creates the Tooele City Planning Commission, with enumerated terms, powers, and duties, including compliance with the Utah Open and Public Meetings Act (OPMA; UCA Chapter 52-4) for its public meetings; and,

WHEREAS, on May 11, 2022, the Planning Commission approved PC Resolution 2022-01 regarding the adoption of amended Bylaws and Rules of Procedure, including for the conduct of Commission meetings (see PC Resolution 2022-01 attached as PC Exhibit A); and,

WHEREAS, OPMA includes a provision stating “at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting” (UCA Section 52-4-202(6)(b)); and,

WHEREAS, the First Amendment to the Constitution of the United States recognizes freedom of speech: “Congress shall make no law...abridging the freedom of speech...or the right of the people...to petition the Government for a redress of grievances”; and,

WHEREAS, Article I Section 15 of the Constitution of the State of Utah recognizes freedom of speech: “No law shall be passed to abridge or restrain the freedom of speech”; and,

WHEREAS, the Supreme Court of the United States has held through many cases the existence of several distinct forums within which the freedom of speech is protected, including traditional public forum, designated public forum, and limited public forum, in the latter of which the freedom of speech but can be limited; and,

WHEREAS, on June 19, 2024, the City Council approved Resolution 2024-51 regarding a Policy for Public Comment, applicable to the public comment period and public hearings (see Resolution 2024-51 and its Exhibit A attached as PC Exhibit B); and,

WHEREAS, on July 12, 2024, the Planning Commission received training on First Amendment free speech rights in the context of Commission meetings, a limited public forum, discussed the draft City Council policy, and requested the presentation of a similar policy for the Commission; and,

WHEREAS, the Planning Commission conducts public hearings in which time, place, and manner regulations are constitutionally permissible to maintain the orderly, civil, and efficient conduct of the Commission's business while still allowing public speech:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY PLANNING COMMISSION that the public comment policy attached as PC Exhibit C is hereby adopted.

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 Planning Commission this ____ day of _____, 2024.

TOOELE CITY PLANNING COMMISSION

(For)

(Against)

ABSTAINING: _____

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

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

Exhibit A

PC Resolution 2022-01

Exhibit B

City Council Policy: Public Comment

Exhibit C

Planning Commission Policy: Public Comment

TOOELE CITY PLANNING COMMISSION

RESOLUTION 2022-01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This Resolution shall take effect immediately upon approval.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Planning Commission this 11th day of MAY, 2022.

TOOELE CITY CORPORATION PLANNING COMMISSION

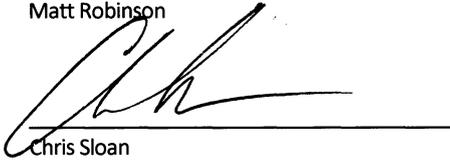
For

Against



Matt Robinson

Matt Robinson



Chris Sloan

Chris Sloan

Melanie Hammer

Melanie Hammer

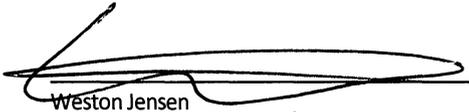


Tyson Hamilton

Tyson Hamilton

Nathan Thomas

Nathan Thomas



Weston Jensen

Weston Jensen



Paul Smith

Paul Smith

Melodi Gochis, Alternate

Melodi Gochis, Alternate

Alison Dunn, Alternate

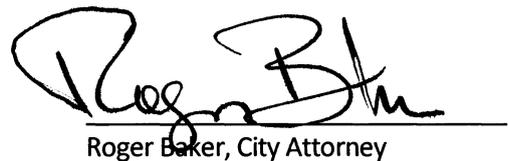
Alison Dunn, Alternate

ATTEST:

APPROVED AS TO FORM:



Michelle Pitt, City Recorder



Roger Baker, City Attorney



EXHIBIT A

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

**Tooele City Corporation
Planning Commission Bylaws and Rules of Procedure**

I. Organization

A. Election of Officers. The Planning Commission, at its last regular meeting of each year, shall elect a Chairperson (Chair) and Vice Chairperson (Vice Chair) for the next calendar year. No member shall serve more than two consecutive terms as Chairperson. Alternate Planning Commissioners shall not be eligible for election as the Chair or Vice Chair.

