

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, March 26, 2025** 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. **Public Hearing and Recommendation** on a Zoning Map Amendment request by DR Horton to amend the standards of the Western Acres PUD for approximately 86 acres (affecting 4.5 acres) located at approximately 2000 N Copper Canyon Drive in the MR-16 PUD zoning district.
4. **Public Hearing and Recommendation** on proposed amendments to Tooele City Code 7-19; Subdivisions, Regarding Non-Standard Divisions of Land in Tooele City.
5. **City Council Reports**
6. **Review and Decision** – Minutes of the Planning Commission meeting held March 12, 2025.
7. **Discussion**
8. **Adjourn**

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

STAFF REPORT

March 20, 2025

To: Tooele City Planning Commission
Business Date: March 26, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Western Acres PUD – Zoning Map Amendment Request

Application No.: 2025028
Applicant: David Lewis IV, representing DR Horton
Project Location: Approximately 2000 N Copper Canyon Drive
Zoning: MR-16 PUD Multi-Family Residential Zone
Acreage: 86 Acres (affecting only 4.5 Acres) (Approximately 196,020 ft²)
Request: Request for approval of a Zoning Map Amendment in the MR-16 PUD Multi-Family Residential zone to amend the conditions of the original PUD standards regarding rear yard and side yard setback of town homes adjacent to property lines.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 86 acres located at approximately 2000 N Copper Canyon Drive. The property is currently zoned MR-16 PUD Multi-Family Residential. The applicant is requesting that a Zoning Map Amendment be approved to amend the conditions of the original PUD standards regarding rear yard and side yard setback of town homes when adjacent to property lines.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 PUD Multi-Family Residential zoning classification, supporting approximately sixteen dwelling units per acre. The purpose of the MR-16 PUD. The MR-16 PUD Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. Properties to the east of the subject property are zoned MR-16 (north) and R1-8 (south) and are general developed as single-family residential with some multi-family residential. Properties to the west are zoned GC (north) and LI (south). Properties to the south are zoned R1-8 and RR5 and properties to the north are zoned LI or are located within unincorporated Tooele County. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

Process. This proposed PUD amendment is processed as a Zoning Map amendment because the PUD is an overlay to the MR-16 zoning district. When an overlay is attached to the underlying zone the zoning then becomes MR-16 PUD zone and the standards of the PUD then become part of the zoning. Therefore a change to the PUD standards is an amendment to the zoning of the Western Acres development.

It should be noted that the Zoning Map amendment application will be applicable to the entire 86 acre development, however, only about 4.5 acres of the development will be affected by the proposed changes

to the PUD standards. The attached maps help illustrate the parts of the development that would be impacted by this proposed change.

Western Acres PUD Brief History. In December of 2020 the Tooele City Council adopted the Western Acres PUD which provided variations to the design standards as contained in the MR-16 zoning district as well as the Multi-Family Residential Design Guidelines as found in Tooele City Code 7-11a. The PUD was also amended in January of 2023 to provide some flexibility in regards to exterior architectural standards and covered parking.

At the time the PUD was originally approved documents demonstrating the proposed overall layout were provided to demonstrate to the City Council how the PUD was going to be designed and how it would fit into the property, where various housing types would be located and how roads would connect. DR Horton has been diligent in following this original plan as it was presented in the beginning. It was emphasized at the time that the proposed PUD layout had not been officially reviewed by staff and it was anticipated that during the official reviews of the subdivision plats and site plans that the design may need to be slightly altered. This is one of those times.

Current PUD Standards. The following are the current PUD Standards:

Land with the R1-7 underlying zoning district:

- Lot size is 3,500 square-foot minimum.
- Dwelling size is 800 square-foot minimum.
- Lot width is 42 feet minimum.
- Front setback is 20 feet minimum.
- Side setback is 5 feet minimum.

Land with the MR-16 underlying zoning district:

- Dwelling size is 800 square feet, 2-story, with double garage.
- Setback between buildings is 12 feet minimum.
- Exterior materials: eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, and stone.
- Clubhouse: substitute 1,000 square-foot interior social area requirement with additional site amenities.

Notice that there is no language regarding the rear yard setback of buildings adjacent to a property line for land within the MR-16 PUD zoning district. Only separation between buildings is mentioned. When the PUD is silent regarding a design standard the default standard is then what is required by the underlying zoning district, which, in this case, is the MR-16 zoning district. The rear yard setback for a town house adjacent to a property line is 20 feet and the side yard is 6 feet.

Proposed Change to PUD Standards. On the overall PUD there is a large drainage corridor that extends from the south east corner of the development to the north west corner of the development. This is the Middle Canyon Drainage. DR Horton, at great cost, has improved this drainage to include a trail that extends the entire length of the drainage as it extends through the development. Many of the proposed townhomes back onto this drainage.

Currently the drainage is defined by an easement line and the proposed townhomes are separated from that easement line by approximately 8 to 10 feet. As this is not a property line but is instead an easement line, this setback is not a problem. Setbacks are only measured from property lines to building foundations, not from easement lines. Herein lies the problem. DR Horton is intent upon doing one of two things with this Middle Canyon drainage area. 1, turn this drainage area into its own parcel, or 2, dedicate this drainage to Tooele City for perpetual ownership and maintenance. Either way, the easement

lines delineating the drainage area will eventually become property lines. Once these easement lines become property lines all of the town homes with less than a 20 foot rear yard setback will become legally non-conforming uses. The proposed change of rear yard and side yard setbacks are anticipation of this and are attempting to correct and eliminate future conflicts with building setbacks.

