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Date 13-AUG-1999 10:51am
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CALLEEN B. PESHELL, Recorder
Filed By RGL
For TOOELE COUNTY CORPORATION
TOOELE COUNTY CORPORATION

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into effective as of the ____ day of July, 1998 between TOOELE COUNTY, a political subdivision of the State of Utah (the "County") and SADDLEBACK PARTNERS, L.C., a Utah limited liability company ("Saddleback").

RECITALS:

A. The County is a political subdivision of the State of Utah under the provisions of Sections 17-1-3 and 17-1-26, Utah Code Annotated.

B. Saddleback owns an interest in approximately 4,430 acres of real property more particularly described in Exhibit A hereto (the "Property") which is located in the County and within an area proposed for development under the Tooele County General Plan for the Interstate 80 Corridor including the Lake Point Community General Plan and Tooele County Zoning Ordinance. Saddleback desires to develop the Property as a Planned Unit Development pursuant to Chapter 9 of the Tooele County Zoning Ordinance, which development is to be a master planned community known as Saddleback (the "Project") and has incurred and will incur substantial expenditures in furtherance thereof.

C. The County is authorized to enter into development agreements in appropriate circumstances in order to promote orderly development of property within its boundaries, implement the Tooele County General Plan, and provide infrastructure and other benefits in connection with development.

D. The Tooele County Planning Commission has previously approved the Concept Plan for the Project pursuant to a duly called public meeting and the County desires to enter into an agreement with Saddleback to encourage development of the Project in furtherance of the comprehensive planning objectives contained within the Tooele County General Plan and the Tooele County Zoning Ordinance.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing goals and objectives and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Saddleback and the County, intending to be legally bound, agree as follows:

1. Definitions. When used in this Agreement, each capitalized term shall have the meaning indicated on Schedule 1 hereto or elsewhere in this Agreement unless such meaning is clearly precluded by the context in which the term is used.

2. Regulation of Development.

- a. Vested Rights. Saddleback shall have the irrevocable vested right to have preliminary and final site plans approved and to develop and construct the Project in accordance with:
- i. the narrative description for the Project set forth on Schedule 2(a)(i) hereto;
 - ii. existing Land Use Regulations, including the development standards attached hereto as Schedule 2(a)(ii); and
 - iii. the other terms and conditions of this Agreement.

It is the intent of the parties hereto to vest Saddleback with the irrevocable right to develop the Project to the full extent permitted under Utah law. No moratorium, ordinance, resolution, or other Land Use Regulation or limitation on the timing or sequencing of development adopted after the date of this Agreement shall apply to or govern the Development of the Project or any Development Approval. To the extent this Agreement or the Project requires any re-zoning of the Property, the County agrees to take all steps necessary to cause such re-zoning to take place.

- b. Term of Agreement. The vested rights described in Section 2(a) shall be effective for a period of fifty (50) years following the date of this Agreement with an option on the part of Saddleback or the County to extend such vested rights for an additional ten (10) years if the terms of this Agreement have been substantially complied with and Saddleback is proceeding with reasonable diligence in the Development of the Project in the phases contemplated by this Agreement.
- c. Timing of Development. The County acknowledges that the most efficient and economic Development of the Project depends on numerous factors, such as market and demand, interest rates, competition, and similar factors. Accordingly, the timing, sequencing, and phasing of Development of the Project shall be as determined by Saddleback in its sole subjective business judgment and discretion. Notwithstanding the foregoing, the parties agree that the Development shall be subject to Title 13 of the Tooele County Development Code in existence as of the execution date of this Agreement.
- d. Expansion. The County acknowledges that it is appropriate to develop certain tracts of real property adjacent or near to the Property in connection with the Project and subject to the terms and conditions of this Agreement, whether such additional tracts are owned by Saddleback or by other persons. Accordingly, the County shall act in good faith and with reasonable speed to amend this Agreement and process all approvals, rezonings and other actions required to apply to any additional real property located within three thousand (3,000) feet of the Property which Saddleback requests to be governed by this Agreement.

3. County's Obligations. The County agrees as follows:
 - a. Infrastructure Improvements and Utility Services. The County and Saddleback shall work together to cooperatively design engineer, and construct (or cause to be designed, engineered and constructed) on a phase-by-phase basis the improvements identified on Schedule 3(a) hereto.
 - b. Other Financing Alternatives. Upon the request of Saddleback, the County shall cooperate in exploring the use of special improvement districts, special service districts, and other similar Project-related public procedures and institutions for the financing of the construction, improvement, or acquisition of infrastructure, facilities, lands, and improvements to serve the Project, whether or not located on the Property.
 - c. Development Exactions. Unless later agreed to otherwise by both parties, Saddleback has fully satisfied all Development Exactions imposed by the County as a condition of Development for the Project. Saddleback shall have no obligation to participate in, pay, contribute, or otherwise provide any further Development Exactions imposed by the County, now or in the future, with respect to the Project as vested and approved under the terms of this Agreement. The foregoing shall not relieve Saddleback from Development Exactions which may be imposed by special districts or special improvement districts that may be created under Utah law, including, but not limited to, districts providing culinary and secondary water, fire protection, mosquito abatement, recreation, and sanitary sewer service.
 - d. Plan Submissions. The County (or its designated contractor) shall:
 - i. promptly review all plans, drawings and other submissions (collectively, the "Submissions") required by any applicable Land Use Regulation and either approve or reject the same no later than fifteen (15) business days after submission;
 - ii. allow plans and drawings to be submitted and permits issued in segments on an expedited basis as may be required for the progress of the design, engineering, construction and occupancy of the Project;
 - iii. issue permits for construction for various segments prior to final review and approval of other Submissions, and
 - iv. grant all Submissions priority over all other projects for review and approval by the County.
 - e. Fees. Building permit, plan check and similar fees payable by Saddleback in connection with the Project shall be paid by Saddleback in accordance with the

currently established fees applicable to similar projects and developments within the County.

- f. Utility Franchises. The County shall promptly grant such utility and telecommunication franchises as are necessary for the Development of the Property.
- g. Inspection. The services of qualified engineers shall be obtained by the County to perform all required inspections and tests for the Project. Such inspectors shall commence any required inspection or test within three (3) business days after request for the same and shall diligently pursue completion of the same.
- h. Governmental Immunity. The parties acknowledge that the County retains all governmental immunity protection applicable to plan review and inspection activities pursuant to this Agreement, except to the extent the County has by this Agreement created a duty to perform said activities on an expedited basis and with priority given to the Project. The parties do not intend for governmental immunity to bar a claim by Saddleback based on the County's alleged failure to perform within the time frames agreed upon in this Agreement.
- i. Standard Governing Approvals. When required, the consent or approval of the County shall not be unreasonably withheld, conditional or delayed. When approval is withheld or conditioned, the County shall at the time of withholding or conditioning its approval set forth in writing the requirements, changes or conditions which, if satisfied, would cause its approval to be granted.
- j. Reimbursement for Non-Project Use of Infrastructure Improvements. To the extent that the infrastructure improvements installed or built by Saddleback as part of the Project are sized or otherwise required or utilized to accommodate future development outside of the Project, Saddleback shall be entitled to reimbursement of such development's pro rata share of the cost relating to such improvements. Infrastructure improvements shall include the construction and installation of roadways, bridges, rail road crossings, drainage, water and sewer systems (to the extent governed by the County), parking facilities, equestrian, pedestrian, and bicycle trails, recreational facilities, landscaping, lighting and traffic control fixtures, and similar items. For purposes of this provision, reimbursable costs shall include the actual costs of rights of way or easements, construction and installation costs, engineering and design fees, administrative costs, incidental fees, expenses and charges, including but not limited to capitalized interest required to complete the improvements (the "Reimbursable Costs"). The Reimbursable Costs shall be increased annually by an amount equal to the percentage increase in the Consumer Price Index (CPI-U, all items) of the United States or its successor indicator ("CPI") over the preceding years.

- i. No party developing property outside of the Project shall be entitled to connect to or otherwise utilize the Saddleback infrastructure improvements (whether dedicated to the County, owned by a third party entity, or owned by Saddleback) unless such parties are authorized by the County to connect to or otherwise utilize such improvements (an "Authorized Connection"). The County shall impose as a condition of approval on any proposed development requiring an Authorized Connection that such development immediately pay to Saddleback the Reimbursable Costs applicable to the infrastructure improvements being utilized by said development. The parties agree that the Reimbursable Costs are designed to reimburse Saddleback for Saddleback's obligation to fund such infrastructure improvements and the high cost and risk involved in doing so. The pro rata share of a development requiring an Authorized Connection shall be calculated by the County at the time the Authorized Connection is approved (utilizing an "equivalent residential connection" or similar standard for commercial, industrial, and residential development) and shall be subject to the written approval of Saddleback, which approval shall not be unreasonably withheld.
- ii. No party developing property outside of the Project shall be granted an Authorized Connection to utilize any of the Saddleback infrastructure improvements that are immediately adjacent to the developing property unless said property owner reimburses Saddleback for all of the Reimbursable Costs associated with the infrastructure which actually borders said property and provides a reasonable benefit to said property. In the event a developing property consists of the property which fronts only one side of a road, that party shall be required to pay all Reimbursable Costs associated with one half of the roadway and other improvements.
- iii. Prior to the recordation of each final subdivision plat, the County and Saddleback will agree, using good faith and reasonableness, to the anticipated Reimbursable Costs for the infrastructure improvements built in or in conjunction with that plat. The anticipated Reimbursable Costs will be modified upon completion of the infrastructure improvements to reflect the actual costs incurred in connection with the construction and installation of such infrastructure. Furthermore, prior to the recordation of each final subdivision plat, the County and Saddleback will agree to a time limit based on the useful life of such improvements during which time Saddleback will be entitled to reimbursement for the infrastructure improvements built in or in conjunction with that plat.

4. Saddleback's Obligations.
 - a. Dedication of Open Space Parcels. Saddleback agrees to set aside on a phase-by-phase basis approximately fifty percent (50%) of the Property as open space (the "Open Space Parcels"). The tentative location of Open Space Parcels shown on the site plan of the Project shall not be binding on Saddleback. The actual configuration, location and legal descriptions of each Open Space Parcel shall be determined by mutual agreement of Saddleback and the County as final plans for each phase of the Project are approved.
 - b. Use of Open Space Parcels. Open Space Parcels may be used for parks (either public or private), trails, a public or private golf course (including related clubhouse, pro shop, snack bar and restaurant facilities), transmission lines, underground utility lines, schools, a commuter rail station, a cemetery, equestrian parks and similar common usage.
 - c. Title to Open Space Parcels. Open Space Parcels may be created by conveyance in fee simple to the County or another governmental, quasi-governmental or non-profit organization, by grant of an open space easement to any of the foregoing persons or by execution of a declaration restricting the use of the Open Space Parcel. If an easement or restriction is created by grant or declaration, Saddleback or its successors or assignees may retain fee title to the Open Space Parcel. The Open Space Parcels will be protected by a conservation easement or similar deed restriction at the time the Open Space Parcel is created pursuant to a plat recordation.
 - d. Easements. Saddleback shall also grant to the County such mutually acceptable easements on and across adjacent property owned by Saddleback for ingress, egress, installation, maintenance and repair of the Open Space Parcels.
 - e. Maintenance of Open Space Parcels. Except as to those portions of an Open Space Parcel conveyed to the County or any other governmental, quasi-governmental or non-profit organization, the maintenance and repair of the property covered by such easement shall be Saddleback's, or its assignees, responsibility. Notwithstanding the foregoing, the County shall have no maintenance obligations unless specifically agreed to by the County.
 - f. Agreements With Service Providers. Saddleback agrees to provide the County planning department with copies of its executed agreements and amendments thereto with public entity service providers, including water, sewer, and fire protection. The County agrees to keep the terms and conditions of these agreements confidential.

5. Water Rights and Services. It is understood that Saddleback is in the process of acquiring certain groundwater rights to supply its needs for industrial, culinary and irrigation purposes at the Property. Saddleback agrees to use commercially reasonable efforts to complete the acquisition of the quantity of water necessary to supply its anticipated culinary and irrigation water needs for each phase of the Project as each such phase is developed. Saddleback shall file and diligently pursue the approval of the necessary change applications on the acquired groundwater rights before the State Engineer so that Saddleback's required water supply will be available as needed in connection with occupation of each phase of the Project.

6. Concept Plan Review Satisfied. The Tooele County Planning Commission's Approval of Saddleback's Concept Plan pursuant to Saddleback's application (PUD#0345-98) and the approval by the County of this Agreement, shall be deemed to have satisfied all requirements of the Tooele County Zoning Ordinance, including Chapter 9.6 thereof, for Concept Plan review by the County for purposes of the Project.

7. Residential Density Rights.

- a. Residential Density. Saddleback and the County hereby agree that Saddleback shall be entitled to an overall gross density for the residential portions of the Project of not less than one (1) permanent dwelling unit per gross acre for each of the approximately 2,585 acres to be zoned residential or to be used as Open Space Parcels (i.e., there shall be 2,585 dwelling units upon 2,585 residential acres).
- b. Multi-family Residential Units. A total of five hundred seventeen (517) dwelling units may be in multi-family residential (either for lease to tenants or for individual ownership and occupancy). Such multi-family units may be located in such portions of the residentially zoned Property as Saddleback may elect. This number is equal to approximately twenty percent (20%) of the total residential units and shall therefore be proportionately increased in the event any additional acreage or units are added to this Agreement.
- c. Lot Sizes. Lot sizes with respect to permanent dwelling units which are not multi-family units may be as small as 8,000 square feet with no maximum size limitation.
- d. Density Bonuses and Transfers. The County may grant to Saddleback density bonuses/transfers for the Project as presently contemplated in the Tooele County General Plan and Chapter 9 of the Tooele County Zoning Ordinance or such greater bonuses/transfers as may be reflected in future revisions or additions to the Land Use Regulations. Such density bonuses/transfers may hereafter be allowed for certain Project elements such as open areas, residential clustering, trails, paths, and other amenities provided by Saddleback in the course of development of the Project.

- e. Open Space Bank. To the extent the total open space dedicated by Saddleback exceeds the required Fifty Percent (50%) at any point in time, Saddleback shall be entitled to a credit for such open space for later phases. For example, in the event the first plat recorded covers 50 acres, but 75 acres of open space is dedicated, Saddleback shall be entitled to "bank" the extra 25 acres of open space such that at a latter date (in Saddleback's sole discretion), Saddleback may, by example, record a 25 acre subdivision plat without dedicating any additional open space. Furthermore, the parties understand that as the Development proceeds and plans for various phases are modified, it may be necessary to exchange previously dedicated open space for new open space. The County agrees to not unreasonably withhold approval of any such proposed exchanges.
- f. Residential Units in Non-Residential Zones. Additional permanent dwelling units may be allowed in commercially zoned areas subject to the Land Use Regulations without limiting density available in residentially zoned areas. Unless otherwise agreed to through the approval process for a specific plat, these units will be limited to second story or higher units.
- g. Intent. The rights with respect to lot size and multi-family units granted by this Section are expressly granted because of the open space dedication made by Saddleback pursuant to Section 4(a).

8. Default and Remedies. Due to the size and scope of the Project, including the infrastructure improvements that must be made in the initial phases of the Project, the parties agree that damages would not be an adequate remedy for either party if the other party fails to carry out its obligations under this Agreement. The parties further agree that specific performance shall be the preferred remedy, rather than damages, in the event of either party's failure to carry out its obligations hereunder. Each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement. The County shall have no right or power hereunder whatsoever to compel Saddleback to either start or complete the Project or any part of the Project or to seek any damages from Saddleback for the failure to start or complete the Project or any part of the Project.

9. Transferability. Saddleback may from time to time convey and transfer all or portions of the Property together with the rights granted by this Agreement to develop portions of the Property so conveyed or transferred in accordance with the terms of this Agreement, but to avail itself of the rights granted pursuant to this Agreement, the new owner shall be required to agree in writing to be bound by this Agreement insofar as this Agreement expressly is applicable to the conveyed or transferred parcel. If Saddleback conveys or transfers a portion of this Property, then upon request of Saddleback, Saddleback, the County and the transferee shall amend this Agreement to delete obligations that pertain only to the conveyed or transferred portion of the Property, and the County and the transferee shall enter into a new development agreement pertaining only to the transferred portion of the Property, which new development agreement shall be consistent with the terms of this Agreement. Subject to the foregoing and to the provisions of Section 10(g), this Agreement is not intended to benefit or provide any right to any other person

or entity other than the County and Saddleback and shall not create any rights, claims, or causes of action in or for the owner of any adjoining property.

10. Miscellaneous.
 - a. Binding Effect; Interpretation. This Agreement shall be binding upon Saddleback's successors and assigns. The rights of the County under this Agreement shall not be assigned. The fact that one party or the other may have drafted the provisions of this Agreement shall not affect the interpretation of its provisions.
 - b. Further Assurances. Each party hereto shall take all further acts reasonably necessary in order to carry out more effectively the intent and purposes of the Agreement and the actions contemplated hereby.
 - c. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.
 - d. Merger; Amendment. This Agreement (together with all Exhibits and Attachments hereto, which exhibits and attachments are hereby incorporated herein by reference) constitutes the entire agreement between the County and Saddleback concerning the Development of the Project and supersedes all prior understandings, agreements, or representations, verbal or written, concerning the Development of the Project. Except as expressly provided herein, this Agreement shall not be amended except in writing signed by an officer of Saddleback and a duly authorized representative of the County.
 - e. Severability. If any part or provision of this Agreement shall be adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such adjudgment shall not affect any other part or provision of this Agreement except that part or provision so adjudged to be unconstitutional, invalid or unenforceable. If any condition, covenant, or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.
 - f. Force Majeure. Neither party hereto shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to causes beyond the control and without the fault or negligence of the party affected, including, acts of God, acts of the United States Government or the State of Utah, fires, floods, strikes embargoes or unusually adverse weather conditions. Upon the occurrence of any such cause, the party affected thereby shall promptly give written notice (setting forth full particulars) to the other party and shall promptly resume the keeping and performance of the affected obligations after such cause has come to an end. During the existence of such an event, each party shall bear its own costs resulting therefrom. Each party shall make every reasonable effort to keep delay in

performance as a result of such cause to a minimum. Notwithstanding any other provision of this Agreement, Saddleback shall not be affected by any growth restrictions, moratoria or other limitations on development imposed by the County in the future, nor shall the County seek to impose or enforce any such growth restrictions, moratoria or limitations on Saddleback, the Property or the Project.

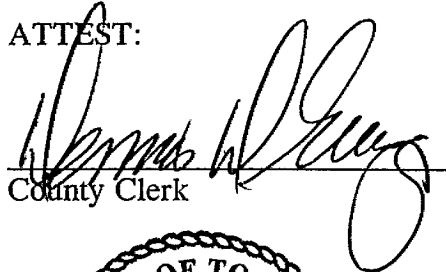
- g. Agreement to Run with Land. This Agreement may be recorded against the Property and shall be deemed to run with the Property. This Agreement shall be binding upon and inure to the benefit of all successors in interest to the Property and upon any governmental entity that succeeds the County in any respect as to jurisdiction over the Property.
- h. Attorneys' Fees. In the event either party shall default in the performance of its obligations hereunder and litigation is commenced, the nonbreaching party, in addition to its other rights and remedies at law or in equity, shall have the right to recover all costs and expenses incurred by such nonbreaching party in connection with such proceeding, including reasonable attorneys' fees.

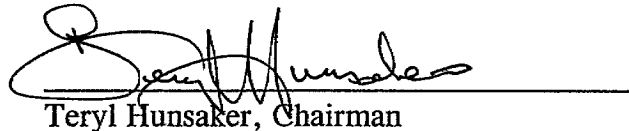
IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives effective as of the date first above written.

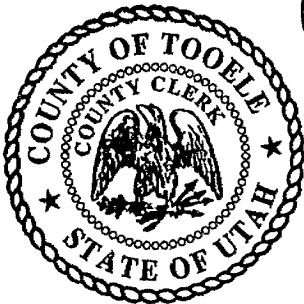
"COUNTY"

TOOELE COUNTY, a political subdivision
of the State of Utah

ATTEST:

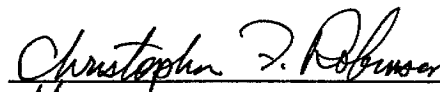

County Clerk


Teryl Hunsaker, Chairman



"SADDLEBACK"

SADDLEBACK PARTNERS, L.C., a Utah
limited liability company

By 
Its Managers

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION

That certain parcel of real property situated in Tooele County, State of Utah and more particularly described as follows:

PARCEL 1:

The South one-half of the Southwest quarter of Section 25, Township 1 South, Range 4 West, Salt Lake Base and Meridian. 4-65-11

4-65-10
LESS AND EXCEPTING THEREFROM that portion conveyed to THE OREGON SHORT LINE RAILROAD COMPANY, a corporation, by that certain Bargain & Sale Deed, dated April 16, 1902, recorded May 29, 1902, in Book ZZ, at Page 104, Tooele County Recorder's Office, and being more particularly described as follows:

A strip of land 150 feet wide, being 75 feet in width on each side of the center line of the Oregon Short Line Railroad as surveyed and staked out across the Southwest quarter of the Southwest quarter of Section 25, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and more fully described as follows, to-wit:

COMMENCING at a point on the North line of said Southwest quarter of the Southwest quarter of said Section 25, 593 feet East of the Northwest corner thereof, said point being 75 feet Westerly perpendicular to the center line of said Oregon Short Line Railroad; thence South $13^{\circ}16'$ East 75 feet from and parallel with said center line a distance of 1361 feet to the South line of said section and 908 feet East of the Southwest corner thereof; thence East on said line 154 feet to a point 75 feet Easterly perpendicular to said center line; thence North $13^{\circ}16'$ West 75 feet from and parallel with said center line 1361 feet to the North line of said Southwest quarter of the Southwest quarter; thence West on said North line 154 feet to place of BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to HARDY SALT COMPANY, a Missouri corporation, by that certain Quit Claim Deed, dated June 26, 1968, recorded September 20, 1968, as Entry No. 284888, in Book 82, at Page 316, Tooele County Recorder's Office, and being more particularly described as follows:

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

BEGINNING at a point located North 630.92 feet, West 127.23 feet, and South 70° East 385 feet from the Southwest corner of Section 25, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence North 20° East 25 feet; thence South 70° East 30 feet; thence South 20° West 40 feet; thence North 70° West 30 feet; thence North 20° East 15 feet to the point of BEGINNING.

pt of 4-65-10

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to MOUNTAIN FUEL SUPPLY COMPANY, by that certain Warranty Deed, dated October 28, 1969, recorded November 14, 1969, as Entry No. 288714, in Book 90, at Page 587, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point North 603.58 feet and East 597.86 feet from the Southwest corner of Section 25, Township 1 South, Range 4 West, Salt Lake Base and Meridian; and running thence North 52°22' East 30.0 feet; thence South 14°38' East 16.30 feet; thence South 52°22' West 30.0 feet; thence North 14°38' West 16.30 feet to the point of BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to RONALD H. JACOBSEN and CAROL ANN JACOBSEN, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, by that certain Warranty Deed, dated August 25, 1978, recorded August 28, 1978, as Entry No. 326318, in Book 163, at Page 537, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point on the Easterly side of Highway 40-50 at a point 630.90 feet North and 127.23 feet West from the section corner common to Sections 25, 26, 35 and 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; and running thence South 70° East 270 feet; thence South 20° West 150 feet; thence North 70° West 257.8 feet to the Easterly line of said Highway 40-50; thence along the arc of a curve to the left having a radius of 1960.1 feet, a distance of 85.5 feet; thence following the Easterly line of said Highway 40-50 North 14°33' East 65.19 feet to the point of BEGINNING.

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to KENNECOTT COPPER CORPORATION, a corporation organized and existing under the laws of the State of New York and duly qualified to do business in the State of Utah, by that certain Quitclaim Deed, dated December 21, 1977, recorded September 29, 1978, as Entry No. 327106, in Book 165, at Page 364, Tooele County Recorder's Office, and being more particularly described as follows:

The following 10 foot strip of land located in Sections 25 and 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian:

The East 10 feet of the Southwest quarter of the Southwest quarter of Section 25 and that portion of the North 10 feet of Section 36 in the West half of the Northeast quarter of the Northwest quarter and extending 10 feet West into the Northwest quarter of the Northwest quarter.

ALSO LESS AND EXCEPTING THEREFROM that portion of the Southwest quarter of the Southwest quarter of said Section 25 lying North and West of the Easterly right of way line of U.S. Highway 40-50.

PARCEL 2:

BEGINNING on the East line of Section 26, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence 607.02 feet North from the Southeast corner of section; thence North 75° West 103.10 feet; thence North 14°28' East 398.64 feet; thence South 412.68 feet, more or less, to the point of BEGINNING.

4-66-5

PARCEL 3:

COMMENCING at the Southeast corner of Section 26, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence North 420 feet, more or less; thence North 70° West 220 feet, more or less; thence Southwest on curve along Highway 40-50 560 feet, more or less; thence East 460 feet, more or less, to BEGINNING.

4-66-5

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 4:

BEGINNING at a point North 74.0 feet and West 227.25 feet from the Southeast corner of Section 26, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence North 50.0 feet; thence West 50.0 feet; thence South 50.0 feet; thence East 50.0 feet to the point of BEGINNING.

4-66-8

TOGETHER WITH a strip of land 10 feet wide, being 5.0 feet on each side of the following described centerline:

BEGINNING at a point North 78.2 feet and West 277.25 feet from the Southeast corner of Section 26, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence South 50°11'56" West 154.14 feet; thence North 58°49'47" West 7.9 feet, more or less, to the East line of old U.S. Highway 40-50.

