

MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD DECEMBER 27, 2018

Chairman Bitner called the meeting to order at 1:04 p.m. The time, place and agenda of the meeting had been provided to the Tooele Transcript Bulletin and to each member of the governing body by posting the notice and agenda at least two days before on the Tooele County website and emailing them a link.

1. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was led by Adam Sadler, HR Director.
2. **ROLL CALL.** The Clerk called the roll which showed Commissioners Wade Bitner, Chairperson, Myron Bateman and Shawn Milne present. Also present were Gary Searle, Deputy Attorney and Marilyn Gillette, Clerk/Auditor. Scott Broadhead, Attorney, was excused.
3. **MINUTES.** Commissioner Milne moved to table this item. Commissioner Bateman seconded the motion. All concurred.
4. **CONSENT AGENDA.** Commissioner Bateman moved to approve. Commissioner Milne seconded the motion. All concurred.

Invoices. A) Warrants issued on December 13, 2018 in the amount of \$601,792.96. Check #175147 thru #175302; B) Warrants issued on December 19, 2018, Direct Deposit Amount: \$384,675.24, Direct Deposit Check #121918001 - #121918309, Check Amount \$3,974.17, Payroll Check #8817 - #8818. Transmittal Checks in the amount of \$383,561.17, Transmittal Voucher #121920180 - #121920182, Transmittal Check #8819 - #8824.

Tax Adjustments.

<i>Owners Name</i>	<i>Serial#/Parcel/ Transaction #</i>	<i>Reason for Correction</i>	<i>Relief Amount</i>	<i>Adj. Year</i>
<i>Brent Wilder JT</i>	<i>16-011-0-0309</i>	<i>Veterans Abatement</i>	<i>\$ (1,070.47)</i>	<i>2018</i>
<i>Maria Ariel Powell</i>	<i>16-081-0-0123</i>	<i>Veterans Abatement</i>	<i>\$ (1,787.11)</i>	<i>2018</i>
<i>John A. Paxman</i>	<i>14-063-0-0108</i>	<i>Veterans Abatement</i>	<i>\$ (1,934.61)</i>	<i>20108</i>
<i>Thomas E. Prim JT</i>	<i>16-013-0-0224</i>	<i>Veterans Abatement</i>	<i>\$ (3,999.90)</i>	<i>2018</i>
<i>Jayson Nephi Rogers JT</i>	<i>18-056-0-0344</i>	<i>Veterans Abatement</i>	<i>\$ (1,903.04)</i>	<i>2018</i>
<i>Dana W. Webster JT</i>	<i>15-065-0-0022</i>	<i>Veterans Abatement</i>	<i>\$ (2,071.42)</i>	<i>2018</i>
<i>L. Wayne Hodge Trustee</i>	<i>11-015-0-0121</i>	<i>Veterans Abatement</i>	<i>\$ (406.59)</i>	<i>2018</i>
<i>Dale E. Barton</i>	<i>01-052-0-0013</i>	<i>Veterans Abatement</i>	<i>\$ (1,393.93)</i>	<i>2017</i>
<i>George Huber</i>	<i>15-040-0-0120</i>	<i>Veterans Abatement</i>	<i>\$ (1,440.11)</i>	<i>2017</i>
<i>George Huber</i>	<i>15-040-0-0120</i>	<i>Veterans Abatement</i>	<i>\$ (1,557.12)</i>	<i>2018</i>
<i>Tim Hoj</i>	<i>BETA</i>	<i>Registered as off road needed to be street legal</i>	<i>\$ (98.00)</i>	<i>2018</i>
<i>Robert Rudy</i>	<i>Vehicle Refund</i>	<i>Registered vehicles, then owner did not get the abatement on their home.</i>	<i>\$ (110.00)</i>	<i>2018</i>
<i>Ricardo Gonzales</i>	<i>Vehicle Refund</i>	<i>Registered vehicles, then owner did not get the abatement on their home.</i>	<i>\$ (70.00)</i>	<i>2018</i>

<i>Cody Jackson</i>	<i>S396K</i>	<i>Registered vehicle, then car was wrecked and then sold.</i>	<i>\$ (110.00)</i>	<i>2018</i>
<i>John Paxman</i>	<i>E462FL</i>	<i>Registered then owner did not get the abatement on home.</i>	<i>\$ (150.00)</i>	<i>2018</i>
<i>Paul Tenhet</i>	<i>1291H16</i>	<i>Registered then owner did not get the abatement on home.</i>	<i>\$ (10.00)</i>	<i>2018</i>
<i>Kevin French</i>	<i>C558TZ and F061W</i>	<i>Registered then owner did not get the abatement on home.</i>	<i>\$ (90.00)</i>	<i>2018</i>
<i>Gary J. Warburton Trustee Patricia Warburton, Trustee</i>	<i>02-083-0-0046</i>	<i>Factual error in square footage of residence. Remeasured home and updated with correct figures.</i>	<i>\$ (91.20)</i>	<i>2018</i>
<i>Richard Kartchner</i>	<i>8-000-0-0768</i>	<i>Incorfrectly Assessed</i>	<i>\$ (39.68)</i>	<i>2018</i>
<i>David Young JT</i>	<i>02-011-0-0072</i>	<i>The home was double taxed as a Duplex and Multiple Residence for 2018. Removing the Multiple Residence for 2018</i>	<i>\$ (1,167.83)</i>	<i>2018</i>

5. **WEST ERDA TRUNKLINE BID APPROVAL.** Commissioner Bateman reviewed the history of the water situation in Erda. Running the sewer line on the west side to SPID would allow it to be gravity fed rather than having to be pumped. This will take care of any development in the area. The airport will be able to connect to this sewer line which will allow development there. In order to reduce the tax burden on the citizens, they need to bring industry to Tooele County. The lowest bid for the project was \$8,699,835.94.

Commissioner Milne stated this will be paid for by user/late-comer fees and developments in the area. Subsequent developments will pay for their portion of the line as they connect.

Commissioner Bateman stated they have been putting money aside for projects such as this. He moved to approve the sewer project. Commissioner Milne seconded the motion. All concurred.

6. **PUBLIC HEARING ON 2019 BUDGET ADJUSTMENTS.** Tenille Tingey, Deputy Clerk/Auditor, gave a presentation on the 2019 Budget Adjustments. Commissioner Milne moved to open the public hearing. Commissioner Bateman seconded the motion. All concurred. Those in attendance were: Chris Sloan, Susie Norton-Laird, Ken Broadhead, Beth Broadhead, Tom Tripp, Doug Buss, Michael Buss, Miranda Smith, Rod Thompson, Wayne Anderton, Daniel Pacheco, Brent Marshall, Jeff McNeill, Ethan McNeill, Torri Sanders, Charissa Beaty, Alan VonHatton, Lori Beaty, Jeremy Beaty, Connie Beaty, Clyde Christensen, Craig Saunders, Erik Murdock, Camey Frampton, Kirt Sasser, Michael Asplin and Wendy Sasser.

Tom Tripp, Grantsville, is concerned about the budget hearing time, no public information was presented, the meeting being held before 6:00 p.m. This is an example of poor governing. The amended budget was posted less than 24 hours. The process seems to be designed to push the spending of money through without any public scrutiny. It seems this hearing is a formality only, that you're not going to listen to any comments that are made.