The applicant is therefore proposing to add the following to the Western Acre PUD standards:

Land with the MR-16 underlying zoning district:

- Dwelling size is 800 square feet, 2-story, with double garage.
- Setback between buildings is 12 feet minimum.
- **Rear yard setback for townhomes shall be 8 feet and side yard setback shall be 1 foot as long as the setback is not adjacent to any public or private street.**
- Exterior materials: eliminate the 50% brick or stone requirement in favor of stucco, fiber cement siding, wood, masonry block, and stone.
- Clubhouse: substitute 1,000 square-foot interior social area requirement with additional site amenities.

Subdivision Layout. The proposed PUD amendment does not alter or change the original design layout of the Western Acres PUD. The proposed amendments do not increase or reduce the number of units from the original PUD proposal. The proposed PUD amendment does not alter or change the types of units as demonstrated by the original PUD proposal. Nothing within the proposed development changes other than codifying the rear yard and side yard setbacks when a town house unit is adjacent to property line.

Landscaping. Landscaping will not be changed by the proposed PUD amendment.

Parking. Parking location and requirements will not be changed by the proposed PUD amendment.

Architecture. Building architectural standards will not be changed or altered by the PUD amendment.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 7-1A-7 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 the following comments:

1. The proposed PUD Amendment is necessary to avoid conflicts with property lines as conditions of ownership within the PUD change, especially concerning that of the Middle Canyon Drainage.
2. The proposed PUD Amendment does not alter the layout, design, configuration, unit count, unit location, unit type, road connections, landscaping, parking requirements or anything else related to the design of the Western Acres Development.

Engineering & Public Works Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding the proposed PUD amendment.

Tooele City Fire Department Review. The Tooele City Fire Department has not issued any comments regarding the proposed PUD amendment.

Noticing. The applicant has expressed their desire to amend the standards of the PUD overlay for 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 the Planning Commission carefully weigh this request for a Land Use Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not 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 Western Acres PUD Zoning Map Amendment Request by David Lewis IV, representing DR Horton to amend the standards of the Western Acres PUD regarding town home setbacks, application number 2025028, based on the findings listed in the Staff Report dated March 20, 2025:”

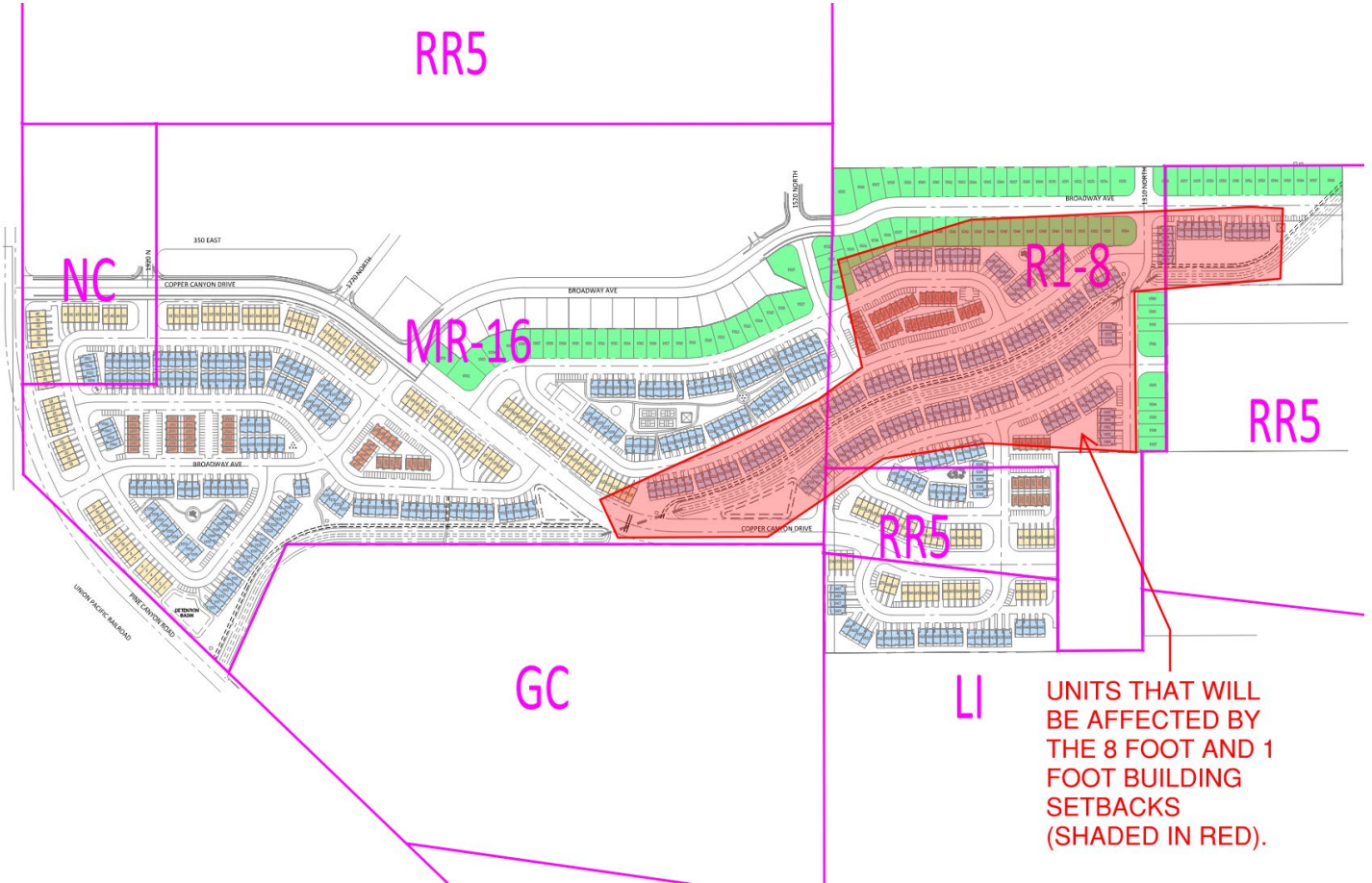
1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Western Acres PUD Zoning Map Amendment Request by David Lewis IV, representing DR Horton to amend the standards of the Western Acres PUD regarding town home setbacks, application number 2025028, based on the following findings:”