PARCEL 5:

4-70-27

BEGINNING at the Northeast corner of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence South 826.3 feet, more or less, to Blackwelder property; thence West 960 feet, more or less, to the East line of a highway; thence Northeasterly along the East line of said highway 1000.0 feet, more or less, to the North line of said Section 35; thence East along said North line 400 feet, more or less, to the point of BEGINNING.

PARCEL 6:

4-70-26

BEGINNING 2 chains South from the Northeast corner of the Southeast quarter of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence West 11.50 chains; thence South 10.70 chains; thence East 3.94 chains; thence South 27.30 chains; thence East 7.56 chains; thence North 38 chains to the place of BEGINNING.

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 7:

The North 825.0 feet of the Northwest quarter of the Northwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian.

4-71-9

LESS AND EXCEPTING THEREFROM that portion conveyed to THE OREGON SHORT LINE RAILROAD COMPANY, a corporation, by that certain Bargain & Sale Deed, dated April 16, 1902, recorded May 29, 1902, in Book ZZ, at Page 104, Tooele County Recorder's Office, and being more particularly described as follows:

A strip of land 150 feet wide, being 75 feet in width on each side of the center line of the Oregon Short Line Railroad as surveyed and staked out across the North 5/8 of the Northwest quarter of the Northwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and more fully described as follows, to-wit:

COMMENCING at a point on the North line of said Section 36 908 feet East of the Northwest corner thereof, said point being 75 feet Westerly perpendicular to the center line of said Oregon Short Line Railroad; thence South $13^{\circ}16'$ East 75 feet from and parallel with said center line a distance of 849 feet to the South line of said North 5/8 of said Northwest quarter of the Northwest quarter and 1103 feet East of the Southwest corner thereof; thence East on said South line 154 feet to a point 75 feet Easterly perpendicular to said center line; thence North $13^{\circ}16'$ West 75 feet from and parallel with said center line 849 feet to the North line of said section; thence West on said section line 154 feet to place of BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to KENNECOTT COPPER CORPORATION, a corporation organized and existing under the laws of the State of New York and duly qualified to do business in the State of Utah, by that certain Quitclaim Deed, dated December 21, 1977, recorded September 29, 1978, as Entry No. 327106, in Book 165, at Page 364, Tooele County Recorder's Office, and being more particularly described as follows:

The following 10 foot strip of land located in Sections 25 and 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian:

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

The East 10 feet of the Southwest quarter of the Southwest quarter of Section 25 and that portion of the North 10 feet of Section 36 in the West half of the Northeast quarter of the Northwest quarter and extending 10 feet West into the Northwest quarter of the Northwest quarter.

PARCEL 8:

BEGINNING 12.52 chains South from the Northwest corner of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence East 11.85 chains; thence South 4.88 chains; thence West 7.25 chains; thence South 3.54 chains; thence West 3.75 chains; thence North 4° West 8.50 chains to the place of BEGINNING.

4-71-9

PARCEL 9:

BEGINNING 8.30 chains North from the Southwest corner of the Northwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence East 2.50 chains; thence South 5.66 chains; thence East 3.16 chains; thence South 2.64 chains; thence East 8.21 chains; thence North 3°17' West 545.3 feet; thence North 87° East 396 feet; thence North 12 chains; thence West 20 chains; thence South 10.70 chains to the place of BEGINNING.

4-71-10

LESS AND EXCEPTING THEREFROM that portion conveyed to OREGON SHORT LINE RAILROAD COMPANY, by that certain Patent, dated September 20, 1902, recorded September 14, 1914, as Entry No. 146541, in Book 3-J of Deeds, at Page 186, Tooele County Recorder's Office, and being more particularly described as follows:

The right of way of said OREGON SHORT LINE RAILROAD COMPANY through and across the Southeast quarter of the Northwest quarter and the East half of the Southwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

Meridian; said right of way consisting of a strip of land 200 feet in width, being 100 feet wide on each side of the center line of said right of way, and said center line being more fully described as follows, to-wit:

BEGINNING on the South line of said Section 36 778 feet West of the Southeast corner of the Southwest quarter of said Section 36, and running thence North $2^{\circ}11'$ West 1248.20 feet; thence on a $1^{\circ}30'$ curve to the left 738.90 feet, consuming an angle of $11^{\circ}5'$; thence North $13^{\circ}16'$ West 1900 feet, more or less, to the West line of the Southeast quarter of the Northwest quarter of said Section 36, and said right of way being a part of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to ARTHUR HOGAN, by that certain Warranty Deed, dated September 03, 1922, recorded May 28, 1923, as Entry No. 169930, in Book 3M, at Page 575, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point North $89^{\circ}41'$ East 916.0 feet from the West quarter corner of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence North $3^{\circ}17'$ West 545.3 feet; thence North $87^{\circ}0'$ East 468.4 feet; thence South $13^{\circ}0'$ East 691.0 feet; thence West 587.0 feet; thence North $3^{\circ}17'$ West 102.6 feet to BEGINNING.

PARCEL 10:

4 - 71 - 12

BEGINNING at the Southeast corner of the West half of the Southwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; and running thence West 20 chains; thence North 38 chains; thence East 5.66 chains, more or less, to the Southeast corner of Lewis Yates, et al. property; thence North 2 chains along said Yates East line; thence East 14.34 chains, more or less, to the Northeast corner of the West half of the Southwest quarter of said Section 36; thence South 39.67 chains, more or less, to the place of BEGINNING.

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

LESS AND EXCEPTING THEREFROM that portion conveyed to ARTHUR HOGAN, by that certain Warranty Deed, dated September 03, 1922, recorded May 28, 1923, as Entry No. 169930, in Book 3M, at Page 575, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point North 89°41' East 916.0 feet from the West quarter corner of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence North 3°17' West 545.3 feet; thence North 87°0' East 468.4 feet; thence South 13°0' East 691.0 feet; thence West 587.0 feet; thence North 3°17' West 102.6 feet to BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to ARTHUR G. HOGAN, by that certain Quit Claim Deed, dated April 30, 1951, recorded June 25, 1953, as Entry No. 234387, in Book 4F, at Page 59, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point South 83°58' East 926.4 feet from the West quarter corner of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence East 587 feet; thence South 13°0' East 361.4 feet; thence West 648.1 feet; thence North 3°17' West 352.7 feet to the point of BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM the following described parcel:

COMMENCING at a point with X chiseled thereon 6.25 chains West of a stone with X chiseled thereon which is 10.42 chains South of the Northeast corner of the West half of the Southwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; extending thence North 3.69 chains; thence West 3.20 chains to irrigating canal; thence South 25°02' West 3.94 chains along said canal; thence East 4.54 chains to COMMENCEMENT.

PARCEL 11:

4-71-14

The West half of the Northeast quarter of the Northwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian.

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EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

LESS AND EXCEPTING THEREFROM that portion conveyed to KENNECOTT COPPER CORPORATION, a corporation organized and existing under the laws of the State of New York and duly qualified to do business in the State of Utah, by that certain Quitclaim Deed, dated December 21, 1977, recorded September 29, 1978, as Entry No. 327106, in Book 165, at Page 364, Tooele County Recorder's Office, and being more particularly described as follows:

The following 10 foot strip of land located in Sections 25 and 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian:

The East 10 feet of the Southwest quarter of the Southwest quarter of Section 25 and that portion of the North 10 feet of Section 36 in the West half of the Northeast quarter of the Northwest quarter and extending 10 feet West into the Northwest quarter of the Northwest quarter.

PARCEL 12:

BEGINNING at the Northwest corner of the Southeast quarter of the Northwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; and running thence South 12 chains; thence North 87° East 72.4 feet; thence South 13° East 691 feet; thence West 198 feet; thence South 38 chains; thence East 20 chains; thence North 60 chains; thence West 20 chains to the place of BEGINNING.

4 - 71 - 14

LESS AND EXCEPTING THEREFROM that portion conveyed to OREGON SHORT LINE RAILROAD COMPANY, and to its successors and assigns forever, by that certain Patent, dated September 20, 1902, recorded September 14, 1914, as Entry No. 146541, in Book 3-J of Deeds, at Page 186, Tooele County Recorder's Office, and being more particularly described as follows:

The right of way of said OREGON SHORT LINE RAILROAD COMPANY through and across the Southeast quarter of the Northwest quarter and the East half of the Southwest quarter of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; said right of way consisting of a strip of land 200 feet in

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

width, being 100 feet wide on each side of the center line of said right of way, and said center line being more fully described as follows, to-wit:

BEGINNING on the South line of said Section 36 778 feet West of the Southeast corner of the Southwest quarter of said Section 36, and running thence North $2^{\circ}11'$ West 1248.20 feet; thence on a $1^{\circ}30'$ curve to the left 738.90 feet, consuming an angle of $11^{\circ}5'$; thence North $13^{\circ}16'$ West 1900 feet, more or less, to the West line of the Southeast quarter of the Northwest quarter of said Section 36, and said right of way being a part of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to ARTHUR HOGAN, by that certain Warranty Deed, dated September 03, 1922, recorded May 28, 1923, as Entry No. 169930, in Book 3M, at Page 575, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point North $89^{\circ}41'$ East 916.0 feet from the West quarter corner of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence North $3^{\circ}17'$ West 545.3 feet; thence North $87^{\circ}0'$ East 468.4 feet; thence South $13^{\circ}0'$ East 691.0 feet; thence West 587.0 feet; thence North $3^{\circ}17'$ West 102.6 feet to BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to ARTHUR G. HOGAN, by that certain Quit Claim Deed, dated April 30, 1951, recorded June 25, 1953, as Entry No. 234387, in Book 4F, at Page 59, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point South $83^{\circ}58'$ East 926.4 feet from the West quarter corner of Section 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence East 587 feet; thence South $13^{\circ}0'$ East 361.4 feet; thence West 648.1 feet; thence North $3^{\circ}17'$ West 352.7 feet to the point of BEGINNING.

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 13:

BEGINNING at the Northeast corner of the Northeast quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence West 7.56 chains; thence South 3.78 chains; thence East 7.56 chains; thence North 3.80 chains, more or less, to the place of BEGINNING.

5-19-1

PARCEL 14:

Lots 1, 2, 3, 4, 5 and 6; the Southwest quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-16-1

LESS AND EXCEPTING THEREFROM that portion conveyed to THE OREGON SHORT LINE RAILROAD COMPANY, a corporation, by that certain Warranty Deed, dated March 13, 1902, recorded March 22, 1902, in Book 22, at Page 11, Tooele County Recorder's Office, and being more particularly described as follows:

A strip of land 100 feet in width, of which the center line is the center of the railroad line of the said Railroad Company where the same is now located and staked over and across the Northwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to RICHARD W. TRACY and ELIZABETH MAY TRACY, his wife, as joint tenants with full rights of survivorship, and not as tenants in common, by that certain Warranty Deed, dated September 23, 1950, recorded October 06, 1950, as Entry No. 228298, in Book 4D, at Page 491, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence North 28 rods and 2 feet; thence East 33 rods; thence Southwesterly 29 rods and 3 feet along County Road to a point 24 rods East from the starting point; thence West 24 rods, more or less, to BEGINNING.

(Skull Valley)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to MELVIN A. GRIFFITH and ALINE M. GRIFFITH, his wife, as joint tenants and not as tenants in common, with full right of survivorship, by that certain Warranty Deed, dated June 18, 1951, recorded June 21, 1951, as Entry No. 229576, in Book 4E, at Page 65, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point 6 rods and 12 feet West from the Northeast corner of Northwest quarter of the Northwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence South 10 rods; thence West 8 rods; thence North 10 rods; thence East 8 rods to the place of BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to RADIO SERVICE CORPORATION OF UTAH, by that certain Quit Claim Deed and Grant of Right of Ways, dated February 01, 1954, recorded February 03, 1954, as Entry No. 235798, in Book 4F, at Page 215, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point which is the intersection of the East West line 660 feet South of the North boundary of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and the East boundary of the Union Pacific Railroad right of way; thence South along the line of the Union Pacific Railroad right of way 624 feet; thence North 90°00' East 350 feet; thence North 624 feet; thence South 90°00' West to the point of BEGINNING.

PARCEL 15:

Lots 3, 4, 5, 6, 7, 8, 10, 13, 14, and the Southwest quarter of the Southeast quarter of Section 6, Township 2 South, Range 3 West, Salt Lake Base and Meridian.

5-2-1

(AKZO)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

4-66-2 4-68-1
4-66-3 5-22-1
4-66-1 5-21-1
4-70-1
5-21-1
4-67-2
4-69-1
4-69-2

PARCEL "A":

BEGINNING at the intersection of an existing fence marking the Easterly line of Section 4, Township 2 South, Range 4 West, Salt Lake Base and Meridian and the Northerly frontage road right of way line of Interstate Highway I-80, said point being 1698.16 feet North 00°22'26" West along the section line from the Southeast corner of said Section 4; and running thence North 00°22'26" West 1621.40 feet along said fence and section line to an existing fence running in a Northeasterly direction; thence North 67°56'31" East 5339.97 feet along said fence to the Southerly boundary line of that certain property conveyed to John G. Miklovik and Larue C. Miklovik, recorded as Entry No. 76239, in Book 400, at Page 645, Tooele County Recorder's Office; thence South 89°22'08" West 264.28 feet along said Southerly boundary line to the Southwest corner of said Miklovik property; thence North 70°42'45" East 460.21 feet along the Northerly boundary line of said Miklovik property to said Northerly frontage road right of way line; thence along said Northerly frontage road right of way line the following three (3) courses and distances: (1) Northeasterly 2526.10 feet along the arc of a 25091.61 foot radius curve to the left (Note: Chord to said curve bears North 43°22'29" East for a distance of 2525.04 feet) to a point of compound curvature with a 125.00 foot radius curve to the left; thence (2) Northeasterly and Northerly 137.16 feet along the arc of said curve (Note: Chord to said curve bears North 09°03'24" East for a distance of 130.38 feet); thence (3) North 22°22'38" West 1032.00 feet to the Northerly right of way line of an access road for Interstate Highway I-80; thence along said Northerly access road right of way line the following four (4) courses and distances: (1) North 65°02'32" East 50.00 feet; thence (2) North 63°16'38" East 811.74 feet; thence (3) Easterly and Southeasterly 618.20 feet along the arc of a 575.00 foot radius curve to the right (Note: Chord to said curve bears South 84°09'28" East for a distance of 588.85 feet); thence (4) South 53°21'28" East 158.22 feet to the Northerly right of way and no-access line of Interstate Highway I-80; thence along said Northerly right of way and no-access line the following eight (8) courses and distances: (1) Northeasterly 1244.02 feet along the arc of a 25141.61 foot radius curve to the left (Note: Chord to said curve bears North 35°08'52" East for a distance of 1243.89 feet); thence (2) North 10°46'24" West 235.17 feet; thence (3) Northerly 1246.30 feet along the arc of a 1373.24 foot radius curve to the right (Note: Chord to said curve bears North 15°08'45" East for a distance of 1203.97 feet); thence (4) North 52°55'05" East 292.75 feet; thence (5) North 53°24'46" East 732.95 feet; thence (6) Northeasterly 351.36 feet along the arc of a 1203.24 foot radius curve to the left (Note:

(AKZO)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

Chord to said curve bears North $45^{\circ}02'50''$ East for a distance of 350.11 feet); thence (7) Northeasterly 753.15 feet along the arc of a 25141.61 foot radius curve to the left (Note: Chord to said curve bears North $26^{\circ}53'35''$ East for a distance of 753.12 feet); thence (8) North $26^{\circ}02'06''$ East 248.54 feet; thence North $63^{\circ}57'54''$ West 75.00 feet; thence North $26^{\circ}02'06''$ East 775.00 feet; thence North $02^{\circ}11'00''$ West 500.87 feet to the Southerly right of way line of the Western Pacific Railroad tracks; thence along said Southerly right of way line the following two (2) courses and distances: (1) Southwesterly 1249.29 feet along the arc of a 5829.60 foot radius curve to the right (Note: Chord to said curve bears South $59^{\circ}11'23''$ West for a distance of 1246.91 feet); thence (2) South $65^{\circ}19'45''$ West 16426.01 feet, more or less, to the West line of Section 33, Township 1 South, Range 4 West, Salt Lake Base and Meridian (if it were surveyed); thence South 3216.26 feet, more or less, to the Meander Line of the Great Salt Lake (1856 Survey); thence along said Meander Line the following three (3) courses and distances: (1) North 70° East 1320 feet; thence (2) North 63° East 990 feet; thence (3) North $39^{\circ}15'57''$ East 838.60 feet, more or less, to an existing fence marking the West line of the East 1/2 of Section 4, Township 2 South, Range 4 West, Salt Lake Base and Meridian; thence South $00^{\circ}01'37''$ West 4436.65 feet along said fence and said West line of Section 4 to the Northerly frontage road right of way line of Interstate Highway I-80; thence Northeasterly 2927.44 feet along said Northerly frontage road right of way line along the arc of a 25091.61 foot radius curve to the left (Note: Chord to said curve bears North $64^{\circ}08'46''$ East for a distance of 2925.78 feet) to the point of BEGINNING.

(Basis of bearing - North $00^{\circ}22'26''$ West along the East line of the Southeast quarter of Section 4, Township 2 South, Range 4 West, Salt Lake Base and Meridian.)

(AKZO)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 7:

BEGINNING at a point North 74.0 feet and West 227.25 feet from the Southeast corner of Section 26, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence North 50.0 feet; thence West 50.0 feet; thence South 50.0 feet; thence East 50.0 feet to the point of BEGINNING.

TOGETHER WITH a strip of land 10 feet wide, being 5.0 feet on each side of the following described centerline:

BEGINNING at a point North 78.2 feet and West 277.25 feet from the Southeast corner of Section 26, Township 1 South, Range 4 West, Salt Lake Base and Meridian, and running thence South 50°11'56" West 154.14 feet; thence North 58°49'47" West 7.9 feet, more or less, to the East line of old U.S. Highway 40-50.

PARCEL 11:

BEGINNING at a point located North 630.92 feet, West 127.23 feet, and South 70° East 385 feet from the Southwest corner of Section 25, Township 1 South, Range 4 West, Salt Lake Base and Meridian, thence North 20° East 25 feet, thence South 70° East 30 feet, thence South 20° West 40 feet, thence North 70° West 30 feet, thence North 20° East 15 feet to the point of BEGINNING.

TOGETHER WITH an easement over the following described land:

BEGINNING at a point located North 630.92 feet, West 127.23 feet, and South 70° East 270 feet from the Southwest corner of Section 25, Township 1 South, Range 4 West, Salt Lake Base and Meridian, thence South 70° East 115 feet, thence South 20° West 15 feet, thence North 70° West 115 feet, thence North 20° East 15 feet, to the point of BEGINNING.

PARCEL "B":

BEGINNING at a Utah Department of Transportation right of way marker monument which is 105.00 feet radially distant Northwesterly from the center

(AKZO)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

line of the Westbound lane of Interstate Highway I-80 at Engineer Station 5202 + 63.7, said point of beginning being 465 feet, more or less, North and 75 feet, more or less, West from the center of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian; and running thence along the right of way line of an access road the following four (4) courses and distances: (1) North 53°21'28" West 184.73 feet; thence (2) Northwesterly and Westerly 456.93 feet along the arc of a 425.00 foot radius curve to the left (Note: Chord to said curve bears North 84°09'28" West for a distance of 435.24 feet); thence (3) South 66°55'44" West 759.38 feet; thence (4) South 22°22'38" East 1040.86 feet to the Northerly right of way and no-access line of said Interstate Highway I-80; thence Northeasterly 1415.42 feet along the arc of a 25141.61 foot radius curve to the left and said Northerly right of way and no-access line (Note: Chord to said curve bears North 38°38'02" East for a distance of 1415.23 feet) to the point of BEGINNING.

(Basis of bearing - North 00°22'26" West along the East line of the Southeast quarter of Section 4, Township 2 South, Range 4 West, Salt Lake Base and Meridian.)

4-70-36
4-70-37

PARCEL "C":

BEGINNING at a point on the Northwesterly right of way line of U.S. Highway 40, which point is 842.16 feet South 33°41'39" West from the intersection of said right of way line and the Southerly right of way line of an access road, said Southerly right of way line being parallel with and 90 feet perpendicularly distant Southerly from the "L" line of Utah State Highway Project I-80-2(3)79 (Interstate Highway I-80), said intersection referred to in other deeds as being approximately at Engineer Station 113 + 45.28, said intersection also being 435 feet, more or less, East and 98 feet, more or less, North from the center of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian, said point of beginning also being North 33°41'39" East 414.38 feet from a Utah Department of Transportation right of way marker monument on said Northwesterly right of way line; and running thence South 33°41'39" West 1506.18 feet along said Northwesterly right of way line to the Northerly boundary line of that certain property conveyed to John G. Miklovik and Larue C. Miklovik, recorded as Entry No. 76239, in Book 400, at Page 645, Tooele County Recorder's Office; thence South 70°42'48" West 1283.56 feet along said Northerly boundary line to the Southerly right of way and no-access line of said Interstate Highway I-80; thence

4-70-29

(AKZO)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

Northeasterly 2579.36 feet along the arc of a 25584.79 foot radius curve to the left and said Southerly right of way and no-access line (Note: Chord to said curve bears North 41°41'49" East for a distance of 2578.27 feet) to the Southerly boundary line of that certain parcel as described in that certain Special Warranty Deed recorded August 31, 1990, as Entry No. 36107, in Book 307, at Page 25, Tooele County Recorder's Office; thence South 53°14'38" East 414.45 feet along said Southerly boundary line to the point of BEGINNING.

(Basis of bearing - North 00°22'26" West along the East line of the Southeast quarter of Section 4, Township 2 South, Range 4 West, Salt Lake Base and Meridian.)

4-

PARCEL "D":

BEGINNING at a Utah Department of Transportation right of way marker monument in the Westerly right of way line of U.S. Highway 40, said point of beginning being 237 feet, more or less, West and 577 feet, more or less, North from the Northeast corner of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian; and running thence along said Westerly right of way line the following two (2) courses and distances: (1) Southwesterly 622.24 feet along the arc of a 1800.10 foot radius curve to the right (Note: Chord to said curve bears South 24°06'39" West for a distance of 619.35 feet); thence (2) South 33°41'39" West 1846.84 feet to the Southeasterly right of way and no-access line of Interstate Highway I-80; thence along said Southeasterly right of way and no-access line the following six (6) courses and distances: (1) North 55°49'33" West 58.86 feet; thence (2) North 03°17'34" East 169.20 feet; thence (3) Northerly 596.30 feet along the arc of a 1203.24 foot radius curve to the right (Note: Chord to said curve bears North 17°29'25" East for a distance of 590.22 feet); thence (4) North 30°18'23" East 269.12 feet; thence (5) Northeasterly 2597.79 feet along the arc of a 25584.79 foot radius curve to the left (Note: Chord to said curve bears North 28°57'06" East for a distance of 2596.67 feet); thence (6) North 26°02'06" East 237.24 feet to the Westerly right of way line of U.S. Highway 40; thence South 14°31'39" West 1426.28 feet along said Westerly right of way line to the point of BEGINNING.

(Basis of bearing - North 00°22'26" West along the East line of the Southeast quarter of Section 4, Township 2 South, Range 4 West, Salt Lake Base and Meridian.)

4-66-6
17 4-66-8
4-70-29
4-65-10

(Park)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL NO. 1:

BEGINNING at a point which is West 986 feet from the corner common to Sections 11, 12, 13 and 14, Township 2 South, Range 4 West, Salt Lake Base and Meridian, running thence North a distance of 1150 feet; thence West 1654 feet to the centerline of Section 11; thence North along this line approximately 900 feet to the South right of way line of the Union Pacific railroad; thence Southwesterly along this right of way approximately 1680 feet to the point which is the intersection of the Union Pacific railroad right of way and the line between the West half of the Southwest quarter and the East half of the Southwest quarter of Section 11; thence South along this line approximately 1000 feet to the section line between Sections 11 and 14; thence East along this section line 2974 feet to the point of BEGINNING. 5-29-37

PARCEL NO. 2:

The Southeast quarter of the Southwest quarter, the Southwest quarter of the Southeast quarter of Section 12, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

ALSO: BEGINNING at the Northeast corner of the Southwest quarter of the Southeast quarter of Section 12, Township 2 South, Range 4 West, Salt Lake Base and Meridian, running thence East 330 feet; thence running South approximately 1320 feet to the South section line of Section 12; thence running West 330 feet; thence running North 1320 feet to the point of BEGINNING. 5-30-2

PARCEL NO. 3:

The West half of the East half, and the West half of Section 13, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

PARCEL NO. 4:

Lot 1 of Section 13, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-31-3
5-31-2

(Park)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL NO. 5:

The East half of the West half, the Southwest quarter of the Northwest quarter, and the Southeast quarter of Section 14, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-32-6
5-32-3
5-32-5

PARCEL NO. 6:

All of Section 37, Township 2 South, Ranges 3 and 4 West, Salt Lake Base and Meridian.

5-31-4

LESS AND EXCEPTING therefrom that certain parcel conveyed to the UNITED STATES OF AMERICA by Special Warranty Deed, dated October 05, 1996, recorded October 08, 1996, as Entry No. 89788, in Book 437, at Page 466, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point which is North 19' 30' West 1082.37 feet from the most Easterly corner of Tract 37, Township 2 South, Range 4 West, Salt Lake Base and Meridian; thence Northwesterly along East line of Tract 37 1298.25 feet to the Northeast corner of Tract 37; thence West 990 feet; thence South to a point directly West of the point of beginning; thence East to the point of BEGINNING.