B. The Chair to Preside at Commission Meetings. The Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.

C. Duties of the Chair.

1. To call the Commission to order on the day and the hour scheduled and proceed with the order of business.
2. To announce the business before the Commission in the order in which it is to be acted upon.
3. To receive all motions and propositions presented by the members of the Commission.
4. To put to vote all actions which are properly moved, or which necessarily arise in the course of proceedings, and to announce the results of motions.
5. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice.
6. To authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission.
7. To maintain order and decorum at the meetings of the Commission.
8. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.
9. Recognize speakers and Commissioners prior to receiving comments and presentations.
10. To declare adjournment of meetings.

D. Duties of the Vice Chair. The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of the Chair.

E. Temporary Chair. In the event of the absence or the disability of both the Chair and the Vice Chair, the Chair, the Vice Chair and/or the remaining Commission shall appoint another Planning Commission member to serve as Chair until the Chair or Vice Chair returns. The appointment of a Temporary Chair shall be made during the public meeting by motion and sustaining vote of a majority of the Commission. In such event, the temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission. Upon their return, the Chair or Vice Chair shall take over the meeting as the Chair of the Planning Commission.

II. Rights and Duties of Members

A. Ethics. The Planning Commission shall utilize and comply with the Utah Municipal Officers' and Employees' Ethics Act in the Utah State Code.

B. Duties of the Alternates.

1. Alternates shall attend all Commission meetings unless duly excused.
2. Alternates shall take the place of a regular Commissioner, performing the duties

and functions of a regular Commissioner, in the event that a regular Commissioner is not present at a meeting. In the absence of a regular Commissioner, the Alternate to replace that regular Commissioner shall first be the Alternate appointed in the same manner, i.e. a Mayor's appointed Alternate to replace a Mayor's appointed regular Commissioner, followed by an Alternate appointed in a different manner, i.e. a City Council appointed Alternate to replace a Mayor's appointed regular Commissioner.

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

- C. **Meeting Attendance.** Every member of the Commission shall attend the sessions of the Commission unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the Community Development Department. The City Planner shall inform the Chair of the absences. Members present at any meeting of the Commission shall act in the capacity of a Commissioner with Alternates serving in the place of excused or absent Commissioners.
- D. **Term of Office and Vacancy.** Article 5 of Tooele City Charter states that "The terms of office of the appointive members of the Planning and the manner of filling vacancies occurring during a term shall be prescribed by Ordinance of the Council," see Section 2-3-3 of the Tooele City Code.
- E. **Conflict of Interest.** A Planning Commission member may declare a conflict of interest regarding specific agenda items. Members of the Planning Commission who feel they or any other member of the Commission may have an actual or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the conflict to the Commission in the public meeting. The Commission may then vote to decide whether a disqualification is justified. After being disqualified, a Planning Commission member shall not participate in the discussion and vote of that matter, nor attempt to use his/her influence with other Commissioners either before, during, or after the meeting. Below are some guidelines for conduct:

1. There may be a conflict of interest if there are personal, familial, or financial ties between a Planning Commissioner and a proponent/opponent of any item of business, or as otherwise determined under the Tooele City Code or Utah State law.
 2. A Planning Commissioner may not appear before the Commission through his/her employment as an advocate or agent for an applicant.
 3. A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence Planning Commission decisions.
 4. A Planning Commissioner must not use the power of office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.
- F. Abstention.** Any Commissioner abstaining from a vote shall declare their abstention prior to discussion and consideration of the item and is strongly encouraged to step away from the Commission during the review and voting on the item but may remain seated at the table during the discussion. Reasons for abstention must be stated at the time of the abstention. The Chair may request any Commissioner who has declared their abstention but desired to remain seated to step away from the Commission during that agenda item if the Chair determines it necessary to maintain the fundamental fairness of the Commission's review. An abstention shall not be cause for the abstaining Commissioner to be replaced with an Alternate Commissioner. Abstentions shall not count as an affirmative vote nor a dissenting vote.
- G. Explaining the Vote.** Any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so following recognition from the Chair. Explanations shall only be allowed prior to the start of the voting process for the item on which the explanation is desired. Once voting has begun, there shall be no further explanation or discussion on the item being voted upon.
- H. Meeting Schedule.** All meetings of the Planning Commission shall be held in compliance with Utah's Open and Public Meeting Law. Regular meetings of the Planning Commission shall be held bimonthly on the second and fourth Wednesdays of the month or at times and dates determined by the Planning Commission. The Planning Commission, at its last regular meeting of each year, shall adopt a schedule for regular meetings, including the specific dates of those meetings, for the next calendar year. Special meetings of the Planning Commission may be called by, or at the request of, the Chair or any three Planning Commission members upon giving the same notice as is required for regular meetings. When, because of unforeseen circumstances, it is necessary for the Planning Commission to hold an emergency meeting to consider matters of an emergency or urgent nature, the Commission shall provide the best notice practicable. No such emergency meeting of the Planning Commission shall be held unless an attempt has been made to notify all of its members and a majority of the Commission agrees to hold the meeting.
- I. Requests to Reconsider Commission Decisions.** The Planning Commission may reconsider any of its decisions upon the petition of an adversely affected party to the item upon which the decision was made. An adversely affected party must, within 30 days of the Planning Commission decision, submit a written petition for reconsideration to the Planning Commission. The term "adversely affected party" shall have the meaning assigned in Utah Code Chapter 10-9a. The petition must identify the decision of the Planning Commission that the request relates to and state the basis of said request. The request, if timely filed, shall be placed on the next available Planning Commission agenda. Prior to a

reconsideration, the Planning Commission must vote in a public meeting in the affirmative to reconsider its previous decision. After the Planning Commission has voted to reconsider an item, it may reverse, amend, or uphold its prior decision.

- J. **Agenda Preparation.** Generally, the deadline for requesting placement of an application on any Planning Commission agenda shall be at 5:00 p.m., fifteen days prior to the Planning Commission meetings, to allow appropriate time for notification and staff review. The Planning Commission Chair however, may place an item on any agenda, provided there is sufficient time left to comply with the Utah Open and Public Meetings Act. Requests by the applicant for continuance of matters scheduled for a particular agenda item shall be filed with the Community Development Department by noon of the day of the Planning Commission meeting.
 - K. **Quorum and Voting.** Four members of the Commission shall constitute a quorum for the transaction of business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from a vote, however, shall count toward consideration of a quorum. Except as otherwise specifically provided in these Bylaws and Rules of Procedure, a majority vote of the Commission, minimum four concurring votes, shall be required and shall be sufficient to transact any business before the Commission. If less than a quorum is present at a meeting, said meeting shall be canceled or rescheduled with appropriate notices given. Where no quorum is present because of a disqualification on a given agenda item, the Commission shall move to the next agenda item. Planning Commission members may not vote by proxy at any meeting of the Planning Commission. At the conclusion of any vote of the Commission, the Chair shall declare the result of the vote including:
 - 1. Whether the motion passed or failed;
 - 2. The number of affirmative votes;
 - 3. The number of dissenting votes; and
 - 4. Abstentions.
 - 5. The disposition of the item, i.e. the item is approved, the item is now forwarded to the City Council for review, etc. Following the conclusion of voting, the Chair may request assistance from staff in clarifying or verifying the result, vote counts, or disposition of the item.
 - L. **Changing a Vote.** No Commissioner shall be permitted to change his/her vote after the vote is cast and the next vote is called for by the Chair, except when properly reconsidering an item.
- III. **Rules of Procedure.** The Planning Commission shall conduct its proceedings consistent with the provisions of Utah law relating to cities. The Chair of the Planning Commission shall rule on all matters of procedure with fundamental fairness. The Chair may be reversed on matters of procedure by majority vote of the non-disqualified Planning Commission members present. Any formal action of the Planning Commission shall be initiated by a motion and shall be seconded prior to a vote. Voting shall be by verbal vote and the Chair shall vote last.
- A. **Order of Business.**
 - 1. **Order of Consideration of Items:** The following procedure will normally be observed, however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business. Items e through h pertain to the public hearing portion of the Planning Commission Meeting.
 - a. Item introduction by Chair.
 - b. Staff presentation and recommendation.
 - c. Planning Commission questions for the staff.