Jeff McNeill, unincorporated portion of the county, is concerned with the trunk line. This was planned well in advanced and should have been handled when the 2019 budget was approved. He was concerned with the tax breaks that the county has given to businesses coming into the county previously. He felt this is not an appropriate time to do this.

Matt Diamond, unincorporated portion of Tooele County, it is a travesty that this meeting was held at 1:00 pm. It seems like a fast one is being pulled. It would be nice if they could see the scope of the project before it's approved.

Doug Buss, Erda, looking at the budget calculations. He has found it very difficult to follow how they come up with their numbers. This meeting is a travesty. They have duped the people of Tooele County.

Brent Marshall, Grantsville, SPID may have to bear the brunt of the increased water and sewer project when the expansion is required. Residents of Erda may be required to hook up to the new sewer systems. Grantsville City offered to provide sewer and water systems to the Erda area. He asked for all of the documentation for these projects.

There were no further public comments. Commissioner Bateman moved to close the public hearing. Commissioner Milne seconded the motion. All concurred.

7. **RESOLUTION 2018-23 – ADJUSTING THE TOOELE COUNTY BUDGET FOR THE 2019 FISCAL YEAR.** Commissioner Bateman moved to approve. Commissioner Milne seconded the motion. All concurred.

8. **RESOLUTION 2018-24 – REPEALING ORDINANCES 2018-10, 2018-11 AND 2018-12.** Attorney Searle stated this is at the request of the landowner. These ordinances changed the zoning in that area and the land owner is now requesting that these ordinances be overturned. With the repeal of the ordinances the land will go back to the zoning it had before the ordinances were approved.

Commissioner Milne asked what the standard operating procedure for this would be? Gary stated it is the property owners right to ask for the rezone, there is nothing legally standing in the way of them going back to what it was before. It resets the button. Commissioner Milne, why would it be granted or why would it not. Gary, I can't think of an exception why it would not be.

Clerk Gillette stated that with the repeal of these ordinances, her office will stop verifying signatures on these three ordinances.

Commissioner Milne going back to what it was before he would think this would make many people happy. It is the standard practice that you would grant this to go back to the way it was.

Commissioner Bateman is in favor of granting this request. He is disappointed because of the work that has gone into bringing water and sewer into this area. The sewer line that was going in this area was to be paid for by the developer. The wells in the SPID are all affected by the wastewater, so this creates a delay. He has tried to get a water conservancy district in this area. Unfortunately, the governments won't work together, which means the citizens lose. This project will provide \$20-\$30 M to SPID for a water treatment plan. He moved to approve.

Commission Bitner felt as we look to the future we need to look with 20-year eyes. He respects the property rights of the owner, at his request, he would like to see this passed. Commissioner Milne seconded the motion. All concurred.

Commissioner Bateman talked about the Oquirrh Expressway they have been working on. One of the developers has pulled out of the project.

9. **ORDINANCE 2018-22 – ADOPTING THE OFFICIAL COMMUNITY REINVESTMENT PROJECT AREA PLANS FOR THE ELEKTRON PLAN AREA AND THE HORSESHOE PLAN AREA.** Commissioner Milne reviewed the history of these projects. These projects sit on SITLA land which does not pay taxes because it is owned by the government, however, if this goes to fruition, the third party will begin paying taxes. Commissioner Milne moved to approve. Commissioner Bateman seconded the motion. All concurred.

10. **REPLACEMENT OF WINDOWS IN COUNTY BUILDING.** Commissioner Bateman stated that the county building has problems with the heating and air conditioning. Replacement of the old windows will help with these problems.

11. **PUBLIC CONCERNS.**

Michael Buss, Erda, was concerned with the repeal of the ordinances. Were the adjoining property owners notified of the repeal? He felt the Clerk's Office should continue verifying signatures.

Daniel Pacheco, Tooele City, is still waiting for details on the two GRAMA requests that he submitted.

Suzie Norton-Laird, South Rim, felt residents should be respected rather than name calling. Commissioner Milne always uses the threat of losing our law enforcement to increase the budget. This is a perfect time to give the raise back that he didn't want last year. Give it to law enforcement. There was a rumor that one of the Commissioners were being paid by the racetrack. It is sad that the community believed that.

Doug Buss, Erda, is concerned that one of the gentlemen asked about his GRAMA request, there seems to be some allegations about the legitimacy of the county government. He would like to shut down the sale of the racetrack. It is not good financial planning to spend the money on the racetrack before it is received.

Susan Christensen, Erda, was concerned if the referendums are not completed, how long before the developer comes back and asks for the rezone again.

Michael Asplen, Stansbury Park, Michael Buchanan is filing a quiet title on property next to his. The development needs to be stopped until the action is signed by the courts.

Tyson Rogers, Erda, has been to many Commission meetings. The Commissioners are not listening to the people. They are now repealing the ordinances that the signatures were gathered for. We don't want this right now. He knows that growth is going to happen, but right now is not the time. Please listen to the people.

There were no further comments. Commissioner Milne moved to close the public concerns. Commissioner Bateman seconded the motion. All concurred.

Commissioner Bateman stated, this is his last meeting. He came to this position with a 10-15-year plan. Some of the things they have accomplished: they have a transportation plan, water plan for Golden Gardens, walking trails, Village Boulevard, Pole Canyon Road, Mormon Trail, funding secured for Cochrane and Tom's Lane, taking gravel trucks off Stansbury Boulevard the fund balance in this county has been increased from what it was when they came into office; they've secured \$75M for Mid Valley Highway, the county is no longer depending on PILT money to balance the budget. On the race track, the county and its management company have lost much less money than the previous owners did. He discussed the agreement with Grantsville concerning water. Previous Commissioners gave the county's water rights away.

Commissioner Milne acknowledged a couple of things said during public comments concerning budgeting. If they expect to get the revenue, they must put it in the budget now. He appreciated the opportunity of working with Commissioners Bateman and Bitner. With their different perspective they have sometimes had a difference of opinion. He thanked them for their time. This is a job that no matter what you do, someone will disagree with you.

Commissioner Bitner appreciates government more now than he ever did. They haven't been able to provide information that has been requested because they were in the middle of negotiations. There are some great people that work in the government. He discussed funds that the Commission has applied for that will help the road in Ibapah.

12. **ADJOURNMENT.** Commissioner Milne moved to adjourn the meeting at 2:10 pm. Commissioner Bateman seconded the motion. All concurred.