ALSO LESS AND EXCEPTING therefrom that certain parcel conveyed to FRAN CONNOR by Warranty Deed, dated August 26, 1984, recorded August 27, 1984, as Entry No. 363496, in Book 222, at Page 536, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at the most Southwesterly corner of Section 37, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and running North 34°40' East 3579.18 feet to the most Easterly corner of Section 37, said point laying in Section 18, Township 2 South, Range 4 West, Salt Lake Base and Meridian; thence North 19°30' West 1082.37 feet along Northeasterly line of said Section 37; thence West 506.32 feet, more or less, to the East line of Section 13, Township 2 South, Range 4 West; thence South 0°23'57" West 1321.38 feet to the East quarter corner of said Section 13; thence

(Park)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

North 89°44'40" West 1200 feet, more or less, to the East edge of Lot 4, Township 2 South, Range 4 West; thence South 0°24'43" West 2631.22 feet to the point of BEGINNING.

PARCEL NO. 7:

BEGINNING at the Southwest corner of Tract 37, said point being South 89°29'10" East 1318.03 feet along the South section line of Section 13, and North 00°00'10" West 68.52 feet from the South 1/4 corner of Section 13, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and traversing thence North 85°58'40" East 38.46 feet along the South line of said Tract 37 to the Southeast corner of Tract 37; thence North 35°10'50" East 1461.98 feet along the Southeast line of said Tract; thence leaving said Tract line North 00°04'29" West 1364.61 feet to a point on the center of section line of Section 13, said point being North 89°43'09" West 355.37 feet from the East 1/4 corner of Section 13; thence North 89°43'09" West 879.05 feet along said center of section line to a point on the West line of Tract 37, said point also being located on the East line of Lot 4, Section 13; thence along said West Tract line South 00°00'10" East 2566.55 feet to the Southwest corner of Tract 37, and the point of BEGINNING.

5-31-4

5-31-5

(MLR)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

The Northeast quarter of Section 14, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-32-1

(Connor)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

BEGINNING at the most Southwesterly corner of Tract 37, also being described by various documents of record as Section 37, Township 2 South, Range 3 and 4 West, Salt Lake Base and Meridian, and running North $34^{\circ}40'$ East 3579.18 feet to the most Easterly corner of Tract 37, said point laying in Section 18, Township 2 South, Range 3 West, Salt Lake Base and Meridian; thence North $19^{\circ}30'$ West 1082.37 feet along Northeasterly line of said Tract 37; thence West 506.32 feet, more or less, to the East line of Section 13, Township 2 South, Range 4 West; thence South $0^{\circ}23'57''$ West 1321.38 feet to the East quarter corner of said Section 13; thence North $89^{\circ}44'40''$ West 1200 feet, more or less, to the East edge of Lot 4, Township 2 South, Range 4 West; thence South $0^{\circ}24'43''$ West 2631.22 feet to the point of BEGINNING.

LESS AND EXCEPTING therefrom that certain parcel conveyed to ZIONS FIRST NATIONAL BANK as Custodian for the KANG SIK PARK IRA by Quit Claim Deed, dated September 12, 1990, recorded September 19, 1990, as Entry No. 36572, in Book 307, at Page 825, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING at a point which is North $89^{\circ}43'09''$ West 355.37 feet along the quarter section line from the East quarter corner of Section 13, Township 2 South, Range 4 West, Salt Lake Base and Meridian, Tooele County, Utah and running thence; South $0^{\circ}04'29''$ East 1366.54 feet, thence South $35^{\circ}16'26''$ West 1515.46 feet, thence North $0^{\circ}04'29''$ West 2608.06 feet, thence South $89^{\circ}43'09''$ East 876.78 feet to the point of BEGINNING.

5-31-4
5-31-5

(Kennebecott)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 1:

Lots 8 and 9, Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-16-2

PARCEL 2:

The Southwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-16-9

LESS AND EXCEPTING THEREFROM that portion conveyed to THE OREGON SHORT LINE RAILROAD COMPANY, a corporation, by that certain Quit Claim Deed, dated April 10, 1902, recorded April 23, 1902, in Book ZZ, at Page 57, Tooele County Recorder's Office, and being more particularly described as follows:

A strip of land 100 feet in width, of which the center line is the center of the Railroad line of said railroad company when the same is now located and staked over and across the Southwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to THE SAN PEDRO, LOS ANGELES & SALT LAKE RAILROAD COMPANY, a corporation, by that certain Warranty Deed, dated August 09, 1912, recorded August 30, 1912, as Entry No. 142375, in Book 3H, at Page 215, Tooele County Recorder's Office, and being more particularly described as follows:

All that certain tract of land situate in the Southwest quarter of the Southwest quarter of Section 1, Township 2 South, Range 4 West, Salt Lake Base and Meridian, County of Tooele, State of Utah, and more particularly described sa follows, to-wit:

BEGINNING at a point in the South line of Section 1, Township 2 South, Range 4 West, said point being South 89°49' East from the Southwest corner of said Section 1, a distance of 151 feet; thence North 29°14' East measured along the most Easterly right of way

(Kennecott)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

line of the Grantee a distance of 627.8 feet to a point; thence South 60°46' East a distance of 50 feet to a point; thence South 29°15' West a distance of 600 feet to a point in the South line of said Section 1; thence North 89°49' West along the said line of Section 1 a distance of 57.2 feet to the place of BEGINNING, as shown in red upon blue print map marked "Exhibit A" attached thereto and made a part thereof.

(BLM)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 1:

The East half of the Northeast quarter of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian. 5-29-27

LESS AND EXCEPTING THEREFROM all that portion lying Northerly of the Southerly line of the railroad right of way. Said railroad right of way being more particularly described in that certain Warranty Deed, dated March 20, 1902, with OREGON SHORT LINE RAILROAD COMPANY, a corporation, as Grantee, recorded April 01, 1902, in Book ZZ, at Page 32, Tooele County Recorder's Office, and that certain Deed of Administrator, dated March 12, 1928, with LOS ANGELES and SALT LAKE RAILROAD COMPANY, a corporation, organized and existing under and by virtue of the laws of the State of Utah, as Grantee, recorded June 21, 1928, as Entry No. 182059, in Book 3Q, at Page 342, Tooele County Recorder's Office.

PARCEL 2:

COMMENCING 11.25 chains East of the Northwest corner of the Northeast quarter of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence South 20.91 chains; thence West 6.25 chains; thence South 19.2 chains to the South side line of the quarter section; thence East 15.17 chains to section corner of the West half of the quarter section; thence North 8.2 chains; thence West 8.67 chains; thence North 31.91 chains; thence West 25 links to the point of BEGINNING. 5-29-24

LESS AND EXCEPTING THEREFROM all that portion lying Northerly of the Southerly line of the railroad right of way. Said railroad right of way being more particularly described in that certain Warranty Deed, dated May 20, 1902, with OREGON SHORT LINE RAILROAD COMPANY, a corporation, as Grantee, recorded May 28, 1902, in Book ZZ, at Page 98, Tooele County Recorder's Office, and that certain Warranty Deed, dated March 02, 1927, with LOS ANGELES and SALT LAKE RAILROAD COMPANY, as Grantee, recorded August 29, 1927, as Entry No. 179946, in Book C, at Page 112, Tooele County Recorder's Office.

ALSO LESS AND EXCEPTING THEREFROM any portion lying within the bounds of County roads.

(BLM)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 3:

The West half of the Southeast quarter of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-29-30
5-29-22

LESS AND EXCEPTING THEREFROM all that portion lying Northerly of the Southerly line of the railroad right of way. Said railroad right of way being more particularly described in that certain Warranty Deed, dated May 20, 1902, with OREGON SHORT LINE RAILROAD COMPANY, a corporation, as Grantee, recorded May 28, 1902, in Book ZZ, at Page 98, Tooele County Recorder's Office, and that certain Warranty Deed, dated July 18, 1927, with LOS ANGELES and SALT LAKE RAILROAD COMPANY, as Grantee, recorded August 29, 1927, as Entry No. 179949, in Book C, at Page 114, Tooele County Recorder's Office.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to ZIONS FIRST NATIONAL BANK, a National Banking Association, as Trustee for KANG SIK PARK, M.D., P.C., PROFIT SHARING PLAN, by that certain Quit Claim Deed, dated October 09, 1996, recorded October 21, 1996, as Entry No. 90216, in Book 438, at Page 536, Tooele County Recorder's Office, and being more particularly described as follows:

Section 11, a tract of land described as follows:

BEGINNING at a point which is West 986 feet from the corner common to Sections 11, 12, 13 and 14 of Township 2 South, Range 4 West, Salt Lake Base and Meridian; thence North a distance of 1150 feet; thence West 1654 feet to the center line of Section 11; thence North along this line approximately 900 feet to the South right of way line of the Union Pacific Railroad; thence Southwesterly along this right of way approximately 1680 feet to a point which is the intersection of the Union Pacific right of way and the line between the West half of the Southwest quarter and the East half of the Southwest quarter of Section 11; thence South along this line approximately 1000 feet to the section line between Sections 11 and 14; thence East along this section line approximately 2974 feet to the point of BEGINNING.

(BLM)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 4:

The North 825 feet of the Northeast quarter of the Southeast quarter of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-29-26

PARCEL 5:

COMMENCING at the Southwest corner of the East half of the Southeast quarter of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence East 333.5 feet; thence North 1815 feet; thence West 333.5 feet; thence South 1815 feet to the point of BEGINNING.

5-29-25

LESS AND EXCEPTING THEREFROM that portion conveyed to ZIONS FIRST NATIONAL BANK, a National Banking Association, as Trustee for KANG SIK PARK, M.D., P.C., PROFIT SHARING PLAN, by that certain Quit Claim Deed, dated October 09, 1996, recorded October 21, 1996, as Entry No. 90216, in Book 438, at Page 536, Tooele County Recorder's Office, and being more particularly described as follows:

Section 11, a tract of land described as follows:

BEGINNING at a point which is West 986 feet from the corner common to Sections 11, 12, 13 and 14 of Township 2 South, Range 4 West, Salt Lake Base and Meridian; thence North a distance of 1150 feet; thence West 1654 feet to the center line of Section 11; thence North along this line approximately 900 feet to the South right of way line of the Union Pacific Railroad; thence Southwesterly along this right of way approximately 1680 feet to a point which is the intersection of the Union Pacific right of way and the line between the West half of the Southwest quarter and the East half of the Southwest quarter of Section 11; thence South along this line approximately 1000 feet to the section line between Sections 11 and 14; thence East along this section line approximately 2974 feet to the point of BEGINNING.

(BLM)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 6:

COMMENCING at the Southeast corner of Section 11, Township 2 South, Range 4 West, Salt Lake Base and Meridian; and running thence West 986.5 feet; thence North 907.5 feet; thence East 986.5 feet; thence South 907.5 feet to the point of BEGINNING.

5-29-21

PARCEL 7:

Lots 1, 2, 3 and 4, the Northwest quarter, and the West half of the Southwest quarter of Section 12, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-30-4 5-30-5
5-30-3

LESS AND EXCEPTING THEREFROM that portion lying within the bounds of the railroad right of way, including that portion as disclosed by that certain Warranty Deed, dated March 14, 1902, with THE OREGON SHORT LINE RAILROAD COMPANY, a corporation, as Grantee, recorded March 22, 1902, in Book ZZ, at Page 12, Tooele County Recorder's Office

ALSO LESS AND EXCEPTING THEREFROM any portion lying within the bounds of County road(s).

PARCEL 8:

All of Lot 5, Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter of Section 12, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-30-1
5-30-6

ALSO, beginning at a point 330 feet East of the Northeast corner of the Southwest quarter of the Southeast quarter of Section 12; thence running South approximately 1320 feet to the South section line of Section 12; thence East approximately 924 feet to the Southeast corner of Section 12; thence North 1320 feet to the Northeast corner of Lot 6, Section 12; thence West to the point of BEGINNING.

5-30-6

(BLM)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 9:

All of Lot 2, 3, 4, 5, and 6, Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter of Section 13, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

{ Lots 2, 3, 4, 5 & 6 U.S.A
{ Lot 6, state of Utah
5-31-2
5-31-3

(Davies)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 1:

BEGINNING 11.23 chains East of the Southwest corner of the Southeast quarter of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian, running thence North 38.41 chains; thence East 8.6 chains; thence South 2451.54 feet to the Northeast corner of the property conveyed to the Mountain Fuel Supply Company; thence West 20 feet; thence South 30 feet; thence East 20 feet; thence South 53.2 feet; thence West 8.8 chains to the point of BEGINNING.

4-70-22

LESS AND EXCEPTING THEREFROM that portion conveyed to MICHAEL W. BOND and LESLIE A. BOND, husband and wife, as joint tenants, with full rights of survivorship, by that certain Warranty Deed, dated October 27, 1994, recorded October 31, 1994, as Entry No. 69723, in Book 385, at Page 234, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING 741.18 feet East of the South quarter corner of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian, running thence North 217.80 feet; thence East 200 feet; thence South 217.8 feet; thence West 200 feet to the point of BEGINNING.

PARCEL 2:

COMMENCING at a point 23.07 chains East of the Southwest corner of the Southeast quarter of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence North 9.45 chains; thence East 3.04 chains; thence South 9.45 chains; thence West 3.04 chains to BEGINNING.

4-70-22

PARCEL 3:

4-70-45

COMMENCING at a point 26.11 chains East from the Southwest corner of the Southeast quarter of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian; thence East 6.40 chains; thence North 27.60 chains; thence West 12.56 chains; thence South 18.15 chains; thence East 6.08 chains; thence South 9.45 chains to BEGINNING.

4-70-22

4-70-43

(Davies)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

LESS AND EXCEPTING THEREFROM that portion conveyed to GARY M. GRIFFITH and NAOMI C. GRIFFITH and TERRY RAY GRIFFITH, as joint tenants, by that certain Warranty Deed, dated December 18, 1997, recorded December 18, 1997, as Entry No. 104561, in Book 483, at Page 501, Tooele County Recorder's Office, and being more particularly described as follows:

BEGINNING 498.96 feet West from the Southeast corner of Section 35, Township 1 South, Range 4 West, Salt Lake Base and Meridian; running thence West 407.83 feet; thence North 108 feet; thence East 407.83 feet; thence South 108 feet to the point of BEGINNING.

PARCEL 4:

5-19-60
↓
5-19-37

BEGINNING 1066.18 feet East of the Northwest corner of the Northeast quarter of Section 2, Township 2 South, Range 4 West, Salt Lake Base and Meridian; running thence East 255.8 feet; thence South 252.12 feet to the North line of County Road; thence West 255.8 feet; thence North 252.12 to the point of BEGINNING.

(Warr)

EXHIBIT "A"
PROPERTY DESCRIPTION
(continued)

PARCEL 1:

The North half of the Northwest quarter of Section 23, Township 2 South, Range 4 West, Salt Lake Base and Meridian.

5-39-12

EXCEPTING THEREFROM any portion located within the bounds of County Road.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to OREGON SHORT LINE RAILROAD COMPANY, a corporation of the State of Utah, by that certain Warranty Deed, dated March 15, 1902, recorded March 22, 1902, in Book ZZ, at Page 1, Tooele County Recorder's Office, and being more particularly described as follows:

A strip of land of which the center line is the center of the railroad line of the said Railroad Company where the same is now located and staked across the Northwest quarter of Section 23, Township 2 South, Range 4 West, Salt Lake Base and Meridian, said described strip being 100 feet in width commencing at West line of said Section and running Southeasterly on said located line to Station No. 45 (about 700 feet) and 200 feet in width commencing at said Station No. 445 and running thence on said located line to South line of said Northwest quarter of Section, Township and Range aforesaid.

ALSO LESS AND EXCEPTING THEREFROM that portion conveyed to OREGON SHORT LINE RAILROAD COMPANY, a corporation, by that certain Warranty Deed, dated April 23, 1902, recorded May 05, 1902, in Book ZZ, at Page 66, Tooele County Recorder's Office, and being more particularly described as follows:

A strip of land 50 feet in width, parallel to West of and adjoining the strip of land 200 feet in width heretofore conveyed to said Railroad Company, said first described strip being a part of the Northwest quarter of Section 23, Township 2 South, Range 4 West, Salt Lake Base and Meridian, and commencing at Survey Station No. 450, and running thence Southerly to South line of said quarter Section.

SCHEDULE 1

TO

DEVELOPMENT AGREEMENT

Definitions

1. "Development" means any development, construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land.
2. "Development Approval" means any building permit, approval, consent or authorization issued by the County, or which is a condition precedent to any permit approval, consent or authorization required by the County, for the Development of the Project.
3. "Development Exactions" mean any assortment of techniques, fees, dedications, and exactions, however characterized or denoted, intended to compel Saddleback to exchange land, money, materials or services, or to compensate or reimburse the County for the added service, capital or operating costs of the County, by reason of development, expansion or modification of any structure, business or use on the Project. Without limiting the generality of the foregoing, the term "Development Exactions" shall specifically include all impact fees authorized by the Utah Impact Fee Act, Utah Code Ann. § 11-36-101 et seq. and any similar Tooele County ordinances, but shall not include the fees specifically identified in Section 3(e) of the Agreement.
4. "Existing Land Use Regulations" means those certain Land Use Regulations in effect on the Effective Date.
5. "Land Use Regulations" means laws, statutes, ordinances, codes, resolutions, rules, regulations, approvals, permits of every kind and character, programs, and official policies and action of the County, governing the permitted uses of land, set-back requirements, slope, density lot size and intensity of use, and the design, improvement, and construction standards and specifications applicable to the Development of the Project. Land Use Regulations include, but are not limited to, Development Approvals, the Tooele County General Plan, the Tooele County Zoning Ordinance, specific plans, zoning ordinances, development moratoria and growth management and phased development programs, and ordinances establishing Development Exactions. The term "Land Use Regulations" does not include, however, Regulations relating to the conduct of business, professions, and occupations generally; taxes and assessments other than Development Exactions; regulations for the control and abatement of nuisances; encroachment and other permits and the conveyances of rights and interests that provide for the use of or entry upon public property; and any exercise of the power of eminent domain. The term "Land Use Regulations" also includes the Utah Impact Fee Act, Utah Code Ann. § 11-36-101 et seq.

SCHEDULE 2(a)(i)

TO

DEVELOPMENT AGREEMENT

NARRATIVE DESCRIPTION OF SADDLEBACK

A DEVELOPMENT IN TOOELE COUNTY, UTAH

July 7, 1998

Introduction

Saddleback (also referred to as the "Project") is a development being proposed by Saddleback Partners, L.C. The Project is located on approximately 4,430 acres in Lake Point area of Tooele County, Utah¹.

Project Summary

The Project will include residential, highway commercial, neighborhood commercial, and industrial components. This mix will help insure that Saddleback is fiscally responsible as it relates to the Tooele County budget, contributes to the lifestyle of existing and future residents of the Lake Point area and Tooele County, and diversifies the product mix for the developer.

Saddleback has been designed to minimize its impact on current development in the area and to closely follow the new Tooele County General Plan for the Lake Point area. For example, rather than use an existing street such as Sunset Lane for its main access, Saddleback will likely utilize a new collector road which is being designed in conjunction with the County Engineering Department's goals and plans for the Highway 36--Interstate 80 Interchange. This design avoids any major impact for the existing residents of Sunset Lane and surrounding streets and creates a quick and easy transportation route for residents of Saddleback. It will also allow Saddleback Partners to have greater control over the access to the Project and to be able to clearly define when one enters and leaves the Project.

The Project will either create a new water system or expand the Stansbury Park system to Lake Point, expand sewer capacity for the area, and upgrade the transportation infrastructure. Saddleback is designed with appropriate clustering to allow for low cost maintenance of roads and infrastructure and to create significant open space. In order to help preserve aspects of the

¹ There are currently several parcels of land covered by this Project which are under contract, but which have not been transferred. Prior to any final plat approvals on this Project, these parcels will be owned by or controlled by Saddleback Partners. The one exception to this is an anticipated land trade with the Bureau of Land Management that will likely take another 12 months to complete. The BLM trade has been approved by the local, state, and national BLM offices and is currently being processed.

rural lifestyle in the area, the Project is based on one dwelling unit per acre average density. Furthermore, some portions of Saddleback located near the existing community may have an equestrian focus with accompanying larger lots. This design would minimize conflict between the new and old portions of the Lake Point community, would help meet the demand in Utah for larger, equestrian oriented lots, and help provide some project diversity.

One goal of the Saddleback Partners has been to design the Project to preserve the foothills and mountain sides as much as possible. Recreation opportunities are also expanded as the design of Saddleback incorporates an extensive trail system, significant park space, and possibly other recreation amenities such as a golf course and/or equestrian center. Saddleback Partners is also working with the Bureau of Land Management ("BLM") to improve access to and expand recreation opportunities in the Oquirrh Mountains, which are owned by the BLM and serve as the eastern boundary to Saddleback.

Open Space Design

Saddleback is designed as an open space oriented master planned community. The Project's open space areas are estimated to comprise roughly 50% of the property once the development of the community is completed. Open spaces of different types are dispersed throughout the community providing the resident of any particular neighborhood access to developed park spaces with recreational areas and sports fields, walking and riding areas (bicycle and equestrian) within improved native areas along creeks and hillside areas, areas specifically devoted to equestrian uses, natural areas included in large lots to provide "buffers" to homeowners, and native areas left for the future as they exist today. In addition, it is currently anticipated that Phase Two, as described below, will incorporate a championship golf course, providing both recreational opportunities for residents and significant and attractive open space.

Park and Recreational Areas. Park and recreation areas are an integrated system of recreational nodes, neighborhood parks and community parks linked together in many areas by pedestrian greenbelts and paths. Park and recreation areas, located in close proximity to single family detached and multi-family residential neighborhoods are designed to provide recreational amenities such as sports fields (possibly provided in conjunction with school sites), ball courts, tot lots, picnic areas and large open play areas. Parks are divided between neighborhood oriented parks and larger community parks. Included in the neighborhood parks are areas that may simply consist of a cluster of trees and a park bench, "tot lots" which consist of small neighborhood oriented play equipment and swing sets, or a small patch of lawn for playing catch, walking a dog, or throwing a Frisbee.

Within the neighborhood areas are planned a network of pedestrian paths and greenbelts that in some cases provide off-street access to and from parks and schools. The paths, designed to accommodate pedestrian and bicycle travel (and horses in appropriate areas), include periodic "nodes" that provide recreational amenities such as tot lots, ball courts and picnic areas.

Improved Native Walking and Riding Areas. Saddleback is crossed by several drainages and intermittent creeks that empty the large canyon watershed areas to the east. These areas will generally be retained in the natural state and improved to provide pedestrian and equestrian access within the planned community as well as to the Oquirrh Mountains to the east. Improvements, to the extent they are done, will include the planting of trees, native grasses and paths and walkways that can exist with minimal irrigation or the natural cycle of weather. Improved native areas provide links between single family detached and multi family neighborhoods and more rural oriented areas within the community. They will also provide a link between the existing community of Lake Point and walking and riding areas in the Oquirrh Mountains.

Active Recreation Amenities. Saddleback Partners is currently investigating the possibility of orienting a large portion of the Project around a championship style golf course. The topography is ideal for such a facility and the market in the Salt Lake area is very strong for golf courses and homes in the vicinity of golf courses. Compared with other areas in or near Salt Lake City, the weather and climate at Saddleback is also mild and provides a relatively long playing season. A golf course community also appeals to a wide variety of home buyers including golfers, people looking for an active lifestyle, young and mature families, and perhaps most important, people who appreciate and are attracted by the beautiful open spaces associated with a golf course. Golf courses have also proven to be excellent tools for controlling water and storm drainage.

One important component of golf courses in arid climates such as Tooele County is water consumption. Golf courses can be designed to minimize water usage, but generally use more water than native open space. One solution to this that Saddleback Partners is currently exploring is the reuse of treated sewer water. One way to treat most of the sewer effluent generated by the residential units to be built in Saddleback appears to be a package treatment plant. One benefit of this system is the fact that the water is generally treated to the point it can be reused for secondary irrigation. The cost and expense of providing, operating, and maintaining a secondary water system to homes is generally cost prohibitive as well as the costs of providing an irrigation system to passive open space areas. Golf courses, on the other hand, may produce sufficient income that they can afford to pay for the construction, operation, and maintenance of a secondary water system and can efficiently use treated water. In addition to using treated water, Saddleback Partners is exploring other options for irrigation of a golf course including use of water from wells it is currently drilling.

In addition to the golf course community, the equestrian lifestyle may be an important part of certain areas within Saddleback. Several of the neighborhoods will be designed with equestrian lots linked with equestrian facilities by neighborhood riding trails. An equestrian center is currently being contemplated as part of the Project, which would likely be open to the public.

Natural Open Spaces. To maintain an open space oriented planned community, there are large areas that are proposed to be left as they are today. These areas will retain some of the open feeling that has existed in the Lake Point community area for the past century. They will also provide important winter habitat for the deer and elk herds in the Oquirrh Mountains.

Residential Development

General. The total area currently designated for residential development in Saddleback is approximately 2,585 acres. The Project will have an overall density of one unit per gross acre for a total of approximately 2,585 dwelling units. As described above, the Project also has significant open space features and is being designed to both preserve and enjoy its unique setting.

Saddleback will contain a mix of lot sizes and housing types including equestrian and estate lots of approximately 20,000 square feet and larger and small lots of approximately 8,000 square feet, with a variety of lot sizes in between and likely some lots greater than one acre. Saddleback will feature a variety of home types, including starter homes, multifamily, step-up homes, equestrian oriented homes, patio, zero lot line, and golf villa type homes, and estate homes. Assuming a golf course is created, many of the estate lots will be adjacent to the golf course or adjacent to upper areas of the project such as near the Oquirrh Mountains. Saddleback Partners believes a mix of different home types in a community creates a strong community where people can share their talents and learn from one another. Furthermore, a mix allows families to grow and expand while staying in the same area. Saddleback is being designed so that many generations of a family or stages of a persons life are provided for, including a young couple saving money to buy their first house, a young family buying their first house, parents expanding to a larger custom or semi-custom home, an aging couple or family interested in an active or sedentary life style, and the family that has more horses than people.