- d. Applicant presentation.
 - e. Opening of the public hearing, as necessary and noticed. The opening of the public hearing by the Chair shall include an indication of a reasonable amount of time that will be allowed to each speaker.
 - f. Public comments. Members of the public wishing to speak shall be allowed a reasonable opportunity to do so during an open public hearing. Once a member of public has utilized their opportunity to speak, that member should not be allowed to comment again or offer rebuttal to other comments later during the public hearing or after the public hearing is declared closed by the Chair. During public hearings, Commissioners shall listen and refrain responding to public comment, but may request of the Chair to ask a question of a speaker for the sole purpose of clarification of points raised by the speaker. The Chair may interrupt or discontinue a speaker's testimony during a public hearing if their testimony becomes disruptive, disrespectful, inflammatory, is contrary to the decorum of the hearing, or lingers beyond the reasonable opportunity to provide comment. Once a public hearing is declared closed by the Chair, it shall not be reopened for further comment without a sustaining vote of the Commission.
 - g. Public hearing closed by the Chair.
 - h. Applicant response to the comments presented during the public hearing.
 - i. Planning Commission discussion. The Planning Commission may discuss and deliberate the facts relevant to the consideration of the application in preparation for rendering a decision. If additional information is desired, the public hearing portion of the item may be reopened by a majority vote. The Commission may also ask questions directly to the applicant or staff but doing so shall not be deemed a continuation or reopening of a public hearing.
 - j. Planning Commission motions. When Planning Commission discussion has concluded, or otherwise at the discretion of the Chair, the Chair shall call for a motion. The Chair should outline possible actions of approval, denial, continuation, or approval with conditions. Once a motion has been offered there shall be no discussion of the item until after a second has been offered except to request a clarification of the motion offered.
 - k. Planning Commission discussion. Following a motion and second, the Planning Commission's discussion should be narrowly tailored towards the intent of the motion and the potential impacts or merits for or against that motion.
 - l. Planning Commission voting. Following the conclusion of discussion, the Chair shall call for a vote of the Commission. Once the first vote has been made there shall be not further discussion or comment allowed until the vote of the Commission has been completed.
2. A ten minute recess should be taken every 90 minutes of public meetings or as directed by the Chair. Commissioners may request a recess to the Chair at any time. Recesses may only occur between agenda items unless an extenuating circumstance is determined by the Chair. A motion may be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the

motion to recess was made. If the Chair accepts the motion to break, the Chair may declare the meeting recessed without the need for a second. No motion to reconvene shall be necessary. The Chair need only declare the meeting reconvened.

- B. Field Trips.** Planning Commissioners are strongly encouraged to individually visit the site of each item for consideration on an agenda prior to the meeting. On those occasions when the Planning Commission Chair determines a site visit by the Commission collectively is needed, field trips shall be held prior to the Planning Commission meeting. The time and location of the field trip shall be posted on the agenda. Such field trips shall consist of Commissioners and staff meeting at a designated location(s), travelling individually. The public shall be allowed at the sites of the field trip but shall not be permitted to provide comment during the field trip. Field trips shall be for the purpose of gathering information about the site, not for discussing decisions nor the merits or drawbacks of an application.
- C. Motions and Making Motions.** Any Planning Commissioner may make or second a motion.

 - 1. Motions shall state findings for approval or denial within the motion.
 - 2. Motions should include conditions of approval when appropriate. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.
 - 3. The staff summary should be sufficient in detail to assist the Commission in stating findings.
 - 4. Motions may be repeated for clarification at the request of any Commissioner.
 - 5. Planning Commissioners may request legal advice from the City Attorney in the preparation, discussion, and deliberation of motions.
 - 6. If a motion does not receive sufficient votes to pass, the motion fails and may not be renewed by the author.
- D. Second Required.** Each motion of the Commission must be seconded in order to be voted upon. A motion that fails to be seconded shall be deemed defeated and the agenda item shall be in need of a new motion.
- E. Withdrawing a Motion.** After a motion is stated, the motion shall be in the possession of the Chair but may be withdrawn by the author of the motion prior to the vote.
- F. Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter. When making a motion to table, the motion shall include a specific date or future Planning Commission meeting (date certain) to continue hearing the matter or one or more condition(s) (condition certain) to be completed prior to further review. Any item tabled for further Commission review for which a public hearing has been noticed, held, and declared closed by the Chair, need not include further public hearing testimony during the continued review unless specifically requested as a part of the sustained motion to table.
- G. Amending Motions.** When a motion is pending before the Commission, any member may suggest an amendment, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by both the motion author and second in order for it to amend the stated motion. The author or the second may choose not to accept the amendment.
- H. Amending Amendments to Motions.** An amendment to a motion may be amended, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by only the author and second of the original motion in order for it to amend the stated motion and amended motion. The author or the second may choose not

to accept the additional amendment in which case the amendment is not considered further and the vote on the original motion proceeds.

