



TOOELE COUNTY CORPORATION
CONTRACT # 16-02-03

February 8, 2016

James Lear
295 Delgada Lane
Stansbury Park, UT 84074

RE: Appeal of Approval of Northport Village PUD, Sub. #2015-05

Mr. Lear:

The Tooele County Planning Commission approved the Final Plat for Northport Village PUD Phase 3 on or about September 2, 2015. From your comments and the documents submitted, you are appealing the condition which requires that Delgada Lane connect with Schooner Lane with a temporary crash gate in place until the connection of Village Blvd. with Highway 138 is completed.

The Tooele County Commission has considered the decision and recommendations of the Tooele County Planning Commission, the appeal on file, the documents submitted by the Appellants, and the information from the public meetings on this matter. The County Commission has unanimously decided the following:

1. Tooele County Code §13-7-3(9) and the September 2013 Development Agreement require that the Developer provide a second access route which will provide egress to different locations.
2. From the material submitted, it is clear that UDOT will not approve another connection from the development with Highway 138.
3. Therefore, the only reasonable way to provide a second access route to the development is to connect Delgada Lane with Schooner Lane.
4. Appellant Lear's argument that the District Court in case number 130301565 waived the requirement of a second access is incorrect. The prior appeal authority stated that the developer had the vested right to develop without the secondary access. The Court stated on page 15 that the County argued that this

Wade B. Bitner
Chairman

Myron E. Bateman

Shawn Milne

TOOELE COUNTY COMMISSION

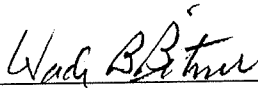
47 S. Main Street, Tooele, UT 84074

[OFFICE] 435-843-3150 [FAX] 435-843-3400 [TOLL FREE] 866-704-3443 www.co.tooele.ut.us

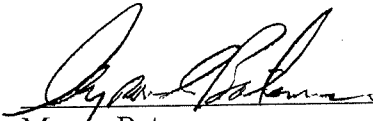
statement was dicta (an expression of opinion which is not the formal ruling of a case). The Court stated that it “adopts the County’s interpretation.”

5. Appellant Lear argues that the proposed connection is an amendment to the General Plan and that certain notice requirements have not be met by the County. The Commission finds that the connection of Delgada Lane with Schooner Lane does not create a collector road requiring an amendment to the General Plan.
6. Appellant Lear argues that the proposed connection of Delgada Lane and Schooner Lane is a “change to a street” requiring the County to abide by UCA §17-27a-207 and 208. However, these sections apply only to the vacation of a public street, right of way or easement. These sections do not apply to the alteration or changing of a street as indicated by Appellant Lear.

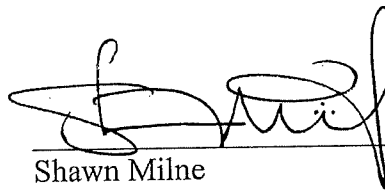
THEREFORE, the appeals are denied and the Commission affirms the requirement for the connection of Delgada Lane and Schooner Lane. There shall be a temporary crash gate between the two roads limiting use of this connection to maintenance and emergency personnel until the connection of Village Blvd. to Highway 138 is completed. Thereafter, the temporary crash gate shall be removed. All others issues from the appeals which have not been addressed are denied.



Wade Bitner
Commissioner, Chair



Myron Bateman
Commissioner



Shawn Milne
Commissioner

ATTEST:



MARILYN K GILLETTE
TOOELE COUNTY CLERK/AUDITOR