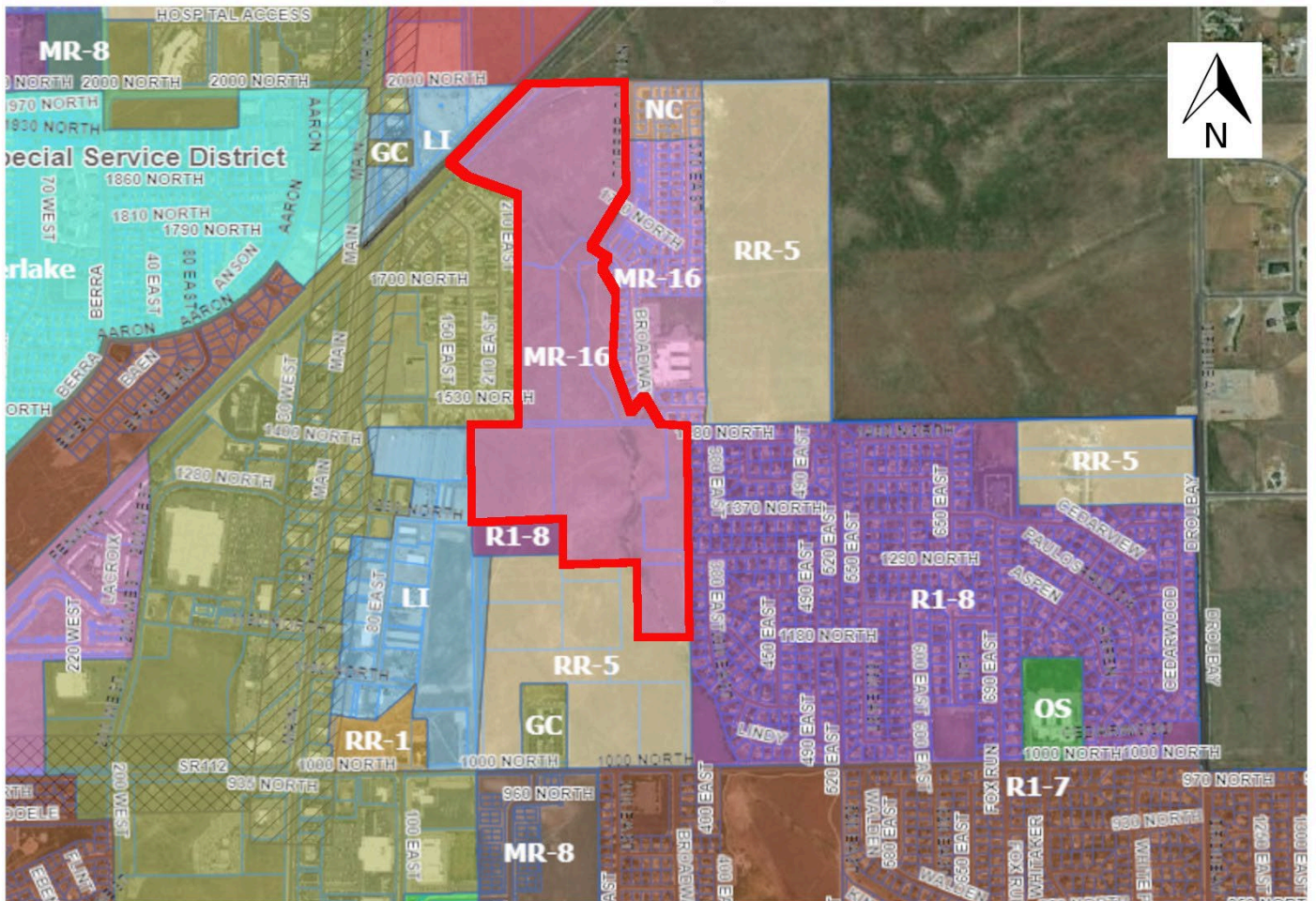
1. List findings...