It is currently contemplated that a portion of the development in Saddleback will be centered around equestrian themes. A number of the lots will be approximately ½ acre in size and would allow homeowners to keep several horses (numbers to be regulated) on the back portion of the lot and still have a nice landscaped front and rear yard. Much of the area may be connected with first class trails running in front of or behind most of the homes and through the open space. These trails will connect to the equestrian center and numerous trails leading into the adjacent BLM canyons and along the foothills. Some of the equestrian lots may be located in areas with a high water table that will enable natural sub-irrigation of the property keeping it green and productive through the summer months with little or no supplemental irrigation.

Phase One. Phase One is located east of Highway 36, is generally in the "heart" of the Lake Point community and borders the existing residential development in Lake Point. Much of this property is currently zoned RR-1 which allows a density of one unit per acre, with the remainder being zoned MU-40, but being identified in the Tooele County General Plan as

appropriate for RR-1 zoning. Due to its proximity to current development and its easy access to existing infrastructure, this area will likely be the first phase of the development.

Phase One will involve a mix of housing types with some pods containing clustered 8,000-10,000 square foot lots and other larger lot areas with an equestrian or estate lot focus. Homes on the smaller lots will be targeted to first time homeowners which is currently the highest demand and lowest supply area of the Salt Lake/Tooele market. Some of the larger lots are placed to provide a buffer and transition zone between the smaller lots and the existing community. The mix of lot sizes will attract a variety of individuals and create a mix of homes ranging from starter homes to custom homes. It is anticipated that lots equal to or greater than 20,000 square feet will allow the keeping of horses and other animals while the smaller lots will not.

Phase One also includes significant areas of open space, principally consisting of improved parkways, pocket parks, "tot lots", a community park, and native areas along the benches. A ten acre site has also been proposed (subject to determining the needs and desires of the Tooele School District) as an elementary school site if needed in the future. The various parks and the school site are connected by linear parkways and trails which allow for easy pedestrian access. Church locations will also be identified as the need arises.

Phase Two. East of the Rail Road Track is Phase Two of Saddleback. This property stretches for several miles along the benches of the Oquirrh Mountains, and is gently sloping (8-15%). It is anticipated that approximately 2,000 residential units (subject to change as the plan progresses) will be created in this area along with significant open space, trails, several parks, designated locations for churches and schools, and possibly a championship type golf course. Phase Two will contain a mix of lot sizes and housing types including estate lots of over 20,000 square feet, small lots of approximately 8,000-10,000 square feet, and a variety of sizes in between. Current zoning for the Phase Two area is MU-40, although the General Plan shows that this area is appropriate for an RR-1 zone and will be re-zoned as part of the approvals for the Project.

Phase Two will also contain significant areas of open space, including property within the developed areas and large pieces of property outside of the developed areas. Included in this open space may be a championship type golf course. The topography of Phase Two is ideal for a golf course and as discussed above, it may be an ideal way to use and enhance some of the Project's open space. The trail system through this area is designed to allow easy access to the Oquirrh Mountains for residents of the area and to maximize riding, biking, hiking, jogging, and walking opportunities both within the Project boundaries and outside the Project boundaries.

It is also currently contemplated that Phase Two may contain multi-family housing developments. This may take the form of apartment buildings, town homes, duplexes, patio, zero lot line, and golf villa type homes or other types of units designed to offer affordable and varied housing options. Saddleback Partners believes there is a need for multi-family units in the

Lake Point area in order to provide temporary housing as people build homes, affordable housing for young families, or for "empty nesters" or others wishing to simplify life. Saddleback Partners recognizes that many of us have lived in multi-family accommodations at various points in our lives and that such facilities are a necessary part of any community.

Commercial and Industrial Development

The commercial development will include both highway and neighborhood commercial. The highway commercial will be located adjacent to Highway 36 and Interstate 80 and will likely consist of one or more motels and restaurants, and similar buildings designed to serve the traveling public. The highway commercial property is currently zoned for highway commercial and is ideally located at a major transportation crossroads and interstate travel route. The neighborhood commercial will be located between the highway commercial and the residential land and will include operations such as a grocery store, a video store, a barber shop, an auto repair or tire store, a bank, and similar stores and facilities primarily to serve the residents of the area. In addition, an area of neighborhood commercial may be created in the Phase Two area to allow residents easy access to some services. The property set apart for commercial development is approximately 100-150 acres and is generally located around the existing commercial development in Lake Point or in Phase Two.

The industrial portion of the Project is located north of Interstate 80 on land generally in the area of the old salt plant. This property is currently zoned for industrial use and it is currently the intent to create an industrial or business park in this area (in addition to 20 acres of commercial located north of Interstate 80 and discussed above). We believe the commercial and industrial components of the Project will greatly enhance the tax and job base in the area.

Infrastructure

Water. Saddleback Partners is very committed to supplying good quality water to its development without damaging existing homeowners in the area and to that end has utilized numerous water experts to help it understand the hydro-geology of the area. In addition, Saddleback Partners is committed to serving Saddleback with a central water system.

Sewer. As with water, issues relating to sewer are detailed in documents attached hereto. In summary, all homes in Saddleback will be served with sewer. Saddleback Partners is currently working on a design for this system including determining what expansion is necessary for the Lake Point Improvement District system. In addition, the possibility and economics of reusing the treated sewer effluent for secondary water is also being explored and shows some promise.

Roads. As recommended and requested by the Tooele County Engineering Department, the Project will be served by a collector system of roads. One main collector road, likely having no homes fronting on it, will go through the Project and be fed with smaller neighborhood roads. The principle entryway for the Project will likely be located off of the new county road being built at the Highway 36 and Interstate 80 junction. An additional main entryway for future phases may be located at Mills Junction. It is anticipated that the rail road tracks will be crossed with a bridge. The Project also provides an extensive system of trails for pedestrian, biker, and equestrian use. Furthermore, as requested by the Tooele County Engineering Department, the Project designates an access site as part of its open space for a possible future commuter rail service that would utilize the rail road tracks and provide service from Tooele City to Salt Lake City.

Utilities. Saddleback Partners has been working with utility providers, including power, telephone, and gas and believes that these utilities can be easily provided for the Project. Major power, telephone, and gas transmission lines are already located throughout Saddleback property.

SCHEDULE 2(a)(ii)

TO

DEVELOPMENT AGREEMENT

Development Standards

The Project shall be subject to the attached development standards of Tooele County. It is recognized by the parties that as a Planned Unit Development pursuant to Chapter 9 of the Tooele County Zoning Ordinance, the Project will need exceptions or modifications to certain of these standards and that these exceptions or modifications will be agreed to in good faith at a later date between Saddleback and the Tooele County Department of Engineering.

Chapter 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

4 - 1 Effect of Chapter

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the regulations of any zoning district appearing elsewhere in the Uniform Zoning Ordinance of Tooele County.

4 - 2 Substandard Lots at Time of Ordinance Passage¹

a. Any legal sustandard lot created prior to January 10, 1975, or having been granted a special exception by the board of adjustment pursuant to Tooele County Code 13-6-2, and having less than the requirements for lot area or width for the zoning district in which it is located, may be used for a single family dwelling if it is located in a zoning district that permits single family dwellings.

b. The method for determining side yard setback distances for lots described in subsection (a) is to:

1. determine the area of the lot;
2. determine the equivalent zone by using Table 4-A;
3. compare the actual front width with the equivalent zone frontage requirement;
4. if the actual frontage equals or exceeds the equivalent zone frontage, then use the setback distance of the equivalent zone;
5. if the actual frontage is less than the equivalent zone frontage, then use Table 4-B to determine the adjusted side yard setback.

c. All setbacks other than side yard setbacks shall remain as stated in the equivalent zone.

d. Notwithstanding anything to the contrary in this section, side yard setbacks in lots described in subsection (a) shall not be less than eight feet.

¹Amended on December 9, 1997, by Ordinance #97-18

Table 4-A

Area of Lot:	Equivalent Zone:
Over 120 acres	MU-160
Over 60 acres, up to 120 acres	MU-80
Over 50 acres, up to 60 acres	MU-40
Over 15 acres, up to 50 acres	A-20
Over 7 acres, up to 15 acres	RR-10
Over 3 acres, up to 7 acres	RR-5
Over 0.75 acres, up to 3 acres	RR-1
Over 17,000 square feet, up to 32,670 square feet	R-1-21
Over 11,000 square feet, up to 17,000 square feet	R-1-12
Over 9,000 square feet, up to 11,000 square feet	R-1-10
Up to 9,000 square feet	R-1-8

Table 4-B

(Actual Width x Side Yard Multiplier = Adjusted Side Yard)

Equivalent Zone	Side Yard Multiplier
R-1-8	= 0.0857
R-1-10	= 0.1000
R-1-12	= 0.1250
R-1-20	= 0.1000
RR-1	= 0.1200
RR-5	= 0.1000
RR-10	= 0.0758
A-20	= 0.0909
A-40	= 0.0909
MU-40	= 0.0454
MU-80	= 0.0227
MU-100	= 0.0227

4 - 3 Lot Standards

a. Except for Planned Unit Developments and Cluster Subdivisions, or as otherwise provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the Zoning District in which such lot is located. Lots shall have frontage upon a dedicated or publicly-approved street before any building permit may be issued, except residential lots may front upon private roads approved by the planning commission, subject to the requirements of Tooele County Code Section 15-2-6. Seasonal cabin lots require no public street or private road frontage.

b. In the residential and rural residential zoning districts, no lot shall be created which is more than three times as deep as it is wide.

4 - 4 Every Dwelling To Be on a Lot - Exceptions

Except as otherwise stated herein, every dwelling shall be placed and maintained on a separate lot.

Group and cluster dwellings, condominiums and other multi-structure dwelling complexes with single ownership and management, may occupy one lot for each such multi-structure complex.

4 - 5 Yard Space for One Building Only

No required yard or other open space which is required for complying with the provisions of this Ordinance, around an existing building or which is hereafter provided around any building shall be considered as providing a yard or open space for another building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

4 - 6 Private Garage with Side Yard - Reduced Yards

On any interior substandard lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same Zoning District, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard for a recognized substandard lot.

On any substandard lot where such a garage has a side yard as mentioned before, the **rear yard of the dwelling** may be reduced to fifteen (15) feet, provided the garage also has a rear yard of at least fifteen (15) feet.

4 - 7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot or building.

4 - 8 Sale of Lots Below Minimum Space Requirements

No parcel of land may be divided or subdivided from a larger parcel of land which creates a lot that has less than the minimum width and area requirements for the Zoning District in which it is located. This regulation applies whether the intent of the division or subdivision may or may not be for the purpose, whether immediate or future, of building, development or any other land use.

4 - 9 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be unobstructed and open to the sky, except for:

- a. Accessory buildings in a rear yard.
- b. The ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half (2 ½) feet.
- c. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet.

4 - 10 Area of Accessory Buildings

No accessory building, nor group of accessory buildings, in any residential district shall cover more than twenty-five (25) percent of the rear yard.

4 - 11 Additional Height Allowed

Public and quasi-public utility buildings, when authorized in a Zoning District, may be erected to a height greater than the district height limit by **conditional use permit**.

4 - 12 Exceptions to Height Limitations

All buildings and structures must conform to the height limit of the Zoning District in which it is located and no space above the height limit shall be allowed

for purposes of providing additional floor space. The following are the **only exceptions** to the height limits in any Zoning District:

- a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
- b. Fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures.

4 - 13 Minimum Height of Main Building

No dwelling shall be erected to a height less than one (1) story above grade.

4 - 14 Maximum Height of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family, or four-family dwelling shall contain more than one (1) story or exceed twenty (20) feet in height.

4 - 15 Clear View of Intersecting Streets

- a. In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height or twelve (12) inches in width shall be placed on any corner lot within the clear view zone. Signs and a reasonable number of trees pruned to at least ten (10) feet clearance to grade to permit unobstructed vision to automobile drivers and pedestrians.
- b. Signs or other advertising structures shall not be erected at the intersection of any street or driveway in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words, (Stop), (Drive-in), (Danger), or any other words, phrases symbol or character in such a manner as to interfere with, mislead or confuse vehicle operators.

4 - 16 Maximum Height, Fences, Walls, Hedges

- a. Fences, walls, hedges may be erected to permitted building height for the Zoning District in which they are located when within the buildable area, provided that any such structure over six (6) feet high requires a building

permit.

- b. View-obscuring fences, walls, and hedges may not exceed **three (3)** feet in height within any required front yard.
- c. Notwithstanding any other provisions herein, no view-obscuring fence, wall, or hedge exceeding **three (3)** feet in height shall be erected or allowed closer to any street line than the required building setback line.
- d. Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

4 - 17 Water and Sewerage Requirements

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Department of Environmental Quality is not available, and in all situations where a connection to a public water system approved by the Utah State Department of Environmental Quality is not available the sewage disposal and the domestic water supply shall comply with the requirements of Tooele County Health Department, and the application for a building permit shall be accompanied by a certificate of approval from the Tooele County Health Department.

4 - 18 Curbs, Gutters and Sidewalks

The installation of curbs, gutters and sidewalks of a type approved by the Director, Department of Engineering may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, or sidewalks may be required as a condition of a building permit or a use permit approval.

4 - 19 Effect of Official Map

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line.

4 - 20 Lots and Dwellings on Private Streets - Special Provisions

Lots with frontage only on private streets shall only be allowed by Conditional

Use Permit or Planned Unit Development, and subject to all applicable requirements of this Ordinance.

4 - 21 Lots Which Are Divided By A Zone Boundary

A lot which is divided by a zone boundary shall be subject to the following special regulations:

- a. A use allowed in the less restrictive zone, but not allowed in the more restrictive zone, may be allowed to extend into the more restrictive zone but not more than fifty (50) feet by approval of the **Board of Adjustment**, if the Board finds that the extension is required for the reasons of justice and equity and will not be harmful to neighboring property or human values.

- b. A substandard lot in a zone requiring greater area than exists on that lot, may have area added from a legally-existing, legally-created, or existing substandard lot located in a Zoning District requiring lesser area through a subdivision approval or by a variance issued by the Board of Adjustment if the total lot area would not equal the minimum lot area of the zone, as long as the creation of the new lot or lots, or the addition of land to an existing lot:
 - 1. would not create undesirable land patterns or prevent desirable subdivision designs in the area;
 - 2. would not be detrimental to the development of required or desirable streets, utilities, or other public facilities or service;
 - 3. would provide a usable and desirable lot for the uses and densities allowed.

- c. The uses allowed on any portion of the new lot shall only be those allowed in the **district** in which such portion of the lot is located.

- d. Any such enlarged lot created shall not be re-subdivided, except through submission and approval of a subdivision plat as required by the subdivision chapter of this ordinance.

4 - 22 Disconnection or Disincorporation of Property

Any parcel of property which becomes part of the unincorporated area of Tooele County, because of disconnection from a municipality or disincorporation of a municipality, shall automatically be designated the same zoning district as the adjoining zone.

4 - 23 Animal and Fowl Restrictions

No animal or fowl shall be kept or maintained closer than forty feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than forty feet from any street, except that in the RR-10, A-20, A-40, MU-40, MU-80 and MU-160 zoning districts, no corral or stable for the keeping of horses may be located closer to a public street or to any dwelling on an adjacent parcel of land than one hundred feet. No animal or fowl other than horses, cattle, sheep, poultry, swine or mink shall be kept on a parcel with out first obtaining a conditional use permit to insure the welfare, safety and mitigation of nuisances arising from maintaining such animals.

4 - 24 Off-site Improvements

- a. The applicant of a building in an approved subdivision shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street for all dwellings, commercial/industrial structures, public and quasi-public buildings in locations where it has been determined as being required, at Tooele County standards. Vehicular entrances to the property shall be provided as required in Chapter 6 and Chapter 23 of these ordinances. Height, location, structural specifications, maximum roadway approach angles to the centerline of the street are subject to approval from the Department of Engineering.
- b. A fee may be paid in lieu of improvements when:
 1. Conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the Planning Commission may require an applicant to pay to Tooele County a fee equal to the estimated cost of such improvements, as determined by the Director of the Department of Engineering. Upon payment of such fee by the developer, contractor, or land owner, Tooele County shall assume the responsibility for future installation of such improvements.
 2. The auditor shall place such fees in the special account established to hold such fees, and shall credit to such account a proportioned share of interest earned from investment of county moneys. Records relating to the identification of properties for which such fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the Department of Engineering.
- c. The Planning Commission may grant an exception to installation of the

sidewalk in industrial areas where the Planning Commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety and welfare.

- d. The Planning Commission may grant an exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.

4 - 25 Commercial Renting of Dwellings Prohibited

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof within any residential, agricultural or multi-use zoning district for lodging or accommodation purposes for a period of less than thirty (30) days except as specifically allowed in the zoning district regulations.

4 - 26 Temporary Emergency, Construction, or Repair Residences

If for reason of emergency, construction, or major repair, there is need for a temporary residence on construction sites of non residential premises in the remote areas of the county where travel would exceed 1 hour at posted speed limits to a residence or a trailer park, a temporary use permit shall be considered to allow temporary placement of mobile homes, manufactured homes or the use of recreational vehicles to provide temporary housing. Any such use must be approved by the Director of the Department of Engineering with the following terms and conditions:

- a. The temporary use approval of the structure, recreational vehicle, mobile home, or manufactured housing is **temporary** and is not to exceed six months, with the exception that the owner can apply for a six month extension, provided that **substantial progress of the emergency, construction or repair** is demonstrated. There shall be no more than three (3) extensions granted for any temporary use permit or any lot, parcel or property.
- b. The temporary structure, mobile home, manufactured housing, or recreational vehicle shall be constructed or placed in accordance with the Uniform Building Code and the Uniform Zoning Ordinance of Tooele County and shall be required to have a permit from the Tooele County Health Department in regard to sanitation facilities and a building permit issued before commencement of construction or placement of the temporary structure.

- c. The temporary structure, mobile home, manufactured home, or recreational vehicle shall be removed:
 - 1. Immediately following completion of the project, construction and/or repairs, or
 - 2. Immediately upon the expiration of the term of the temporary use permit.
- d. The Department of Engineering and its employees may review the temporary use permit or the structures on the property to insure compliance and substantial progress.
- e. Mobile and manufactured homes will be placed in accordance with Chapter 10 of the Uniform Zoning Ordinance of Tooele County with the following exceptions:
 - 1. They shall leave the running gear intact.
 - 2. The skirting will be of a temporary construction, not of masonry material.
- f. The temporary structure, mobile home, manufactured housing or recreational vehicle shall not be issued a building permit, placed, stored, located, or constructed on the property until a temporary use permit has been issued.

4 - 27 Special Events

A temporary conditional use permit shall be required for any special event that will last longer than 8 hours. The temporary conditional use permit shall be issued for no longer than six (6) months, and may be extended one (1) time. The Planning Commission may require the applicant to post a cash bond to ensure compliance with the conditions of the conditional use permit. If the applicant requests Tooele County to provide extraordinary services or equipment, or if the Planning Commission determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to Tooele County a fee sufficient to reimburse Tooele County for the costs of these services. The conditional use permit **SHALL NOT** be approved if the event will:

- a. Materially endanger the public health or safety, or
- b. Substantially injure the value of the adjoining or abutting property, or

- c. Not be in harmony with the area in which it is to be located, or
- d. Not be in general conformity with the land use plan or any other plan officially adopted by the Board of County Commissioners or the Planning Commission.
- e. Have hours of operation not compatible with the uses adjacent to the activity.
- f. Create an amount of noise which disrupts the activities of adjacent land uses.
- g. Potentially create an amount of litter or property damage that the applicant can not reasonably control or remove.
- h. Require more parking than can be accommodated, or will interfere with the normal flow of traffic or with the right of adjacent and surrounding property owners.

Chapter 6

OFF-STREET PARKING REQUIREMENTS

6 - 1 Off-Street Parking Required

At the time any building or structure is erected, enlarged, increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the requirements of this Chapter.

6 - 2 Size

The dimensions of each **off-street** parking space shall be at least nine (9) feet by twenty feet (20) for diagonal or ninety-degree (90) spaces; or nine (9) feet by twenty-two (22) feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty (20) parking spaces the Zoning Administrator may approve a design allowing not more than twenty (20) percent of such spaces to be not less than seven and one-half (7 1/2) feet by fifteen (15) feet to be marked and used for compact automobiles only.

6 - 3 Access to Individual Parking Spaces

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

6 - 4 Number of Parking Spaces

The minimum number of off-street parking spaces required shall be as follows:

- a. Apartments - Two and one half (2½) per apartment dwelling unit.
- b. Business or professional offices - One parking space for each 100 sq. feet of floor area.
- c. Churches with fixed seating - **One and one-quarter (1¼)** space for each six (6) feet of linear pew **or** four (4) seats. However:
 1. Where a church building is designed or intended to be used by two congregations at the same time, parking of **two and one-quarter (2¼)** parking spaces shall be provided for each six (6) feet of linear pew **or** four (4)

seats.

2. For buildings designed or intended to be used for conferences or other special meetings involving more than the regular congregations, the necessary parking shall be determined by the planning commission.
- d. **Dwellings** - Two parking spaces for each dwelling unit.
- e. **Furniture and Appliance Stores** - One parking space for each 600 sq. ft. of floor area.
- f. **Hospitals** - One parking space for each bed plus 1.1 spaces for each employee, projected from the largest employment shift.
- g. **Hotels, motels, motor hotels** - One space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.
- h. **Nursing homes** - One space for each five beds plus 1.1 spaces for each employee, projected for the largest employment shift.
- i. **Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments** - One parking space for each 3.5 seats or one parking space for each 100 sq. ft. of floor area (excluding kitchen, storage, etc.,) whichever is greater.
- j. **Retail stores, shops, except as provided in (b) above** - One parking space for each 100 sq. ft. of retail floor space.
- k. **Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses** - As determined by conditional use permit or by Planned Unit Development requirements, if applicable, or by the Planning Commission, but in no case fewer than one space for each employee projected for the highest employment shift.
- l. **Shopping centers or other groups of uses not listed above** - As determined by conditional use permit or Planned Unit Development procedure, if applicable, or by the Planning Commission, but in no case less than one parking space for each 100 sq. ft. of total floor space.
- m. **All other uses not listed above** - As determined by the Zoning Administrator, based on the nearest comparable use standards.

Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows:

- a. **Residential Lots** - For each residential lot not more than two driveways, each of which shall be a maximum of twenty (20) feet wide at the street lot line. Driveways shall not be closer than:
 1. twelve (12) feet to each other, and
 2. sixty (60) feet along the right of ways to a point of a road or street right of way intersection.

- b. **Other than Residential Lots** - Access shall be provided to meet the following requirements:
 1. Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.
 2. No two (2) driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than five (5) feet.
 3. Each driveway providing access to a single lot shall not be more than thirty-five (35) feet wide, and each driveway providing access to two lots shall not be more than fifty (50) feet wide per one hundred (100) feet of frontage, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
 4. Except as provided in 6 - 5 (b)(3) and 23 - 6, no driveway shall:
 - A. be closer than twenty (20) feet to the point of an intersection of two property lines, and
 - B. be closer than fifty (50) feet to the right of way line of any road or street corner, and
 - C. extend across any property line.
 - D. violate any conditions as shall be set forth in "Regulation for the control and protection of state highway rights of ways" by Utah

Department of Transportation.

5. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a parking strip, with a minimum width of ten (10) feet, along the entire frontage of the property, except for the permitted driveways. On the street side of the parking strip a concrete curb shall be constructed, the height and type is a six (6) inch high back, unless another specification has been approved by the Department of Engineering.
6. In Planned Unit Developments (when required) and subdivisions that have a density greater than one (1) acre lots, and there is no existing curb and gutter or sidewalk, the applicant shall install a parking strip, sidewalk, curb and gutter, unless this requirement is waved by the Department of Engineering.

6 - 6 Location of Gasoline Pipe Lines

Gasoline pumps shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical, and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

6 - 7 Maintenance of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

- a. **Surfacing** - Each off-street parking lot shall be surfaced with an asphaltic or portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to contain all surface water, by an on site containment system. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.
- b. **Screening** - The sides and rear of any non-residential off-street parking lot which faces or adjoins a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than four (4) nor more than six (6) feet in height.
- c. **Landscaping** - Each parking lot shall be adequately landscaped and permanently

maintained.

- d. **Lighting** - Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any Residential or Commercial district, and from street traffic.

Chapter 7

CONDITIONAL USES

7 - 1 Purpose of Conditional Use Provision

A "conditional use" is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

7 - 2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be located, and if the use is specified as conditional use elsewhere in this Ordinance. **Failure to comply with any of the conditions imposed in the permit will result in an Order to Show Cause for revocation. The permit may be revoked by the Planning Commission upon evidence that any condition has not been met.**

7 - 3 Application

A conditional use permit application shall be made to the Department of Engineering as provided in this Ordinance. The Department of Engineering shall submit the application to the Planning Commission, and schedule it for the work meeting. The Planning Commission may authorize the Director of the Department of Engineering to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

All applications for a conditional use permit shall be accompanied by maps, drawings, statements or other documents as required by the Planning Commission. **All submittals must be in to the Department of Engineering for staff and public review by noon, not less than seven (7) days prior to the work or business meeting of the Planning Commission.**

7 - 4 Determination

The Planning Commission, or upon authorization, the Director of the Department of Engineering, may permit a use to be located within a zoning district in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances. In authorizing any conditional use the

Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission shall not authorize a conditional use permit unless the evidence presented is such as to establish:

- a. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity; and,
- b. That the conditions for the use will:
 1. Comply with the intent, spirit, and regulations of these ordinances and the zoning district where the use is to be located; and,
 2. Make the use harmonious with the neighboring uses in the zoning district in which it is to be located; and,
- c. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed; and,
- d. That protection of property values, the environment, and the tax base for Tooele County will be assured; and,
- e. That the conditions shall be in compliance with the current comprehensive General Plan of Tooele County; and,
- f. That some form of a guarantee is made assuring compliance to all conditions that are imposed; and,
- g. That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance.

