



**TOOELE COUNTY CLERK**  
**TOOELE COUNTY ADMINISTRATION BUILDING**  
**[www.co.Tooele.ut.us](http://www.co.Tooele.ut.us)**

**MARILYN K. GILLETTE**  
Tooele County Clerk  
[mgillette@tooeleco.org](mailto:mgillette@tooeleco.org)

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

February 14, 2019

Dear Tooele County Ordinance 2018-13 Referendum Sponsor:

The signature verification on the referendum for Tooele County Ordinance 2018-13 has been completed. There were enough verifiable signatures to certify the petitions. Please see certification document enclosed.

The question will be scheduled to be on the November 2020 General Election ballot. If you have any questions, please let me know.

Sincerely,

---

MARILYN K. GILLETTE

Tooele County Clerk

**COME TOGETHER**  
**OWN YOUR COMMUNITY**  
Live in it. Shop in it. Thrive in it.

**Vote In It!**



# TOOELE COUNTY CLERK/AUDITOR

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**MARILYN K. GILLETTE**  
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47 South Main Street #318  
Tooele, Utah 84074  
435-843-3140/Fax 882-7317

November 28, 2018

*Sponsors of Referendum Petition for Ordinance 2018-13:*

*An application for a referendum petition for Ordinance 2018-13 was filed on November 21, 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 2018-13  
**Date:** November 27, 2018

An application for a referendum petition for Ordinance 2018-12 was filed on or about November 21, 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 2018-13

**Sponsor Statement** State of Utah,  
County of Tooele

I, Wendy Stott 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)

3364 Corner Canyon Rd Residence Address Wendy Stott Sponsor's Signature

Erda, UT 84074 City, State, Zip 8016942624 Phone Number

Subscribed and affirmed before me this 20<sup>th</sup> day of November 2018

Diane J. Haney Notary Public My commission expires 1/11/19



**Sponsor Statement** State of Utah,  
County of Tooele

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

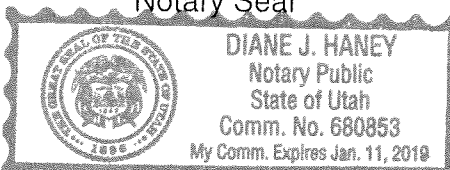
Name of Sponsor (please type or print)

3364 Corner Canyon Rd Residence Address Tony Stott Sponsor's Signature

Erda, UT. 84074 City, State, Zip 801-673-8669 Phone Number

Subscribed and affirmed before me this 20<sup>th</sup> day of November 2018

Diane J. Haney Notary Public My commission expires 1/11/19



**Sponsor Statement** State of Utah,  
County of Tooele

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

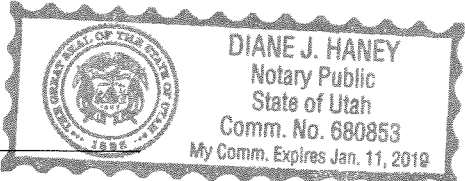
Name of Sponsor (please type or print)

1315 Murray Canyon Road Residence Address Wendy Sasser Sponsor's Signature

Erda UT 84074 City, State, Zip 4358430209 Phone Number

Subscribed and affirmed before me this 20<sup>th</sup> day of Nov. 2018

Diane J. Haney Notary Public My commission expires 1/11/19



# Application for Referendum

Utah Code 20A-7

Ordinance 2018-13

**Sponsor Statement**

State of Utah,  
County of Tooele

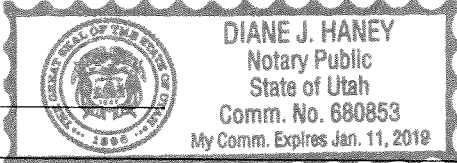
I, James M. Harrell affirm that I am a resident of Utah and I have voted in a regular general election in Utah within the last three years.  
Name of Sponsor (please type or print)

344 W. Cimarron Way James M. Harrell  
Residence Address Sponsor's Signature

Erda UT 84074 435-882-2463  
City, State, Zip Phone Number

Subscribed and affirmed before me this 20<sup>th</sup> day of Nov 2018

Diane Haney My commission expires 1/11/19  
Notary Public



**Sponsor Statement**

State of Utah,  
County of Tooele

I, Kathleen H. Mallis 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)

2192 W. Pony St Kat Mallis  
Residence Address Sponsor's Signature

Erda, UT 84074 435-830-9381  
City, State, Zip Phone Number

Subscribed and affirmed before me this 20<sup>th</sup> day of November 2018

Diane Haney My commission expires 1/11/19  
Notary Public



**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, Utah 84074 435-882-3964  
City, State, Zip Phone Number

Subscribed and affirmed before me this 20<sup>th</sup> day of November 2018

Diane Haney My commission expires 1/11/19  
Notary Public



# Application for Referendum

Utah Code 20A-7

Ordinance 2018-13

**Sponsor Statement** State of Utah,  
County of Tooele

I, Denise N. Moody - Martin 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)

987 Tanglewood Rd  
Residence Address

Erda, UT. 84074  
City, State, Zip

801-842-7700  
Phone Number

Denise N. Moody - Martin  
Sponsor's Signature

Subscribed and affirmed before me this 20th day of November 2018

[Signature]  
Notary Public

My commission expires 11/11/19

Notary Seal



DIANE J. HANEY  
Notary Public  
State of Utah  
Comm. No. 680853  
My Comm. Expires Jan. 11, 2019

**Sponsor Statement** State of Utah,  
County of Tooele

I, Sueelyn Horton 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)