THE FOREGOING MINUTES ARE HEREBY APPROVED:

BY: _____
TOM TRIPP, CHAIRMAN

ATTEST:

BY: _____
MARILYN K. GILLETTE, CLERK



TOOELE COUNTY CLERK/AUDITOR

TOOELE COUNTY ADMINISTRATION BUILDING

www.co.Tooele.ut.us

MARILYN K. GILLETTE
Tooele County Clerk/Auditor
mgillette@tooeleco.org

47 South Main Street #318
Tooele, Utah 84074
435-843-3140/Fax 882-7317

November 21, 2018

Sponsors of Referendum Petition for Ordinance 2018-11:

An application for a referendum petition for Ordinance 2018-10 was filed on October 18, 2018 in the Tooele County Clerk's Office. Utah State Code 20A-7-602.5 (2) states:

- (2) *The budget officer, together with legal counsel, shall prepare an unbiased, good faith estimate of the fiscal (a) and legal impact of repealing the law the referendum proposes to repeal that contains:*
- (i) *A dollar amount representing the total estimated fiscal impact of repealing the law; Depending on whether a special election is held, or the referendum goes onto the next General Election (November 2020. If a special election is held, the cost would be approximately \$53,000, if the referendum goes on the next General Election ballot there would be no significant cost.*
 - (ii) *If repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal; None.*
 - (iii) *If repealing the law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt that would result; None.*
 - (iv) *A listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source; The cost for a special election would have to come out of the county's general fund.*
 - (v) *A dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed; None.*

Sincerely,

MARILYN K. GILLETTE
Tooele County Clerk/Auditor

TOOELE COUNTY ATTORNEY'S OFFICE



Scott A. Broadhead, County Attorney
Gary K. Searle, Chief Deputy Attorney
Spencer P. Call, Deputy Attorney

Robert L. Clegg, Deputy Attorney
Wayne A. Freestone, Deputy Attorney
Scott Shields, Deputy Attorney

LEGAL IMPACT OPINION

To: Marilyn Gillette, Tooele County Clerk
From: Scott A. Broadhead, Tooele County Attorney
Re: Application for a Referendum Petition for Ordinance 2018-11
Date: November 20, 2018

An application for a referendum petition for Ordinance 2018-11 was filed on or about October 19, 2018. Pursuant to UCA §20A-7-602.5(2)(a)(iv), I am required to provide a statement estimating the “legal impact that would result from repealing the law.” This section lists four specific impacts which I will address in order.

1. Any significant effects on a person’s vested property rights. In my review of *Mouty v. The Sandy City Recorder*, 122 P.3d 521 (Utah 2005), I believe that the owner has no vested property right in the rezoning of its property. As the Court states “the exercise of the people’s referendum right is of such importance that it properly overrides ‘individual economic interest.’”
2. Any significant effects on other laws or ordinances. I estimate no significant effects on other laws or ordinances by the possible repeal of this zoning ordinance.
3. Any significant legal liability the city, county, or town may incur. I estimate no legal liability to Tooele County by the repeal of the zoning ordinance. This zoning ordinance does not relate to any other agreement between the County and the owner.
4. Any other significant legal impact as determined by the budget officer and the legal counsel. I find no other significant legal impacts.

Application for Referendum
Utah Code 20A-7

Ordinance 2018-11

Sponsor Statement

State of Utah,
County of Tooele

I, Brian M. Cox affirm that I am a resident of Utah and I have voted in a
Name of Sponsor (please type or print) regular general election in Utah within the last three years.

727 W. 3460 N. 1
Residence Address

Erda, UT 84074 801-244-6670
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 20 18

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement

State of Utah,
County of Tooele

I, Michael Florence affirm that I am a resident of Utah and I have voted in a
Name of Sponsor (please type or print) regular general election in Utah within the last three years.

317 W Cinnabron Way
Residence Address

Erda UTAH 84074 435-840-3883
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 20 18

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement

State of Utah,
County of Tooele

I, Brenda Florence affirm that I am a resident of Utah and I have voted in a
Name of Sponsor (please type or print) regular general election in Utah within the last three years.

317 W Cinnabron Way
Residence Address

Erda, UT 84074 435-840-8281
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 20 18

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Application for Referendum
Utah Code 20A-7

Ordinance 2018-11

Sponsor Statement

State of Utah,
County of Tooele

I, Wesley C. Shields affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

3512 N. Corner Canyon Rd. Wesley C. Shields
Residence Address Sponsor's Signature

Erda, Ut. 84074 435-840-5117
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement

State of Utah,
County of Tooele

I, Jerry Worsencroft affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

5072 N August St Jerry Worsencroft
Residence Address Sponsor's Signature

Erda Utah 84074 435-225-5191
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement

State of Utah,
County of Tooele

I, Sharon Worsencroft affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

5072 N. August St Sharon Worsencroft
Residence Address Sponsor's Signature

Erda, Utah 84074 435-327-0123
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Application for Referendum
Utah Code 20A-7

Ordinance 2018-11

Sponsor Statement

State of Utah,
County of Tooele

I, Brigham Worsencroft affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

Name of Sponsor (please type or print)

246 N 200 W Residence Address

TJ Worsencroft Sponsor's Signature

Tooele UT 84074 4352491133 City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22

Notary Seal

Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement

State of Utah,
County of Tooele

I, Brodie Worsencroft affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

Name of Sponsor (please type or print)

5072 N August St Residence Address

Brodie Worsencroft Sponsor's Signature

Erda UT 84014 435-225-6911 City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22

Notary Seal

Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement

State of Utah,
County of Tooele

I, Matt Lowe affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

Name of Sponsor (please type or print)

1552 E Clayton Street Residence Address

Matt Lowe Sponsor's Signature

ERDA UT 84074 801 440 5561 City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22

Notary Seal

Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Application for Referendum
Utah Code 20A-7

Ordinance 2018-11

State of Utah,
County of Tooele

Sponsor Statement

I, James M. Harrell affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

Name of Sponsor (please type or print)

344 W. Cimmaron Way
Residence Address

Tooele Utah 84074
City, State, Zip

435-882-2463
Phone Number

James M. Harrell
Sponsor's Signature

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart
Notary Public

My commission expires 6/12/22

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

State of Utah,
County of Tooele

Sponsor Statement

I, Camey Frampton affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

Name of Sponsor (please type or print)

397B N. 570 W.
Residence Address

Erda, UT 84074
City, State, Zip

801-718-7869
Phone Number

Camey Frampton
Sponsor's Signature

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart
Notary Public

My commission expires 6/12/22

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

State of Utah,
County of Tooele

Sponsor Statement

I, Karen Stewart affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.

Name of Sponsor (please type or print)

1502 Murray Canyon
Residence Address

Erda Utah 84074
City, State, Zip

801 891-5764
Phone Number

Karen Stewart
Sponsor's Signature

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart
Notary Public

My commission expires 6/12/22

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Application for Referendum

Utah Code 20A-7

Ordinance 2018-11

Sponsor Statement State of Utah,
County of Tooele

I, Joyce Zumwalt affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

1502 murray Canyon Rd Joyce Zumwalt
Residence Address Sponsor's Signature

Erda, UT 84074 801-598-7383
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement State of Utah,
County of Tooele

I, Diane Christensen affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

3924 N. Droubay Rd Diane Christensen
Residence Address Sponsor's Signature

Erda UT 84074 435-882-3966
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Sponsor Statement State of Utah,
County of Tooele

I, Jon Atkin affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

4884 Droubay Rd Jon Atkin
Residence Address Sponsor's Signature

Erda UT 84074 801-440-9404
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Lisa Stewart My commission expires 6/12/22
Notary Public

Notary Seal
Notary Public - State of Utah
LISA STEWART
Comm. #700846
My Commission Expires
June 12, 2022

