

Ent: 281839 - Pg 1 of 24
Date: 4/6/2007 9:08 AM
Fee: \$0.00 CHECK
Filed By: RGL
CALLEEN B PESHELL, Recorder
Tooele County Corporation
For: TOOELE CITY CORPORATION

Ent: 277755 - Pg 1 of 19
Date: 2/8/2007 1:55 PM
Fee: \$0.00 NO CHANGE
Filed By: DAP
CALLEEN B PESHELL, Recorder
Tooele County Corporation
For: TOOELE CITY CORPORATION

When Recorded, Return To:
Tooele City Recorder
90 North Main
Tooele, UT 84074
(435) 843-2110

Tax ID Parcel #s:
2-13-18, 2-13-16, 2-13-63, 2-13-64, 2-16-1, 2-16-7,
2-16-25, 2-16-3, 2-16-5, 2-16-17

TOOELE CITY CORPORATION

ORDINANCE 2006-14

AN ORDINANCE OF THE TOOELE CITY COUNCIL CREATING A PLANNED UNIT DEVELOPMENT ZONING OVERLAY ON PROPERTY ZONED R1-7 ON AND AROUND LITTLE MOUNTAIN, AND PRESCRIBING CONDITIONS

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a "comprehensive, long-range plan" (hereinafter the "General Plan") by each Utah city and town, which General Plan contemplates and provides direction for (a) "present and future needs of the community" and (b) "growth and development of all or any part of the land within the municipality"; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the "Land Use Plan") of the General Plan establishes Tooele City's general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City's elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of a "land use [i.e., zoning] ordinances and a zoning map" that constitute a portion of the City's regulations (hereinafter "Zoning") for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council

about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, Tooele City Code Chapter 7-6 constitutes Tooele City's Planned Unit Development (PUD) overlay zoning district, the purposes of which are stated in §7-6-1, incorporated herein by this reference, and which include, among others, to create opportunities for flexible site planning, to encourage the preservation of open space areas and critical natural areas, and to encourage the provision of special development amenities by the developer; and,

WHEREAS, the R1-7 zoning district is currently assigned to approximately 126 acres of land near State Road 36 and Skyline Drive, including what is commonly known as Little Mountain and the valley immediately south of Little Mountain (hereinafter the "Property"), owned or under contract by Tooele East Ridge LLC (hereinafter "TER") (see the map of the Property, attached as **Exhibit A**); and,

WHEREAS, the Property is located within and subject to the Sensitive Area Overlay zoning regulations contained in Tooele City Code Chapter 7-12; and,

WHEREAS, on November 9, 2005, TER, with the assistance of Wilding Engineering, presented to the Tooele City pre-development committee a concept development plan (the "Original Concept"; see Exhibit A) indicating 220 residential lots on the Property, including about 25 lots on top of Little Mountain; and,

WHEREAS, the Original Concept posed numerous development and engineering challenges, such as, lot slope, building envelope, and road slope; and,

WHEREAS, on December 14, 2005, TER presented the Original Concept to the Planning Commission for discussion. TER inquired as to the Commission's feelings about developing the top of Little Mountain. The Commission expressed its desire to see the top of Little Mountain preserved. TER then presented an alternative concept proposal (the "Alternative Proposal"), which pulled the lots off of the top of Little Mountain and into the valley to the south of Little Mountain. (See the minutes of the December 14, 2005, Planning Commission meeting attached as **Exhibit B**, and the Alternative Proposal attached as **Exhibit C**); and,

WHEREAS, the Alternative Proposal includes the following assumptions: 55 acres of the 126-acre Property are undevelopable by definition due to their slope of 30% or greater (reference Tooele City Code Chapter 7-12, incorporated herein by this reference). The average slope of the Property is 19.6%. Under the Original Concept, the Property could yield up to 191 lots, based on the regulations contained in the Tooele City Code (e.g., slope). Several of these lots would be on the ridgeline of Little Mountain. Under the Alternative Proposal, TER is seeking approval for about 94 single-family lots and 54 attached single-family dwelling units, for a total of about 148 total dwelling units (these numbers will be finalized based upon the conditions more fully investigated and described in the subdivision plats and accompanying construction drawings and documents); and,

WHEREAS, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommends for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

WHEREAS, the City Administration recommends approval of the Alternative Concept based on the conditions imposed by the City Council, below, in part because of the benefit to the City of perpetually preserving the top and northern face of Little Mountain; and,

WHEREAS, on December 13, 2006, the Planning Commission convened a duly-noticed public hearing, received public comment, and voted to recommend approval of this Ordinance to the City Council (see the Planning Commission minutes attached at **Exhibit D**); and,

WHEREAS, the City Council recognizes that hills, mountains, and ridgelines are one of Tooele City's most outstanding (and most vulnerable) natural assets, and formulate part of the history, heritage, and image of the City, and are therefore of paramount importance to preserve. Because the City has no regulations prohibiting the development of ridgelines, hilltops, and mountaintops, the City Council finds that preservation of the top and north slope of Little Mountain through operation of a PUD is in the best interest of the City; and,

WHEREAS, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the proposed PUD overlay rezone is consistent with the General Plan and not adverse to the best interest of the City; and,

WHEREAS, because the City is under no obligation to approve a PUD, it is appropriate for the City to require TER to comply with the conditions listed below:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that

1. The Tooele City Zoning Map is hereby amended to indicate that the Property shown in **Exhibit A** is rezoned from the R1-7 zoning district to a PUD, the underlying zone of which shall remain R1-7; and,
2. Conditions: As express conditions to the City's approval of this Ordinance 2006-14 and the Zoning Map amendment approved thereby, TER is hereby required to do all of the following at no cost to Tooele City:
 - a. Slope Regulation: comply with City Code §7-12-1 *et seq.* with regard to the construction of all primary and accessory buildings, the installation of all roads, and the making of all cuts, fills, other grading, and walls.
 - b. Slope Analysis: provide a geotechnical slope analysis evaluating issues of slope stability and structure bearing capacity for all portions of the Property covered by lots.
 - c. Slope Mapping: provide a detailed Property slope map with contour lines no greater than one-foot.
 - d. Site Grading: provide an engineered site grading plan for each lot using one-foot contour intervals for existing and final grades.
 - e. Development Pad: each lot shall have a minimum 5,000 square-foot