1034 E. Brookfield Ave  
Residence Address

ERDA UT 84074  
City, State, Zip

801-637-6524  
Phone Number

Sueelyn Horton  
Sponsor's Signature

Subscribed and affirmed before me this 20th day of November 2018

[Signature]  
Notary Public

My commission expires 11/11/19

Notary Seal



DIANE J. HANEY  
Notary Public  
State of Utah  
Comm. No. 680853  
My Comm. Expires Jan. 11, 2019

**Sponsor Statement** State of Utah,  
County of Tooele

I, Matthew B. Diamond 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)

1431 E. Green Meadows Court  
Residence Address

Erda UT 84074  
City, State, Zip

801-891-6560  
Phone Number

Matthew Diamond  
Sponsor's Signature

Subscribed and affirmed before me this 20th day of November 2018

[Signature]  
Notary Public

My commission expires 11/11/19

Notary Seal



DIANE J. HANEY  
Notary Public  
State of Utah  
Comm. No. 680853  
My Comm. Expires Jan. 11, 2019

# Application for Referendum

Utah Code 20A-7

Ordinance 2018-13

**Sponsor Statement** State of Utah,  
County of Tooele

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. Cimarron Way Residence Address James M. Harrell Sponsor's Signature

Erda UT 84074 City, State, Zip 435-882-2463 Phone Number

Subscribed and affirmed before me this 20th day of November 2018

Diane J. Haney Notary Public My commission expires 1/11/19



**Sponsor Statement** State of Utah,  
County of Tooele

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

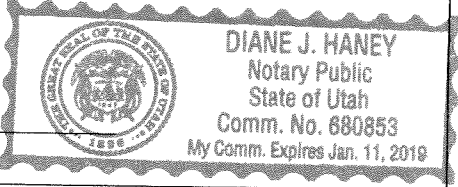
Name of Sponsor (please type or print)

2192 W. Pony St Residence Address Kathleen H. Mallis Sponsor's Signature

Erda, UT 84074 City, State, Zip 435-830-9381 Phone Number

Subscribed and affirmed before me this 20th day of November 2018

Diane J. Haney Notary Public My commission expires 1/11/19



**Sponsor Statement** State of Utah,  
County of Tooele

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

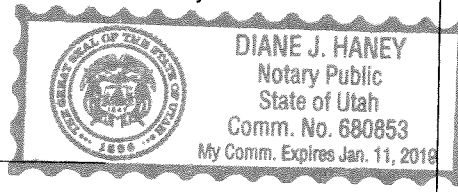
Name of Sponsor (please type or print)

1552 E Clayton St Erda UT 84074 Residence Address Matthew Love Sponsor's Signature

Erda Utah 84074 City, State, Zip 401 440 5561 Phone Number

Subscribed and affirmed before me this 20th day of November 2018

Diane J. Haney Notary Public My commission expires 1/11/19



# Application for Referendum

Utah Code 20A-7

Ordinance 2018-13

**Sponsor Statement** State of Utah,  
County of Tooele

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

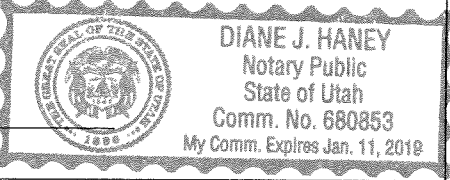
Name of Sponsor (please type or print)

933 EAST BATES CYN RD Residence Address [Signature] Sponsor's Signature

ERDA UTAH 84074 City, State, Zip 801-232-4361 cell Phone Number

Subscribed and affirmed before me this 20th day of Nov. 2018

[Signature] Notary Public My commission expires 1/11/18



**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 \_\_\_\_\_

**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 \_\_\_\_\_



November 20, 2018

County of Tooele, State of Utah

To whom it may concern:

Signature Gatherers for the Ordinance 2018-13 Referendum Petition will not be paid for their services.

Sincerely,

*Janet Kanel*

*Kat H. Nallis*

*Riane Christensen*

*Dee Moody-Martin*

*Sue Lynn Horton*

*Wendy*

*Margaret A. Diamond*

*Wendy Galt*

*Matthew B. Quinn*

*Wendy Galt*

*Wendy Galt*

*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 2018-13**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 119.43 ACRES OF LAND, LOCATED SOUTH OF ERDA WAY AND EAST OF SR-36, FROM RR-5 TO R-1-12 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 Boyd Anderson on behalf of BRK&H, LLC and made a favorable recommendation to amend the official zoning map.

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 119.43 acres, known as Parcels 03-007-0-0020, 03-007-0-0036, and 03-007-0-0037, located south of Erda Way and east of SR-36 in Erda, Tooele County, Utah from RR-5 (Rural Residential, Five-Acre Minimum Lot Size) to R-1-12 (Residential, Single Family, 12,000 Square-Foot Minimum Lot Size) with the zoning condition that the subject property is limited to a residential density of three dwelling units per acre with a mix of lot sizes ranging from 10,000 square feet to 22,000 square feet. If the developer fails to fulfill the conditions of the Shoshone Village Development Agreement, the County may choose, at its sole discretion, to rezone the subject property to its prior zoning designation.

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 20<sup>th</sup> day of November 2018.