EXHIBIT A

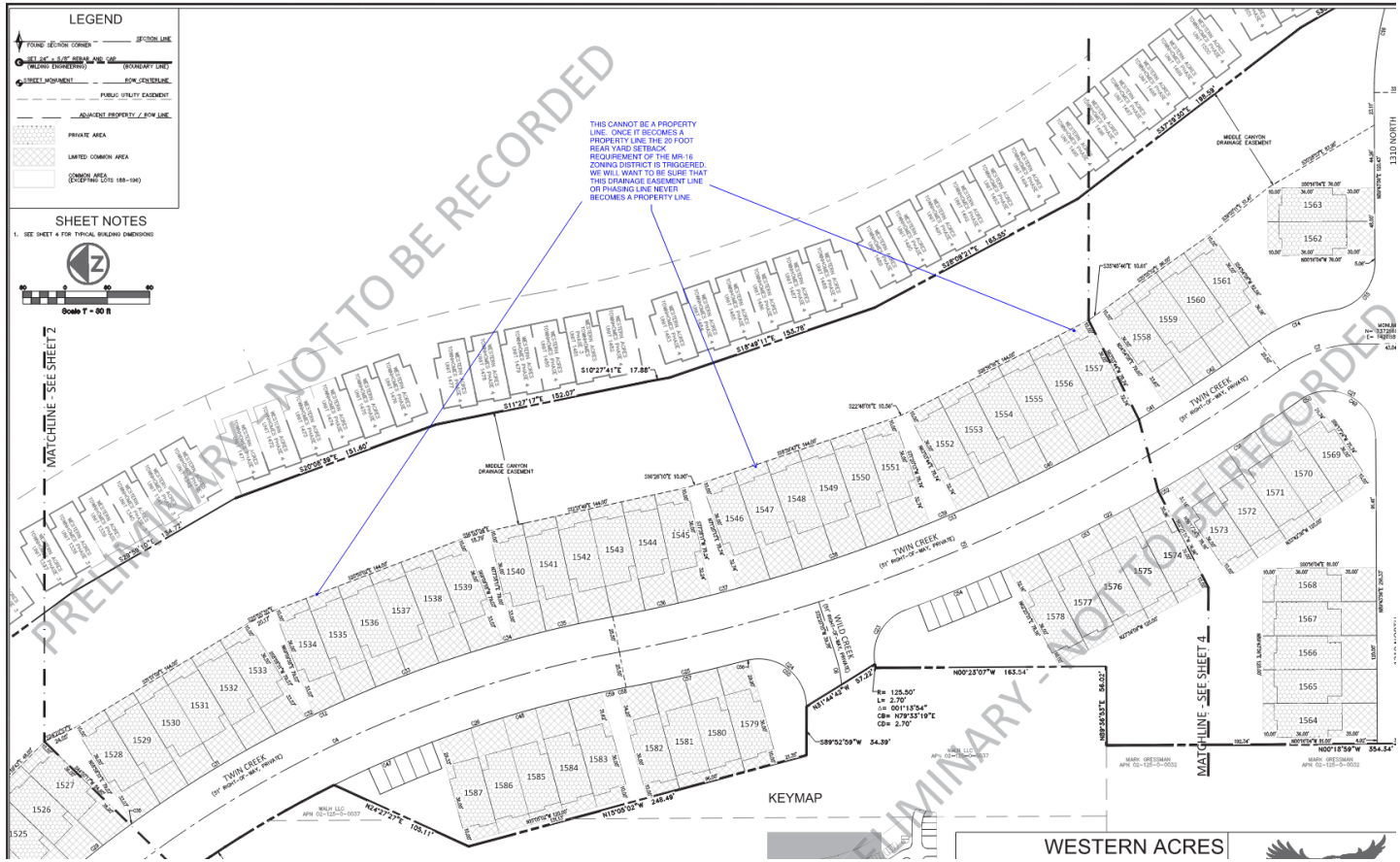
MAPPING PERTINENT TO THE WESTERN ACRES PUD ZONING MAP AMENDMENT



Western Acres Plan Unit Development



Current Zoning



LEGEND

- FENCE (E-NEE CORNER) — SPURDIE LINE
- SET OF 4' 6" SIDE WALK GAP (BOUNDARY LINE) (BOUNDARY LINE)
- STREET ALIGNMENT — 50' W. EASEMENT
- PUBLIC UTILITY EASEMENT
- ADJACENT PROPERTY / ROW LINE
- Private Area
- Limited Common Area
- Common Area (EXCEPT LOTS 188-190)

SHEET NOTES

1. SEE SHEET 4 FOR TYPICAL BUILDING DIMENSIONS



Scale 1" = 60 ft

MATCHLINE - SEE SHEET 2

THIS CANNOT BE A PROPERTY LINE. ONCE IT BECOMES A PROPERTY LINE THE 20 FOOT REAR YARD SETBACK REQUIREMENT OF THE MR 16 ZONING DISTRICT IS TRIGGERED. WE WILL WANT TO BE SURE THAT THIS DRAINAGE EASEMENT LINE OR PHASING LINE NEVER BECOMES A PROPERTY LINE.

KEYMAP

WESTERN ACRES



EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Zoning Map Amendment Application

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.gov



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: 3/4/25	Current Zoning: PUD MR-16 & B-1-7	Proposed Zoning: MR-16, & R-1-7 PUD	Parcel #(s): 02-123-0-0018, 50, 51, 49, 43 02-125-0-0045, 44, 43, 42
Project Name: Western Acres			Acres: 36.77 4.5
Project Address: 2000 N. Copper Canyon Dr., Tooele UT			
Does the proposed Zoning Comply with the General Plan: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
Brief Project Summary: Adjusting townhome rear setbacks to property lines to 8 feet, & side-setback for current unit 1505 to 1'.			
Property Owner(s): Bart Bruckbank & John Hadfield		Applicant(s): D.R. Horton	
Address:		Address: 12351 Gateway Park Pl Dico	
City:	State:	City: Draper	State: UT
Zip:		Zip: 84020	
Phone:		Phone: See contact person.	
Contact Person: David Lewis III		Address:	
Phone: 385-515-1317		City:	State:
Cellular:	Fax:	Email: DLewis2@drhorton.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 Map designations are made by ordinance. Any change of zoning designation is an amendment the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only			
Received By: <i>[Signature]</i>	Date Received: 3/14/25	Fees: \$1400.00	App #: 735242

Zoning Map Questions:

This application will not affect much of the current zoning nor impact the surrounding zoning. It will remain the same zone as currently stands, just simply adjust some boundaries within the project itself in relation to townhome to property lines. The property lines will all be within the current project, no encroaching closer to existing property boundaries.

General Plan Map:

Similar as to above, the anticipated use of the land will be the same as currently zoned. This application will make the approved use more seamlessly work with the approved site plan.

Master Plan Map:

We are seeking to amend our current approval to better align unanticipated setback issues with the approved use of the land.