I. Substitute Motions. A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.

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

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

b. If the Commission votes to allow the substitute motion to replace the original motion, then the substitute motion is then voted upon.

i. If the Commission's vote approves the substitute motion, that vote becomes the decision of the Commission for that item.

ii. If the Commission's vote does not approve the substitute motion, the substituted motion is defeated and the Commission shall returned to the original motion for further voting.

2. There shall not be allowed more than two substitute motions to be offered and considered by the Commission to any one motion for action.

J. Planning Commission Recall of Decisions. To recall a previous item for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. Motions to reconsider an item may only be made for agenda items on which the Commission is acting as the approval authority. Recommendation are not subject to reconsideration. Motions to reconsider an item may be made any time before the conclusion of the next properly noticed Planning Commission meeting. Motions to reconsider an item shall not be allowed following the first vote for reconsideration of that item. The motion to reconsider must pass with a majority vote of those Commissioners who voted to sustain the original motion. In the event that a motion to reconsider an item is successful, the item shall be re-noticed in the same manner as required for the original consideration and brought back for further Planning Commission review at a future meeting. When the original consideration of the item required a public hearing, an additional public hearing shall be required as a part of the reconsideration.

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

IV. Decorum and Debate.

A. Duties of the Chair. The Chair, acting as the presiding officer of the Planning Commission, shall have the responsibility of maintaining the decorum of the Commission and the general public during Commission meetings.

B. General Rules of Decorum. All members of the Planning Commission shall be responsible for ensuring their own decorum throughout Commission meetings and at any time they are recognized or identified as a member of the Planning Commission outside of meetings. As general rules of decorum for Commissioners:

1. Commissioners shall address the Chair with recognition to their role, i.e. "Mister Chair", "Madam Chair", etc.

2. Commissioners shall refrain from speaking until recognized by the Chair unless:

a. Responding to a question addressed specifically to them; or

- b. Responding to an response provided to their specific question.
3. Commissioners shall request to the Chair the opportunity to speak during review of agenda items. If more than one Commissioner requests the opportunity to speak at the same time, it is the Chair's discretion as to who speaks first and in what order.
4. Commissioners shall refer to any other Commissioner, staff member, or member of the public only in a respectful manner. Commissioners, when addressing or referencing another Commissioner other than the Chair, shall do so in a professional manner and refrain from doing so through the use of common names, i.e. "Commissioner Doe" rather than "John" or "Jane", etc.
5. All discussion on any agenda item shall be confined to the facts of the application and remain germane to the application and avoid reference to other unrelated applications. When application review where the Commission has discretion under the law, Commissioners shall confine discussion and actions to the benefit or impact of the application on the community rather than individual opinions or feelings of one or more Commissioners. In all circumstances, Commissioners shall not offer criticisms or attacks on other Commissioners for their positions or opinions.
6. Commissioners should not be permitted to make personal attacks or question the motives of a member of the general public, applicants, staff members, or other Commissioners. The application, not the individuals is the issue under consideration.
7. Commissioners may call upon subject matter experts during discussion and debate, be they staff members, experts for the applicant, or experts representing third parties in their official capacity, to answer questions before voting. Questions shall remain germane to the topic and seek clarifications or supporting information that provides clarification. Commissioners may also read from or make reference to published reports or documentation only by providing the specific citation to the report or documentation for the official record. A point of order should be raised if the Chair or a Commissioner feels the questioning of an expert or reference of reports or documentation becomes an abuse of the privilege to question, is not germane to the pending application, becomes repetitive or dilatory, becomes disruptive to the meeting, serves little purpose to the issue at hand, is irrelevant, or if there is question as to the expert's role as an appropriate expert to be questioned.