**ATTEST:**

**TOOELE COUNTY COMMISSION:**

\_\_\_\_\_  
MARILYN K. GILLETTE, Clerk/Auditor

\_\_\_\_\_  
WADE B. BITNER, Chairman

( S E A L )

Commissioner Bateman voted \_\_\_\_\_

Commissioner Bitner voted \_\_\_\_\_

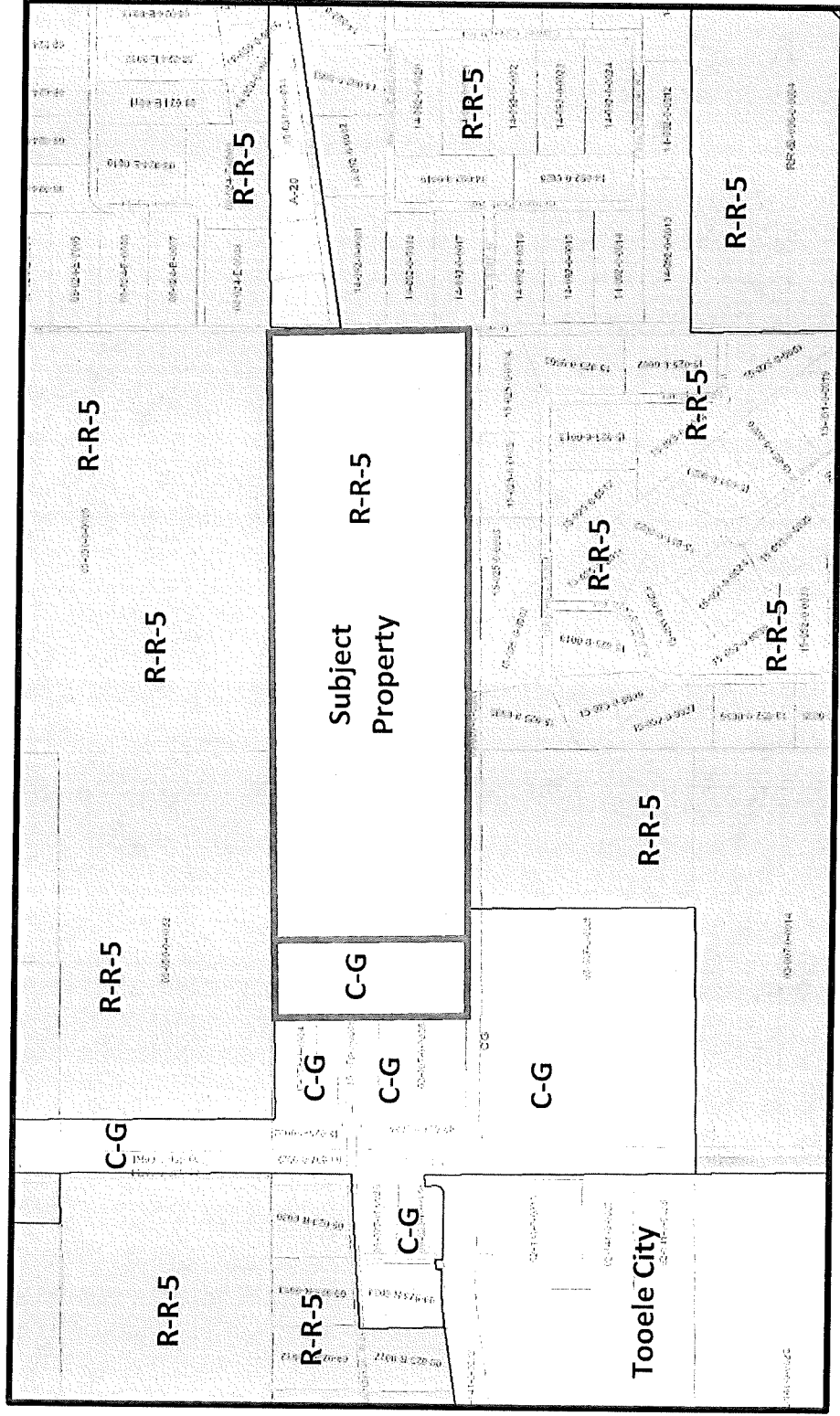
Commissioner Milne voted \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
SCOTT A. BROADHEAD  
Tooele County Attorney