- development pad, not including required minimum setbacks (e.g., 5,000 contiguous square-feet of land with a slope of less than 20%).
- f. Lot Setbacks: minimum front, side, and rear setbacks shall be as follows due to the unique circumstances of the Property, including steep slopes and extensive power line easements that decrease the buildable sites:
 - Condominiums: 25 feet front; 20 feet rear; 6 feet side;
 - Single-Family Lots: 25 feet front; 20 feet rear; 12 feet side.
 - g. Lot Size: each lot shall be a minimum of 7,000 square feet.
 - h. Private Road Maintenance: provide for perpetual maintenance of all non-City-owned access roads by a duly organized homeowner's association.
 - i. Building Height: no structure shall exceed the height of the ridgeline of Little Mountain at any point directly north of the structure.
 - j. Road Access to Existing Homes and Public Utility Facilities: preserve the existing road access of nearby existing houses and public utility facilities or provide alternate access to said houses and facilities in a manner acceptable to the house owners and the City.
 - k. Water Rights: convey to the Tooele City Water Special Service District municipal water rights (i.e., allowing 100% depletion) pursuant to Tooele City Code 7-26, as amended, at the time of subdivision plat approval, and bear the cost and burden of the State of Utah change application processes.
 - l. Water Infrastructure: design, construct, and convey to the City a water booster station (complete with backup generator power), reservoir, transmission lines, and associated infrastructure and facilities to standards and specifications determined by the City as reasonably required for the Property and for the Canyon Rim subdivision. The City may require that the culinary water facilities be upsized by TER in order to adequately serve adjacent areas. Said upsizing may be eligible for reimbursement pursuant to Tooele City Code §7-19-13, as amended.
 - m. Storm Water: detain and/or retain on-site storm water generated from the Property over and above the volume of storm water historically generated from the Property, but in no case allow more than 0.1 cfs/acre off-site discharge for the 10-year design return storm event, or more than 0.2 cfs/acre off-site discharge for a 25-year design return storm event, whichever is less. Survey a storm water easement across City property at a location and to specifications determined by the City. All detention areas shall have perpetual maintenance by a duly organized homeowner's association.
 - n. Covenants, Conditions, and Restrictions: record covenants, conditions, and restrictions (CCRs), designed to increase and protect the long-term value of the Property and its residential units, as part of the first subdivision final plat approval by the City Council for the Property.
 - o. Design Guidelines: comply with multifamily residential development design standards and single-family design guidelines, established in Tooele City Code Chapters 7-11a and 7-11b, respectively, and §7-12-4(3), as amended.
 - p. Tooele City Regulations: The Owner shall comply with all other Tooele City regulations, whether established by ordinance or policy, including the

- payment of impact fees. All public improvements shall be designed and construction to standards and specifications determined by the City.
- q. Double-frontage Lots: provide for the installation and perpetual maintenance, by a duly-organized homeowner's association, of the public improvements (e.g., sidewalks, park strip landscaping) and certain private improvements (e.g., privacy fencing), as required by the Planning Commission and City Council, on the rear property lines of all lots that abut a public right-of-way on two or more sides, excepting corner lots.
- r. Conservation Easement: convey to Tooele City Corporation a conservation easement (Easement) for all portions of the Project identified in the Preliminary Plan and Exhibit A as perpetual open space. The Easement shall be in a form acceptable to the City Attorney and shall restrict all uses that would alter the Easement property from its condition as of the time of approval of this Ordinance 2006-14. Prohibited uses within the Easement shall include the construction of above-ground structures, with the exception of park benches and gazebos that do not exceed the height of the Little Mountain ridgeline at any point directly north or south of the benches or gazebos, the operation of motorized vehicles other than vehicles necessary to maintain the Easement and the uses expressly allowed by the Easement, fires, excavation (other than for allowed uses), the discharge of firearms, and other reasonable prohibitions deemed appropriate by the City and TER. Allowed uses within the Easement shall include non-motorized activities, such as, walking, hiking, horse riding, picnicking, underground structures owned by Tooele City Corporation or the Tooele City Water Special Service District deemed necessary by the City or the District for public utility purposes, provided that the Easement property be restored to its pre-construction condition, and other reasonable allowances deemed appropriate and consistent with the conservation purposes of the Easement by the City and TER. Allowed uses shall also include those uses existing as of the date of approval of this Ordinance 2006-14, namely, electric power facilities, the lighting of an annual holiday structure in the form of an evergreen tree, and existing telecommunications facilities (towers, antennae). Use of non-motorized bicycles shall be allowed only on established trails. *The Easement shall be completed and recorded prior to or concomitant with the recordation of a East Ridge PUD subdivision phase 1 final plat.*
- s. Conservation Easement Maintenance: the Easement shall be maintained in perpetuity by the PUD homeowner's association (Association), and the recorded articles of the Association shall expressly so provide. The Association articles shall also grant to Tooele City Corporation the authority and power to enforce the Easement and the maintenance of the Easement in the event the Association fails to do so in a manner acceptable to the City. The Association dues/fees shall include an adequate Easement maintenance component, determined by the Association.
- t. Conservation Easement Road Access: provide and maintain a controlled (i.e., gated and locked) road access to the Easement property, acceptable

to the City, for purposes of maintaining the Easement and facilitating the Easement's allowed uses. The gate shall be controlled by the City, the District, and the Association (or assignee).

3. Recordation: this Ordinance shall be recorded in the Office of the Tooele County Recorder within thirty (30) days of approval by the City Council.
4. Rational Basis: the City Council hereby finds that the above-described express conditions to the approval of this Ordinance 2006-14 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the Property.
5. No Vesting: approval of this Ordinance 2006-14, together with its Exhibit C, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, roads).