STAFF REPORT

March 20, 2025

To: Tooele City Planning Commission
Business Date: March 26, 2025

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Non Standard Divisions of Land – City Code Text Amendment Request

Applicant: Tooele City

Request: Request for approval of a City Code Text Amendment to Tooele City Code 7-1-5; Definitions, and Tooele City Code 7-19; Subdivisions regarding non-standard divisions of land in Tooele City

BACKGROUND

This application is a request for approval of City Code Text Amendments in Tooele City Code Title 7 to authorize the non-standard divisions of land

ANALYSIS

Purpose. A few weeks ago Tooele City staff was approached by a member of the Planning Commission to discuss the possibility of subdividing land for ownership purposes only without triggering the requirement for frontage and utility improvements, water rights dedication, impact fees and so forth. There are properties in the City, especially in the in-fill areas that are long and deep with the home occupying only the front section of the lot or parcel. For various reasons, property owners often reach out to Planning Commissioners and City Staff and ask for a means to split off portions of their property that they no longer use, want or want to maintain strictly for the purposes of selling, not for development.

Currently, Tooele City Subdivision ordinances do not include a mechanism whereby this can happen. Tooele City's ordinances currently require that when a subdivision of land occur that the requirement for all of the necessary improvements must be either constructed or bonded for and that water rights either be dedicated or purchased from the City (if the subdivision qualifies). These improvements requirements can be significant and an amount that an individual property owner may not be able to accomplish. This then terminates the sale of the property.

Tooele City currently requires all improvements to be installed or bonded for at time of subdivision to ensure that when new lots are created that the lots meet or exceed all minimum development requirements and most importantly, that the lots are buildable and ready for development with all of the necessary elements of safety and sanitation.

Utah State Code 10-9a-103 Definitions already permits a division of land by deed or by other instrument if the deed states in writing that the division:

1. Is in anticipation of future land use approvals on the parcel or parcels.
2. Does not confer any land use approvals.
3. Has not been approved by the land use authority.

This means that anyone can go to the County Recorder's office and carve off a chunk of land by deed only and sell it. It happens quite often and City Staff encounter this situation quite regularly. Tooele County does not shy

away from recording these deeds and creating new parcels when the opportunity is presented to them, nor do they notify Tooele City of the division of land and the creation of new parcels.

Given that State Law already permits the division of land without City approval, it has been requested that Tooele City update its own Subdivision ordinance reflect that of State Law. This is being requested to facilitate a more “user friendly” approach to finding information on non-standard divisions of land that don’t follow the typical subdivision process. Finding codes in the voluminous state code can be daunting.

Staff is proposing the following amendments to add “Non-Standard Divisions of Land” to Tooele City Code 7-19; Subdivisions.

Ordinances Affected. The following ordinances all have landscaping standards and are proposed for amendments:

1. Title 7; Uniform Zoning, Chapter 1, Definitions.
2. Title 7; Uniform Zoning, Chapter 19, Subdivision.

Title 7 Chapter 1 - 5; Definitions. Adds language to the definition of a “subdivision” stating that non-standard division of land is NOT a subdivision.

Title 7 Chapter 19-6.2; Non Standard Divisions of Land. This is a new section added to the Subdivision ordinance that authorizes the non-standard divisions of land and states the following:

1. Non-standard Divisions of land may occur by deed or by other instrument as long as:
 - a. The division of land is unassociated with any land use application on the divide parcels.
 - b. Does not confer any land use approvals.
 - c. Has not been approved by the land use authority.
2. Requires a parcel that was created by means of a non-standard division of land must undergo a standard subdivision approval prior to receiving any land use approvals and provide all of the necessary public improvements, improvements bonds, water rights, and so forth.

Criteria For Approval. The criteria for review and potential approval of a City Code Text Amendment request is found in Sections 7-1A-7 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 City Code Text Amendment request and has issued the following comment:

1. State Law already permits non-standard divisions of land and the Tooele County Recorder's office will record these without any notification to the City.
2. This amendment codifies in the City Code that non-standard divisions of land are not subdivisions and that if development is desired on a parcel created by non-standard divisions of land that the developer of that parcel must go through the standard subdivision process. This is a great benefit to City Staff and to the City to ensure that these parcels, when they develop, dedicate the necessary rights-of-way, install the necessary improvements to the rights-of-way, install the correct and necessary utilities and obtain the necessary water rights.

Engineering & Public Works Review. The Tooele City Engineering Division and Public Works Division have not issued any comments regarding this proposed text amendment.

Noticing. The applicant has expressed their desire to amend the City Code 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 the Planning Commission carefully weigh this request for a City Code Text Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Non-Standard Division of Land Text Amendment requests by Tooele City for the purpose of amending the Tooele City Code to enable non-standard divisions of land and to codify the requirement that parcels created by such means shall be required to obtain necessary subdivision approvals at time of development, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Non-Standard Division of Land Text Amendment requests by Tooele City for the purpose of amending the Tooele City Code to enable non-standard divisions of land and to codify the requirement that parcels created by such means shall be required to obtain necessary subdivision approvals at time of development, based on the following findings:”

1. List findings ...

EXHIBIT A

NON STANDARD DIVISIONS OF LAND CODE AMENDMENT

residential and nonresidential buildings; and

(4) the location and extent of all external buffers from surrounding areas.

Sports Field - An area which is developed with recreation and support facilities for the convenience of the user, including, but are not limited to, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds.

Structure - A combination of materials to form a construction for use, installed on, above, or below the surface of land or water including a walled and roofed building, as well as a manufactured home on a permanent foundation. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Subdivide - The act or process of creating a subdivision.

Subdivider - Any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision; or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision; and, (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided or resubdivided into two or more lots, parcels, sites, units, plots, condominiums, tracts or other division for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. **Subdivision does not include a non-standard division of land under Section 7-19-6.2.**

Subdivision Plat - The final map or drawing, described in this Code, of a plan of subdivision to be presented to the City for approval and when approved, may be submitted to the Utah County Recorder for filing.

Subsequent Developer - A Developer whose development is not derived from the Prior Developer's development, and whose development benefits from Eligible Public Improvements constructed by the Prior Developer.