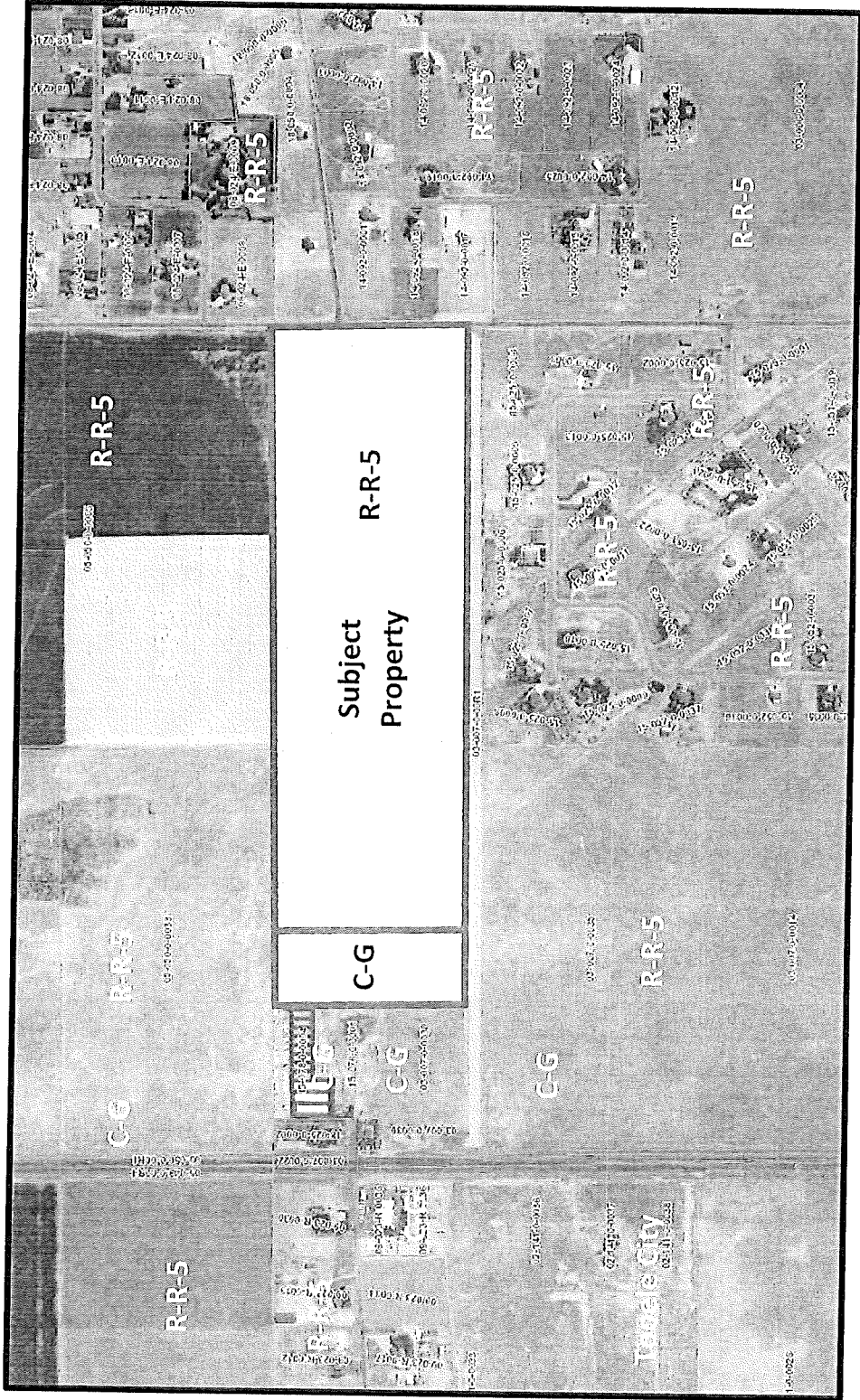
**REZ 2018-08: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-12 (Single-Family, 12,000 SF Min)**

*Unaddressed Parcels: (Parcel ID: 03-007-0-0037, 03-007-0-0036, & 03-007-0-0020)*



**REZ 2018-08: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-12 (Single-Family, 12,000 SF Min)**

*Unaddressed Parcels: (Parcel ID: 03-007-0-0037, 03-007-0-0036, & 03-007-0-0020)*





**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 2018-13

## Rezone Summary and Recommendation

Public Body: Tooele County Commission

Meeting Date: November 20, 2018

Parcel IDs: 03-007-0-0037, 03-007-0-0036,  
& 03-007-0-0020

Current Zone: RR-5

Proposed Zone: R-1-12

Property Address: Unaddressed Parcels

Request: Rezone from RR-5 (Rural Residential, 5 Acre Minimum) to R-1-10 (Single-Family, 12,000 SF Minimum)

Unincorporated: Erda

Planners: Jeff Miller

Planning Commission Recommendation: Updated Recommendation of Approval (11/7/18)

County Commission Decision: Refer back to Planning Commission with updated concept (10/16/18)

Planning Staff Recommendation: Approval with condition

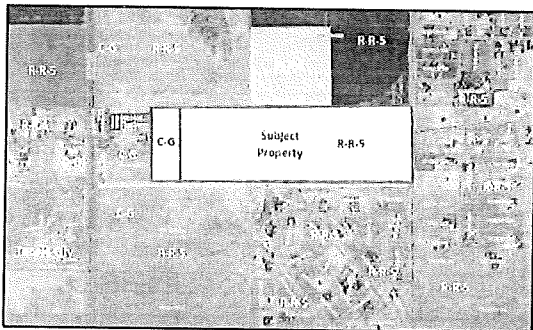
Applicant Name: Boyd Anderson

### PROJECT DESCRIPTION

Boyd Anderson is requesting a rezone from RR-5 (Rural Residential, 5 Acre Minimum) to R-1-12 (Single-Family Residential, 12,000 Square Feet Minimum) for three parcels in Erda which contain a total of approximately 119.43 acres. There is approximately 16.53 acres of parcel 03-007-0-0037, which is currently zoned C-G (Commercial General) and will remain as commercial property. The remaining 109.2 acres, which are being requested to be rezoned to R-1-12 are anticipated to be developed as a master planned community including two parks, and a vast network of interconnected trails within the development.

The applicant has requested a zoning condition to limit the residential density of the parcel to a maximum of three (3) units per acre. It is anticipated that there will be approximately 174 residential units in the planned development, with a approximate range of lot sizes between 14,520 (1/3 acre) to 25,000 square feet in size.