7 - 5 Fee

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Board of County Commissioners.

7 - 6 Public Hearing

A public hearing may be held if the Director of the Department of Engineering or Planning Commission shall deem a hearing to be necessary and in the public

interest.

7 - 7 Appeals of Decision

Any person aggrieved by a decision of the Planning Commission or the Director of the Department of Engineering regarding the issuance, denial or revocation or amendment of a conditional use permit, may appeal such decision to the Board of County Commissioners, whose decision shall then be final. All appeals to the County Commission must be in writing and filed with the County Commission within thirty (30) days of the date of the decision appealed from. The decision of the County Commission may be appealed to the District Court provided such appeal is filed within thirty (30) days of the decision of the County Commission. Said appeal shall be filed with the County Commission and with the Clerk of the District Court.

7 - 8 Inspection

Following the issuance of a conditional use permit by the Director of the Department of Engineering or the Planning Commission:

- a. The Department of Engineering shall take in an application for approval of a building permit (if applicable), and shall insure that development is undertaken and completed in compliance with the conditional use permit, these ordinances, and the building codes.
- b. The Department of Engineering shall make periodic inspections to insure that compliance with all conditions imposed are being complied with. An Investigation Report will be issued to those who are out of compliance and if the discrepancy is not corrected in an allotted time, an Order to Show Cause will be issued for action by the Planning Commission.

7 - 9 Time Limit

- a. A conditional use permit for temporary uses may be issued for a **maximum period of six (6) months**, with renewals at the discretion of the Planning Commission **for not more than three (3) successive periods thereafter**.
- b. Unless there is **substantial action** under a conditional use permit within a maximum period of one (1) year of its issuance, said permit shall expire. The Planning Commission may grant one extension up to six months, when deemed in the public interest.

7 - 10 Notification Required

When the Planning Commission considers an application for a conditional use permit at the work meeting, notification shall be sent by mail to all landowners appearing on the tax rolls of Tooele County that adjoin the property or within an area that the Planning Commission and Department of Engineering deems would be impacted. It is the intent to make notification to all landowners or residents in the area that may be directly impacted by the conditional use action.

7 - 11 Amendment of a Conditional Use Permit

Once granted, a conditional use permit shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use permit application is made to, and approved by the Planning Commission, except as provided below:

- a. The Zoning Administrator may administratively consider, approve, or disapprove modifications or changes which are consistent with the purpose and intent of this ordinance. In addition, such administrative determinations may be made only where the following conditions exist:
 - 1. All additions, modifications, or changes are determined not to have significant impact beyond the site.
 - 2. Any decision of the Zoning Administrator may be appealed within 30 days to the Board of Adjustment as designated in Chapter 3.

- b. The Planning Commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the Zoning Administrator determines not to make an administrative determination as provided in (a) above and where the following requirements are met:
 - 1. The proposed modification or amendment complies with the intent and purpose of these ordinances.
 - 2. Reasonable conditions may be attached, where and to the extent that the Planning Commission finds, that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violate the intent and requirements of this chapter. Impacts must be of the magnitude that without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.

3. All decisions of the Planning Commission regarding approval, denial, the imposition of special conditions may be appealed to the Board of County Commissioners as provided in this Chapter.

7 - 12 Revocation

A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the owner or operator of the use to observe any condition specified in issuing the permit or failure to observe other requirements of this ordinance in regards to the maintenance of improvements or conduct of the use or business as approved. Furthermore, the county shall have a right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard and he, she or they may call witnesses and present evidence on their behalf. Upon conclusion of the hearing, the Planning Commission shall determine whether or not the permit should be revoked.

Chapter 8

NUISANCES

8 - 1 Purpose

To regulate and mitigate certain uses that may create an encroachment on the property rights of the community and therefore threaten the health, safety, comfort, convenience, order, prosperity and welfare of the inhabitants of Tooele County. To permit potential nuisances to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

8 - 2 General Provisions

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the district in which such use is situated.

8 - 3 Nuisance and Abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Ordinance, and/or any use of land, building or premise established, conducted or maintained contrary to provisions of this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney may, upon request of the Director of the Department of Engineering, at once commence action or proceedings for abatement and removal or injunction thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, or use, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions

of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

8 - 4 Performance Standards Procedure

The Zoning Administrator may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.

8 - 5 Enforcement Provisions Applicable to All Uses

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the Zoning Administrator against any use if there are reasonable grounds that the performance standards are being violated by such use.

8 - 6 Nonconforming Uses

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have one (1) year in which to conform therewith. If a performance standard existed prior to the adoption of this edition, no additional time shall be allowed for conformance.

8 - 7 Locations Where Determinations Are To Be Made For Enforcement Of Performance Standards.

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

- a. In any district, except a MD and MG Districts, at the lot line of the establishment or use.
- b. In an MD and MG Districts at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if

closer to the establishment or use, or at the closest point within an adjacent district other than an MD and MG Districts.

8 - 8 Dangerous and Objectionable Elements

- a. Noise - At points of measurement stated in Section 8 - 7 above, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the frequency limits given in Table I, after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standards Sounds Level Meters for Measurement of Noise and Other Sounds, 224.3 - 1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and other Sounds, 224.10 -1953, or latest approved revision thereof, American Standards Association, Inc., N.Y., N.Y., shall be used.)

Table I

<u>Frequency Ranges Containing Standard Octave Band in Cycles Per Second</u>	<u>Octave Band Sound Pressure Level in Decibels re 0.002 dyne/sq. cm.</u>
0 to 74	69
75 to 149	54
150 to 299	47
300 to 599	41
600 to 1,199	37
1,200 to 2,399	34
4,800 and above	28

Table II

	<u>Type or Location of Operation of Character of Noise</u>		<u>Correction in Decibels</u>
1.	Emission only between 7:00 a.m., and 7:00 p.m.	a.	Apply one plus correction only.
		+5a	
2.	Noise source operated less than 5 percent of any one-hour period....		+5a
3.	Property is not located in one of the R-districts and is not within 500 feet of any R-districts.....		+5a
4.	Noise of impulsive character (hammering, etc.).....		-5b
5.	Noise of periodic character (hum, screech, etc.).....	b.	Apply one minus correction only.
		-5b	

- b. Vibration - No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurements specified in Section 8 - 7 above.
- c. Odors - No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four of clean air at points of measurement specified in Section 8 - 7 herein, or at the greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system should the primary system fail. (There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)
- d. Glare - No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be

permitted to be visible at the points of measurement specified in Section 8 - 7 above. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.

- e. Fire and Explosion Hazards - All activities and storage of flammable and explosive materials, shall be provided with adequate safety devices against the hazard of fire and explosion.
- f. Radioactive or Electrical Disturbances - No activities shall be permitted which emit dangerous radioactive, or electrical disturbance that adversely affect the operation of any equipment other than that of the creator of such disturbance.
- g. Smoke - No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Department of Environmental Quality.
- h. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution - No emission shall be permitted except in accordance with air pollution provisions of the Utah State Department of Environmental Quality.
- i. Liquid or Solid Wastes - No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the Utah State Department of Environmental Quality or standards equivalent to those approved by such department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

8 - 9 Junk, Disposal, Dumping, Display, Collection and Storage

No person, firm or corporation shall place, store, maintain, dump, discard, toss, dispose of, scrap or locate solid waste or "junk" in any zoning district except at the Tooele County Solid Waste Disposal Facility or at a location that is in business to landfill, store, recycle or handle "junk" which is located in a zoning district where it is a permitted or conditional use. Any display, accumulation, or collection of discarded, worn out, or abandoned material which may or may not be put to some use or have some value, which may or may not be offered for sale, trade in whole or part or kept for storage shall conform to the regulations of the zoning district in which it is located, as well as all applicable state and federal laws and shall be maintained in an area surrounded by a view obscuring fence.

8 - 10 Storage of Unlicensed or Inoperative Vehicles and "Junk Yards"

No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap more than two (2) unlicensed and/or inoperative motor vehicles located outside of an enclosed structure upon any property in any zoning district unless it is a permitted or conditional use as a "Junk Yard" operation. An unlicensed or inoperable vehicle may be stored by covering it completely with a weather resistant material and placing it in a side yard, except a side yard which faces on a street, or a rear yard of the property for a period not to exceed two years.

Any vehicle or portion thereof, which is used as a storage building must be placed, altered or constructed by obtaining a building permit and the removal of all running gear, axles, fuel tanks, engines, drive train components, seats, and instrumentation.

Operation of a "Junk Yard", military surplus or vehicle recycling and storage shall conform to all zoning district requirements and be fully surrounded by a view obscuring fence at a height equal to the height of the materials stored within.

8 - 11 Agricultural, Commercial, Mining or Specialized Equipment Storage, Maintenance, Placement, Location, and Disposal

Equipment that is designed for commercial use in construction, mining, or specialized uses shall not be maintained, placed, stored, located, disposed of or discarded except in a zoning district in which it is a permitted or conditional use. Agricultural equipment must be originally designed and constructed for agricultural uses, or the owner must clearly demonstrate to the Department of Engineering that due to modifications made, the equipment is agricultural in its use.

8 - 12 Storage of Explosives and Hazardous Materials

No person, firm or corporation shall keep, place, store, locate, maintain, discard, dispose of, or scrap any Class A, B or C explosives or any material which is classified as Hazardous Material according to SARA Title 3 that exceeds the Threshold Planning Quantity except in a zoning district where it is a conditional use. The person firm or corporation shall obtain all required permits and report the name, quantity and storage site of the material(s) stored to the Department of Engineering, Tooele County Health Department and Tooele County Emergency Management as well as comply with all federal and state reporting requirements. (See SARA Title

III, Sections 302 and 313).

8 - 13 On Site Lighting - Requirements

On site lighting shall not penetrate beyond the property line in such a manner as to annoy or interfere with the use of adjacent properties. If such light is determined to be in violation, the owner of said light shall take appropriate corrective action as directed.

CHAPTER 9

PLANNED UNIT DEVELOPMENTS

9-1 PURPOSE.

A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned unit development technique, the County seeks to achieve the following specific objectives:

- (1) creation of a more desirable environment than would be possible through strict application of other county land use ordinances and regulations;
- (2) promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
- (3) combination and coordination of architectural styles, building forms and building relationships;
- (4) the creation, landscaping and preservation of open space and recreational facilities;
- (5) preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- (6) use of design, landscape or architectural features to create a pleasing environment;
- (7) preservation of buildings which are architecturally or historically significant contribute to the character of the County;
- (8) establishment of interconnecting paths and trails for alternative transportation routes which lead to common and popular destinations and interface with automobile traffic at few and specific points;
- (9) Provide a variety of housing, in accordance with the county's general or specific plans;

(10) inclusion of special development features; and

(11) elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

9-2 AUTHORITY TO MODIFY REGULATIONS.

(1) The planning commission shall have the authority in approving any planned development to change, alter, modify or waive any provisions of this ordinance as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned unit development:

- (a) will achieve the purposes for which a planned development may be approved pursuant to Section 9-1; and
- (b) will not violate the general purposes, goals and objectives of this chapter and of any plans adopted by the planning commission or the county commission.

(2) No change, alteration, modification or waiver authorized by this chapter shall authorize a change in the uses permitted in any district, a modification with respect to any standard established by this chapter, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

9-3 MINIMUM AREA.

A planned unit development proposed for any parcel or tract of land under single ownership or control shall have a contiguous minimum net site area for each zoning district as set forth below:

<u>Zoning District</u>	<u>Minimum Planned Unit Development Size</u>
Multiple Use District, M-U-40	120 Acres
Multiple Use District, M-U-80	240 Acres
Multiple Use District, M-U-160	480 Acres
Agriculture District, A-20	60 Acres
Agriculture District, A-40	120 Acres
Rural Residential District, RR-1	10 Acres
Rural Residential District, RR-5	20 Acres
Rural Residential District, RR-10	40 Acres
Residential District, R-1-40	5 Acres

Residential District, R-1-20	5 Acres
Residential District, R-1-12	5 Acres
Residential District, R-1-10	5 Acres
Residential District, R-1-8	5 Acres
Multiple Residential District, RM-7	5 Acre
Multiple Residential District, RM-15	5 Acres
Multiple Residential District, RM-30	5 Acres
Neighborhood Commercial District, C-N	20,000 Square Feet
Shopping Commercial District, C-S	60,000 Square Feet
General Commercial District, C-G	2 Acres
Manufacturing and Distribution District, M-D	5 Acres
General Industrial District, M-G	5 Acres
Hazardous Industrial District, MG-H	40 Acres

9-4 PRE-APPLICATION CONFERENCE.

(1) Prior to submitting a planned unit development application, an applicant shall participate in a pre-application conference with the zoning administrator, county planner, county engineer, sheriff's department, fire district, and the health department. A member of the planning commission and a member of the county commission shall be invited to attend the pre-application conference. Representatives of other county departments and decision making bodies may also be present, where appropriate.

(2) The purpose of the pre-application conference is to enable the applicant to present the concept of the proposed planned unit development and to discuss the procedures and standards for the planned unit development approval. The conference is intended to facilitate the filing and consideration of a complete application. No representation made by the zoning administrator, county planner, county engineer, sheriff's department, fire district, the health department, the county commission, the planning commission or the representatives of any county departments or other decision making bodies during such conference shall be binding upon the county with respect to the application subsequently submitted.

(3) The zoning administrator shall schedule the pre-application conference within 14 calendar days after receiving the request from the applicant. At the time of the request for the pre-application conference, the applicant shall include a narrative summary of the proposal and a description of adjacent land uses and neighborhood characteristics.

9-5 DEVELOPMENT PLAN APPROVAL STEPS.

The development plan approval process requires three approval steps: a

9-6 CONCEPT PLAN.

(1) The concept plan is intended to provide the applicant an opportunity to submit and obtain review of a plan showing the basic character and scope of the proposed planned unit development without incurring undue cost. At the election of the applicant, the concept plan may be submitted to the planning commission for its review, and decision following a public hearing.

(2) An application for submittal of a concept plan shall include schematic drawings at a scale of not smaller than 100 feet to the inch, of the proposed development concept, showing buildings located within 85 feet of the site exclusive of intervening streets and alleys, the general location of vehicular and pedestrian circulation and parking; public and private open space; and residential, commercial, industrial and other land uses, as applicable, and a tabulation of the following information:

- (a) total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms;
- (b) total square feet of building floor area proposed for commercial uses, recreation and accessory uses and industrial uses, by general type of use;
- (c) proposed number of off-street parking and loading spaces for each proposed type of land use;
- (d) total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; other land uses; public and private open space; streets, sidewalks, trails and paths; and off-street parking and loading area; and
- (e) total project density or intensity of use.

(3) The applicant shall submit an application for planning commission consideration, 14 calendar days prior to the next planning commission meeting. Upon receipt of an application, the zoning administrator shall forward the concept plan application accompanied by staff recommendations to the planning commission seven days prior to the next scheduled planning commission meeting.

(4) Upon review, the planning commission shall either approve the concept plan,

approve the concept plan subject to modifications or conditions, or disapprove the concept plan.

(5) If the Planning Commission denies the application for the concept plan, it shall refer it through the zoning administrator to the applicant for consideration of specific matters necessary to be resolved before approval may be granted. The applicant shall have 14 days following the receipt of the zoning administrator's notice within which to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the 14 day period, unless extended by the planning commission, the concept plan shall automatically expire and be rendered void. If the planning commission approves the concept plan, with or without modifications or conditions, it shall adopt a motion establishing the land uses and density for the proposed planned unit development and authorizing the applicant to submit an application for a preliminary plan consistent with the approved concept plan. Every such motion shall be expressly conditioned upon approval of the preliminary plan.

(6) Unless the applicant fails to meet time schedules for filing the preliminary plan or in any other manner fail to comply with any condition or approval required under this chapter, the county shall not, without the consent of the applicant, take any action to modify, revoke or otherwise impair the approved concept plan pending the application for approval of the preliminary plan. In submitting an application for preliminary plan approval, the applicant shall be bound by the approved concept plan with respect to each such element.

(7) Subject to an extension of time granted by the planning commission, unless a preliminary plan covering the area designated in the concept plan has been filed within one year from the date the planning commission grants concept plan approval, the planning commission's approval of the concept plan shall automatically expire and be rendered void.

9-7 PRELIMINARY PLAN.

(1) The applicant must file an application for preliminary plan with the planning commission. The preliminary plan application shall be submitted on a form provided by the zoning administrator, accompanied by four 24" X 36" copies and eight 11" X 17" copies of the plan and documents for processing of the application, and shall include at least the following information set forth below:

- (a) the applicant's name, address, telephone number and interest in the property;
- (b) the owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the

application;

- (c) the street address and legal description of the subject property;
- (d) the zoning classification, zoning district boundaries and present use of the subject property;
- (e) a vicinity map with north point, scale and date, indicating the zoning classifications and current uses of properties within 85 feet of the subject property, exclusive of intervening streets and alleys;
- (f) the proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;
- (g) a preliminary plan at a scale of 50 feet to the inch or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:
 - i the location, dimensions, and total area of the site;
 - ii the location, dimensions, floor area, type of construction and use of each proposed building or structure;
 - iii the number, the size and type of dwelling units in each building, and the overall dwelling unit density;
 - iv the proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
 - v architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross-sections;
 - vi the number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
 - vii the proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

- viii a traffic impact analysis;
 - ix the location and purpose of any existing or proposed dedication of easement;
 - xi the general drainage plan for the development tract;
 - xii the location and dimensions of adjacent properties, abutting public rights-of-way and easements, and utilities serving the site;
 - xiii significant topographical or physical features of the site, including existing trees;
 - xiv soils and subsurface conditions;
 - xv the location and proposed treatment of any historical structure or other historical design element or feature; and
 - xvi one copy of the preliminary plan colored or shaded but unmounted for legibility and presentation at public meetings.
- (h) A plat of the surveyed piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel of land, lot, lots, block, blocks, parts or portions thereof, according to the registered or recorded plat or such land.
- (i) A preliminary plat of the subdivision showing that the planned unit development consists of and is conterminous with a single lot described in a recorded plat of subdivision, or a proposed redivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.
- (j) The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:
- i a certificate of disclosure of ownership interest;
 - ii when the proposed planned unit development includes

provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a government authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted;

- iii copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned unit development;
- iv when the planned unit development is to be constructed in stages or phases, a schedule for the development of such stages or phases shall be submitted stating the approximate beginning and completion time for each stage or phase. When a development provided for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages or phases completed or under development bear to the entire development;
- v a statement showing the relationship of the proposed planned unit development to any adopted general plan of the county;
- vi a written statement addressing each of the standards set forth in Section 7-4, and such additional standards, if any, as may be applicable under the specific provisions of this ordinance. The statement shall explain specifically how the proposed planned unit development relates to and meets each such standard; and
- vii a statement showing why the proposed planned unit development is compatible with other property in the neighborhood.

(2) Upon review of a preliminary plan application, the zoning administrator shall notify the applicant of any deficiencies and or modifications necessary to perfect the application. A planned unit development, as a conditional use, shall be subject to the standards for approval set forth in chapter 7-4. The zoning administrator shall place the application on the next planning commission work meeting agenda, after the item is moved to the next business meeting, the planning commission shall render a decision on the basis of the standards contained in chapter 7-4, to

approve, approve with modifications or conditions, or deny the application. The planning commission shall not approve a preliminary plan unless it shall make written findings of fact with respect to each of the standards in chapter 7-4.

(3) Upon receipt of an application for final plan certification the zoning administrator, shall review the application to determine if it is complete, including any modifications required in conjunction with the approval of the preliminary plan. Once it is determined to be complete, the final plan shall be placed on the next business agenda of the planning commission. The planning commission shall either certify that the final plan complies with the approved Preliminary Plan; or refuse to certify the final plan for lack of compliance with the preliminary plan as it was finally approved. A final plan as finally approved and certified in accordance with the provisions of this chapter shall not be modified except in accordance with section 9-8. The decision approving a planned unit development shall contain a legal description of the property subject to the planned unit development. The decision, along with the development plan, shall be recorded by the county in the office of the county recorder before any permits may be issued. The approval of the proposed planned unit development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the county, including but not limited to a building permit, a certificate of occupancy and subdivision approval.

(4) If the planning commission determines that the final plan does not comply with the approved preliminary plan, and refuses to certify the plan, the zoning administrator shall notify the applicant in writing of it's decision, and identify the items of the approved preliminary plan with which the final plan does not comply. The applicant shall have 14 days following the receipt of the zoning administrator's notice within which to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the 14 day period, unless extended by the planning commission, the final plan shall automatically expire and be rendered void.

(5) Any party aggrieved by the decision of the planning commission not to certify a final plan, may appeal to the board of county commissioners. No planned unit development conditional use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further hearing.

(6) Following final plan approval, the final plan, rather than any other provision of this ordinance, shall constitute the use, parking, loading, sign, bulk, space and

yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the final plan shall be permitted within the area of the planned unit development.

9-8 ADJUSTMENTS TO DEVELOPMENT PLAN.

(1) No alteration or amendment shall be made in the construction, development or use without a new application under the provisions of this Chapter. However, minor alterations may be made subject to written approval of the planning commission and the date for completion may be extended by the planning commission. During build-out of the planned unit development, the planning commission may authorize minor adjustments to the approved final plan pursuant to the provisions for modifications to an approved site plan, when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to:

- (a) adjusting the distance as shown on the approved final plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;
- (b) adjusting the location of any open space, but the size or amount which shall not be compromised;
- (c) adjusting any final grade; and
- (d) altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

(2) Such minor adjustments shall be consistent with the intent and purpose of this chapter and the final plan as approved, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this chapter.

(3) Any adjustment to the approved final plan not authorized by this section, shall be considered to be a major adjustment. The planning commission following notice to all property owners whose properties are located within 100 feet of the planned unit development exclusive of intervening streets and alleys, may approve an application for a major adjustment of the final plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity to the final plan. If the planning commission determines that a major adjustment is not in substantial conformity with the final plan as approved, then the planning commission shall

review the request in accordance with the procedures set forth in Section 9-7.

Chapter 15

MULTIPLE USE, AGRICULTURAL, AND RURAL RESIDENTIAL DISTRICTS

15 - 1

Purpose

a. Multiple Use Districts

The purposes of providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing, livestock raising, and to wildlife values; and, to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

1. M-U-40, Minimum Lot Sizes: 40 acres
2. M-U-80, Minimum Lot Sizes: 80 acres
3. M-U-160, Minimum Lot Sizes: 160 acres

b. Agricultural Districts

To promote and preserve in appropriate areas conditions favorable to agricultural uses and to maintain greenbelt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the District from the intrusion of uses adverse to the continuance of agricultural activity.

1. A-20, Minimum Lot Sizes: 20 acres
2. A-40, Minimum Lot Sizes: 40 acres

c. Rural Residential Districts

To promote and preserve in appropriate areas conditions favorable to

large-lot-family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public services. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

1. R-R-1, Minimum Lot Sizes: 1 acre
2. R-R-5, Minimum Lot Sizes: 5 acres
3. R-R-10, Minimum Lot Sizes: 10 acres

15 - 2 Codes and Symbols

In the following Sections of this Chapter, are uses of land or buildings which are allowed in the various districts as shown:

- a. "permitted uses", indicated by a "P" in the appropriate column, or
- b. "conditional uses", indicated by a "C" in the appropriate column.
- c. "conditional uses", indicated by a "C1" in the appropriate column may be approved administratively by the Department of Engineering.

If a **use** is **not allowed** in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

If a **regulation applies** in a given district, it is indicated in the appropriate column by a numeral to show the linear feet, or square feet, or acres required, or by the letter "A". If the regulation **does not apply**, it is indicated in the appropriate column by a dash, "-".

15 - 3 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural, or rural residential districts except as provided in this Ordinance.