C. Enforcement of Decorum.

1. The Chair may interrupt a speaker or Commissioner at any time to inform them they are out of order in action, statement, or decorum and call them to order. Any determination by the Chair of being out of order is subject to an objection and sustaining vote of the Commission. Any Commissioner may request the Chair call another Commissioner to order, to be accompanied with a statement as to why it is believed the Commissioner is out of order. It shall be the Chair's discretion whether or not to determined the Commissioner is out of order.
2. Calling a Commissioner to Order. The Chair calling a Commissioner to order shall be considered a warning and may happen more than once at the discretion of the Chair. The Chair, in calling a Commissioner to order, shall make a statement such as "Commissioner Doe is out of order". Upon being called to order, it is the obligation of the Commissioner to return to order. In the event that a Commissioner does not come to order or the Chair has called the Commissioner previously and the

Commissioner returns to disorder, the Chair may recess the meeting and/or call for the Commissioner's removal from the meeting.

3. Removal of a Commissioner. In the event that the Chair calls for the removal of a Commissioner due to disorder of decorum, the Commission shall immediately proceed to a vote on the removal prior to any further discussion or deliberation on the agenda item under consideration. A sustaining vote of the Commission, excluding the Commissioner under consideration for removal, shall be required for removal. In the event there are only four Commissioners present, a vote for removal shall require a unanimous vote of Commissioners present other than the Commissioner under consideration for removal. Removal of a Commissioner shall only be for the remainder of consideration of the item at hand and the removed Commissioner shall be allowed to return for all other items on the agenda.

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

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

F. Dilatory Motions and Actions. A motion is dilatory if it seeks to obstruct or thwart the will or procedures of the Commission. Any main or other motion that is frivolous or absurd or that contains no rational proposition is dilatory and shall be introduced or recognized as such by the Chair. Whenever the Chair becomes convinced that one or more members are repeatedly using parliamentary forms for dilatory purposes, he/she should either not recognize these members or he should rule that such motions are out of order. Dilatory motions shall be considered a violation of decorum and subject to enforcement as such.

G. Removal for Inappropriate Behavior. The Chair may, at their discretion or the suggestion of a member of the Commission, call for and require the immediate removal of one or more members of the public from a meeting of the Planning Commission upon determining that the individual or individuals are acting in a manner that is:

1. unruly, inappropriate, or disruptive to the conducting of the Commission's business;
2. likely to continue without such removal; and
3. necessary for the orderly proceeding of further Commission business.

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

V. Suspension of Bylaws and Rules of Procedure.

A. Suspension or Alteration of Bylaws and Rules of Procedure. No standing Bylaws and Rules of Procedure of the Commission shall be altered, amended, suspended, or rescinded

without the sustaining vote of the Commission.

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

VI. Amendment of Procedure.

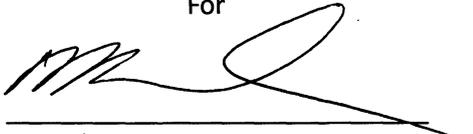
- A. **Amendments.** These Bylaws and Rules of Procedure may be amended at any meeting of the Commission after placement of a proposal to amend the Bylaws and Rules of Procedure on a regular Commission meeting agenda, consideration of the proposal during a public meeting, and upon a majority vote of all of the members of the Planning Commission in attendance, including alternates.
- B. **Public Review.** The public shall have the opportunity to review and respond in writing to a proposal to amend the Bylaws and Rules of Procedure prior to adoption by the Planning Commission.

Approved his 11TH day of MAY, 2022

TOOELE CITY CORPORATION PLANNING COMMISSION

For

Against



Matt Robinson

Matt Robinson



Chris Sloan

Chris Sloan

Melanie Hammer

Melanie Hammer



Tyson Hamilton

Tyson Hamilton

Nathan Thomas

Nathan Thomas



Weston Jensen

Weston Jensen



Paul Smith

Paul Smith

Melodi Gochis, Alternate

Melodi Gochis, Alternate

Alison Dunn, Alternate

Alison Dunn, Alternate

ATTEST:

APPROVED AS TO FORM:



Michelle Pitt, City Recorder



Roger Baker, City Attorney



Policy: Public Comments

In its discretion, the City Council may notice a Public Comment Period on its meeting agendas. During these meetings, the City Council Chambers shall be a Limited Public Forum, subject to this Policy. When a Public Comment Period is noticed, the time, place, and manner regulations of this Policy shall apply. The City Council's failure to strictly enforce each regulation shall not limit the Council's ability to require substantial compliance from speakers. This Policy shall apply to City Council meeting Public Hearings.