Application for Referendum
Utah Code 20A-7

Ordinance 2018-11

Sponsor Statement State of Utah,
County of Tooele

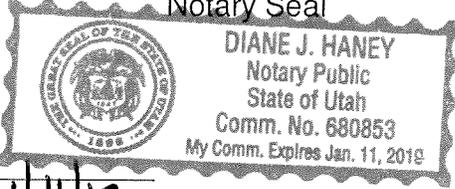
I, Ray Stewart affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

1492 E. Country Lane Ray Stewart
Residence Address Sponsor's Signature

ENOA, UT 84024 435-843-1334
City, State, Zip Phone Number

Subscribed and affirmed before me this 17th day of Oct 2018

Diane J. Haney My commission expires 11/11/19
Notary Public

Notary Seal


Sponsor Statement State of Utah,
County of Tooele

I, _____ affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.
Name of Sponsor (please type or print)

Residence Address Sponsor's Signature

City, State, Zip Phone Number

Subscribed and affirmed before me this _____ day of _____ 20____

Notary Public My commission expires _____

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Residence Address Sponsor's Signature

City, State, Zip Phone Number

Subscribed and affirmed before me this _____ day of _____ 20____

Notary Public My commission expires _____

October 17, 2018

County of Tooele, State of Utah

To whom it may concern:

Signature Gatherers for the Ordinance 2018-11 Referendum Petition will not be paid for their services.

Sincerely,

Brian M. Cox
Mick Keesee

Brenda Flood
Wesley C Shields

Jay West
Paul

BF MA
Paul West

Matt Jay
James M. Kanel

Lance Grant
Kenny

Jaye Zumwalt
William Christensen
~~Paul~~
Ray Stewart

Please note that ordinances are always worded as if they will be approved, regardless of the Planning Commission's recommendation. The County Commission will vote whether or not to pass the ordinance at their meeting.

ORDINANCE 2018-11

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 44.32 ACRES OF LAND, LOCATED AT 125 E. ERDA WAY, FROM RR-5 TO R-1-10 ZC

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I – AMENDMENT. Pursuant to Utah Code Annotated Sections 17-27a-502 and 17-27a-503, the Tooele County Planning Commission conducted a public hearing on the application for rezone submitted by Joe White on behalf of the Sagers Family Limited Partnership and made a favorable recommendation to amend the official zoning map (a motion to make an unfavorable recommendation did not pass).

Notice having been provided as required by UCA Subsection 17-27a-205(1)(b) and having held a public meeting, the official zoning map of Tooele County is hereby amended by changing the zoning designation of approximately 44.32 acres, known as Parcel 19-097-0-0004, located at 125 E. Erda Way in Erda, Tooele County, Utah from RR-5 (Rural Residential, Five-Acre Minimum Lot Size) to R-1-10 (Residential, Single Family, 10,000 Square-Foot Minimum Lot Size) with the zoning condition that the subject property is limited to a residential density of 2.77 dwelling units per acre with a mix of lot sizes ranging from 6,000 square feet to 21,000 square feet.

Maps showing the area of the rezone are attached hereto and by this reference made a part hereof.

SECTION II – REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 16th day of October 2018.

ATTEST:

TOOELE COUNTY COMMISSION:

MARILYN K. GILLETTE, Clerk/Auditor

WADE B. BITNER, Chairman

(S E A L)

Commissioner Bateman voted _____

Commissioner Bitner voted _____

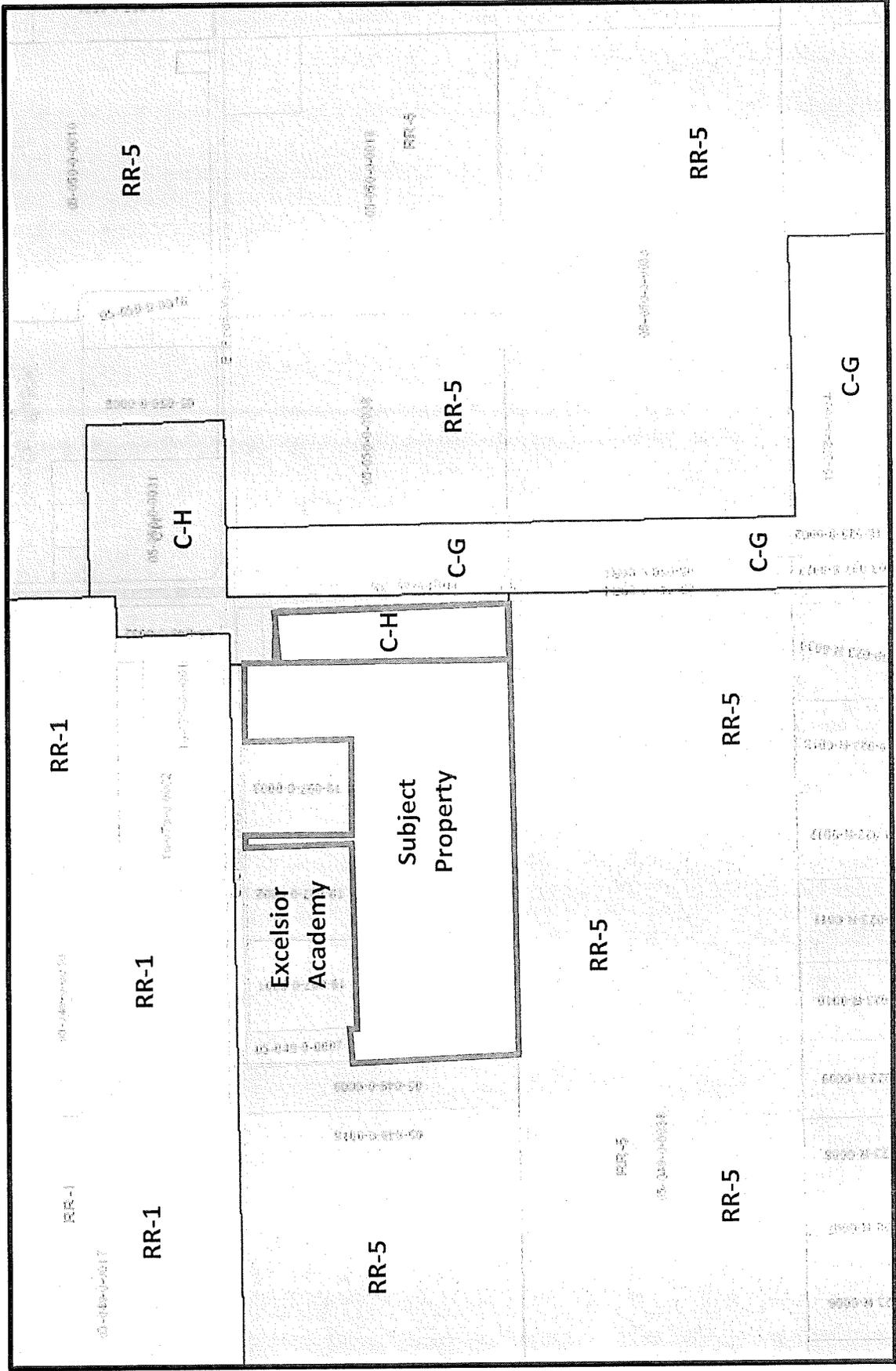
Commissioner Milne voted _____

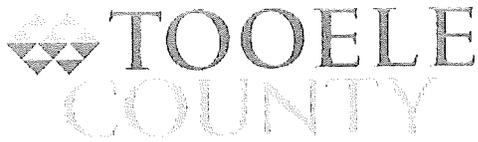
APPROVED AS TO FORM:

SCOTT A. BROADHEAD
Tooele County Attorney

REZ 2018-06: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-10 (Single-Family, 10,000 SF Min)

125 East Erda Way: (Parcel ID: 19-097-0-0004)





Planning and Zoning

47 S. Main Street • Room 208 • Tooele, UT 84074
Phone: (435) 843-3160 • Fax: (435) 843-3252
<http://www.co.tooele.ut.us/Building/planning.htm>

ORD 2018-11

Rezone Summary and Recommendation

Public Body: Tooele County Commission

Meeting Date: October 16, 2018

Parcel ID: 19-097-0-0004

Current Zone: RR-5

Proposed Zone: R-1-10

Property Address: 125 East Erda Way

Request: Rezone from RR-5 (Rural Residential, 5 Acre Minimum) to R-1-10 (Single-Family, 10,000 SF Minimum)

Unincorporated: Erda

Planners: Jeff Miller

Planning Commission Recommendation: Approval*

Planning Staff Recommendation: Approval with condition

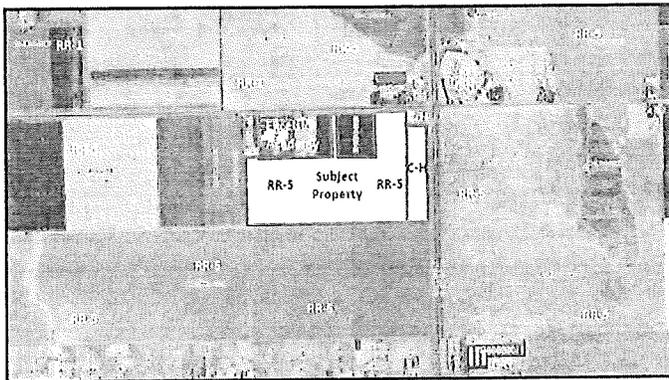
Applicant Name: Joe White

PROJECT DESCRIPTION

Joe White is requesting a rezone from RR-5 (Rural Residential, 5 Acre Minimum) to R-1-10 (Single-Family Residential, 10,000 Square Feet Minimum) on a parcel in Erda which contains a total of approximately 44.32 acres. Along SR-36, there is a narrow portion of the parcel (approximately 6.36 acres, which is currently zoned C-H (Commercial Highway)). The applicant intends to keep this portion zoned C-H, with the remaining 37.96 acres being requested to be rezoned to R-1-10.

The applicant has requested a zoning condition to limit the density of the rezoned portion of the parcel to 105 residential units (2.77 units per acre). It is anticipated that residential lots in the development would be 10,000 square feet in size, which would occupy approximately 24.11 acres. The remaining acreage (13.85 acres) would be split between open space and infrastructure improvements.

SITE & VICINITY DESCRIPTION (see attached map)



The subject property (currently undeveloped) is located near the intersection of Erda Way and SR-36, and surrounds the Thompson Smokehouse, which is located at the southwest corner of this intersection. The property has approximately 450 feet of frontage along Erda Way. The Excelsior Academy is located immediately north of the subject property. There are narrow strips of commercial property on both sides of SR-36, immediately east of the subject property. The vacant property immediately south is currently

zoned RR-5 and is the subject of REZ 2018-07 (also requesting a Rezone from RR-5 to R-1-10). There are vacant parcels in the RR-5 zone to west along Erda Way.

ZONE CONSIDERATIONS

Requirement	Existing Zone (RR-5)	Proposed Zone (R-1-10)
Height	35 Feet	35 Feet
Front Yard Setback	30 Feet	20 Feet (two front yards required on corners)
Side Yard Setback	20 Feet (both Main and Accessory Buildings)	Main Building: 8 Feet (two side yards required on corners) Accessory Buildings: 3 Feet, provided they do not encroach on any easement.
Rear Yard Setback	50 Feet (both Main and Accessory Buildings)	Main Building: 20 Feet Accessory Buildings: 3 feet, provided they do not encroach on any easement.
Lot Width	220 Feet	80 Feet
Lot Area	5 Acre Minimum	10,000 Square Feet
Required Improvements	Street Grading, Street Base, On-Site Surface Drainage Facilities, Culinary Water Facilities, Wastewater Disposal and Street Monuments	Street Grading, Street Base, Curb and Gutter, Sidewalk, On-Site Surface Drainage Facilities, Wastewater Disposal and Street Monuments

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

GENERAL PLAN CONSIDERATIONS

According to the Future Land Use Map of the Tooele County General Plan Update 2016, the subject property is located within an anticipated "center". This "center" is anticipated to consist of mixed uses (commercial uses and residential densities of between 10-15 units per acres) near the intersection of Erda Way and SR-35, and an area of "Density Residential", which allows for approximately two to eight single-family residential units per acre. The proposed density of 2.77 units per acre is appropriate for envisioned growth in this area according to the general plan.

ISSUES OF CONCERN/PROPOSED MITIGATION

As development moves forward within the unincorporated areas of Tooele County, an issue of concern that has been identified is that the Tooele County Health Department has made it known that standard septic systems will not be allowed going forward on parcels smaller than 5 acres in size, due to increased nitrate groundwater contamination. Typically, this would be a significant issue of concern with a request for a rezone from RR-5 to RR-1, however the applicant has informed planning staff that they are proposing to mitigate this concern with the installation of water and sewer infrastructure on the subject property during the subsequent subdivision and development stages.

NEIGHBORHOOD RESPONSE

Planning Staff forwarded all written communications from the public to the Planning Commission, prior to the meeting on October 3, 2018. These written communications have also been forwarded to the County Commission. Public comments that were received at the Planning Commission Meeting are similar to those views expressed in the written communications.

PLANNING COMMISSION RESPONSE

This item was heard by the Tooele County Planning Commission on October 3, 2018. A motion was made to recommend denial of the proposed rezone request. This motion did not pass. *The Tooele County Attorney's Office has determined that this failed motion can be interpreted as a recommendation of approval from the Tooele County Planning Commission.

PLANNING STAFF ANALYSIS

Staff has reviewed the requested rezone and has found that the subject property is located in an area, which could accommodate a mixture of parcels within the R-1-10 zoning designation. The requested density limitation of 2.77 dwelling units per acre will allow for large areas of dedicated open space within the development.

It is anticipated that any significant change in zoning for this area would be accomplished through the rezoning of large parcels similar to the subject property, and the property immediately south (REZ 2018-07).

Tooele County Land Use Ordinance 3-9 (3c), states that in analyzing the proposed rezone request, Planning Staff should analyze, *"the extent to which the proposed development of the subject property in accordance with the requested zoning will be in harmony with and compatible with surrounding land uses and present development."* The requested rezone can be compatible with existing parcels in the RR-5 zoning designation in the general vicinity. The anticipated density limitation and provided open space will further increase the compatibility of the proposed development, if rezoned.