Telecommunications Site/Facility - A facility used for the transmission or reception of

electromagnetic or electro-optic information, which is placed on a structure. This use does not include radio frequency equipment which have an effective radiated power of 100 watts or less. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

Temporary - Not to exceed a period of 12 months, unless otherwise specified in this Title.

Temporary Construction or Sales Office - A facility temporarily used for a period, not to exceed 12 months, as a construction or sales office.

Temporary Seasonal Use - Activities related to specific seasons, holidays, or times of year which are open to the public and exist for a period of time not to exceed that outlined in Section 7-2-20 of the Tooele City Code.

Temporary Use - Activities which are open to the public and exist for a period of time not to exceed that outlined in Section 7-2-20 of the Tooele City Code.

Theater, Indoor - A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

Theater, Outdoor - A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

Tobacco Product or Tobacco-related Product - Inclusive of the following:

(1) any cigar, cigarette, or electronic cigarette as defined in U.C.A. §76-10-101, including the component parts of and ingredients to electronic cigarettes;

(2) a tobacco product as defined in U.C.A. §59-14-102, including:

(a) chewing tobacco; and,

(b) any substitute for a tobacco product, including flavoring or additives to tobacco; and,

(3) tobacco paraphernalia as defined in U.C.A. §76-10-104.1.

Tobacco Specialty Store or Retail Tobacco Specialty Business - An establishment in which:

(1) the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment;

(2) 20% or more of the public retail floor space is allocated to the offer, display or storage of tobacco products;

(3) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or,

(4) the retail space features a self-service display for tobacco products.

Underlying Zoning District - See Base Zoning District. **Use** - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Utilities, Private - Includes power, telephone, natural gas, cable television and private water supply

CHAPTER 19. SUBDIVISIONS

- 7-19-1. Application of Chapter.
- 7-19-2. General provisions.
- 7-19-3. Interpretation.
- 7-19-4. Severability.
- 7-19-5. Rules of interpretation.
- 7-19-6. Property line adjustments.
- 7-19-6.1. Property Combinations.
- 7-19-6.2. Non-standard Divisions of Land.**
- 7-19-7. Dedications.
- 7-19-8. Procedure for approval of preliminary subdivision.
- 7-19-9. Plats and data for approval of preliminary plan. (Repealed.)
- 7-19-10. Procedure for approval of the final subdivision.
- 7-19-11. Plats, plans, and data for final approval. (Repealed.)
- 7-19-12. Public Improvements – bonds and bond agreements – warranty.
- 7-19-13. Applications for Reimbursement.
- 7-19-14. Failure to act – effect.
- 7-19-15. Phased development.
- 7-19-16. Design standards. (Repealed.)
- 7-19-17. Streets.
- 7-19-17.1. Double-frontage lots – definitions – design – maintenance.
- 7-19-18. Easements.
- 7-19-19. Blocks.
- 7-19-20. Lots.
- 7-19-20.1. Flag Lots.
- 7-19-21. Required land improvements. (Repealed.)
- 7-19-22. Street signs. (Repealed.)
- 7-19-23. Monuments and markers.
- 7-19-24. Public utilities.
- 7-19-25. Sidewalks required – specifications. (Repealed.)
- 7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.
- 7-19-26.1. Park Strip Landscaping in Industrial Subdivisions
- 7-19-27. Sanitary sewers.
- 7-19-28. Engineering specifications.
- 7-19-29. Water service.
- 7-19-30. Trench backfill.
- 7-19-31. Filing of engineering plans.
- 7-19-32. Acceptance of public improvements.
- 7-19-33. Building permits.
- 7-19-34. Final Plat execution, delivery, and recordation. (Repealed.)
- 7-19-35. Minor Subdivision - Exemptions from preliminary subdivision process.
- 7-19-36. Effect of revocation and voiding.

7-19-1. Application of Chapter.

No person shall subdivide any tract of land which is located within the City of Tooele, whether for residential or non-residential purposes, except in conformity with the provisions of this Chapter. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations of this Chapter. (Ord. 2023-43, 12-20, 2023) (Ord. 1977-18, 10-19-1977)

7-19-2. General provisions.

(1) Wherever any subdivision of land is proposed within the incorporated limits of the City, the owner or subdivider shall submit both a preliminary subdivision application and a final subdivision application to the City for approval.

(2) Until a preliminary subdivision is approved:

(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.

(b) No lot, tract, or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(c) No improvements – such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, and lighting, grading, paving, or surfacing of streets – may be made by any person or utility.

(d) Land subject to flooding or within any area designated as subject to a 100-year flood by the Floodplain Administrator, and areas subject to poor drainage, will not be permitted to be subdivided unless the flooding or drainage problems are properly dealt with in the subdivision in compliance with state and federal regulations and with Chapter 4-13 of this Code.

(3) Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the City as a whole, the land use authority may cause to be prepared, before subdivision approval, a plan for the entire unit, the plan to be used by the land use authority to determine compliance of a subdivision application with City regulations.

(4) Amendments to the City Code enacted by the City Council after the approval of a preliminary subdivision, but prior to the approval of a final subdivision, shall apply to that final subdivision to the extent they do not alter the preliminary subdivision's use, density, or configuration. For purposes of this Chapter, the words "use, density, and configuration" shall refer to the following:

(a) use: the uses allowed by the Tooele City General Plan Land Use Element and the Tooele City land use regulations in effect at the time of complete preliminary subdivision application submission;

(b) density: the number of lots contained in a

(e) the adjustment does not result in, create, or perpetuate any violation of applicable dimensional zoning requirements of this Title for any parcel involved in the adjustment; and,

(f) the adjustment does not adversely affect any easement or right-of-way on, through, within, or adjacent to the properties involved in the adjustment.

(4) Application. The owners shall file an application requesting a property line adjustment, together with all required information and documents.