Verbal Comments

- Speakers will identify themselves verbally and in writing by first and last name.
- Speakers will identify their local geographical area of residence (e.g. Tooele City). The Chair may restrict comments to Tooele City residents, businesses, and other stakeholders.
- Speakers will address comments directly to the City Council (not to the Mayor, City staff, development applicants, presenters, members of the public, or others).
- Comments will be limited to 3 minutes per speaker. A timer may be displayed. After 3 minutes, the microphone may be cut off, and a timer may sound.
- The Chair may designate a total reasonable length of time for comment. If no time limitation is designated, the length of time for comment shall be limited to thirty (30) minutes per Public Comment Period and per Public Hearing, unless indicated otherwise by the Chair.
- The Public Comment Period and Public Hearings are not free-for-all open-mic opportunities. Speakers will limit their comments to topics within the City Council's jurisdictional authority. In the case of a Public Hearing, speakers will limit their comments to the topics for which the Public Hearing was noticed.
- Speakers will not engage in disrespectful, disruptive, attacking, threatening, or violent behavior.
- Speakers will not make obscene comments or gestures.
- Clapping, booing, hissing, cheering, and other similar disruptive behavior is prohibited.
- No verbal comments may be made remotely via electronic means except as a reasonable ADA accommodation, upon request.

Written Comments. Speakers may submit written comments to the City Recorder. Comments shall be delivered no later than the day prior to the meeting. The City Recorder will deliver the comments to the City Council. The Chair will indicate during the public comment period the receipt of written comments and at least the substance of their content.

Signs. Signs of any size or type displayed by the public are prohibited in the City Council chambers. Signs may be displayed in the City Hall rotunda so long as they do not disrupt the meeting or interfere with patron attendance, in the City Council's discretion, if the comments comply with the verbal comment regulations, above.

The City Council retains discretion in the administration of this Policy, and may alter or add to these regulations for meeting decorum and efficiency. The City Council may utilize all legal means to enforce this Policy. The Council Chair is primarily responsible for the enforcement of this Policy.

Chair: _____

Date: _____

Policy: Public Comments

As required by law, the Planning Commission schedules Public Hearings regarding items being considered on its business meeting agendas. During these meetings, the City Council chambers (the Commission's meeting venue) shall be a Limited Public Forum, subject to this Policy. When a Public Hearing is noticed, the time, place, and manner regulations of this Policy shall apply. The Commission's failure to strictly enforce each regulation shall not limit the Commission's ability to require substantial compliance from speakers.

Verbal Comments

- Speakers will identify themselves verbally and in writing by first and last name.
- Speakers will identify their local geographical area of residence (e.g. Tooele City). The Chair may restrict comments to Tooele City residents, businesses, and other stakeholders.
- Speakers will address comments directly to the Commission (not to the Mayor, City staff, development applicants, presenters, members of the public, or others).
- Comments will be limited to 3 minutes per speaker. A timer may be displayed. After 3 minutes, the microphone may be cut off, and a timer may sound.
- The Chair may designate a total reasonable length of time for comment. If no time limitation is designated, the length of time for comment shall be limited to thirty (30) minutes per Public Hearing, unless indicated otherwise by the Chair.
- The Public Hearings are not free-for-all open-mic opportunities. Speakers will limit their comments to topics within the Commission's jurisdictional authority and to the topics for which the Public Hearing was noticed.
- Speakers will not engage in disrespectful, disruptive, attacking, threatening, or violent behavior.
- Speakers will not make obscene comments or gestures.
- Clapping, booing, hissing, cheering, and other similar disruptive behavior is prohibited.
- No verbal comments may be made remotely via electronic means except as a reasonable ADA accommodation, upon request.

Written Comments. Speakers may submit written comments to the City Planner. Comments shall be delivered no later than the day prior to the meeting. The City Planner will deliver the comments to the Commission. The Chair will indicate during the Public Hearing the receipt of written comments and at least the substance of their content.