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL		
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10
1	Accessory buildings and uses customarily incidental to permitted uses:	P	P	P	P	P	P	P	P
2	Accessory uses buildings customarily incidental to conditional uses:	C	C	C	C	C	C	C	C

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL			
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10	
3		Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.		C1	C1	C1	C1	C1	C1	C1
4		Agriculture and Forestry								
	a	Agriculture, including grazing and pasturing of animals		P	P	P	P	P	P	P
	b	Agricultural industry or business		C	C	C	C	C	-	C
	c	Plant materials nursery or green-house, not exceeding 20,000 square feet in area		P	P	P	P	P	P	P
	d	Fruit or vegetable stand		C	C	C	C	C	C	C
	e	Farms devoted to raising and marketing of chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales		P	P	P	P	P	-	C
	f	Forestry, except forest industry		P	P	P	P	P	P	P
	g	Forest industry, such as a saw mill, wood products plant, etc.		C	C	C	-	-	-	-
5		Apiary		P	P	P	P	P	C	C
6		Aviary		P	P	P	P	P	-	C
7		Canals, evaporation ponds, settlement ponds and related uses and mining operations in connection with the concentration and purification of naturally occurring brines and the extraction of salts from the brines		C	C	C	-	-	-	-
8		Cluster Subdivision of Single Family Dwellings								
	a	Provided that the residential density is not increased by more than one hundred (100) percent for the district		C	C	-	C	C	C	C
	b	Provided that the area, in acres, of the parcel is not less than:		120	240	-	80	120	5	15
9		Dams and reservoirs		C	C	C	C	C	-	-
10		Dude Ranch, Family Vacation Ranch		C	C	C	C	C	-	-
11		Dwellings:								
	a	Single Family Dwellings		P	P	P	P	P	P	P
	b	Two-family Dwellings (Duplex)		P	P	P	P	P	P	P
	c	Seasonal Cabin or Home		C	C	C	-	-	-	-
	d	Farm or Ranch Housing		C	C	C	C	C	-	-

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL		
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10
	e	Dwellings or Residential Facilities for Handicapped Persons	C	C	C	C	C	C	C
6	f	Dwellings or Residential Facilities for Elderly Persons	C	C	C	C	C	C	C
12		Electromagnetic Interference Testing (As described by FCC Docket No. 20780, Amendment 79-555 Governing Restricted Radiation Devices) (Rev. Or. 81-4)	C	-	-	-	-	-	-
13		Home occupation	C1	C1	C1	C1	C1	C1	C1
14		Household pets	P	P	P	P	P	P	P
15		Kennel	C	C	C	C	C	-	C
16		Mining, rock crusher, batch plant, asphalt plant, quarry, Gravel pits, and oil or steam wells	C	C	C	C	C	-	-
17		Municipal Solid Waste handling, processing collection, disposal, and other activities that are government owned and operated	C	C	C	-	-	-	-
18		Power generation:							
	a	Primary power generation for on-site use of:							
		1. solar	P	P	P	P	P	P	P
		2. wind driven under 5.9 KVA	P	P	P	P	P	C	P
	b	Auxiliary, temporary, and/or wind, with more than 6 KVA, but less than 10 KVA output	P	P	P	P	P	-	C
	c	Steam, hydro, or reciprocating engine with more than 10.05 KVA, but less than 150 KVA output	C	C	C	C	C	-	C
19		Private park, recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	C	C	C	C	-	C
20		Public owned parks and recreational facilities	P	P	P	P	P	P	P
21		Public stable, riding academy or riding ring, horse show barns or facilities	C	C	C	C	C	-	C
22		Public, quasi-public, and public service utility lines, pipelines, powerlines, private roads and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C	C	C	C	C
23		Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church, cemetery	C	C	C	C	C	C	C

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL			
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10	
24		Radio and television transmitting stations or towers	C	C	C	C	C	-	-	-
25		Storage, placement, keeping, locating, parking, maintaining, disposing, dumping, scraping, keeping of the following types of Equipment:								
	a	Agricultural Equipment	P	P	P	P	P	P	P	P
	b	Commercial, construction, military surplus, mining or specialized equipment	C	C	C	-	-	-	-	-

15 - 4 Area Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL			
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10	
1		The minimum lot area in acres for any main use in the districts regulated by this chapter shall be	40	80	160	20	40	1	5	10

15 - 5 Width Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL			
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10	
1		The minimum width in feet for any lot in the districts regulated by this chapter, except as modified by planned unit developments or cluster subdivisions, shall be:	660	1320	1320	330	660	125	200	330

15 - 6 Frontage Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL			
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10	
1		The minimum frontage, in feet, for any lot on a public street approved by the county commission shall be:	60	60	60	60	60	25	50	60

15 - 7 Front Yard Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL			
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10	

1	The minimum depth in feet for the front for main buildings in districts regulated by this chapter shall be:	30	30	30	30	30	30	50	50
2	Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; other-wise they shall be set back at least six (6) feet in the rear of the main building	A	A	A	A	A	A	A	A

15 - 8 Rear Yard Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL		
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10
1	The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be:								
a	for main buildings	60	60	60	60	60	30	50	60
b	for accessory buildings	60	60	60	60	60	10	60	60

15 - 9 Side Yard Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL		
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10
1	The minimum width of each of the two required side yards in feet for any dwelling, other main building, or accessory buildings in districts regulated by this Chapter shall be:	30	30	30	30	30	15	20	25
2	Corner lots, two (2) front and two (2) rear yards are required	A	A	A	A	A	A	A	A

15 - 10 Height Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL		
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10
1	The maximum height for all buildings and structures in districts regulated by this chapter shall be (in feet)	35	35	35	35	35	35	35	35

15 - 11 Coverage Regulations

		MULTIPLE USE			AGRICULTURAL		RURAL RESIDENTIAL		
		MU-40	MU-80	MU-160	A-20	A-40	RR-1	RR-5	RR-10
1	The maximum coverage in percent for any lot in the districts regulated by this chapter shall be:	-	-	-	-	-	20	10	5

15 - 12 Minimum Lot Sizes

a. Minimum lot sizes for lots in districts covered by this chapter shall be as follows:

- 1. M-U-40: 40 acres
- 2. M-U-80: 80 acres
- 3. M-U-160: 160 acres
- 4. A-20: 20 acres
- 5. A-40: 40 acres
- 6. R-R-1: 1 acres
- 7. R-R-5: 5 acres
- 8. R-R-10: 10 acres

b. A six percent reduction in minimum lot size shall be allowed in all M-U, A and R-R zones, except R-R-1 zones, to allow for the dedication of public rights-of-way providing access to and past the affected lot.

1. Ordinance No. 95-23

Chapter 16

RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS

16-1 Purpose

- a. Residential District R-1-21 is to provide areas for very low density, single-family residential neighborhoods of essentially spacious and uncrowded character. The minimum lot size is 21,780 square feet.
- b. Residential District R-1-12 is to provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character. The minimum lot size is 12,000 square feet.
- c. Residential District R-1-10 is to provide areas for medium low-density, single-family residential neighborhoods and medium costs of development may occur. The minimum lot size is 10,000 square feet.
- d. Residential District R-1-8 is to provide areas for low-density, single-family residential neighborhoods where low and medium costs of development may occur. The minimum lot size is 8,000 square feet.
- e. Multiple Residential District R-M-7 is to provide for areas for medium residential density with the opportunity for varied housing styles and character. The maximum density is seven dwelling units per net acre.
- f. Multiple Residential District R-M-15 is to provide areas for high residential density with the opportunity for varied housing styles and character. The maximum density is 15 dwelling units per net acre.
- g. Multiple Residential District R-M-30 is to provide for high residential density with the opportunity for varied housing styles and character. The maximum density is 30 dwelling units per net acre.

16 - 2 Codes and Symbols

For the purposes of this chapter, uses of land or buildings which are allowed in the various districts are shown as permitted uses, indicated by a "P" in the appropriate column, conditional uses, indicated by a "C" in the appropriate column, or as conditional uses that may be approved administratively by the department of engineering, indicated by "C1" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the

linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash "-".

16 - 3 Use Regulations

No building, structure or land shall be used and no building or structure shall be hereafter, structurally altered, enlarged or maintained in the residential and multiple-residential districts, except as follows:

		RESIDENTIAL (R-1-____)				MULTIPLE-RESIDENTIAL (R-M-____)		
		21	12	10	8	7	15	30
1		Accessory buildings and uses customarily incidental to the permitted uses:						
		P	P	P	P	P	P	P
2		Accessory uses and buildings customarily incidental to conditional uses:						
		C	C	C	C	C	C	C
3		Agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening:						
		P	P	P	P	P	P	P
4		Child day care or nursery						
		C	C	C	C	C	C	C
5	a	Cluster subdivisions of single-family dwellings, provided that the residential density is not increased to allow more than one dwelling for each						
		1. 25,000 sq. ft.	-	-	-	-	-	-
		2. 13,000 sq. ft.	C	-	-	-	-	-
		3. 8,000 sq. ft.	-	C	-	-	-	-
		4. 7,000 sq. ft.	-	-	C	-	-	-
		5. 6,000 sq. ft.	-	-	-	C	-	-
		6. 4,000 sq. ft.	-	-	-	-	C	C
	b	The total area of the subdivision cluster be not less than five acres, and that at least one-fourth of the total area of the subdivision be reserved or dedicated as permanent open space for common use of the residents under planned unit development approval:						
		A	A	A	A	A	A	A
6		Dwellings						
	a	Single-family dwellings						
		P	P	P	P	P	P	P
	b	Two-family dwelling						
		-	-	-	-	P	P	P
	c	Three-family dwelling						
		-	-	-	-	C	C	C
	d	Four-family dwelling						
		-	-	-	-	C	C	C
	e	Multi-family dwelling						
		-	-	-	-	C	C	C
	f	Groups of dwellings when approved as a planned unit development						
		-	-	-	-	C	C	C
	g	Two-family dwelling on corner lots requires two front and two rear yards						
		-	-	-	-	C	C	C
	h	Handicapped residential facilities						
		C	C	C	C	P	P	P
	i	Elderly persons residential dwelling						
		C	C	C	C	P	P	P

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
7		Home occupation	C1	C1	C1	C1	C1	C1
8		Hospital; medical or dental clinic accessory to a hospital and located on the same premises	-	-	-	-	C	C
9		Household pets	P	P	P	P	P	P
10		Mobile home developments						
	a	Mobile home parks	-	-	C	C	C	C
	b	Mobile home subdivisions	-	C	C	C	C	C
11		Private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C	C	C
12		Private recreational ground and facilities not open to the general public and there is no charge for admission	C	C	C	C	C	C
13		Public and quasi-public buildings and uses:						
	a	Church	C	C	C	C	C	C
	b	Essential service facilities	C	C	C	C	C	C
	c	Golf Course	C	C	C	C	C	C
	d	Public parks and play grounds	P	P	P	P	P	P
	e	Substations or transmission lines of fifty KV or greater capacity	C	C	C	C	C	C
14		Public, quasi-public, and public service utility lines, pipelines, power lines and private roads, etc., which extend more than 500 feet that are used to transport their material, service or supply	C	C	C	C	C	C
15		Quarries, gravel pits, land excavations	-	-	-	-	-	-

16-4 Area Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1		The minimum lot area in square feet for any single-family dwelling structure in the districts regulated by this chapter shall be:	21,780	12,000	10,000	8,000	7,000	8,000
2		The additional lot area for each additional dwelling unit in a dwelling structure shall be:	-	-	-	-	6,000	2,500
3		For group dwellings each separate additional dwelling structure after the first shall have a lot size in square feet of:	-	-	-	-	5,000	2,000
4		Minimum lot area in square feet for all main uses or buildings other than dwellings shall be:	21,780	12,000	10,000		7,000	8,000

16-5 Width Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1	The minimum width in feet for any lot, except as modified by planned unit developments, open space or cluster subdivisions shall be:	100	80	80	70	70	70	70

16-6 Frontage Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1	The minimum frontage, in feet, for any lot on a public street or a private street approved by the governing body shall be:	50	45	45	40	45	45	45

16 - 7 Front Yard Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1	The minimum depth in feet for the front yard for main buildings shall be:	30	30	20	25	25	25	25
2	Or, the average of the existing buildings on the block where 50 percent or more of the frontage is developed, however, in no case shall it be less than:	25	25	20	20	20	20	20
3	All corner lot shall have 2 front, 1 side and 1 rear yard	A	A	A	A	A	A	A
4	Accessory buildings may have the same minimum front yard depth as is required for main buildings, otherwise they shall be set back at least six feet in the rear of the main building	A	A	A	A	A	A	A

16 - 8 Rear Yard Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1	The minimum depth in feet for the rear yard shall be:							
	a for main buildings	30	30	30	25	30	20	20
	b for accessory buildings provided that they do not encroach on any easement	3	3	3	3	3	3	3

16 - 9 Side Yard Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1		The minimum side yard in feet for any dwelling shall be:						
		10	10	8	6	6	6	6
2		The minimum side yard for a private garage provided that they do not encroach on any easement shall be:						
		10	10	8	6	6	6	6
3		On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than:						
		20	20	20	20	20	20	20

16 - 10 Height Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1		The maximum height in feet for all buildings and structure shall be:						
		35	35	35	35	35	55	75

16 - 11 Coverage Regulations

		RESIDENTIAL (R-1-___)				MULTIPLE RESIDENTIAL (R-M-___)		
		21	12	10	8	7	15	30
1		The maximum coverage in percent for any lot chapter shall be:						
		20	30	35	35	35	50	50

Chapter 17

COMMERCIAL AND INDUSTRIAL DISTRICTS

17 - 1

Purpose

- a. **Neighborhood Commercial District C-N** - To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this District are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.
- b. **Shopping Commercial District C-S** - To provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. The regulations of this District are designed to promote and encourage the development of comparison shopping centers.
- c. **Highway Commercial District C-H** - To provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained, and protected. The regulations of this District are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway-related activities.
- d. **General Commercial District C-G** - To provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this District are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.
- e. **Manufacturing - Distribution District M-D** - To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this District are designed to protect environmental quality of the District and adjacent areas.
- f. **General Industrial District M-G** - To provide areas in appropriate locations

where heavy industrial processes necessary to the economy may be conducted. The regulations of this District are designed to protect environmental quality of the District and adjacent areas.

- g. Hazardous Industrial District MG-H** - To provide areas in appropriate remote locations where hazardous industrial processes necessary to aiding in protecting the environment by providing an area that hazardous wastes may be disposed in a safe manner. The regulations of this District are designed to protect the environmental quality of the District and the adjoining areas of Tooele County. All activities relating to storage, treatment, and disposal of wastes classified as "hazardous wastes" under Section 26-14-2(6) of the Utah Solid and Hazardous Waste Act or otherwise regulated as a "waste" under the Toxic Substance Control Act (TSCA), the Comprehensive Environmental Response Compensation and Liability Act, (CERCLA), the Low Level Radioactive Waste Policy Act (P.L. 96-573), or other federal or state laws and regulations, are hereby declared a public nuisance and said activities are prohibited within Tooele County, except as may be authorized and permitted in a MG-H Zoning District, and then only upon strict compliance with all Industrial Performance Standards, Ordinances, regulations or laws of Tooele County, the State of Utah, and the United States of America. All conditional use permits for development(s) located in this District shall be reviewed and approved by the Tooele County Commission prior to taking effect. With the adoption of this Zoning District, no new activities related to storage treatment, or disposal of "hazardous wastes" or "wastes" as described herein shall be permitted outside of this district within the jurisdiction of Tooele County.

Whenever an applicant proposes that a new hazardous waste facility be located within an existing MG-H Zone or whenever a new MG-H Zone is proposed, the applicant shall fully respond to and indicate how it will implement the special performance standards listed in Chapter 18, as they relate to the specific hazardous waste activity the applicant intends to conduct within Tooele County. The responses and information relative to the special performance standards shall accompany each request for the establishment of a new MG-H district and each request for a conditional use permit to conduct a hazardous waste activity within an existing MG-H Zone. The Planning Commission shall ensure that each item specified in Chapter 18 has been fully responded to by the applicant prior to making any recommendation concerning a proposed MG-H Zoning District amendment or prior to issuing a conditional use permit for a hazardous waste activity to be located in an existing MG-H Zone. If a MG-H Zone is established in response to the information provided pursuant to Chapter 18, said information shall establish the basis of an application for a conditional use permit, but shall be updated or supplemented by additional relevant

information if so required by the Planning Commission or Tooele County Commission.

17 - 2 Codes and Symbols

In the following Sections of this Chapter, uses of land or buildings which are allowed in the various districts are shown as:

- a. "permitted uses", indicated by a "P" in the appropriate column, or
- b. "conditional uses", indicated by a "C" in the appropriate column.
- c. "conditional uses", indicated by a "C1" in the appropriate column may be approved administratively by the Department of Engineering.

If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

17 - 3 Use Regulations

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial and industrial districts except as provided in this Ordinance.

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
1		Accessory uses and buildings customarily incidental to the permitted uses:	P	P	P	P	P	P	P
2		Accessory uses and buildings customarily incidental to the conditional uses:	C	C	C	C	C	C	C
3		Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C	C	C	C	C	C
4		Agriculture:							
	a	Agricultural industries	-	-	-	-	-	P	-

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
	b	The tilling of the soil, the raising of crops, horticulture and gardening	-	-	-	-	-	P	-
5		Automobile Sales and Services:							
	a	Automobile service station	C	C	C	C	C	C	-
	b	Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	-	P	P	P	-	-	-
	c	Indoor auto parts sales	-	P	P	P	C	C	-
	d	Parking lot incidental to a use conducted on the premises	P	P	P	P	P	P	P
	e	Parking lot NOT incidental to a use conducted on the premises	C	C	C	C	C	C	C
	f	Automation car wash	-	P	P	P	C	C	-
	g	Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, upholstering and rebuilding.	-	-	-	C	P	P	-
6		Dwellings and Other Living Quarters:							
	a	Hotel, Motel	-	C	P	P	P	C	-
	b	Recreational Coach Park	-	-	C	C	-	-	-
7		Equipment Storage, Maintenance, Parking:							
	a	Storage, placing, keep, locating, parking, light maintenance or keeping of the following types of equipment that are not incidental to a use permitted or a conditional use on property:							
		1. Agriculture Equipment	-	-	-	P	P	P	-
		2. Commercial construction, over-the-road trucks and trailers	-	-	-	P	P	P	P
		3. Mining or military surplus	-	-	-	C	C	C	-
	b	Equipment Disposal, dumping, scraping, or part recycling; maintenance shop	-	-	-	-	C	C	-
8		Processing and Manufacturing:							

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
a	1.	Bag Cleaning	-	-	-	-	P	P	-
	2.	Baking, Ice Cream Making, and/or Candy Making	P	P	P	P	P	P	-
	3.	Blacksmith Shop	-	-	-	-	P	P	-
	3.	Boiler Works	-	-	-	-	P	P	-
	4.	Bottling Works	-	-	-	-	P	P	P
	5.	Bookbinding	-	-	-	P	P	P	-
	6.	Breweries	-	-	-	-	C	C	-
b	1.	Cement, mortar, plaster, or paving materials, central mixing plant, related to construction industry	-	-	-	-	-	C	-
	2.	Construction of buildings to be sold and moved off the premise	-	-	-	P	P	P	-
c		Dairy	-	-	-	P	P	P	-
d		Egg candling, sales, or processing	-	-	-	P	P	P	-
e		Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products & by-products are used, except as described in subsection 17-3(8)x&y below	-	-	-	-	C	C	-
f	2.	Forage plant	-	-	-	-	P	P	-
	3.	Foundry, casting light-weight non-ferrous metal	-	-	-	-	-	C	-
g	1.	Hatchery	-	-	-	-	P	P	-
	2.	Honey extraction	-	-	-	P	P	P	-
h		Incinerator, non-accessory	-	-	-	-	C	C	C
i		Knitting Mill	-	-	-	-	P	P	-
j	1.	Laboratories	-	-	C	C	C	C	C
	2.	Laundry	P	-	P	P	P	-	-
k	1.	Machine Shop	-	-	-	C	P	P	C
	2.	Mobile Lunch Service	-	P	P	P	P	P	C
	3.	Monument Works	-	-	-	C	P	P	-
	4.	Motion Picture Studio	-	-	-	-	P	P	-
l	1.	Planning Mill	-	-	-	-	C	C	-
	2.	Power generation (Electrical):							

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
		(A) Primary power generation for on-site use:							
		solar	P	P	P	P	P	P	
		wind under 5.9 KVA	-	-	-	C	P	P	
		(B) Auxiliary, temporary, wind, with more than 6 KVA, but less than 10 KVA output	C	C	C	P	P	C	
		(C) Steam, hydro, or reciprocating engine with more than 10.05 KVA, but less than 150 KVA output	-	C	C	C	P	P	
		(D) Steam, hydro, or reciprocating engine with more than 150 KVA	-	-	-	-	C	C	
		3. Printing - convenience for drop-in customers	P	P	P	P	P	-	
		4. Publishing and contract printing	-	-	-	P	P	-	
	m	Rock Crusher/Gravel pits	-	-	-	-	C	C	
	n	1. Sandblasting	-	-	-	-	C	C	
		2. Saw Mill	-	-	-	-	C	-	
	o	1. Tire, recycling into fuels and useable products	-	-	-	-	C	C	
		2. Tire retreading, or vulcanizing	-	-	-	-	C	P	
		3. Tire storage or landfilling NOT incidental to recycling facilities located in Tooele County	-	-	-	-	-	-	
	p	Treatment of materials from sand and grease interceptors, resulting in inert materials	-	-	-	-	-	C	
	q	Upholstering, including mattress manufacture rebuilding or renovating	-	-	-	P	P	P	
	r	1. Weaving	-	C	-	C	P	P	
		2. Welding Shop	-	-	-	C	P	P	
	s	Manufacture, curing, compounding, processing, packaging, production and treatment of the following: Bakery Goods; Batteries; Candy; Cereal; Cosmetics; Dairy Products; Food Products; (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat); Lubricating Grease; Meat Products; Oil; Pharmaceuticals; Toiletries	-	-	-	-	C	C	

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
t	Manufacture, curing, compounding, processing, packaging and treatment of fish, sauerkraut, pickles vinegar, yeast and the rendering of fat	-	-	-	-	-	C	-	
w	Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone; Cellophane; Canvas; Cloth; Cork; Feathers; Hair; Horn; Leather; Paper; Paint; Plastics; Precious or semiprecious stones or metals; Rubber; Shell; Straw; Textiles; Tobacco; Wood; Wool; Yarn	-	-	-	C	C	C	-	
x	Manufacture/Maintenance of the following: Boats; Business Machines; Cameras; Photo Equipment; Electric or Neon Signs; Billboards; Commercial Advertising Structures; Light Sheetmetal Products (including Heating and Ventilation Ducts and Equipment, Cornices and Eaves, Venetian Blinds, Window Shades, Awnings); Musical Instruments; Novelties; Rubber and Metal Stamps; Toys	-	-	-	C	P	P	-	
y	Manufacture, Fabrication, Assembly, Canning, Compounding, Packaging, Treatment, storage, and/or Maintenance of the following: Airplane and Associated Parts; Automobiles and their Associated Parts; Alcohol; Brass; Candles; Cans; Cameras; Photo Equipment, including Film; Cast Stone Products; Celluloid; Cement and Cinder Products; Copper; Detergents; Dyestuffs; Emery Cloth; Excelsior; Glass; Glucose; Gypsum; Hair; Hardware; Ink; Iron; Lampblack; Linoleum; Lime; Machinery; Malt; Matches; Meats; Musical Instruments; Novelties; Oilcloth; Oiled Rubber Goods; Oxygen; Paper; Paint; Pulp; Pickles; Pottery, incidental Plaster; Plaster of Paris; Plaster; Sheet Metal; Shellac; Shoddy; Shoe Polish; Soap; Soda; Starch; Steel; Terracotta; Tile; Toys; Turpentine; Varnish; Vinegar; Yeast	-	-	-	-	-	C	-	
z	Manufacture of Brick; Clay; Ceramic; Cinder; Concrete; Synthetic Cast Stone; Plastic and Pumice Stone, provided that such crushing facilities be located not closer than 200 feet to any property line	-	-	-	-	C	C	-	

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
aa	Manufacture or fabrication of products including: Building Blocks; Tile or Pipe from raw materials for use in Building Construction or for Sewer or Drainage Purposes (excluding Rock or Gravel Crushing of raw materials except that which is incidental to the manufacture or fabrication of the above-described products), provided that such crushing facilities be located not closer than 200 feet to any property line	-	-	-	-	C	C	-	
bb	Uses which follow, provided they are located at least three hundred (300) feet from any district boundary Animal by-products; Plants, Offal or Dead, Animal Reduction or Dumping; Blast Furnace; Fat Rendering; Fertilizer and Soil Conditioner; Foundry; Garbage, Refuse Maintenance or Disposal Site (materials classified as solid waste(s) under Section 26-14-2(9) of the Utah Solid and Hazardous Waste Act; Gravel Pits, Mines; Quarries	-	-	-	-	-	C	C	
cc	Manufacturing, Processing, Refining, Treatment, Distilling, Storage, or Compounding of the following: Acid; Ammonia; Asphalt; Acetylene Gas; Bleaching Powder; Bones; Chlorine; Chemicals of an Objectionable or Dangerous Nature; Coal; Creosote; Disinfectants; Explosives; Fireworks; Gas; Gelatine; Glue; Grease or Lard; Hides; Insecticides; Metal Crushing; Ore Smelting; Petroleum; Plastics; Pyroxylin; Roofing or Water Proofing Material; Rubber or Guttapercha; Tallow; Tar; Wood	-	-	-	-	-	C	-	
dd	Storage, treatment and disposal of wastes classified as "Hazardous Wastes" or "wastes" as defined in Section 17-1(g)	-	-	-	-	-	-	C	
ee	The production of salts, in solid or liquid form, by the collection, pumping and evaporation of naturally occurring brines and the processing of salts into salt products	-	-	-	-	-	P	-	
ff	The recycling, reformation, refinement and utilization of salts, and its byproducts, in solid or liquid form, to produce other materials, chemicals or products	-	-	-	-	-	C	-	
9	Public and Quasi Public Uses:								