When a larger geographical area is rezoned, and subsequently subdivided, it is much more likely that significant investments in infrastructure improvements (water and sewer) would be economically feasible and incorporated into the development. It is beneficial to the health, safety, and welfare of the residents of Tooele County that as smaller lots are created and developed (through rezoning and subdividing) within the unincorporated areas of Tooele County that the installation of infrastructure improvements (water and sewer systems) are made a priority. The applicant intends to make significant investments in water and sewer infrastructure improvements for the subject property.

Please see the attached written response from the applicant and property owner as required by section 3-9 of the Tooele County Land Use Ordinance.

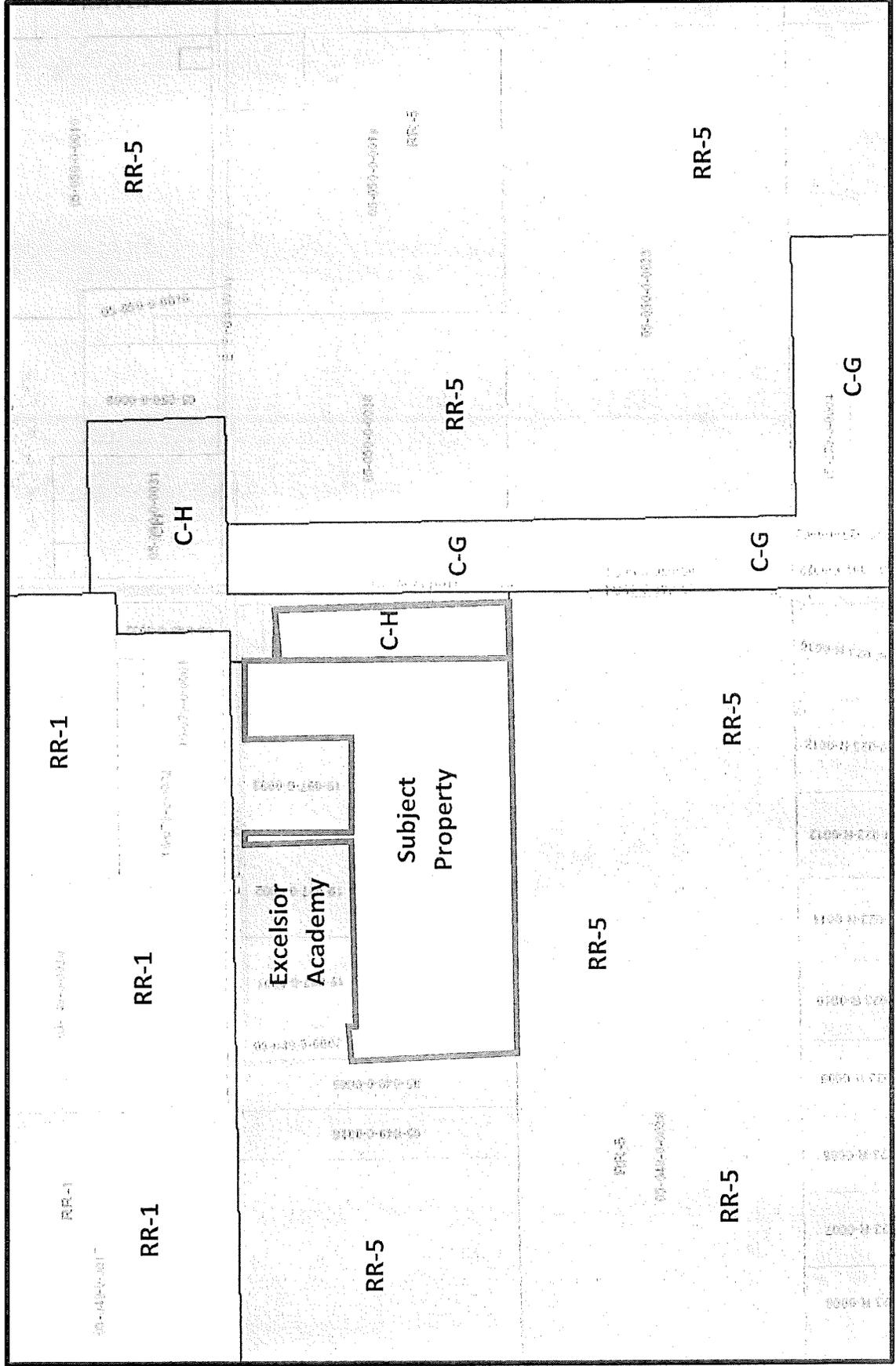
PLANNING STAFF RECOMMENDATION

Planning Staff would be able to support a recommendation of approval from the Tooele County Planning Commission for the proposed rezone from RR-5 (Rural Residential, 5 Acre Minimum) to R-1-10 (Single-Family Residential, 10,000 Square Feet Minimum), with the following zoning condition:

1. The subject property is limited to a residential density of 2.77 dwelling units per acre.

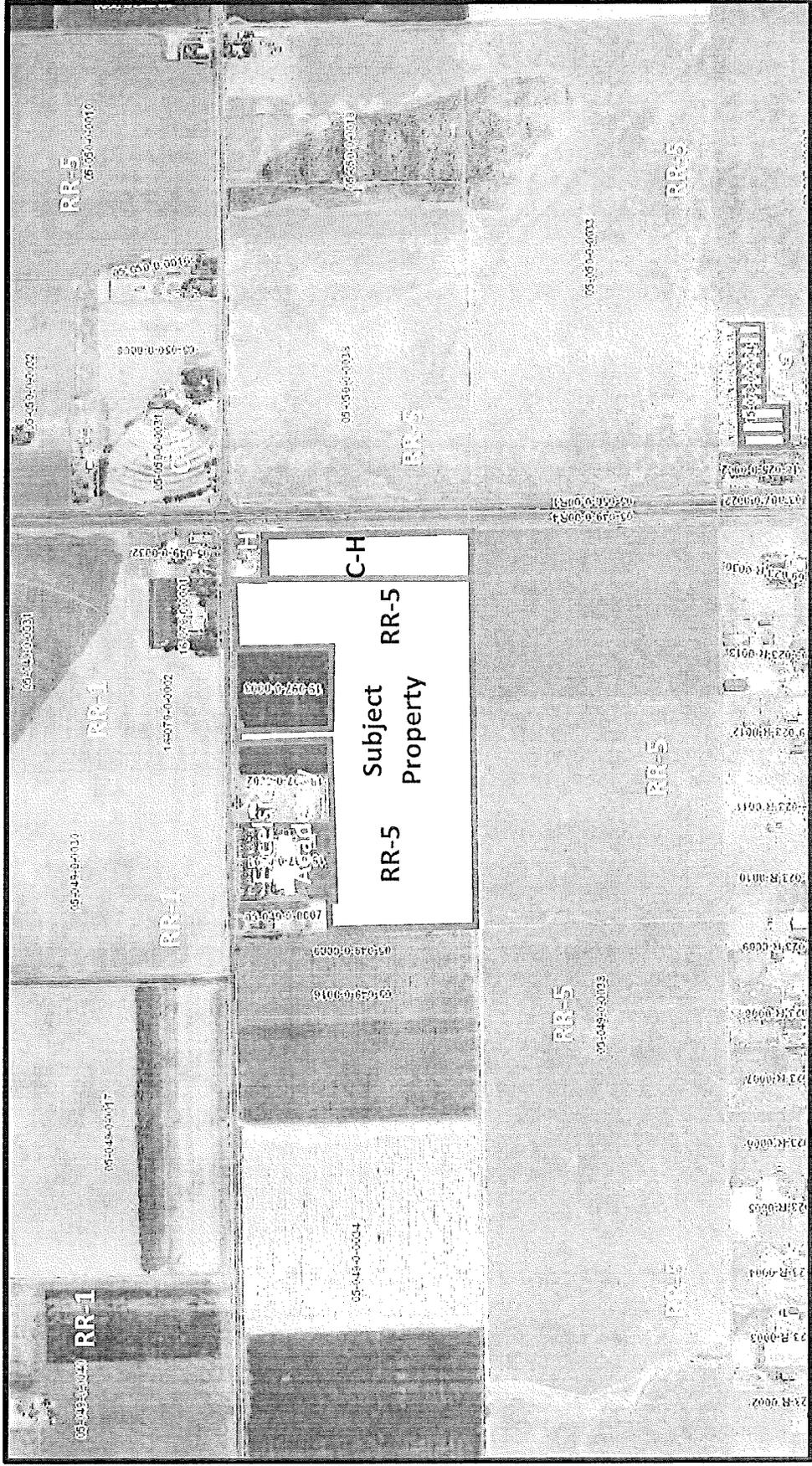
REZ 2018-06: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-10 (Single-Family, 10,000 SF Min)