### SITE & VICINITY DESCRIPTION (see attached map)



The subject property (currently undeveloped) is located near the crossroads of Cimmarron Way and SR-36, on the east side of SR-36. The property is located east of Bargain Buggys and the Wildcat Storage. In the foreseeable future, a newly constructed road will be built immediately adjacent to the subject property to the south and will connect SR-36 to Droubay Road. There is a large area of undeveloped parcels in the RR-5 zone to north. To the east across Droubay Road is a large area of developed parcels in the RR-5 zone with rural residential uses. There is

also a narrow strip of nonconforming parcels in the A-20 (Agricultural, 20 Acre Minimum) to the east across

Droubay Road. There are developed parcels in the RR-5 zone with rural residential uses to the south, which will be located south across the road from the future road connecting SR-36 to Droubay Road.

### ZONE CONSIDERATIONS

Requirement	Existing Zone (RR-5)	Proposed Zone (R-1-10)
Height	35 Feet	35 Feet
Front Yard Setback	30 Feet	30 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: 25 Feet Accessory Buildings: 3 feet, provided they do not encroach on any easement.
Lot Width	220 Feet	80 Feet
Lot Area	5 Acre Minimum	12,000 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, Culinary Water 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, half of the subject property is located within an anticipated "center". This "center" is anticipated to consist of mixed uses (commercial uses and residential densities between 10-15 units per acres) near SR-35, and an area of "Density Residential", which allows for approximately two to eight single-family residential units per acre. For the eastern portion of the subject property that is located just outside of this "center", it is anticipated to consist of Mixed-Density Residential/Cluster, which allow for approximately two to four single-family residential units per acre. The proposed overall residential density of three (3) 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 rezoning from RR-5 to R-

1-12, 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.

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### **NEIGHBORHOOD RESPONSE**

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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.

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### **PLANNING COMMISSION RESPONSE (10/03/2018 & 11/7/2018)**

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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.

When this item was heard by the Tooele County Planning Commission on November 7, 2018 to consider an updated concept from the applicant, they made a recommendation of approval to the Planning Commission. They felt that the updated concept had addressed concerns about appropriate buffers, which was lacking on the previous concept.

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### **COUNTY COMMISSION RESPONSE (10/16/2018 & 11/20/2018)**

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This item was heard by the Tooele County Commission on October 16, 2018. They had some concerns about approving the requested rezone with the currently envisioned concept. Their main concern was the lack of adequate buffers between existing RR-5 parcels, and the envisioned lot sizes for the development, if rezoned to R-1-12.

A decision was made to refer this item back to the Tooele County Planning Commission with an updated concept showing adequate buffers for the existing RR-5 parcels. The County Commission would like the Planning Commission to consider the updated concept.

If the Planning Commission chooses to keep the existing recommendation of denial in place, the County Commission would like to receive specific reasons for the denial. The Planning Commission also has the option to make a motion of approval on November 7, 2018.

\*Please see the attached updated concept. If the requested rezone is approved, the applicant will provide a detailed subdivision concept during the subdivision approval process with the planning commission.

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### **PLANNING STAFF ANALYSIS**

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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-1-12 zoning designation according to the Tooele County General Plan Update 2016. It is anticipated that the updated concept from the applicant will still be requesting the same density, as previously presented to the Planning Commission. With a mixture of open space and larger lots acting as a buffer between existing R-1-5 parcels, it is anticipated that the large portion of property behind the proposed buffer areas will have a range of residential lot sizes and densities, in order to meet the overall density of 3 dwelling units per acre, which has been proposed by the applicant.



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 with adequate access to water and sewer infrastructure.

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.

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### **PLANNING STAFF RECOMMENDATION**

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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, 12,000 Square Feet Minimum), with the following zoning condition and recommendation:

**Zoning Condition:**

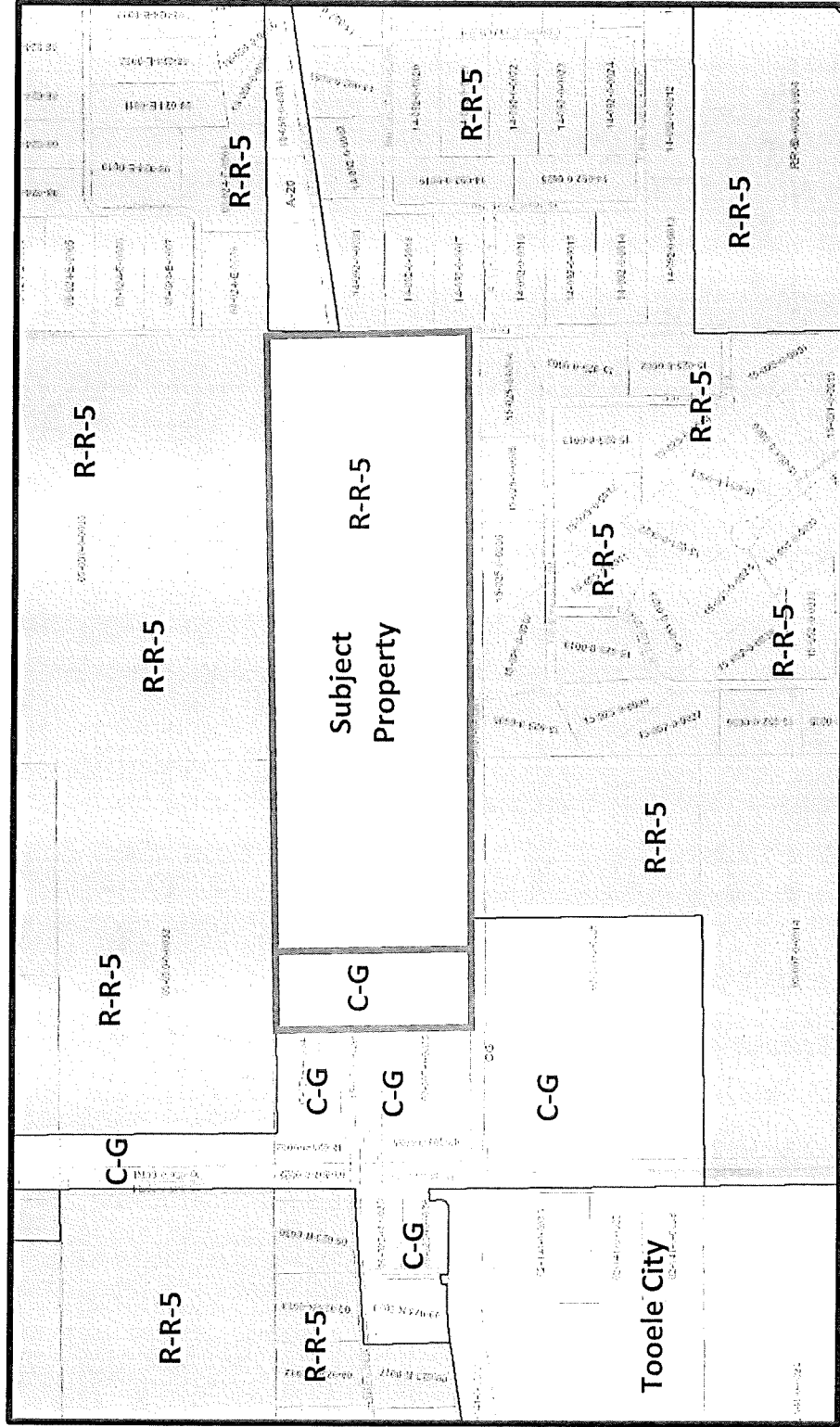
1. The subject property is limited to a residential density of 3 dwelling units per acre.