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 7 day of February, 2007.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Sharon Dawson, City Recorder

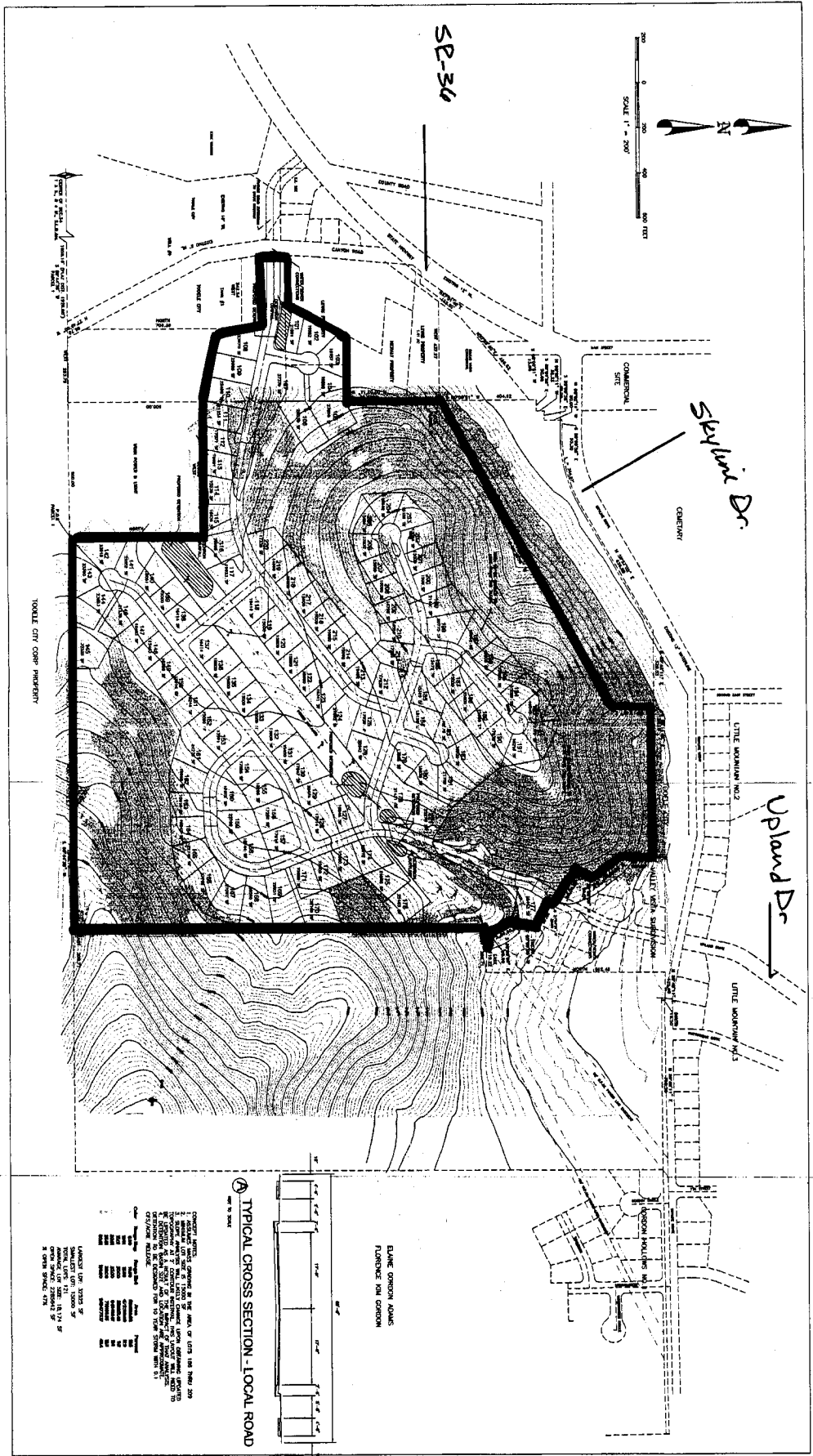
SEAL



Approved as to Form:

[Signature]
Roger Baker, Tooele City Attorney

PATTERSON PROPERTY CONCEPT



CONTRACTOR:
 WILSON ENGINEERING
 1100 W. 10TH ST. SUITE 200
 DENVER, CO 80202



NO.	REVISION	DATE

ISSUING TITLE	DATE
CONCEPT PLAN	10/26/05

PROJECT NAME	DATE
PATTERSON PROPERTY CONCEPT	10/26/05

SCALE	SHEET
1" = 200'	1 OF 1

TYPICAL CROSS SECTION - LOCAL ROAD

CONCEPT LOCAL ROAD CROSS SECTION AT THE POINT OF UTILITY CROSSING. THIS SECTION IS BASED ON A 12' WIDE SHOULDER, 12' WIDE TRAVEL LANE, 12' WIDE CURB, 12' WIDE SIDEWALK, AND 12' WIDE UTILITY STRIP. THE ROADWAY IS BASED ON A 24' WIDE ROADWAY. THE ROADWAY IS BASED ON A 24' WIDE ROADWAY. THE ROADWAY IS BASED ON A 24' WIDE ROADWAY.

LOCAL ROAD CROSS SECTION
 TOTAL WIDTH: 24' (12' + 12')
 SHOULDER: 12'
 TRAVEL LANE: 12'
 CURB: 12'
 SIDEWALK: 12'
 UTILITY STRIP: 12'

2

Ent 2574948189 Pg 9 of 24
Date: 09-MAY-2006 4:14PM
Fee: \$18.00 Check
Filed By: KHL
CALLEEN B PESHELL, Recorder
TOOELE COUNTY CORPORATION
For: TOOELE TITLE COMPANY

WARRANTY DEED

T-21927
SERIAL NO. 02-013-0-0016 & 02-013-0-0018 & 02-016-0-0001 & 02-016-0-0033 & 02-016-0-0007 &
02-016-0-0017 & 02-016-0-0025

DOUGLAS D. GORDON AKA DOUGLAS GORDON AND COLLEEN W. GORDON AKA COLLEEN GORDON grantor

of TOOELE County of TOOELE State of Utah, hereby

CONVEY and WARRANT to

PATTERSON HOMES, INC. AS TO AN UNDIVIDED ONE-HALF INTEREST AND STANLEY R. SMITH grantee
AS TO AN UNDIVIDED ONE-HALF INTEREST

of 11009 North 6400 West County of TOOELE ,State of Utah
Highland, Utah 84003-3020

for the sum of \$10.00 dollars and other good and valuable considerations.
the following described tract of land in TOOELE County,

State of Utah, to-wit:

See Attached Legal Description

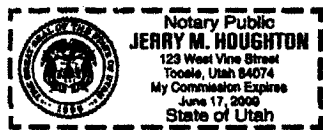
Subject to easements, restrictions, rights of way appearing of record or enforceable in law and equity.

WITNESS the hands of said grantor(s), this 4th day of May 2006.