125 East Erda Way: (Parcel ID: 19-097-0-0004)



REZ 2018-06: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-10 (Single-Family, 10,000 SF Min)

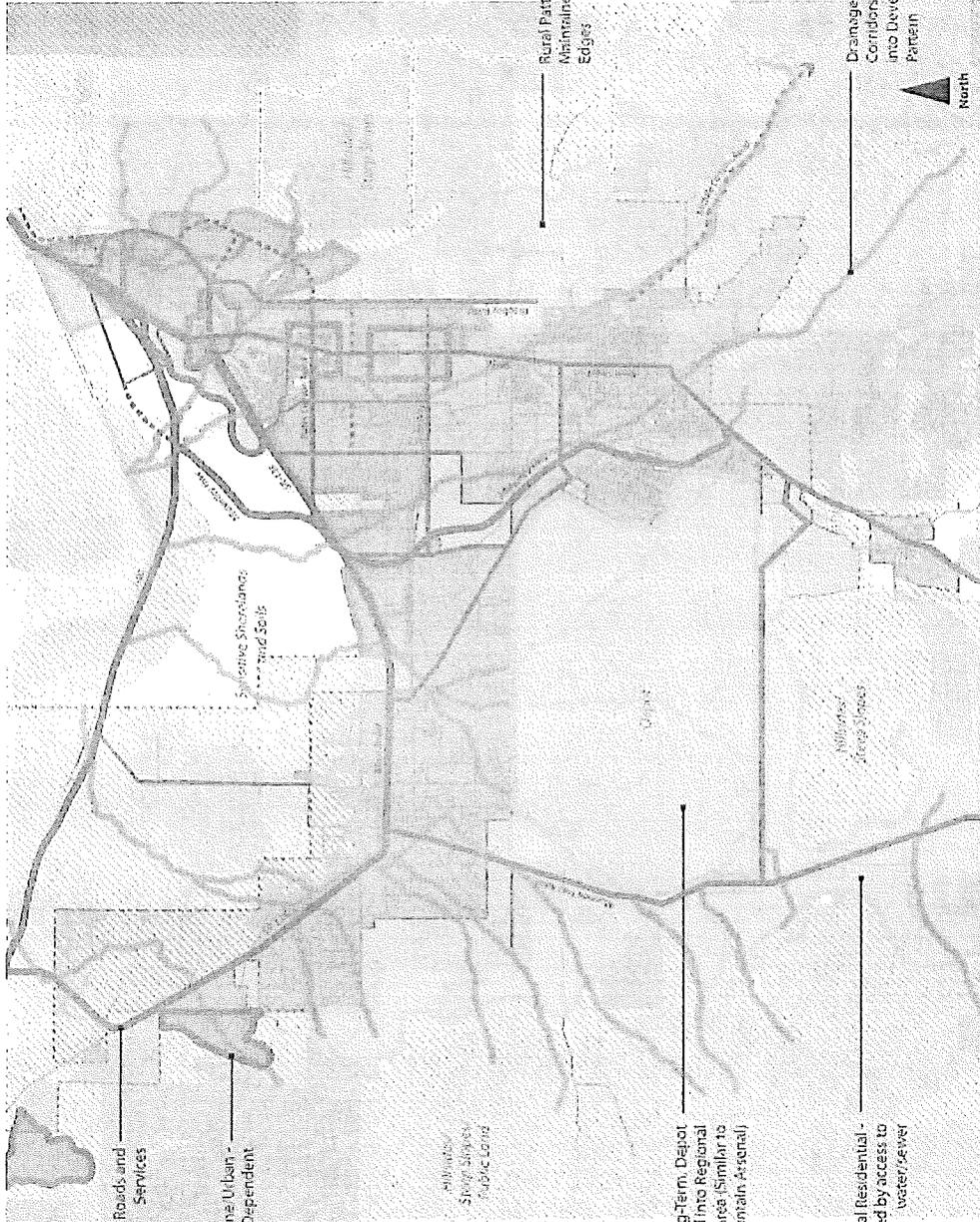
125 East Erda Way: (Parcel ID: 19-097-0-0004)



Map 2-6 Future Land Use

- Highway Commercial/Entrway
- Mixed Use Center
- Density Residential
- Mixed-Density Residential/Cluster
- Rural Residential (1 - 20 acre lots)
- Industrial
- Lake-Based Industry
- Regional Park (Long-Term)
- Greenways/Open Space Corridors
- Municipalities
- Annexation
- Township Boundary
- County Boundary
- Developed Areas
- BLM
- State/JDOT
- State Sovereign Lands
- SITLA
- Tooele City
- Tooele County
- DNR
- Water Bodies, Sensitive Shorelands, Soils, Etc.
- Hillslides/Steep Slopes
- Transportation Network (See Tooele County Transportation Plan 2015)

Tooele County General Plan Update



SAGERS FAMILY LIMITED PARTNERSHIP

Joseph White

August 29, 2018

TOOELE COUNTY PLANNING AND ZONING

Planner

47 S. Main Street

Tooele, UT 84074

Dear TOOELE COUNTY PLANNING AND ZONING:

Below are the answers to the questions on the Zoning Application:

- A. The Property is currently owned by the Sagers Family Limited Partnership. It was purchased in phases starting in 2005. The subject property is currently planted in alfalfa and has been that way before 1942 according to records. The land is relatively flat in topography with drainage flowing North Westerly. Soils appear and have tested to adequate for draining and construction.
- B. Parcel No. 19-097-0-0004, 44 acres located behind and to the East of the Excelsior Schools.
- C. The Land is currently zoned RR5, however the new adopted General Plan for the County does allow R1-10 zoning on the subject property
- D. The property has road frontage both on the east with Highway 36 and North with Erda Way. Transportation is rather light excepting those times when the Excelsior Schools are in pick up. This congestion would be helped by the further construction of interior roads next to the school. This would alleviate pressures on Erda Way.
- E. Property currently is RR5, however with the new County Health Directive to "avoid septic tanks when possible" zoning classification of R1-10 would facilitate the ability to bring sewer and water to the site. We would cap the residential units at 105. This would create densities of 2.7 units per acre or about 71% of the available area.
- F. The site would be served by the Stansbury Park Improvement District (already approved) and a new water company (Pass Canyon Pipeline Company) being formed now to supply municipal water to the project.