**Recommendation:**

1. At the subdivision approval level, the updated concept shall provide inspiration for the layout of the anticipated subdivision development.

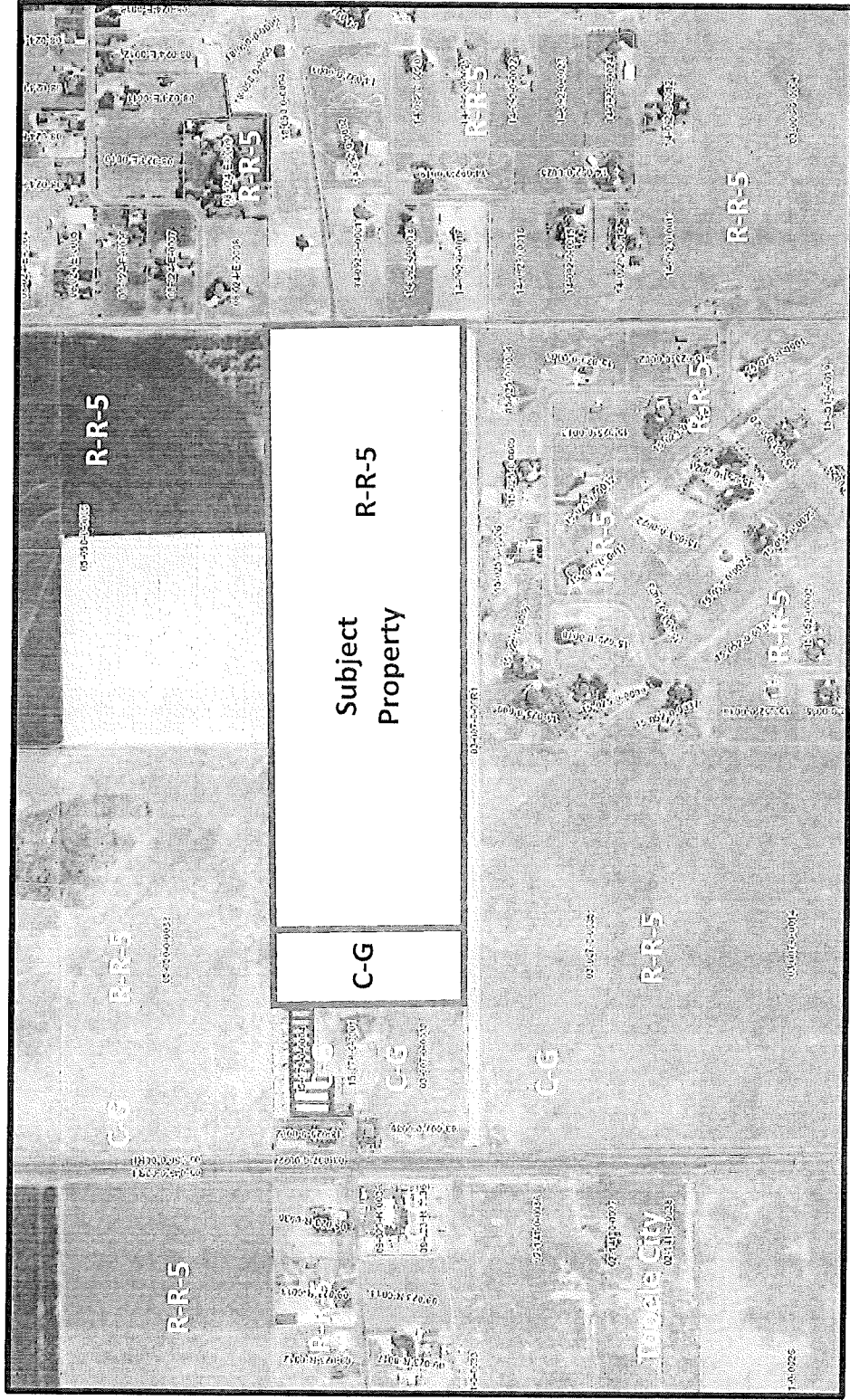
**REZ 2018-08: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-12 (Single-Family, 12,000 SF Min)**