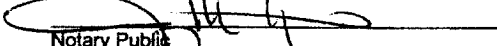

DOUGLAS D. GORDON AKA DOUGLAS GORDON


COLLEEN W. GORDON AKA COLLEEN GORDON

STATE OF UTAH {
COUNTY OF TOOELE { SS.
}



On the 4th day of May 2006 personally
appeared before me
DOUGLAS D. GORDON AKA DOUGLAS GORDON AND
COLLEEN W. GORDON AKA COLLEEN GORDON
the signer(s) of the within instrument who duly acknowledged to
me that he/she/they executed the same.

Commission Expires: 6-17-09 
Notary Public
Residing at TOOELE, UTAH

Legal Description

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE NORTH SECTION LINE OF SECTION 34 NORTH 89°39'54" EAST 15.91 FEET TO THE WEST BOUNDARY OF THE WASATCH SUMMIT DEVELOPMENT COMPANY, INC. PROPERTY; THENCE ALONG THE BOUNDARY OF SAID WASATCH SUMMIT PROPERTY THE FOLLOWING TWO (2) COURSES: 1) SOUTH 40.73 FEET; 2) NORTH 89°48'11" EAST 695.79 FEET TO THE WEST BOUNDARY OF VALLEY VISTA SUBDIVISION RECORDED APRIL 11, 1978 AS ENTRY NO. 373719 OF TOOELE COUNTY RECORDS; THENCE ALONG THE BOUNDARY OF VALLEY VISTA SUBDIVISION THE FOLLOWING TEN (10) COURSES: 1) SOUTH 00°15'16" EAST 168.40 FEET; 2) SOUTH 35°15'16" EAST 150.00 FEET; 3) SOUTH 25°44'44" WEST 90.00 FEET; 4) SOUTH 60°15'16" EAST 188.36 FEET; 5) SOUTH 30°49'11" WEST 30.00 FEET; 6) SOUTH 60°15'16" EAST 107.00 FEET; 7) SOUTH 04°44'44" WEST 105.00 FEET; 8) SOUTH 25°15'16" EAST 80.00 FEET; 9) SOUTH 60°15'16" EAST 90.00 FEET; (10) NORTH 89°44'44" EAST 117.03 FEET; THENCE SOUTH 00°08'17" EAST 232.79 FEET; THENCE SOUTH 89°51'43" WEST 208.76 FEET TO THE WEST BOUNDARY OF THE JAY HARWOOD PROPERTY; THENCE ALONG THE BOUNDARY OF SAID JAY HARWOOD PROPERTY SOUTH 00°08'17" EAST 1589.55 FEET TO A POINT ON THE CENTER SECTION LINE OF SECTION 34; THENCE ALONG SAID CENTER SECTION LINE SOUTH 89°20'17" WEST 1047.86 FEET TO THE WEST QUARTER CORNER OF SECTION 34; THENCE ALONG THE CENTER SECTION LINE OF SECTION 33 SOUTH 89°39'28" WEST 721.59 FEET TO THE EAST BOUNDARY OF UTAH POWER & LIGHT PROPERTY; THENCE ALONG THE BOUNDARY OF SAID UTAH POWER & LIGHT PROPERTY THE FOLLOWING TWO (2) COURSES: 1) NORTH 00°33'33" EAST 600.07 FEET; 2) SOUTH 89°39'17" WEST 600.07 FEET TO A POINT ON THE 40-ACRE LINE; THENCE ALONG SAID LINE NORTH 00°33'33" EAST 1060.73 FEET TO THE SOUTH BOUNDARY OF SKYLINE VISTA PROPERTIES, LLC AS CONVEYED IN THAT CERTAIN WARRANTY DEED RECORDED AS ENTRY NO. 88465 OF TOOELE COUNTY RECORDS; THENCE NORTH 60°21'51" EAST 1534.03 FEET ALONG THE BOUNDARY OF SAID SKYLINE VISTA PROPERTIES, LLC PROPERTY TO A POINT ON THE EAST SECTION LINE OF SECTION 33; THENCE ALONG SAID SECTION LINE NORTH 00°39'48" EAST 227.22 FEET TO THE POINT OF BEGINNING.

CONTAINS AN AGGREGATE AREA OF 113.23 ACRES .

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH LIES NORTH 00°33'33" EAST ALONG THE FORTY ACRE LINE 582.50 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN SAID BEGINNING POINT BEING IN NORTH BOUNDARY OF THE TOOELE CITY PROPERTY; RUNNING THENCE NORTH 78°40'26" WEST (RECORD NORTH 78°42'04" WEST) 305.09 FEET; THENCE NORTH 08°13'04" WEST (RECORD NORTH 08°14'42" WEST) 207.44 FEET; THENCE NORTH 86°20'06" WEST (RECORD NORTH 86°21'44" WEST) 77.72 FEET; THENCE SOUTH 86°49'41" WEST (RECORD SOUTH 86°48'03" WEST) 241.76 FEET TO A POINT ON THE EAST LINE OF CANYON ROAD RIGHT-OF-WAY; THENCE ALONG SAID ROAD IN THE FOLLOWING TWO (2) COURSES: NORTH 07°53'22" WEST (RECORD NORTH 07°55'00" WEST) 26.94 FEET; NORTH 02°47'20" EAST (RECORD NORTH 02°45'28" EAST) 92.56 FEET TO THE SOUTH BOUNDARY OF THE JACKSON RYAN GILES PROPERTY; THENCE SOUTH 89°58'08" EAST (RECORD "EAST") 200.00 FEET; THENCE NORTH 27°31'52" EAST (RECORD NORTH 27°30'00" EAST) 284.35 FEET TO THE SOUTH BOUNDARY OF THE JAMES M. HERTVAT AND PATTY ANN HERVAT PROPERTY; THENCE SOUTH 89°58'08" EAST (RECORD "EAST") 321.64 FEET TO THE FORTY ACRE LINE AND THE WEST BOUNDARY OF THE DOUGLAS D. GORDON AND COLLEEN W. GORDON PROPERTY; THENCE SOUTH 00°33'33" WEST 627.85 FEET ALONG SAID FORTY ACRE LINE TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH A 30 FOOT WIDE EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS AS DISCLOSED IN THAT CERTAIN WARRANTY DEED RECORDED FEBRUARY 2, 1981 AS ENTRY NO. 343276 IN BOOK 190 AT PAGE 61 OF OFFICIAL RECORDS AND THE CENTERLINE OF SAID EASEMENT AND RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING SOUTH 02°45'28" WEST 30 FEET; THENCE SOUTH 83° EAST 650 FEET FROM A POINT WHICH IS NORTH 35°59'49" EAST 1212.83 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 77° EAST 530 FEET; THENCE EAST 340 FEET TO A POINT OF CURVE; THENCE ALONG AN 80 FOOT RADIUS CURVE TO THE LEFT 251.3 FEET; THENCE WEST 225 FEET; THENCE NORTH 73°30' WEST 730 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.59 ACRES