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
	a	1. Cemetery	-	-	-	C	C	-	-
		2. Churches	C	C	C	C	-	-	-
	b	Dams and reservoirs	-	-	-	C	C	P	C
	c	1. Parks, Golf Courses, Swimming Pools and other Recreation Areas	P	P	P	P	-	-	-
		2. Public Buildings	C	C	C	C	C	C	C
		3. Public, quasi-public, and private service utility lines, pipelines, powerlines, roads and etc., which extend more than 500 feet, that are to transport the material, service or supplies from one service area to another	C	C	C	C	C	C	C
		4. Private Schools	C	C	C	C	C	-	-
	d	Radio/Television Transmitting Towers	-	-	-	-	C	P	C
10		Recreation							
	a	1. Archery Shop/Range, if conducted in enclosed building	-	P	P	P	-	-	-
		2. Athletic Club; Health Club; Athletic Goods Store; Gymnasium	-	P	P	P	P	-	-
	b	1. Bicycle Shop	P	P	P	P	-	-	-
		2. Billiard or Pool Hall; Commercial Skating Rink	-	P	P	P	-	-	-
		3. Bowling Alley	P	P	P	P	-	-	-
		4. Boxing Arena	-	-	C	C	-	-	-
	c	Campground	-	-	C	C	-	-	-
	d	1. Dance Hall; Dancing	-	C	C	C	-	-	-
		2. Drag Strip Racing; Auto Racing; Go-Cart Racing	-	-	-	-	C	C	-
	e	Golf Course; Commercial Miniature Golf Course	-	P	P	P	-	-	-
	f	Night Club / Social Club	-	C	C	C	-	-	-
	g	Private Non-profit Locker Club	-	C	C	C	-	-	-
	h	1. Recreational Center, Facilities, or Area that is Private and/or Commercial	-	C	C	C	C	C	-
		2. Recreation Vehicles, Rental-Lease, Sales and Service, Outdoor and Indoor	-	P	P	P	P	-	-
		3. Recreational Coach Parks	-	-	C	C	-	-	-

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
	i	Swimming Pool, Commercial	-	C	C	P	-	-	-
	j	1. Theater, Indoor	P	P	P	P	-	-	-
		2. Theater, Outdoor, providing: (1) A Solid fence or masonry wall with a minimum height of six (6') feet shall be constructed on all sides; (2) Driveways and parking areas shall be provided with properly maintained dustless surfaces; (3) Automobile off-street storage areas for automobiles awaiting entrance to theater shall have a capacity of at least fifteen (15%) percent of the number of auto parking spaces provided inside the theater; (4) Minimum area for single screen theater shall be ten (10) acres, and the minimum area for a two screen theater shall be twelve (12) acres.	-	-	C	C	-	-	-
11		Sales and Related Services							
	a	1. Air Conditioning; Ventilating Equipment, Sales/Repair	-	P	P	P	P	-	-
		2. Art Needlework Shop; Art Shop and/or Art Supply	P	P	P	P	-	-	-
		3. Awning Sales/Repair	-	P	-	P	-	-	-
	b	1. Bakery, Retail Sales	P	P	P	P	-	-	-
		2. Beer Outlet, Class A, Class B	-	C	C	C	-	-	-
		3. Bookstore	P	P	P	P	-	-	-
		4. Building Material Sales, Enclosed Area	-	P	-	P	P	P	-
		5. Building material sales yard, outside, with sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in preparation and manufacture of any products specified in this section	-	C	-	C	P	P	-
	c	1. Cafe; Cafeteria; Catering Establishment	P	P	P	P	C	C	C
		2. Candy, Confectionery, Nut Shop	P	P	P	P	-	-	-
		3. Carbonated Water Sales	P	P	P	P	-	-	-
		4. China and/or Silver Shop	P	P	P	P	-	-	-
		5. Clothing Store	P	P	P	P	-	-	-
		6. Coal/Fuel Sales Office	-	-	-	C	C	P	-

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
d	1. Delicatessen	P	P	P	P	-	-	-	
	2. Department Store	P	P	P	P	-	-	-	
	3. Drapery-Curtain Store	P	P	P	P	-	-	-	
	4. Drive-Ins; Refreshment Stand, Eating and/or Drinking Place	C1	P	P	P	C1	C1	-	
	5. Drugstore	P	P	P	P	-	-	-	
	6. Dry Goods Store	P	P	P	P	-	-	-	
e	Electrical, Heating Appliances and Fixtures, Sales, Repair and/or Service	C1	P	P	P	-	-	-	
f	1. Floor Coverings Sales, Carpet Sales	-	P	-	P	-	-	-	
	2. Florist Shop	P	P	P	P	-	-	-	
	3. Fountain Equipment Supply, Restaurant Supply	-	-	-	P	P	-	-	
	4. Fruit/Fruit Juice Store; Fruit and/or Vegetable Stand, or Store; Natural Foods/Health Store	P	P	P	P	-	-	-	
	5. Fur Sales, Storage, Repair	-	P	-	P	-	-	-	
	6. Furniture Sales, and/or Repair	-	P	-	P	-	-	-	
g	1. Gift Shop; Hobby or Crafts Shop	P	P	P	P	-	-	-	
	2. Greenhouse, Nursery; Plant Materials; Soil & Lawn Service	-	P	-	P	C	-	-	
	3. Grocery; Meat Sales	P	P	-	P	-	-	-	
	4. Gunsmith	-	P	-	P	C	-	-	
h	1. Hardware Store, not including the sale of lumber	P	P	P	P	P	-	-	
	2. Hardware Store, including the sale of lumber providing all lumber storage is in completely enclosed in a building	-	P	P	P	P	-	-	
	3. Hospital Supplies	-	-	-	C	P	-	-	
i	1. Ice Cream Shop; Ice Sales, Retail Sales and Rentals	P	P	P	P	-	-	-	
	2. Ice Manufacture, Storage, and Wholesale Sales	-	-	-	C	P	P	-	
	3. Ice vendor Units and/or Reach-in Ice Merchandise Units, Electric Ice-Maker; Ice Storage, not more than five (5) tons capacity	P	P	P	P	P	P	-	

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
		4. Insulation Sales	-	-	-	P	P	P	P
	j	Jewelry Store	P	P	P	P	-	-	-
	k	1. Laundry, Automatic Self-help; Laundry Agency	P	P	P	P	-	-	-
		2. Leather Goods	-	P	-	P	-	-	-
		3. Linen Shop	P	P	-	P	-	-	-
		4. Liquor and Beer Sales; places for the drinking of Liquor or Beer	-	C	C	C	-	-	-
		5. Luggage Sales	-	P	P	P	-	-	-
		6. Lumber Yard	-	C	-	C	P	P	-
	l	1. Military Store	-	-	-	C	C	C	-
		2. Milk Distributing Station; Sale of Dairy Products, Processing/Bottling excluding	P	P	P	P	-	-	-
		3. Monument Sales, Retail	-	-	-	P	P	P	-
		4. Motorboat Sales	-	P	P	P	P	-	-
		5. Music Store	P	P	P	P	-	-	-
	m	1. News Stand; Magazine Shop; Book Store	P	P	P	P	-	-	-
		2. Notions, Variety Store	P	P	P	P	-	-	-
		3. Novelty Shop, Variety Store	P	P	P	P	-	-	-
	n	1. Oil Burner Shop	-	P	-	P	P	-	-
		2. Ornamental Iron, Sales Only	-	P	-	P	-	-	-
	o	1. Package Agency	-	C	C	C	-	-	-
		2. Painter/Paint Store	-	P	P	P	P	-	-
		3. Pet Shop	P	P	-	P	-	-	-
		4. Photographer or Photography Shop, Sales and Service	P	P	P	P	-	-	-
		5. Plumbing Shop	-	P	P	P	P	-	-
		6. Popcorn and/or Nut Shop	P	P	P	P	-	-	-
	p	1. Radio and Television Sales and Repair	P	P	-	P	-	-	-
		2. Radio and Television Station	-	-	-	C	C	P	-
		3. Restaurant	P	P	P	P	P	C	C

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
		4. Roofing Sales	-	P	-	P	P	-	-
	q	1. Second-hand Shop, Antiques, Conducted within a building or enclosure	P	P	P	P	-	-	-
		2. Seed/Feed Store	-	-	-	C	P	P	-
		3. Shoe Shop; Shoeshine; Shoe Repair	P	P	P	P	-	-	-
		4. Sewing Machine Shop	P	P	-	P	-	-	-
		5. State Store	-	C	C	C	-	-	-
		6. Stationary and Greeting Card Sales	P	P	P	P	-	-	-
	r	1. Tobacco Shop	P	P	P	P	-	-	-
		2. Tire Shop, Sales Only	-	P	P	P	-	-	-
	s	Variety Store, Notions	P	P	P	P	-	-	-
	t	1. Wallpaper Store	-	P	P	P	-	-	-
		2. Wholesale Business	-	-	-	P	P	P	-
12		Service Activities							
	a	1. Addressograph Shop	-	-	-	P	P	P	-
		2. Animal Hospital	-	C	-	P	P	-	-
	b	1. Baby Formula Service; Baby Diaper Service; Sitter Agency	P	P	P	P	-	-	-
		2. Bank	P	P	P	P	P	-	-
		3. Barber Shop	P	P	P	P	-	-	-
		4. Bath and Massage	-	-	C	C	-	-	-
		5. Beauty Shop	P	P	P	P	-	-	-
		6. Beauty Shop for Pets, Dog Grooming	-	P	P	P	-	-	-
		7. Blueprinting, Photostating, Duplicating	-	P	-	P	-	-	-
	c	1. Carpet and/or Rug Cleaning	-	C	-	P	P	-	-
		2. Clothes Cleaning, Dyeing, Pressing	P	-	P	P	P	-	-
		3. Costume Rental	-	P	P	P	-	-	-
	d	1. Dramatics School	-	P	-	P	-	-	-
		2. Dressmaking	-	P	-	P	P	-	-
	e	1. Electric Appliances and/or Electronic Instruments Service	-	P	C	P	P	-	-

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
		2. Employment Agency or Employment Office	-	P	P	P	-	-	-
f		1. Fix-it Shop, Repair Shop, for Household Items	P	P	-	P	-	-	-
		2. Flooring, Floor Repair Shop	-	P	-	P	-	-	-
		3. Frozen Food Lockers	-	C	-	P	P	-	-
		4. Frozen Food Locker incidental to a Main Grocery Store or Food Business	P	P	P	P	P	P	-
g		Household Cleaning/Repair, House Equipment Displays	-	P	-	P	-	-	-
h		Interior Decorating Store	P	P	-	P	-	-	-
i		Kennel, conducted entirely within a soundproof and air conditioned building	-	C	-	C	C	-	-
j		Lithographing, including Engraving, Photo Engraving	-	P	-	P	P	-	-
k		1. Medical/Dental Clinic, Laboratories	-	P	P	P	P	-	-
		2. Mortuary	-	C	-	P	-	-	-
l		Nurses' Agency	P	P	-	P	-	-	-
m		1. Office, Business or Professional	C	P	C	P	P	P	-
		2. Office, Supply; Office Machines Sales, Repair	-	P	-	P	P	-	-
		3. Optometrist; and/or Oculist	P	P	-	P	-	-	-
n		1. Pest Extermination Business	-	-	-	P	P	-	-
		2. Pest Extermination and Control Office	-	C	-	P	P	-	-
		3. Printing, including Engraving, Photo Engraving	-	P	-	P	P	-	-
		4. Printing and Small Paper Reproduction Service	P	P	P	P	P	-	-
o		Reception Center and/or Wedding Chapel	C	C	-	C	-	-	-

		COMMERCIAL				INDUSTRIAL		
		CN	CS	CH	CG	MD	MG	MG-H
p	1. Sexually oriented businesses, providing: (1) they are located at least 300 feet from any district boundary. (2) they are located at least 1320 feet as measured from property line on which the sexually oriented businesses are located to property line of the following: A. Schools, B. Churches, C. Recreational areas frequented by the general public, D. Day care and preschools, E. Establishments that sell beer or liquor for on or off premise consumption, F. Motels or hotels G. Residential (dwellings, lodging houses, dormitory, congregate residences, etc)	-	-	-	-	-	C	-
	2. Sign Painting Shop	-	C	-	P	P	-	-
q	1. Tailor Shop	P	P	-	P	-	-	-
	2. Taxidermist	-	P	-	P	P	-	-
	3. Towel and Linen Supply Service	-	-	-	P	P	-	-
	4. Travel Bureau	-	P	P	P	-	-	-
	5. Upholstery Shop	-	-	-	-	C	C	-
s	1. Veterinary	-	-	-	C	C	-	-
	2. Veterinary - providing operations are completely enclosed within an air-conditioned and soundproof building	-	C	C	C	C	-	-
t	Weather-Stripping Shop	-	C	-	P	-	-	-
13	Storage and Warehousing							
a	1. Coal, Fuel and Wood Yards	-	-	-	-	C	C	-
	2. Contractors' equipment storage yard or plant, or rental equipment used by contractors	-	-	-	C	-	P	-
b	Explosives Class A, B, and C	-	-	-	-	-	C	C
c	Garage, Public	-	C	-	P	P	-	-
d	1. Hazardous Material with in the Threshold Planning Qualities of SARA Title III	-	-	-	C	C	C	C
	2. Hazardous Material over the Threshold Planning Qualities of SARA Title III (See 17-3(8)(f))	-	-	-	-	-	-	C
e	Junk Yard	-	-	-	-	-	C	-
f	Warehouse	-	-	-	C	P	P	-

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
14		Transportation							
	a	Bus Terminal	-	C	C	P	P	-	-
	b	Drive-it-yourself Agency	-	-	P	P	C	-	-
	c	Express Office	-	P	P	P	P	-	-
	d	Freight or Trucking Yard or Terminal	-	-	-	C	C	P	-
	e	Railroad Yards; Shop and/or Roundhouse for railroads	-	-	-	-	P	P	C
	f	1. Taxi Stand	P	P	P	P	P	P	-
		2. Terminal, parking and Maintenance Facilities	C	C	C	C	C	C	-
		3. Transfer Company, provided trucks no larger than two (2) tons capacity are used	-	-	-	P	P	P	-
		4. Transfer Company	-	-	-	C	P	P	-
		5. Truck Stop and Service Facilities	-	-	P	P	P	P	-

17 - 4 Height Regulations

		COMMERCIAL				INDUSTRIAL		
		CN	CS	CH	CG	MD	MG	MG-H
1	The maximum height for all buildings and structures in districts regulated by this chapter shall be (in feet):	35	75	75	75	75	*	*

* = No limit

17 - 5 Area, Width, Frontage, Yard and Coverage Regulations

		COMMERCIAL				INDUSTRIAL		
		CN	CS	CH	CG	MD	MG	MG-H
1	Any parcel larger than one (1) acre at the time of this ordinance may be divided or developed only under planned unit development approval	A	A	A	A	A	A	A
2	Regulations as may be required by conditional use permit or by planned unit development approval, except that no commercial building shall be located closer than fifty (50) feet to any residential district boundary line or to any street line which continues as frontage into a residential district	A	A	A	A	A	A	A
3	Except as may be allowed through planned unit development approval buildings and structures may cover no more percentage of the lot area than:	30	30	30	50	50	50	50

17 - 6 Special Provisions

		COMMERCIAL				INDUSTRIAL		
		CN	CS	CH	CG	MD	MG	MG-H
1	Any area outside of a building used for any activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels	-	-	-	-	A	-	-
2	All uses shall be free from objectionable noise, hazards, or nuisances	A	A	A	A	A	-	-

			COMMERCIAL				INDUSTRIAL		
			CN	CS	CH	CG	MD	MG	MG-H
3		All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational coach or vehicle sales, lease, rental or repair, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit	A	A	A	A	-	-	-
4		Not more than twenty (20) percent of the building shall be used for wholesale business	A	A	A	A	-	-	-

TITLE 13
SUBDIVISIONS

- Chapter**
1. **General.**
 2. **Application Procedure.**
 3. **Concept Phase.**
 4. **Design and Engineering Phase.**
 5. **Final Plat Phase.**
 6. **Design Standards.**
 7. **Remote, Mountain, Desert, Seasonal Use, and Recreational Subdivisions.**
 8. **Cluster Subdivisions.**
 9. **Minor Subdivisions.**
 10. **Financial Assurance.**
 11. **Vacation, Alteration, and Amendment of Subdivision Plats.**

CHAPTER 1

GENERAL

- Section**
- 13-1-1. **Short title.**
 - 13-1-2. **Purpose.**
 - 13-1-3. **Penalties.**
 - 13-1-4. **Exemptions.**
 - 13-1-5. **Creation of substandard lots prohibited.**

13-1-1. Short title.

This title is known as the "Subdivision Ordinance of Tooele County, Utah." (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-1-2. Purpose.

The purpose of this title is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all proposed subdivisions are consistent with the General Plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social and economic development of the area. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-1-3. Penalties.

(1) Any owner or agent of the owner of any land located in a subdivision who leases, transfers, sells or offers to lease, transfer or sell any land in that subdivision before a plan or plat of the subdivision has been approved and recorded as required in this title is guilty of a class C misdemeanor for each lot or parcel leased, transferred or sold.

(2) A person who files or records a plat of a subdivision of land in the County Recorder's office without a recommendation having been received from the Planning Commission, without it having been approved by the County Commission and other officers designated in this title, or without the approvals entered in writing on the plat by the chairperson of the County Commission and by other officers designated in this Subdivision Ordinance, is guilty of a class C misdemeanor. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-1-4. Exemptions.

This title does not apply to a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-1-5. Creation of substandard lots prohibited.

No lot shall be created that does not conform to the requirements of this title and the zoning district in which it is located. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 2

APPLICATION PROCEDURE

- Section**
- 13-2-1. **Diligence.**
 - 13-2-2. **Concept phase.**
 - 13-2-3. **Design and engineering phase.**
 - 13-2-4. **Final plat phase.**
 - 13-2-5. **Acceptance of subdivision.**

13-2-1. Diligence.

Each development be actively pursued to completion.

Any application that exceeds the time limits stated in this Subdivision Ordinance will be deemed null and void and all vested rights are waived by the subdivider for that development. Any extension must be requested prior to the expiration of the original approval. Should a prior application become void, the applicant must reapply at the concept phase. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-2-2. Concept phase.

The concept phase presents the general plan for the proposed development. It includes the elements listed in Chapter 3. The concept phase is to enable the subdivider and County officials to review the proposed development. This phase shall comply with the following:

(1) An application form, fee, and concept plan shall be submitted to the Department of Engineering a minimum of 14 days prior to a regularly scheduled Planning Commission work meeting. Department of Engineering staff may set a review meeting, convenient for the developer and the County Engineering staff, to review the submittal.

(2) The concept phase shall then be placed on the Planning Commission work meeting agenda. The subdivider or an authorized agent shall be present to discuss the concept plan with the Planning Commission.

(3) The Planning Commission may request specific information found to be incomplete in its review and table further action until the information is submitted. Upon completing its review, the Planning Commission shall place the concept phase on the next scheduled business meeting agenda for approval or denial. Denial of a concept phase shall include written findings of fact and decision. Denial may be based upon incompatibility with the County General Plan, geological concerns, location, incompatibility with surrounding land uses, the inability of the County or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the County and its residents.

(4) The concept phase is good for six months from the date of approval. One extension for an additional six months may be granted by the Planning Commission. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-2-3. Design and engineering phase.

The design and engineering phase presents engineering detail, design work with related data and a

preliminary plat. The preliminary plat shows the subdivision configuration with lot size and layout. The design and engineering phase requirements are set forth in Chapter 4. The design and engineering phase submittal shall comply with the following:

(1) Application of the design and engineering phase will not be accepted until after the concept phase is approved. An application form and applicable fees shall be submitted to the Department of Engineering.

(2) Within 14 days after the applicant submits an application, a pre-design conference shall be set up with the applicant, the Department of Engineering staff, all servicing utility companies, the Tooele County School District, Tooele County Health Department and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(3) The subdivider shall prepare a list of off-site improvements and an estimate of the cost to complete such improvements.

(4) After the pre-design conference, the applicant shall submit to the Department of Engineering all construction drawings, design reports and the preliminary plat. When it is determined that these items are complete, the submittal will be placed on the Planning Commission work meeting agenda for review. After the Planning Commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on the next business meeting agenda.

(5) The design and engineering phase must be completed within one year unless an extension of no more than six months is granted by the Planning Commission. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-2-4. Final plat phase.

The final plat is a drawing on Mylar of the subdivision or any phased development. The final plat requires approval by the Planning Commission and the Board of County Commissioners. The final plat technical requirements are set forth in Chapter 5. The final plat submittal shall comply with the following:

(1) The subdivider shall submit an application, the appropriate fee, the final plat, and financial assurance documents to the Department of Engineering a minimum of 14 days before a regularly scheduled Planning Commission business meeting.

(2) After approval of the final plat by the Planning Commission, the Department of Engineering shall, within 21 days, place the subdivision on the County

Commission agenda for consideration.

(3) Before the County Commission reviews the final plat, the County Engineer, County Surveyor, County Health Department, County Attorney and any applicable improvement or service district shall review the plat and certify approval in the respective signature blocks on the plat.

(4) The County Commission shall then review the final plat and financial assurance documents during a public meeting. If it determines the submission complies with the applicable requirements, it shall certify approval by having the Chairperson sign the plat.

(5) Upon approval by the County Commission, the plat will be retained by the Department of Engineering which shall, together with the subdivider, convey the plat to the County Recorder. The subdivider shall pay recording and other applicable fees. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-2-5. Acceptance of subdivision.

Upon completion of off-site improvements and as approved by the County Engineer, the financial assurances may be released, at which time the subdivision will be deemed accepted. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 3

CONCEPT PHASE

Section

13-3-1. Submittal requirements.

13-3-1. Submittal requirements.

(1) The concept phase consists of an applicant submitting applicable fees and the following documents:

- (a) an application for concept phase approval;
- (b) a written statement indicating the full subdivider's plan and clear intent;
- (c) a concept plan showing the subdivision, using a scale of not less than one inch equals 100 feet;
- (d) five 24" X 36" prints of the concept plan, for distribution to each of the following:
 - (i) Department of Engineering, two copies;
 - (ii) Tooele County Health Department;
 - (iii) Tooele County School District; and

(iv) the appropriate soil conservation district within which the subdivision is located.

(e) eight 11" X 17" copies of the concept plan from which the Department of Engineering will make an overhead projection and provide a copy to each Planning Commission member; and

(f) an additional concept plan print:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality, for that municipality's comments;

(ii) when the subdivision is located within the boundary of an improvement or special district;

(iii) when applicable for review by any State or federal agency;

(iv) for each servicing utility; and

(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road.

(2) The concept plan shall show:

(a) the general location of the subdivision, the property boundaries, adjoining properties with ownership and addresses, current zoning, and buildings on adjoining lots;

(b) lot and street layout indicating general scaled dimensions;

(c) County, township, range, section, quarter section, blocks, the number of lots and true north;

(d) the type of water system proposed, documentation of water rights, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;

(e) a vicinity map showing significant natural and man-made features on the site and within one mile of the subdivision perimeter boundary;

(f) the acreage of the entire tract and the acreage of the portion to be developed;

(g) the area for which approval will be requested for the first phase of development;

(h) for subdivisions requiring more than one sheet at the required scale, an area plan showing the total area on a single sheet;

(i) a notarized statement that the applicant is the owner or has been authorized by the owner in writing to make application;

(j) the sites, if any, for multi-family dwellings,

shopping centers, community facilities, industry, or other uses exclusive of single-family dwellings;

(k) total development area, and the number of proposed dwelling units.

(l) estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is existing or proposed, or general disposal means and suitability where no treatment facility is proposed;

(m) easements and rights-of-way; and

(n) parcels of land that are to be dedicated for schools, roads, parks, or other public purposes. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 4

DESIGN AND ENGINEERING PHASE

Section

13-4-1. Required documents.

13-4-2. Drawings and plat requirements.

13-4-3. Utility and agency response.

13-4-1. Required documents.

Within six months of concept phase approval or within a six month extension granted by the Planning Commission, an applicant may submit design and engineering drawings and a preliminary subdivision plat to the Department of Engineering. Processing will commence only when the documentation is complete. Required documents for the design and engineering phase include:

(1) an application form and the applicable fee submitted at least 21 days prior to a regularly scheduled work meeting of the Planning Commission;

(2) four 24" X 36" prints of the design and engineering and the preliminary plat, which shall be distributed as follows:

- (a) Department of Engineering, two copies;
- (b) Tooele County Health Department; and
- (c) Tooele County School District.

(3) eight 11" X 17" copies of the design and engineering drawings and the preliminary plat from which the Department of Engineering will make an overhead projection, and provide a copy to each Planning Commission member;

(4) an additional 24" X 36" print of the design and engineering drawings and preliminary plat for each of the following situations:

(a) when the subdivision lies wholly or partially within one mile of the corporate limits of a municipality, for that municipality's comment;

(b) when the subdivision is located within the boundary of an improvement or special district;

(c) when applicable for review by any State or federal agency; and

(d) for the Utah State Department of Transportation when the property being subdivided abuts a state highway or road.

(5) a copy of the state highway permit or railroad crossing permit when a new street will intersect with a state highway or will cross a railroad, along with any design requirements by UDOT or the railroad;

(6) the Subdivision & Development Improvement Cost Estimate;

(7) the proposed method of bonding for streets, roads and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, and such other necessary facilities;

(8) copies of protective covenants, trust agreements, and homeowners' association articles and by-laws;

(9) where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent from the receiving public agency agreeing to such dedication;

(10) an exact copy of a certificate from a title insurance company setting forth the name of all property owners included in the plat, including a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County affecting the property covered by such plats; and

(11) a service approval from each utility or service involved. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-4-2. Drawings and plat requirements.

(1) The accuracy and location of alignments, boundaries and monuments shall be certified on the preliminary plat by a registered land surveyor licensed in the State of Utah. A poorly-drawn or illegible plat is cause for denial. All submittals shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.

(2) Design and engineering drawings and documents shall include:

(a) plan, profile and typical cross-section drawings of the roads, bridges, culverts, sewers,

and drainage structures;

(b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;

(c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily-wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;

(d) proposed and existing sewage system layouts;

(e) proposed future street layout in dashed line for any portion of the property to be developed in a later phase;

(f) water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps;

(g) areas within the 100 year flood plain;

(h) an overlay map showing soil types and soil interpretations taken from the National Cooperative Soils Survey;

(i) a signature block for the County Engineer on each design and construction drawings;

(j) when the subdivision is located within the jurisdiction of a service or improvement district, a signature block for the service or improvement district; and

(k) geologic maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space.