*Unaddressed Parcels: (Parcel ID: 03-007-0-0037, 03-007-0-0036, & 03-007-0-0020)*



**REZ 2018-08: Rezone from RR-5 (Rural Residential, 5 Acre Min) to R-1-12 (Single-Family, 12,000 SF Min)**

*Unaddressed Parcels: (Parcel ID: 03-007-0-0037, 03-007-0-0036, & 03-007-0-0020)*



# Application to Amend the Zoning Map of Tooele County

## Shoshone Village

- (a) The site is approximately 119.24 acres of raw ground located on the northern edge of the currently cut parkway east of UT 36 and west of Droubay Road. The Northern border is investment and agricultural property. It has a gentle slope toward the west.
- (b) The Legal Description:

### 03-007-0-0020 – 12.24 Acres

BEG AT A PT WH LIES S 24'21" E ALG THE W LI OF THE NE 1/4 OF SEC 3, T3S, R4W, SLB&M, A DISTANCE OF 606.66 FT FR THE N 1/4 COR OF SD SEC 3; AND RUN TH N 81°55'26" E, A DISTANCE OF 2,665.11 FT; TH S 24'31" E, A DISTANCE OF 201.80 FT; TH S 81°55'26" W, A DISTANCE OF 2,665.12 FT TO SD W LI; TH N 24'21" W ALG SD W LI, A DISTANCE OF 201.81 FT TO THE POB. (OUT OF 3-7-12 FOR 2005 YEAR.) 12.24 AC

### 03-007-0-0037 – 44.97 Acres

BEG AT A PT WH LIES N 89°40'40" E ALG THE N LI OF THE NW 1/4 OF SEC 3, T3S, R4W, SLB&M, A DISTANCE OF 1,039.50 FT FR THE NW COR OF SD SEC 3; AND RUN TH N 89°40'40" E ALG SD N LI, A DISTANCE OF 1,601.75 FT TO THE N 1/4 COR OF SD SEC 3; TH S 24'21" E A LG THE E LI OF SD NW 1/4 OF SEC 3, A DISTANCE OF 1124.89 FT; TH S 89°40'10" W, A DISTANCE OF 1,602.28 FT; TH N 24'08" W, A DISTANCE OF 1,125.13 FT TO THE POB. OUT OF 3-7-19 FOR 2008 YEAR 41.25 AC---LESS 0.013 AC TO TOOELE COUNTY (#346109) . BALANCE O F 3-7-25 AFTER 3-7-29 FOR 2011 YEAR. 41.237 AC----TOGETHER WITH THE ADJACENT PORTION OF THE NORTH 100 FEET IN THE EASTERNMOST PORTION OF THE CORRIDOR FROM DROUBAY ROAD TO SR-36. (ORDINANCE 2013-14 ENTRY # 389362). OUT OF 3-7-29, 3-7-30 AND ROAD FOR

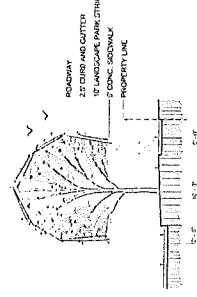
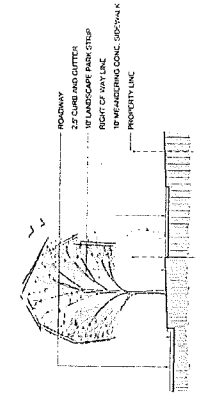
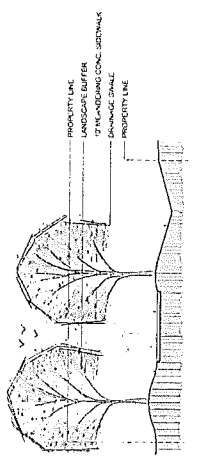
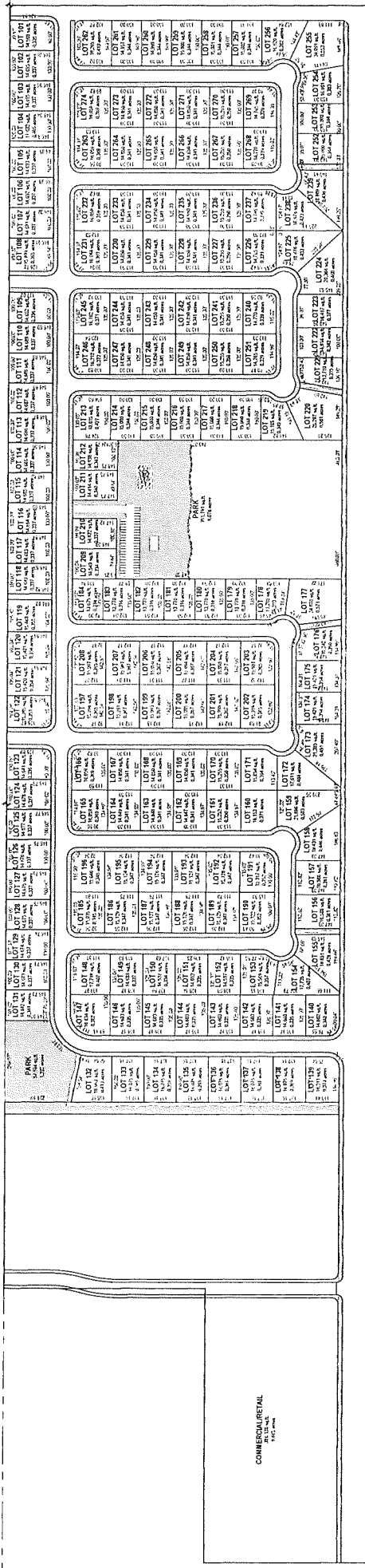
### 03-007-0-0036 – 62.22 Acres