(a) Application procedures and required documents for property line adjustments involving one or more subdivision lots shall be as outlined elsewhere in this Chapter for subdivision approval.

(b) An application for a property line adjustment involving parcels of record shall include at least the following forms and documentation:

(i) a completed application form for a property line adjustment;

(ii) a copy of all deeds and recorded documents establishing each parcel of record in its current state, including property descriptions for each parcel;

(iii) a scaled drawing showing the current state of all parcels involved in the proposed property line adjustment graphically with their respective property descriptions;

(iv) a proposed and recordable deed document, including a legal description, for each parcel involved in the proposed property line adjustment detailing the proposed layout for the parcel, including its proposed property description, which has been signed by all involved property owners, and notarized; and,

(v) a scaled drawing showing the proposed layout of all parcels involved in the proposed property line adjustment graphically with their respective property legal descriptions.

(5) Zoning Administrator Review for Property Line Adjustments Involving Only Parcels of Record. The Zoning Administrator shall review all information and documents to determine if they are complete, accurate, and that they comply with the requirements set forth in this Section. If the Zoning Administrator determines that the documents are complete and the proposed property line adjustment complies with the standards set forth in this Section, the Zoning Administrator shall approve the property line adjustment. If the Zoning Administrator determines that the documents are not complete or the proposed property line adjustment does not comply with all of the standards set forth in this Section, the Zoning Administrator shall not approve the property line adjustment.

(6) Notice of Approval and Conveyance of Title. After approval by the Zoning Administrator, the applicant shall:

(a) record the appropriate deeds which convey title as approved by the Zoning Administrator; and,

(b) record a Notice of Approval with the deed for each parcel within the property line adjustment application that:

(i) is prepared, signed, and executed by the Zoning Administrator;

(ii) contains the notarized signature of each property owner involved in the property line adjustment; and,

(iii) recites the legal description and parcel number of both of the original parcels and of the parcels created by the property line adjustment.

(7) Inclusion of a property in a property line adjustment shall not grant entitlements or vesting of any kind that did not already exist for the property.

(8) All property line adjustment shall preserve existing easements and provide for new easements for public improvements and other utilities serving the affected parcels.

(9) In the alternative to this Section, property owners may accomplish a lot line adjustment following the procedures established by State of Utah statute.

(Ord. 2023-43, 12-20, 2023) (Ord. 2015-07, 03-18-2015) (Ord. 2013-16, 11-06-2013)

7-19-6.1. Property combinations.

Property combinations or consolidations may be reviewed and approved in the same manner, by the same standards, and by the same process outlined for property line adjustments in Section 7-19-6 of the Tooele City Code. Property combinations or consolidations may be approved only for a reduction in the number of properties through inclusion of one or more properties into another property and shall be applied for, reviewed, and approved separately from any other land use application.

(Ord. 2023-43, 12-20, 2023) (Ord. 2013-16, 11-06-2013)

7-19-6.2. Non-standard Divisions of Land.

(1) A non-standard division of land is not a subdivision under this Title.

(2) A non-standard division is a bona fide division of land by deed or other instrument where the division of land:

_____ (a) is unassociated with a land use application on the divided parcels;

_____ (b) does not confer any land use approvals; and,

_____ (c) has not been approved by the land use authority.

(3) Before a parcel of land involved in a non-standard division can receive a land use approval, the owner must comply with all the requirements of this Code for land use approvals, including, but not limited to, all land use regulations, subdivision, public improvements bonding and construction, conveyance of water rights, payment of impact fees, etc.

Tooele City Planning Commission
Business Meeting Minutes

Date: March 12, 2025

Time: 7:00 pm

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

Commission Members Present:

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

Excused: Matt Robinson

City Council Members Present:

Maresa Manzione
Ed Hansen

City Employees Present:

Kent Page, City Planner
Roger Baker, City Attorney
Andrew Aagard, Community Development Director
Paul Hansen, City Engineer
Zack Lawrence, I.T. Intern

Minutes prepared by Alicia Fairbourne

1. Pledge of Allegiance

Vice Chairman Sloan called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

2. Roll Call

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

3. Public Hearing and Decision on a Conditional Use Permit (CUP) application to authorize the use of a “Private Educational Facility” at 67 E. 1280 N. in the GC (General Commercial) zoning district. Request by Zach Powell. Project name: Nightline Air.

Mr. Page presented an aerial view and detailed site plan, noting that the facility would operate alongside existing businesses, including United Slice, Dependable Oxygen, Allstate Insurance, and Remedies Salon.

Staff evaluated parking requirements and determined that Nightline Air would likely require up to six stalls from 7:00 am to 7:00 pm, with occasional peak usage of 20 stalls from 7:00 pm to 9:00 pm. The total estimated maximum parking demand for all businesses on-site was 39 spaces, with 44 stalls available, suggesting adequate parking.

Vice Chairman Sloan invited questions from the Commission, but none were raised. He then opened the floor for public comment at 7:03 pm. There were no comments and the floor was closed.

It was noted the applicant, Zach Powell, was present at the meeting.

Motion: Commissioner Proctor moved to approve the Conditional Use Permit request by Zach Powell, representing L.E. Briggs & Sons, LTD to authorize the use of a “private educational facility” to occur at the subject property, application number 2025021, based on the findings and subject to the conditions listed in the Staff Report dated March 7, 2025. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Anderson, “Aye”, Vice Chairman Sloan, “Aye”. There were none opposed. The motion passed.

4. Public Hearing and Decision on a Conditional Use Permit application for a Commercial Day Care/Pre-School involving the care of 8 to 16 children in the home located at 237 W. Berra Blvd. in the R1-7 zoning district. Request by Agustina Aguero.