TOOELE CITY PLANNING COMMISSION

December 14, 2005

Minutes

Place: Tooele City Hall Council Chambers
90 North Main Street

Commission Members Present:

- Bob Gowans, Chair
- Fran Garcia
- Steve Pruden
- Doug Redmond
- Shawn Milne
- Russell Winters
- John Curwen

Commission Member Excused:

- Gary Searle

City Employees Present:

- Cary Campbell, Director of Community Development
- Richard Jorgensen, Land Use Technician
- Roger Baker, City Attorney

Minutes prepared by Michelle Pitt

Meeting called to order at 7:00 p.m. by Chairman Gowans

1. Public Hearing and Request Motion for Conditional Use Permit to Allow the Construction of a 30' by 42' Detached Garage at 643 Crestview Drive by Jason Cramer, Tooele

Presented by Cary Campbell

Mr. Campbell stated that the proposed garage is a large garage which would cover more than 8% of his lot and would be over the height allowance of 15 feet. Mr. Campbell explained that the garage could not be used for commercial use, but for storage by Mr. Cramer. Mr. Campbell pointed out that Mr. Cramer's neighbors, the Batemans, have a 10-year-old two-story garage.

Chairman Gowans asked what type of outside lighting would be used. Jason Cramer, 643 Crestview Dr., Tooele, answered that there would be a light above the overhead door. Commissioner Milne asked if the lights would be motion sensed. Mr. Cramer said that they would be.

Commissioner Winters asked Mr. Cramer what the garage would be used for. Mr.

Chairman Gowans expressed concern that this project was already partially completed. Chairman Gowans said that the process should require approval before construction. Mr. Baker answered that the site plan and conditional use permit received approval before construction, but that a concept condominium review didn't require approval before construction. The condominium approval is required in order to create salable portions of the building.

Commissioner Winters said that he was given new papers last night and wondered how they differed from the ones that were sent in his packet. Mathew Arbshay stated that the engineers had made some mistakes on the papers that were sent in the packet, those mistakes had been corrected and were indicated on the new papers. Mr. Arbshay explained that there were some fire code issues with the large multipurpose room, so the multipurpose room had been cut down somewhat and four units had been added. Commissioner Milner asked if it was the City that didn't like the large multipurpose room. Mr. Arbshay answered that the City didn't like it because of fire code issues. Mr. Campbell further explained that since it was such a large room, it would need automatic doors and be separated from the living area.

Commissioner Garcia said that she was happy that something was being done with the eye sore that used to be the old Central School building.

Commissioner Winters moved to recommend approval of the concept for Camelot Leisure Condos located on 2.97 acres, proposing 28 residential units located at 55 N. 100 W. by Central Elementary LLC, Mathew Arbshay. Commissioner Garcia seconded the motion. All members present voted, "Aye."

5. Review and Approval of the Minutes for the Meeting held November 9, 2005

Commissioner Winters moved to approve the minutes of the November 9, 2005 meeting. Commissioner Garcia seconded the motion. All members present voted, "Aye."

6. Review and Approval of the Minutes for the Meeting Held October 26, 2005

Commissioner Winters moved to approve the minutes of the October 26, 2005 meeting. Commissioner Milne seconded the motion. All members present voted, "Aye," with the exception of Chairman Gowans, Commissioner Garcia and Commissioner Redmond who abstained.

Commissioner Pruden pointed out that this meeting would be Commissioner Redmond's last meeting. Also because of the change in the City Charter, Commissioner Pruden stated that this would be the last meeting that the City Councilmen would be part of the planning commission.

7. Adjourn

Commissioner Pruden moved to adjourn the meeting to the discussion items. Commissioner Garcia seconded the motion. All members present voted, "Aye." The meeting adjourned at 8:17 p.m.

* Discussion Items:

*

1. Proposed Development Behind and on Little Mountain by Patterson Development, Highland, Utah.

Mr. Campbell stated that this project is in the sensitive overlay area. Mr. Campbell indicated that the City had issues with the connection to SR36 on the west side of the development.

David Wilding, 14721 S. Heritage Crest Way, Bluffdale, Developer, stated that the proposed development included the top of the mountain, identified by the town as the place where the Christmas tree is located. Mr. Wilding said that by City ordinance, they are able to develop there, but that he wanted to get a feeling for how the commission and the citizens of Tooele felt about the mountain being developed.

Chairman Gowans stated that he and the people that he has talked with are not in favor of affecting the skyline in that area. Chairman Gowans felt that developing this area would adversely affect the watershed and wildlife.

Commissioner Pruden stated that this proposed development is in an area that is too steep and that there would not be enough buildable space without a lot of grading. Mr. Wilding said that they are prepared to do some grading. Commissioner Pruden said that the citizens would be opposed to scalping the mountain.

Commissioner Curwen expressed concern over the width of the streets.

Mr. Campbell stated that these developers have been very nice to work with and willing to make recommended changes. They have made some changes so they're not right on the skyline. Chairman Gowans expressed appreciation for that, but stated he was still concerned and that the citizens would not like Little Mountain being developed.

Commissioner Milne stated that he personally didn't care if Little Mountain was developed, that he sides with the property owners and that he would like to see high-end homes in Tooele. Commissioner Milne went on to say that he concurred with the commissioners that the developer will find resistance from the community, and for that reason would side with not developing the mountain top. Mr. Wilding agreed that the homes would be upper-end homes and would be a plus for the community.

Commissioner Milne asked Mr. Baker if this area would be a good candidate for transferrable development rights. Mr. Baker answered that this property would be an excellent candidate—that he has spoken with the property owners, the Gordons, some time previous—and that this program was completely voluntary and allowed property owners to deed one unit properties to the City in exchange for the City allowing five units to be developed somewhere else. Mr. Baker went on to say that this ordinance has not been finalized—he needed to meet with Community Development to discuss their involvement in the ordinance's processes and to determine appropriate receiving areas.