Signs. Signs of any size or type displayed by the public are prohibited in the City Council chambers. Signs may be displayed in the City Hall rotunda so long as they do not disrupt the meeting or interfere with patron attendance, in the Commission's discretion, if the comments comply with the verbal comment regulations, above.

The Commission retains discretion in the administration of this Policy, and may alter or add to these regulations for meeting decorum and efficiency. The Commission may utilize all legal means to enforce this Policy. The Commission Chair is primarily responsible for the enforcement of this Policy.

Chair: _____

Date: _____

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, June 12, 2024

Time: 7:00 p.m.

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

Commission Members Present:

Tyson Hamilton
Melanie Hammer
Chris Sloan
Weston Jensen
Alison Dunn
Jon Proctor
Kelley Anderson

Commission Members Excused:

Matt Robinson

City Council Members Present:

Maresa Manzione
Ed Hansen

City Employees Present:

Andrew Aagard, City Development Director
Jared Hall, City Planner
Paul Hansen, City Engineer
Roger Baker, City Attorney

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Melanie Hammer, Present
Tyson Hamilton, Present
Weston Jensen, Present
Chris Sloan, Present
Jon Proctor, Present
Alison Dunn, Present
Matt Robinson, Excused

3. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: The Council approved the 16 acres on 3100 north to High-Density Residential with the condition that they joined the North Tooele City Special Service District, updated City ordinances, and sold water-rights to U-Haul.

4. Public Hearing and Decision, Continued from May 22, 2024 – Consideration of a request for Conditional Use Approval by Evergreen Preschool & Childcare to allow an in-home child daycare business for up to 16 children at 529 Park Hill Drive in the R1-12 Zoning District.

Presented by Jared Hall, City Planner

Mr. Hall presented a Conditional Use Permit request for an in-home child daycare business for up to 16 children located at 529 Park Hill Drive. It is zoned R1-12. The applicant did provide the house layout, traffic and parking plan, and drop-off and pick up schedule. The staff is recommending approval with the conditions listed in the staff report.

This item was discussed and tabled during the May 22nd Planning Commission meeting.

The public hearing was opened.

David Ripley shared concerns of the flow of traffic, meeting laws, and the neighborhood guidelines.

Rev Johnson shared concerns of losing their quite residential neighborhood with 16 additional children in the neighborhood.

The public hearing was closed.

The Planning Commission asked the following questions:

Is the traffic suggestion provided subsequent information in place of a traffic study?

How confident is staff that parents will use the suggested driving patterns?

Who is the governing body that oversees those CCNR?

Mr. Hall addressed the Commission. Parents may do what they are told. However, some will do what is easiest. If the applicant actually keeps the driveway open, that will help with traffic and parking. Mr. Hall addressed some of the public's concerns. There is no change in the zoning. This is part of a home occupation license which allows businesses that are low impact in residential zones. It does require a Conditional Use Permit. They do have a home occupation license. This application is just allowing them to increase the number of children. The state department or health department does do inspections of the homes. If they are not following guidelines and laws, they will be shut down.

Mr. Baker addressed the Commission. As far as CC&Rs go, those documents allow the governing body to enforce those rules. Those rules are contractual. The City Council changed

their policy to allow 16 children, because the state already allowed that number. There is a code in place that addresses many concerns. It allows the Commission to impose reasonable conditions to mitigate the impacts. This home will still be maintained as a residential home. The business is a secondary use.

Commissioner Anderson motioned to approve Consideration of a request for Conditional Use Approval by Evergreen Preschool & Childcare to allow an in-home child daycare business for up to 16 children at 529 Park Hill Drive in the R1-12 Zoning District based on the findings and subject to the conditions listed in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Dunn, “Aye”, Commissioner Anderson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

5. Planning Commission Training – Public Hearings and Comments Policy.

Presented by Roger Baker, City Attorney

Mr. Baker presented Planning Commission training on policies for public hearings and comments.

6. Review and Approval – Planning Commission Minutes

There are no changes to the minutes.

Commissioner Proctor motioned to approve the minutes. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Dunn, “Aye”, Commissioner Anderson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

7. Adjourn

Chairman Hamilton adjourned the meeting at 7:55 p.m.

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

Approved this ____ day of June, 2024

Tyson Hamilton, Tooele City Planning Commission Chair