(3) The preliminary plat shall show:

(a) existing contours at two-foot intervals for predominant ground slopes within the tract between level and five percent grade, five-foot contours for predominant ground slopes over five percent grade, or in cases of predominately level topography throughout a subdivision, one-foot interval contours, with all elevations based on National Geodetic Survey sea level datum;

(b) existing and proposed streets and their names;

(c) dimensions of all lots to the nearest foot, which may be scaled values;

(d) total acreage of the entire subdivision;

(e) subdivision boundary lines;

(f) lot layouts and their consecutive number;

(g) locations, identification and dedication of all existing and proposed public and private

easements;

(h) a seven and one-half foot utility easement around the perimeter of each lot;

(i) location of abutting and transverse easements;

(j) sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses;

(k) sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings;

(l) location, function, ownership and maintenance of common open space not otherwise reserved or dedicated for public use;

(m) existing and proposed buildings, and the routing of telephone lines, gas lines, power lines, and other features located on the subdivision and within 200 feet of its boundaries; and

(n) signature blocks for:

(i) Tooele County Engineer;

(ii) Tooele County Health Department;

(iii) Tooele County Planning Commission chairman; and

(iv) service or improvement districts as applicable. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-4-3. Utility and agency response.

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 5

FINAL PLAT PHASE

Section

13-5-1. Submittal.

13-5-2. Phase development.

13-5-3. Plat requirements.

13-5-4. Recording.

13-5-1. Submittal.

(1) The applicant or authorized representative shall submit an application for final plat approval, required fees and copies of all required material to the Department of Engineering to start the final plat phase. The final plat shall conform in all major respects to the approved preliminary plat. A final plat submittal shall not be accepted more than six months from the date of the design and engineering phase approval.

(2) An original 24" X 36" Mylar of the final plat and one 11" X 17" reduction shall be submitted.

(3) Where generated on a computer, the final plat shall also be submitted on a computer disk to be entered into the County data base in a format compatible with AutoCAD version 11. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-5-2. Phase development.

(1) The final platting of subdivisions containing more than 25 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the County Engineer, and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval.

(3) A final plat including more than 25 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-5-3. Plat requirements.

(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the State of Utah. Every detail of the plat shall be legible. A poorly-drawn or illegible plat is cause for its denial. A traverse shall not have an error of closure greater than one part in 10,000.

(2) The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

(3) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(4) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the Department of Engineering and shall be shown on the plat with the corresponding lot number.

(5) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, tangent, and arc length.

(6) Excepted parcels shall be marked, "Not included in this subdivision."

(7) All public lands and streets shall be clearly identified.

(8) Streets shall be identified by names approved by the Department of Engineering.

(9) All easements shall be designated as such and dimensions given.

(10) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, streets, or as excepted parcels.

(11) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(12) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(13) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(14) Surveys shall tie into the state grid or other permanent marker established by the County Surveyor.

(15) The information on the plat shall include:

(a) the name of the subdivision, true north arrow and basis thereof, and date;

(b) name and address of the owner or owners of record;

(c) square footage of each lot under one acre or the lot acreage if one acre or larger;

(d) township, range, section and quarter section if a portion;

(e) graphic scale;

(f) State plane coordinate on subdivision boundary;

(g) survey monuments;

(h) Tooele County Engineer approval signature block;

(i) Tooele County Surveyor approval signature block;

(j) Tooele County Attorney approval signature block;

(k) Tooele County Health Department approval signature block;

(l) Planning Commission chair approval signature block; and

(m) Tooele County Commission chair approval signature block. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-5-4. Recording.

Final plats shall be recorded in accordance with Section 13-2-4(5). (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 6

DESIGN STANDARDS

Section

- 13-6-1. Application.**
- 13-6-2. Lots.**
- 13-6-3. Streets.**
- 13-6-4. Frontage on arterial and collector roads.**
- 13-6-5. Sidewalks, curbs and gutters.**
- 13-6-6. Blocks.**
- 13-6-7. Monuments.**
- 13-6-8. Easements.**
- 13-6-9. Utilities to be underground.**
- 13-6-10. Sewer systems.**
- 13-6-11. Sanitary sewer mains, laterals, and house connections — Future.**
- 13-6-12. Water supply.**
- 13-6-13. Storm drainage and flood plains.**
- 13-6-14. Fire mitigation standards.**

13-6-1. Application.

(1) All subdivisions shall comply with the design standards set forth in this Chapter.

(2) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-2. Lots.

(1) No single lot shall be divided by a municipal, service or improvement district, or county boundary line.

(2) A lot shall not be divided by a road or another lot.

(3) The frontage of a wedge-shaped lot shall not be less than 30 feet in width.

(4) Side lot lines shall be at substantially right angles or radial to street lines.

(5) All lots shall front on a publicly dedicated street except as may be approved in planned unit developments, or upon private roads approved by the planning commission, subject to the requirements of Section 15-2-6. Seasonal cabin lots require no public street or private road frontage.

(6) All lots shall conform to area requirements of the existing zoning district. (Ord.96-17, 10/25/96)

13-6-3. Streets.

(1) Streets shall be designed in accordance with standards adopted by Tooele County.

(2) Streets shall bear the names of existing aligned streets. There shall be no duplication of street names. All street names shall be approved by the Department of Engineering.

(3) The subdivider shall bear the cost of all street and public safety signs which shall be erected by the County Road Department.

(4) Dead-end, stubbed, or cul-de-sac streets shall be no longer than 650 feet from the intersection.

(5) Half streets shall not be permitted in the unincorporated areas of Tooele County. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-4. Frontage on arterial and collector roads.

No residential dwelling lots shall directly access arterial or major collector roads. Subdivision design shall provide local access streets to lots along arterial and major collector roads. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-5. Sidewalks, curbs and gutters.

(1) Concrete sidewalks, curbs and gutters shall be provided on both sides of all public streets, unless the subdivision is located in a Rural Residential (RR), Agricultural (A), or Multiple Use (MU) zoning district.

(2) Sidewalks shall not be less than five feet in width.

(3) Sidewalks, curbs and gutters shall be installed in accordance with standards adopted by Tooele County. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-6. Blocks.

Block lengths shall be approved by the Planning Commission. They shall provide for convenient access and circulation for emergency vehicles. Where blocks exceed 1,000 feet in length, pedestrian cross-walks of not less than ten feet in width may be required by the

Planning Commission. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-7. Monuments.

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Tooele County. They shall be set on the external boundary of the subdivision, at all street centerline intersections and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set within every subdivision. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-8. Easements.

(1) Perimeter easements shall not be less than seven and one-half feet wide extending throughout the peripheral area of each lot.

(2) Guying easements at corners may be required. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-9. Utilities to be underground.

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The developer shall establish final utility grades prior to utility lines being placed underground. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-10. Sewer systems.

(1) Except as otherwise provided in this section, the subdivider shall provide a piped sanitary sewer system to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the Tooele County Health Department.

(2) Septic tanks will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision. All septic systems shall be approved in writing by the Tooele County Health Department. Percolation tests shall be required to determine the adequacy of the soil involved to absorb sewage effluent. The number of sample locations shall be 25% of the number of lots within the subdivision. The number of samples shall be rounded up to the next whole number. The sampling plan shall show the depth that the test is made. Each test site will be between three feet and ten feet in depth. A ten-foot soil classification will be made on each percolation test. At the time an application is made for a building permit, every individual lot which will be serviced by

a septic system will require a percolation test where the proposed drain field will be located. The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the Tooele County Health Department. Each site must be at least 1500 feet from any shallow water supply well and 100 feet from any other well, stream or water course, and at least ten feet from any dwelling or property line.

(c) Land having a percolation rate slower or faster than standards set by the Tooele County Health Department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for building construction and installation of a septic system.

(e) An applicant desiring to install septic system in soils having severe limitations shall have additional on-site investigations made, including percolation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet Tooele County Health Department standards and regulations. To be approved, the Tooele County Health Department must find that proposed corrective measures have overcome the severe soil limitations. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-11. Sanitary sewer mains, laterals, and house connections — Future.

Where County and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the subdivider shall either install such

facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-12. Water supply.

(1) When a public water supply is available, the subdivider shall provide the piped, public water supply to the property line of every lot in any subdivision. The water system shall meet all applicable state and local laws.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow and quality meeting the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. The Tooele County Health Department shall approve the location of the test wells prior to the subdivider drilling them. The samples shall be taken by, and have a complete chemical analysis performed and approved by the Tooele County Health Department. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-13. Storm drainage and flood plains.

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the design and engineering phase. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas

adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-6-14. Fire mitigation standards.

(1) Subdivisions with public water supplies shall be available to provide a minimum fire flow of 250 gallons per minute for two hours at peak usage. Fire hydrants shall be placed in accordance to the National Fire Protection Association standards and shall be identified with a reflectorized marker.

(2) Defensible space for structures and buildings shall be used on remote, mountain, seasonal and recreational subdivisions in conformance with development standards adopted by Tooele County.

(3) Roads and streets shall provide for safe access for emergency equipment and civilian evacuation. They shall be designed for unobstructed traffic circulation during an emergency. All subdivisions with internal roads longer than 650 feet shall have more than one access route, each of which will provide egress to different locations. The design of access routes shall consider traffic circulation and employ looped road networks. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 7

REMOTE, MOUNTAIN, DESERT, SEASONAL USE, AND RECREATIONAL SUBDIVISIONS

Section

13-7-1. Special requirements.

13-7-1. Special requirements.

(1) The Planning Commission and the County Commission may apply special requirements for the development of subdivisions in remote, mountainous, or desert areas, or for seasonal or recreational use. Such requirements shall be for the protection of the environment, prevention of erosion, pollution, and excessive costs to the public, protection of existing social, physical or economic values and protection from fire or other hazards.

(2) Before applying special requirements, copies of the subdivision and proposed modifications of standard requirements shall be submitted by the Department of Engineering to affected state and federal agencies for comment.

(3) No area shall be subdivided which has an

average grade in excess of 30 percent. The area to be used for residential building shall not exceed an average grade of 20 percent.

(4) No subdivision shall be approved that creates hazardous conditions relating to flooding, pollution, fire, geologic formations, or excessive damage or danger to the environment. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 8

CLUSTER SUBDIVISIONS

Section

- 13-8-1. Design standards.
- 13-8-2. Common open space.
- 13-8-3. Guarantee of completing improvements.
- 13-8-4. Continuation of common open space.
- 13-8-5. Maintenance of common open space.
- 13-8-6. Density allowed.

13-8-1. Design standards.

The design of a cluster subdivision in relation to streets, blocks, lots, and common open spaces shall be in harmony with the intent of the Zoning Ordinance and the General Plan. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-8-2. Common open space.

(1) The subdivider shall explain the intended use of the open space. The subdivider shall submit plans of landscaping and improvements for the common open space and provide detail of how the improvements are to be financed and the area maintained.

(2) Streets in cluster subdivisions shall be designed to take advantage of open space vistas and to create drives with a remote or open space character.

(3) The Planning Commission may impose conditions or restrictions it deems necessary to insure development and maintenance of the common open space, including plans for disposition or re-use of property if the open space is not maintained in the manner agreed upon or if it is abandoned by the owners. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-8-3. Guarantee of completing improvements.

As assurance of completion of common open space improvements, the subdivider shall file with the Treasurer an improvement installation guarantee. Upon completion of the improvements, the subdivider shall

call for final inspection by the Department of Engineering. If the inspection shows that landscaping and construction have been completed in compliance with the approved plan, the Department of Engineering shall authorize release of the guarantee. If the guarantee is not released, the reason therefor shall be given to the subdivider in (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-8-4. Continuation of common open space.

As assurance of continuation of common open space use in accordance with the approved subdivision, the subdivider shall grant to an association of lot owners, to Tooele County, or place title of the land in perpetuity with a land trust, an "Open Space Easement". The subdivider shall show an open space easement on the final plat. The easement need not give the general public the right of access, but shall provide that the common open space will remain. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-8-5. Maintenance of common open space.

(1) As assurance of maintenance of the common open space and related improvements, the subdivider shall cause to be formed, prior to recording the final plat, a homeowners' association and shall establish articles of incorporation, bylaws and covenants outlining the purpose, organization, and operation of the association.

(2) Such articles of incorporation, bylaws, and covenants shall, among other things, provide that:

(a) membership shall be mandatory for each lot purchaser and any successive buyer;

(b) common open space restrictions must be permanent, not just for a period of years; and

(c) the association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

(3) In the event the homeowners' association fails to maintain the common open space and improvements as approved, Tooele County may, at its option, perform or contract to have performed the required maintenance and recover the costs incidental thereto by means of a lien against the involved properties of the members of the association, or a civil lawsuit against the homeowners association or the offending property owner. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-8-6. Density allowed.

Lot sizes and dimensions in approved cluster subdivisions may be reduced as provided in the Zoning

Ordinance, and the standards of the Subdivision Ordinance may be modified by the Planning Commission and County Commission as determined desirable and necessary to accomplish the purposes of cluster subdivision design and construction. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 9

MINOR SUBDIVISIONS

Section

13-9-1. Purpose.

13-9-2. Application procedures.

13-9-1. Purpose.

The purpose and intent of a minor subdivision is to allow a landowner to subdivide less than ten lots from a larger parcel without having to comply with the regular subdivision requirements. To qualify as a minor subdivision each lot shall front an existing improved public road and have utility services readily available. An improved road is one that is paved and meets County road standards. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-9-2. Application procedures.

(1) A minor subdivision may be created by metes and bounds as determined by a surveyor licensed in the State of Utah, without the necessity of recording a plat. The County Commission may consider any application upon recommendation from the Planning Commission. The following criteria must also exist to qualify as a minor subdivision:

(a) The subdivision creates lots from a larger lot that was not previously included in a recorded subdivision.

(b) The subdivision must have acceptable culinary water sources.

(c) All lots will have the required frontage on an existing improved public road, and will comply with the width and area requirements of the zoning district where they are located.

(2) Application for a minor subdivision shall be made by submitting:

(a) an application form;

(b) all applicable fees;

(c) an owner/agent affidavit form;

(d) a site plan showing:

(i) dimensions of the new and remaining

lot;

(ii) the configuration, distances, and location of structures on the new and all adjoining lots; and

(iii) easements including a seven and one-half foot utility easement around the perimeter of each lot.

(e) a copy of the deed of the parcel of ground that is being subdivided;

(f) proof of culinary water rights; and

(g) approval from the Tooele County Health Department on the water well sample and percolation rate.

(3) Upon recommendation of the Planning Commission, the application shall be reviewed by the County Commission which will approve or deny the subdivision. If approved, the deeds will be stamped indicating that the subdivision has been approved and meets the following requirements:

(a) The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for roads or other public purposes; and

(b) Each lot in the subdivision meets the frontage, width, and area requirements of the zoning district where it is located, or has been granted a variance from those requirements by the Board of Adjustment. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 10

FINANCIAL ASSURANCE

Section

13-10-1. Improvement installation guarantee.

13-10-2. Default.

13-10-3. Maintenance guarantee.

13-10-4. Acceptance release of surety.

13-10-5. Engineering review and inspection fee.

13-10-1. Improvement installation guarantee.

(1) In lieu of actual installation of off-site and common open space improvements required by this Subdivision Ordinance, and before final plat approval by the County Commission, the subdivider shall guarantee the installation of such improvements by a combination of one or more of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder, a letter of credit with

a financial institution, or a deed of trust in the name of Tooele County.

(2) The guarantee shall be in an amount equal to the cost of required improvements as estimated by an engineer retained by the subdivider and approved by the County Engineer, or in an amount estimated by the County Engineer. The guarantee shall assure the actual construction of such improvements within two years immediately following the approval of the final plat by the County Commission.

(3) The guarantee shall be filed with the Treasurer.

(4) The guarantee shall be approved as to method, institution and form by the County Attorney. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-10-2. Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within two years from date of approval of the final plat, the County Commission may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the County to complete the required improvements in excess of the proceeds of the guarantee amount. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-10-3. Maintenance guarantee.

The subdivider shall guarantee the improvements will remain in good condition for a period of one year after the date of final acceptance by the County. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the County. Upon completion of the improvements, the County shall retain at least 20% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the County Engineer. Identifying necessary repairs and maintenance rests with the County Engineer, whose decision upon the matter shall be final and binding upon the subdivider. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the County Engineer, the improvements shall need repairs, maintenance, or re-building, the County Engineer shall

cause a written notice to be mailed or given to the subdivider. Upon receipt, the subdivider shall undertake and complete such repairs, maintenance or re-building. If repairs are not complete within the specified time, Tooele County shall have such repairs made, and the cost of such repairs shall be paid by the subdivider or by the County using the guarantee. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-10-4. Acceptance and release of surety.

(1) The subdivider shall submit to the Department of Engineering a copy of the as-built construction drawings. Acceptance of all improvements shall be in writing from the County Engineer.

(2) Final inspection by the County Engineer shall be made one year after all work has been completed and before release of the guarantee. All defects shall be corrected before acceptance by the County. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-10-5. Engineering review and inspection fee.

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the County Auditor a sum equal to three percent of the cost of the improvements to cover engineering review and inspection. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

CHAPTER 11

VACATION, ALTERATION, AND AMENDMENT OF SUBDIVISION PLATS

Section

13-11-1. Vacating or changing a subdivision plat.

13-11-2. Notice of hearing for plat change.

13-11-3. Grounds for vacating or changing a plat.

13-11-1. Vacating or changing a subdivision plat.

(1) The Planning Commission may, with or without a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat at a public hearing.

(2) If a petition is filed, the Planning Commission shall hold the public hearing within 45 days after it is filed if:

(a) the plat change includes the vacation of a public street or alley;

(b) any owner within the plat notifies the

County of their objection in writing within ten days of receiving mailed notification; or

(c) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(3) Any fee owner, as shown on the last County assessment rolls, of land within the subdivision that has been laid out and platted may, in writing, petition the County Commission to have the plat, any portion of it, or any street or lot contained in it, vacated, altered or amended.

(4) A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and

(c) the signature of each of these owners who consents to the petition.

(5) Petitions that lack the consent of all owners referred to in subsection (4)(c) may not be scheduled for consideration at a public hearing before the Planning Commission until the notice required by this Subdivision Ordinance is given. The petitioner shall pay the costs of the notice.

(6) When the Planning Commission proposes to vacate, alter or amend a subdivision plat or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this Subdivision Ordinance.

(7) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

(a) no new dwelling lot or housing unit results from the lot line adjustment;

(b) the adjoining property owners consent to the lot line adjustment;

(c) the lot line adjustment does not result in remnant land that did not previously exist; and

(d) the adjustment does not result in violation of applicable zoning requirements. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-11-2. Notice of hearing for plat change.

(1) The Planning Commission shall give notice of the proposed plat change by mailing the notice to all owners referred to in Section 13-11-1, addressed to their mailing addresses appearing on the rolls of the

County Assessor. The Planning Commission shall ensure that the notice includes:

(a) a statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;

(b) a statement that if no written objections are received by the County Commission within the time limit, no public hearing will be held; and

(c) the date, place and time when a hearing will be held, if one is required, to consider a vacation, alteration or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners.

(2) If the proposed change involves the vacation, alteration or amendment of a street, the Planning Commission shall give notice of the date, place and time of the hearing by:

(a) mailing notice as required in subsection (1); and

(b) publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in Tooele County. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

13-11-3. Grounds for vacating or changing a plat.

(1) Within 30 days after the public hearing, the Planning Commission shall consider the petition.

(a) If the Planning Commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the County Commission by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

(b) The Planning Commission may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the responsible body or officer.

(c) The Planning Commission shall ensure that the vacation is recorded in the office of the County Recorder.

(2) Any aggrieved party may appeal the Planning Commission's decision to district court as provided in Utah Code Annotated Section 17-27-1001. (Ord. 95-20, 8/24/95; Ord. 95-19, 9/12/95)

SCHEDULE 3(a)

TO

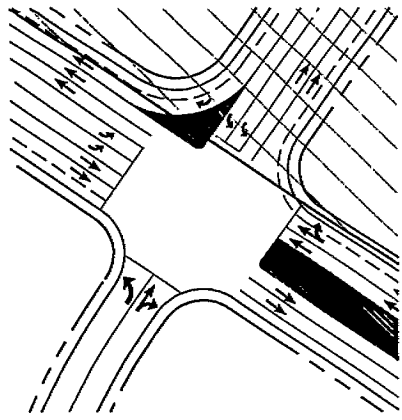
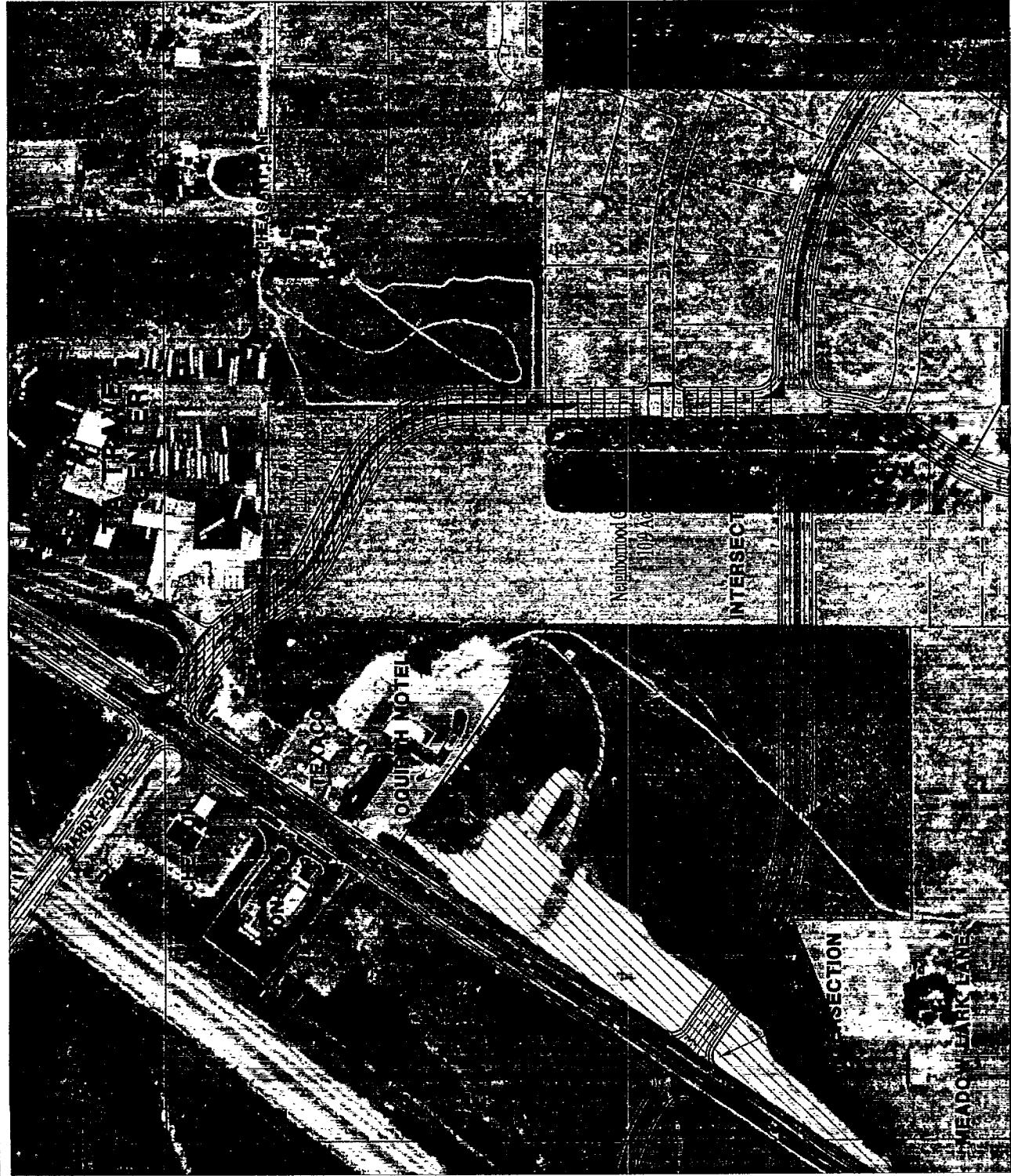
DEVELOPMENT AGREEMENT

Infrastructure Improvements

The following infrastructure improvements shall be provided by the County:

1. The portion of the frontage road off of Highway 36 as shown on the diagram attached hereto as Exhibit A to Schedule 3(a), or an equivalent road that is beneficial to the Project.
2. Drainage control along the Highway 36 corridor.
3. Other improvements, if any, agreed to by Saddleback and the County.

Accession Number: 102 1027 1 1000



**INTERSECTION 'B'
CHANNELIZATION ALTERNATIVE No.1**
SCALE 1"=100'

EXHIBIT "A" TO SCHEDULE 3(a)

LEGEND

- PROPOSED ROAD R-0-0-W
- - - ROAD SHOULDER 8' WIDE
- ▨ CENTER TURNING LANE
- ↔ TRAFFIC CHANNELIZATION

- TYPICAL LANE WIDTH=12 FT
- TYPICAL CENTER TURNING LANE WIDTH=14 FT
- TYPICAL LEFT TURNING LANE WIDTH=14 FT
- SIDEWALK WIDTH=5 FT
- PARKSTRIP WIDTH=4 FT



SCALE 1"=250'

SADDLEBACK PARTNERS
SADDLEBACK PHASE-1

ACCESS ROAD TO SR-36
PROPOSED ROADS ALIGNMENT

**BINGHAM
ENGINEERING**

Checked	EAJ
Drawn	EAJ
Checked	JEB
Reviewed	

Date: July 5, 1998 Proj. # 3054 Sht. 1 of 1

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