- G. The requested zone change is harmonious with the Tooele County General Plan. Erda way and Highway 36 was designated as a trans modal hub. In fact the density and intensesness of the development would be greater according to the General Plan.
- H. See Exhibit "A"
- I. Area calculations:
- J.

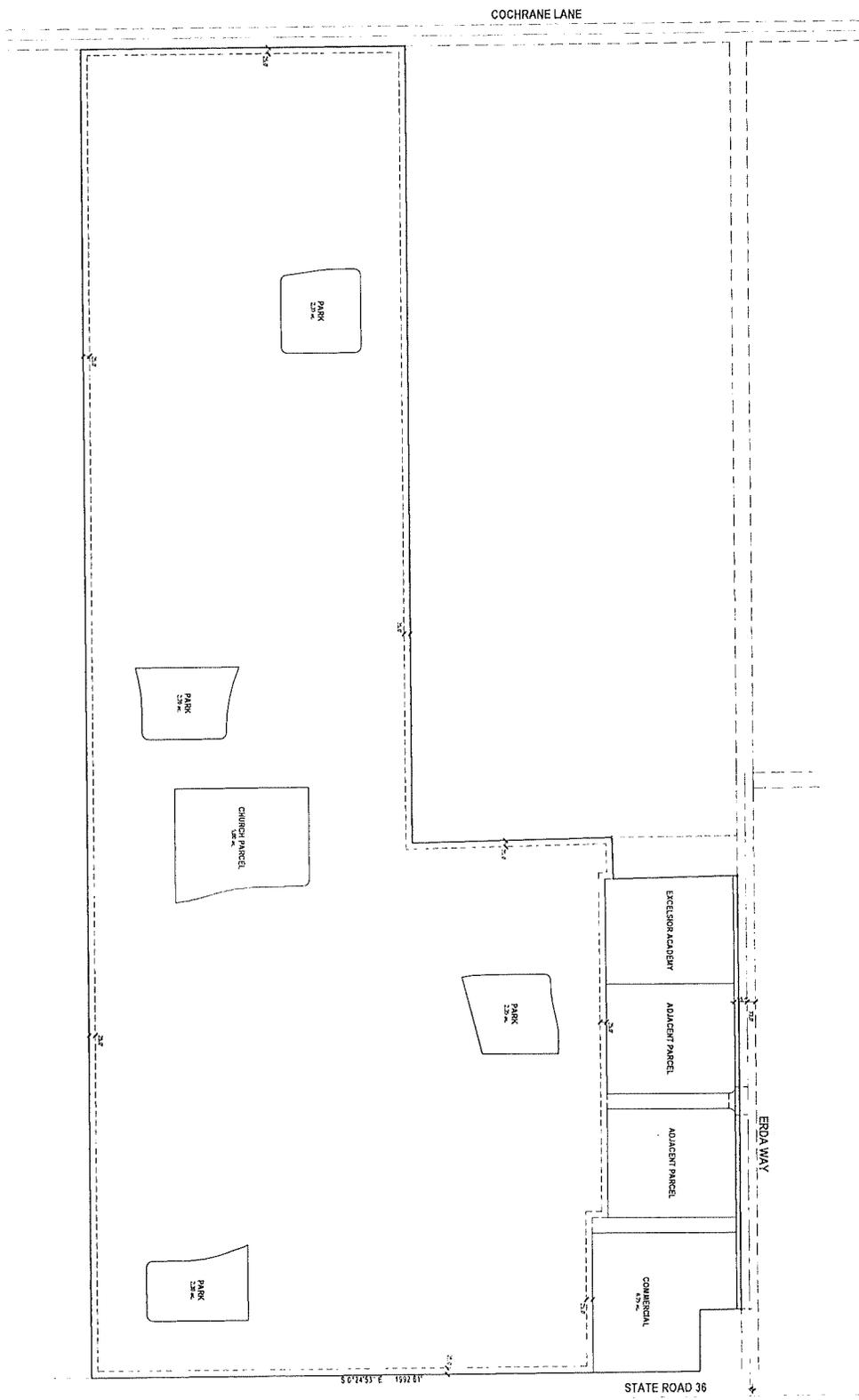
Residential lots		105 units	73.5% of area	Throughout project		
Park & Trails		1.5 acres	3%	Throughout Project		
Commercial		5 acres	11%	East side of Project		
Roads		5.5 acres	12.5%	Throughout Project		
Totals		44 acres	100%			

- K. The residential units will vary from 1400-1800 square feet, the density would be 2.7 units per acre and height would not exceed the County Maximum of 35 feet.
- L. Commercial shall consist of 5 acres either fronting Erda Way or Highway 36. This would have approximately 140,000 square feet of building.
- M. All trails, parks and green space shall be maintained by the HOA within the project.
- N. The land is agricultural with no special features or attributes.
- O. Schools border this project and are within walking distance. Utility companies are prepared to serve this project without any significant changes to infrastructure.
- P. All new storm water would be detained on site, only allowing for the historically released flows to pass through.
- Q. Construction would be 1-3 years.
- R. Each phase would consist of aprox. 25 lots and would start on the west side and continue East.
- S. While the average home generates slightly more than 10 trips per day, studies reveal wide variations in the actual number of trips. Homes in senior citizen housing developments can average as low as three trips per day, while residences in active family neighborhoods can generate as many as 20 trips per day. Still this project will have 2 ingress/egress points. Traffic studies indicate an average of 7.5 trips per day per home. With the addition of an extra travel lane on the South side of Erda way should not significantly impact the traffic and it is anticipated that the travel lanes and intersections would operate at acceptable levels of service after buildout.

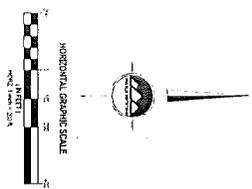
I would welcome the opportunity to further discuss this application with you. If you have questions or would like to schedule a meeting, please contact me by phone or by email.



SAGERS FAMILY LIMITED PARTNERSHIP



AREA CALCULATIONS TABLE	
DESCRIPTION	SQ. FEET
173 ACRES CONCEPT	3,772,000
CONCRETE DRIVE	271,762
ADJACENT LOTS	5,013,720
CHURCH PARCEL	114,513
PARK	487,012
ADDITIONAL DRIVE SPACE	348,508
TOTAL	10,002,515
PERCENTAGE	
CONCRETE DRIVE	7.2%
ADJACENT LOTS	13.5%
CHURCH PARCEL	3.0%
PARK	1.3%
ADDITIONAL DRIVE SPACE	0.9%
TOTAL	25.9%



LEGACY VILLAGE CONCEPT PLAN

ERDA WAY
ERDA, UTAH

EN SIGN
THE STANDARD IN ENGINEERING

TOOLBOX
173 Acre Concept
399 Lots, 2 Parcels

1 OF 1