Councilman-elect Scott Wardle stated that this type of development would affect Settlement Canyon use. Councilman-elect Wardle said that Patterson Construction has done some very beautiful developments and that the City needs to embrace these type of developers, but that development in

another area would be better than Little Mountain.

Commissioner Milne asked how this development would affect the retention or detention ponds and if they would be able to hold back the storm water so that there wouldn't be another flood as the one on Memorial Day. Mr. Campbell stated that detention ponds are designed to hold for 10 year storm events and retention ponds are designed to hold for 100 year storm events.

Mr. Wilding pointed out that a lot of the area that would be developed is not visible, it would be in a little valley behind Little Mountain. Mr. Wilding proposed another plan which would bring everything down off the top of the mountain.

Commissioner Milne stated that he liked the new development proposal less. Commissioner Winters asked about the density difference in the two proposals. Mr. Wilding answered that the first proposal was for 150 lots, the new proposal has 190 lots.

Commissioner Pruden asked about access to the proposed development. Mr. Wilding said that he was meeting with UDOT tomorrow and he hoped to clean up some of the connections to provide a good access for everybody.

Chairman Gowans asked if the access would be close to the drainage area of the spillway. Mr. Wilding said that it would not.

Mr. Baker stated that Tooele City has very few natural assets that make the City unique, there are no lakes, rivers or ocean front property. The only natural asset the City has is the foothills and ridgelines. Mr. Baker asked the commission to think seriously about how important those assets are, and what to do to protect them. The City doesn't currently have an ordinance to protect ridge tops. Mr. Baker went on to say that the City doesn't have any design guidelines for homes and those issues may need to be considered. Mr. Baker pointed out that except for the cul de sac on the far left side of the concept proposal, the new proposal was basically the same as the one discussed at the November 9th meeting, in which the developer was informed of the sensitive overlay area challenges and the need to make adjustments to the concept proposal to address those challenges. Mr. Baker pointed out that, for example, Lot 197 wouldn't be able to be developed because of the slope—almost the entire lot is at 30% slope or greater. He also pointed out that if a lot is undevelopable on the mountain, its density couldn't be transferred to another area of the property under a PUD to increase or perhaps even maintain densities.

Mr. Wilding said he wanted to be looked at as someone who cared about the community and wants to be cooperative and sensitive to the City's concerns. He stated that the purpose of tonight's meeting was not to count lots. Mr. Campbell pointed out that the City seldom gets the opportunity of working with a developer that was cooperative. Mr. Baker indicated his desire to be involved in the negotiations with the developer.

Commissioner Pruden expressed appreciation to the developer for being cooperative and stated that he was more open to the development in the valley. Commissioner Pruden stated that the top of the hill was very sacred to the citizens of Tooele and that the valley behind Little Mountain was more hidden.

Mr. Baker stated that he wanted to disclose for the record that his brother-in-law, David Cottle, works for Patterson Construction, but that he (Mr. Baker) had no personal interest in this project or with Patterson.

Commissioner Milne said that he liked the idea that the traffic downtown would increase if this area were developed.

Discussion ended at 9:00 p.m.

2. Proposed Rezone of up to 70 Acres to High Density Residential (16 Units Per Acre) Behind the Home Depot and Mountain West Medical Center.

No minutes were taken on this issue.

Approved by Chairman Bob Gowans

This 11th day of January 2006

TOOELE CITY PLANNING COMMISSION

December 13, 2006

Minutes

Place: Tooele City Hall Council Chambers
90 North Main Street

Commission Members Present:

- Bob Gowans, Chair
- Phillip Montano
- John Curwen
- Shawn Milne
- Gary Searle
- Ken Spence
- Jerald Sagers

Commission Member Absent:

Fran Garcia

City Employees Present:

- Paul Hansen, Contract City Engineer
- Richard Jorgensen, Land Use Technician
- Scott Wardle, Tooele City Councilman

Minutes prepared by Andrea Cahoon

Draft

The meeting was called to order by Chairman Gowans at 7:00 p.m.

1. PUBLIC HEARING and Motion for Request to Share Parking in the Downtown Overlay Zoning for Tooele County Courts and County Office Complex Located at 47 South Main Street by Pat McLaughlin, MHTN Architects, Salt Lake City, Utah

Presented by Pat McLaughlin

Mr. McLaughlin distributed a copy of the new site plan because they had made a slight change to it. This new copy is included with these minutes as Exhibit A. He explained that they are constructing a small addition to the front of the existing County Office building. The intent of this remodel is to make additional office space, bring the building up to A.D.A. standards, and complete a seismic upgrade. He requested that they be allowed to share some parking with the existing County facilities.

He explained that in the case of the Joint information Center (J.I.C.) the building is not occupied on a daily basis. It is only used in the case of an emergency and when

comply with all of the City Ordinances allowed by law for the collection of impact fees and water rights. Commissioner Sagers seconded the motion. All members present voted, "Aye." Commissioner Searle stated that he worked for the County, but went ahead and voted, "Aye."

3. PUBLIC HEARING and Motion of Recommendation for Ordinance 2006-25 An Ordinance of the Tooele City Council Revising the Nonconforming Use Regulation to Allow Noncomplying Structures to be Rebuilt in the Event that they are Involuntarily Destroyed

Presented by Richard Jorgensen

Chairman Gowans asked if they should consider these ordinances tonight in Roger Baker's absence? Councilman Wardle said the Council will be voting on these ordinances in the future. He instructed the Commission that if they felt they didn't have enough information, the Commission could hold the public hearings and table the motions.

Mr. Jorgensen explained that this ordinance was written by Roger Baker so the City will be in compliance with State law. It changes some wording in the City code.

Commissioner Searle gave the example of a mobile home park that is a nonconforming use. If it is taken down, it cannot be replaced. However, if it was destroyed or damaged by a severe wind storm the City cannot prohibit them from rebuilding it since it was involuntarily destroyed. This new law was passed by the State legislature at the first of this year.

Chairman Gowans stated this was public hearing. **Draft** No one came forward to address the issue.

Commissioner Searle moved to close the public hearing. Commissioner Milne seconded the motion. All members present voted, "Aye." The public hearing closed at 7:41 p.m.