Mr. Page presented an aerial view and zoning map, noting that the property was located near railroad tracks to the south and had a designated drop-off and pick-up area on the right side of the road. The City Engineer reviewed the plan and found that Berra Blvd. was wide enough to accommodate traffic without negatively impacting neighboring properties.

The applicant proposed operating hours from 6:00 am to 4:00 pm on weekdays and by appointment from 6:00 am to 12:00 pm on Saturdays. Staff recommended that the applicant comply with all state licensing and city business requirements and suggested adjusting drop-off hours to no earlier than 6:30 am, with pickup no later than 7:00 pm, to minimize disturbances to neighbors. Compliance with applicable building and fire codes was also required.

There were no questions raised by the Commission. Vice Chairman Sloan opened the floor for public comment at 7:07 pm. Mr. Page noted that all noticing requirements had been met and that no public comments had been received via email. There were no comments from in-person attendees. Therefore, Vice Chairman closed the floor at 7:08 pm.

Motion: Commissioner Jensen moved to approve the request for a Conditional Use Permit, application number 2025022 by Agustina Aguero to allow the operation of a home occupation day care involving the care of eight to sixteen children on the property addressed 237 W. Berra Blvd., located in the R1-7 zoning district based on the findings of fact and subject to the conditions listed in the Staff Report dated March 7, 2025. Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Anderson, “Aye”, Vice Chairman Sloan, “Aye”. There were none opposed. The motion passed.

5. Decision on a Site Plan Review request by Jasmin Santos representing Wasatch Seasons Properties, LLC to approve the Site Plan application for a Jack in the Box fast-food restaurant on 0.688 acres at the southeast corner of 600 North and Main Street in the GC (General Commercial) zoning district.

Mr. Page presented an aerial view, zoning map, and site plan, noting that the parking requirement for this use was eight stalls, while the site plan provided 17 standard stalls and two ADA stalls. UDOT approved the access points onto and off of Main Street. An existing access point on 600 North, closest to Main Street, would be removed for improved traffic flow and safety, with a new access point located farther east.

The landscaping plan exceeded requirements, providing 25% landscaping coverage instead of the required 10%, with a mix of evergreen and deciduous trees and shrubs. The site met all city landscaping requirements, including a 15-foot landscape strip, a park strip tree every 30 feet, and tree height and size specifications. The site had already received a conditional use permit for an accessory drive-through.

Mr. Page noted that Tooele City does not have commercial architectural standards, but shared building elevations, including a purple accent for branding. He recommended approval of the site plan with conditions outlined in the staff report.

Vice Chairman Sloan confirmed that the item did not require a public hearing and invited questions from the Commission. No concerns were raised.

Motion: Commissioner Anderson moved to approve the Site Plan Design Review Request by Jasmin Santos, representing Wasatch Season Properties, LLC for the Jack in the Box fast-food restaurant at the southeast corner of 600 North and Main Street, application number 2024061, based on the findings and subject to the conditions listed in the Staff Report dated March 7, 2025. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Anderson, “Aye”, Vice Chairman Sloan, “Aye”. There were none opposed. The motion passed.

6. Decision on a Preliminary Subdivision Plan request by Leo Mantes representing WLG, LLC for a one-lot platted subdivision on 2.05-acres located at 2284 N. 470 E. in the IS (Industrial Service) zoning district.

Mr. Page presented an aerial view and zoning map, explaining that a subdivision was required due to road dedication and commercial subdivision requirements. The preliminary plat was displayed for review. Staff recommended approval, subject to compliance with engineering, public works, building, and fire department requirements, adherence to the geotechnical report, and construction of an emergency vehicle turnaround at the end of 540 South, as required by the City Engineer.

Mr. Aagard provided additional background, noting that Mr. Page had taken over the project midway. He pointed out that the road dedication area at the southeast corner, which extended the road south, and an existing turnaround easement on the eastern boundary that was previously required for emergency vehicles. Since a hotel now occupied the site, the turnaround needed to be relocated farther south to accommodate emergency vehicles, snowplows, and large trucks.

Vice Chairman Sloan invited questions from the Commission, but none were raised.

Motion: Commissioner Proctor moved to approve the Preliminary Subdivision Plan Request by Leo Mantes, representing WLG, LLC for Microtel Moda Hotel, application number 23-619 / 2230665, based on the findings and subject to the conditions listed in the Staff Report dated March 7, 2025. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Anderson, “Aye”, Vice Chairman Sloan, “Aye”. There were none opposed. The motion passed.

7. City Council Reports

Councilwoman Manzione provided the City Council report, confirming that the Council had approved the rezone for the property at 1405 Conifer Street, which had been discussed in the last Planning Commission meeting. She also announced that Fire Station No. 3 was nearly complete, with an open house planned for later in the month. A new fire truck was en route, and once it arrived, the open house event would be finalized. She expected it to take place on March 29. She invited questions from the Commission, but none were raised.

8. Review and Decision – Minutes of the Planning Commission meeting held February 26, 2025

There were no corrections to the minutes.

Motion: Commissioner Hammer moved to approve the minutes of the Planning Commission meeting held February 26, 2025 as presented. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Dunn, “Aye”, Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Anderson, “Aye”, Vice Chairman Sloan, “Aye”. There were none opposed. The motion passed.

9. Discussion

Commissioner Hammer brought up the need to assign members for pre-development meetings. Vice Chairman Sloan asked Staff if they were prepared to make those assignments, but Mr. Aagard suggested addressing the matter at the next meeting, as there were currently no pre-development meetings scheduled and development activity had been slow.

Vice Chairman Sloan confirmed that the topic would be added to the next agenda. No further comments were raised.

10. Adjourn

There being no further business, Vice Chairman Sloan adjourned the meeting at 7:19 pm.

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 March, 2025

Matt Robinson, Tooele City Planning Commission Chair