Chairman Gowans asked the Commissioners if they felt they had enough information to make a recommendation on this matter? The Commission determined they did.

Commissioner Searle moved to recommend approval of Ordinance 2006-25. Commissioner Milne seconded the motion. All members present voted, "Aye."

→ **4. PUBLIC HEARING and Motion of Recommendation for Ordinance 2006-14 An Ordinance of the Tooele City Council Creating a Planned Unit Development Zoning Overlay on Property Zoned R1-7 on and Around Little Mountain, and Prescribing Conditions**

Presented by Richard Jorgensen

Mr. Jorgensen indicated that this Ordinance would be for the Little Mountain Subdivision that was brought before them approximately six months ago in concept form. The Commission and the Council were not in favor of it. Mr. Baker worked out this deal with the developer and it is intended

to cluster the housing and pull it off the top of the hill. The concept layout was included in the Planning Commission packets. The development includes condos and single family homes. They provide access in that layout. The PUD addresses set backs, lot coverages, and other items that are different from normal zoning areas because it is a different area. Basically this ordinance sets forth the zoning. If there are questions that can't be answered, he recommended that they table the item with Mr. Baker absent.

Chairman Gowans invited the applicant to come up. Ross Welch, representing Patterson Construction, came forward to address the Commission. He explained that the idea is that Little Mountain is a location the community would like to leave unobstructed with housing so they are moving the housing off the mountain. They felt the top of the mountain was prime real estate, but they will keep the housing down in the valley. The PUD allows for access and easements because there is telecommunication equipment up there, so there would be access to the top of the mountain. Mr. Baker proposed a conservation easement. They held a lot of discussion about that and Mr. Baker wanted to ensure that the City can enforce to make sure that people are not doing things such as four wheeling on the property. The open space will be used for hiking and that sort of activity. The developer felt that the homeowner's association could enforce that, but Mr. Baker wanted to have some civil rights to enforce this as well. That was the idea behind the conservation easement. The project will leave a significant amount of open space. He asked the commission if they had any questions?

Paul Hansen said he has worked with the developer and they will be installing a water system, tanks, booster pumps, and extending roads coming down to tie into SR-36. They will be required to comply with all City ordinances. This action does not approve the subdivision itself. This only establishes the zoning in the area. The developer has some substantial improvements and obligations to complete and those have been discussed at great length with them.

Commissioner Searle said there are a number of lots, and asked where they will exit to the west? That is a dangerous curve on SR-36 that will have more and more cars. There are a lot of funny roads coming onto SR-36 in that area. He asked if there had been any discussion with UDOT on this? Mr. Hansen said they have had extensive discussions with them. They are trying to consolidate some of those access points, make sure there are appropriate lines of sight, etc. They are still working through those issues. One option is to improve Canyon Road that fronts those homes. A second option is to come down behind the church and tie down into a new street. They have not come to a final resolution as of yet, but UDOT is involved.

Chairman Gowans stated this was a public hearing. No one came forward to address the issue.

Commissioner Sagers moved to close the public hearing. Commissioner Montano seconded the motion. All members present voted, "Aye." The public hearing closed at 7:50 p.m.

Commissioner Searle said the Planning Commission has discussed this, and he has always feared the day when the Tooele hill side becomes like Bountiful with nothing but homes. The developer has gone to great lengths to allow open space and he appreciated that. Commissioner Milne also thanked the developer for his compromise. Commissioner Sagers was glad the development was not

going on top. If you have ever been on top, you would be surprised at how noisy it is from the City.

Commissioner Milne moved to recommend approval of Ordinance 2006-14. Commissioner Sagers seconded the motion. All members present voted, "Aye."

5. PUBLIC HEARING and Motion of Recommendation for Eagle Bend Subdivision Preliminary Plat Proposed to be Located at 3400 North Highway 36, Containing 120, Third Acre or Larger Lots by G. Eldon Roberts, Bluewater Co., Murray, Utah

Presented by Paul Hansen

Mr. Hansen said this development is at the far northern part of the City limits. Its eastern boundary is SR-36. The developer is required to coordinate access with UDOT as well as Tooele County. Jim Lawrence, the County Engineer, said there are plans by the County in the future to build a larger east west connector from SR-36 to SR-112. This development is only being asked to participate to build the road shown in the drawings. The development will have two points of access. When the developer came forward with the rezone request, he was required to drill a well on site to provide a secondary water source, reservoir storage and other facilities. He is also required to meet all other ordinances and water right requirements. Mr. Hansen recommended that the Planning Commission recommend approval to the City Council of the preliminary plat at this time.

Commissioner Searle asked how many lots would be in the subdivision? Mr. Eldon answered 121 lots. Commissioner Searle said this will be the farthest north development in the City. He asked what the Fire Department thought about this? Councilman Wardle said the City Council is working on putting a fire station on the north end of Tooele City right now. As the Police Department grows, the response time to this area should improve. The developer has been very good to work with. The City's problem is our City does extend north and we have to provide those services. The Fire Department is finishing their insurance report right now. They are negotiating for property for the new station. Commissioner Searle was concerned that the City is stretched too far and the response time will not be very good.

Councilman Wardle said they were using part time officers creatively to meet the needs of the City. He stated they are seeing an interest in commercial growth that will help fund these additional needs.

Commissioner Milne asked about Lot 133 and 132 and if they were reserved? Mr. Hansen said they will probably be retained by Tooele County as nondevelopable lots. The County indicated that they want to reserve that full 200 feet so that if light rail ever expands to Tooele, there is room for it. The well is on lot 401. Commissioner Milne asked if that well was in place? Mr. Hansen replied that one of the requirements of the rezone is that the well will be completed with Phase 1. He felt this subdivision was being developed very appropriately for the area.

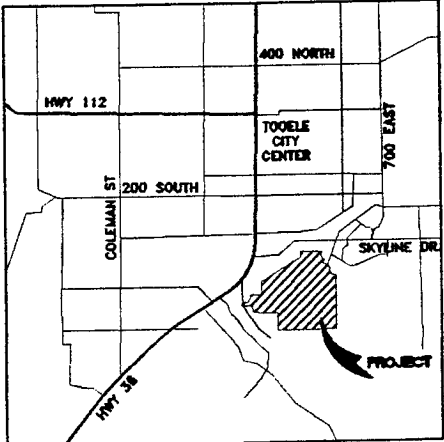
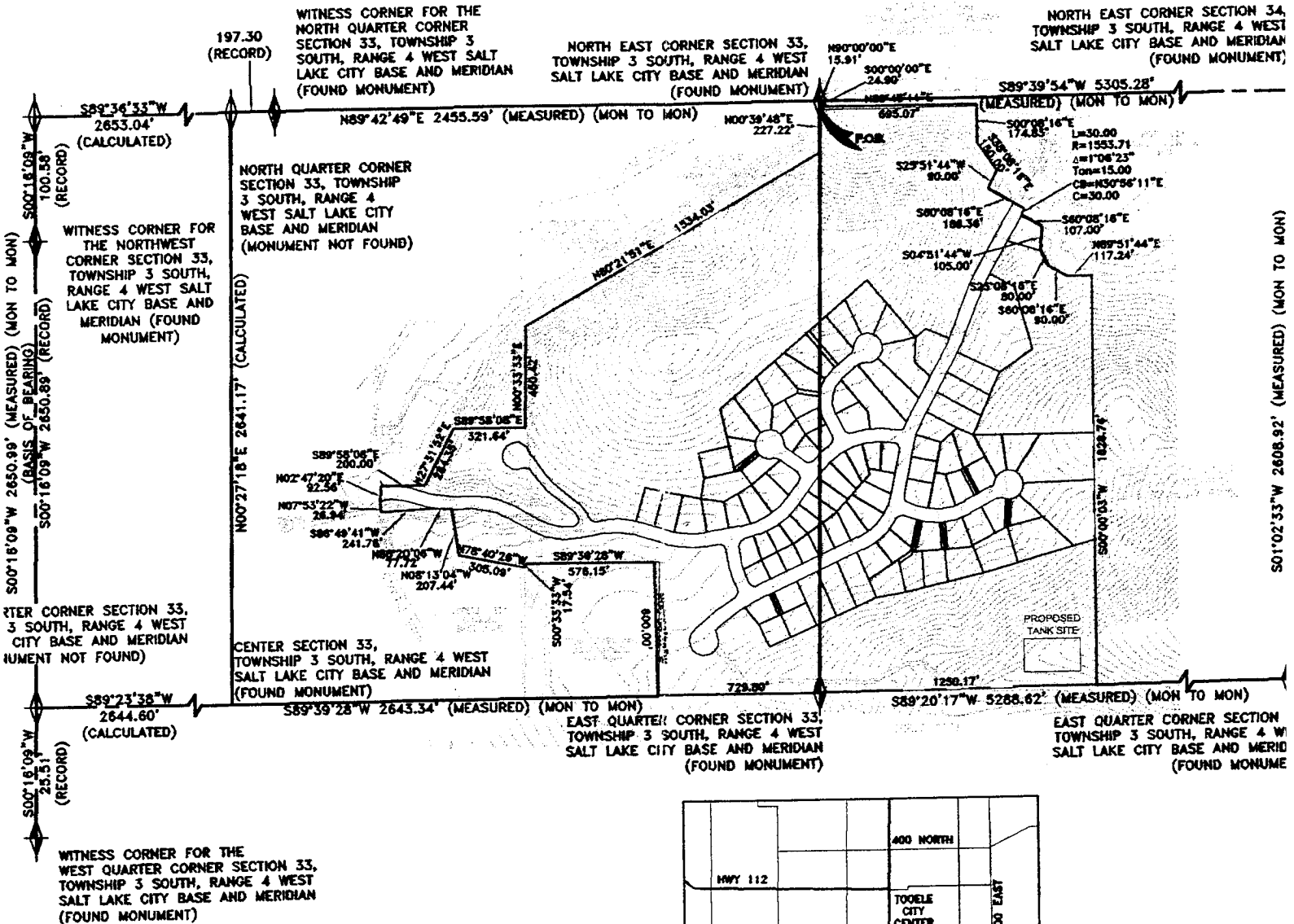
Chairman Gowans stated this was a public hearing. No one came forward to address the issue.

Commissioner Searle moved to close the public hearing. Commissioner Milne seconded the motion. All members present voted, "Aye." The public hearing closed at 8:00 p.m.

AT - NOT TO BE RECORDED MOUNTAIN ESTATES

TOOELE CITY

IN THE NORTHEAST 1/4 OF SECTION 33 AND THE
SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE
4 WEST, SALT LAKE BASE & MERIDIAN



LEGEND

- Found Section Corner
- Monument Not Found
- EXISTING ROW CENTERLINE
- Found Street Monument
- Found rebar & cap
- Set 5/8 rebar & cap (Building Engineering)
- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- POB POINT OF BEGINNING

LINE TABLE	
LENGTH	BEARING
26.97	N10°08'29\"W
2.85	S80°08'18\"E
13.21	N12°31'28\"W
20.00	N09°02'46\"E

S01°02'33\"W 2608.92' (MEASURED) (MON TO MON)

STAFF NOTES

TO: Tooele City Council

FROM: Rachelle Custer, City Planner

DATE: February 7, 2007

SUBJECT: **Public Hearing** and **Motion** on ordinance 2006-14, an Ordinance of the Tooele City Council creating a Planned Unit Development Zoning overlay on property zoned R1-7 on and around Little Mountain, and prescribing conditions.

Patterson Development has proposed a single family home and town home development behind Little Mountain. It was the Staff's recommendation that the development be made into a planned unit development to take advantage of the more gentle sloping areas in the valley area and set aside the hillsides for open space. The staff recommends approval of the Little Mountain PUD ordinance which will provide staff and developer guidelines for finishing the single family subdivision and condominium project. The enclosed Little Mountain preliminary subdivision plat is for reference only. The preliminary plat will be presented on a future agenda.

The PUD ordinance is intended to cluster the housing and pull it off the top of the hill. The development includes condos and single family homes. The PUD addresses set backs, lot coverage, and other items that are different from normal zoning areas because it is a unique area. This ordinance sets forth the zoning. This action does not approve the subdivision itself.

The ordinance addresses a conservation easement to allow access to the top of the hill. The conservation easement allows for open space to be preserved for non-motorized activities. The easement shall be maintained in perpetuity by the PUD homeowner's association.

The developer will be installing a water system, tanks, booster pumps, and extending roads coming down to tie into SR 36. They will be required to comply with all City ordinances.