BEG AT A PT WH LIES S 24'21" E ALG THE W LI OF THE NE 1/4 OF SEC 3, T3S, R4W, SLB&M, A DISTANCE OF 606.66 FT FR THE N 1/4 COR OF SD SEC 3; AND RUN TH N 81°55'26" E, A DISTANCE OF 2,665.11 FT; TH S 24'31" E, A DISTANCE OF 201.80 FT; TH S 81°55'26" W, A DISTANCE OF 2,665.12 FT TO SD W LI; TH N 24'21" W ALG SD W LI, A DISTANCE OF 201.81 FT TO THE POB. (OUT OF 3-7-12 FOR 2005 YEAR.) 12.24 AC

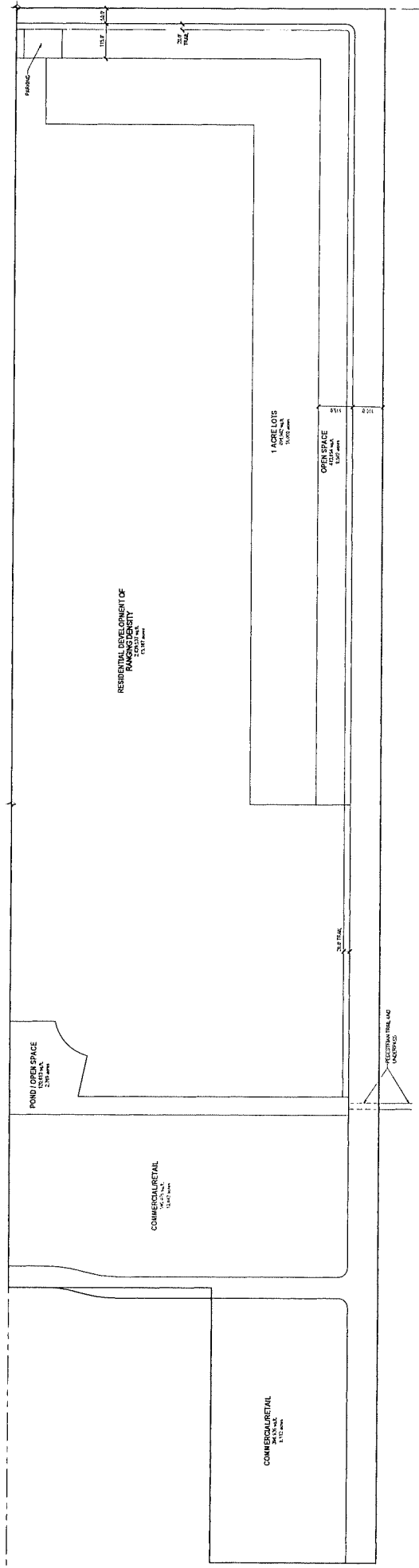
- (c) The property is currently zoned as RR5

- (d) The existing transportation patterns include UT 36 and Droubay Road for north/south transportation. Future traffic patterns will also include the new Parkway for east/west transportation.
- (e) The existing land use is raw ground. The proposed land use is R-1-12 with a maximum of 3 residential housing units per acre. The developer is part of a consortium of developers that will extend waste water services from SPID. The developer is part of a consortium of developers that have formed a new regional water system for culinary water service to the area. A trail and park system will be installed in the subdivision that will conform to the Active Transportation Plan. Stansbury Service Agency will maintain the parks and trails.
- (f) Natural Gas, Electricity, water hookup, high speed fiber and waste water will be installed by the developer.
- (g) This development conforms to the Tooele County General Plan, Transportation Plan, Resource Management Plan, Active Transportation Plan and Health Department goals. It acts as a buffer between commercially zoned properties and existing RR5 residential neighborhoods. It matches the clustering/village formation model within the General Plan and installs an expanded waste water system and regional water system.
- (h) Please see the attached adjacent property owner's locator maps.
- (i) See paragraphs (a) and (b) above. Adjacent land uses are commercial, investment, residential, agricultural and county/state roads.
- (j) The anticipated number of residences is 174 which will meet the Tooele County Land Use Ordinance related to the proposed zoning.
- (k) There are no non-residential buildings anticipated in this development.
- (l) See the attached concept plan for the open space and trail system.
- (m) The site does not have any unique attributes. It is raw ground with typical mountain views.
- (n) The developer has water rights sufficient to service the entire subdivision. The water rights will be deposited with the regional water company so each lot will have a metered water connection for a fee. Fire service is through North Tooele County Fire and the neighborhood will be compliant with their code. Schools used will be within the Tooele School District.
- (o) Ensign Engineering has completed such calculations. They are shown partially on the concept plan and will be fully completed with the subdivision application.
- (p) The construction schedule is subject to obtaining rights of way for and construction of sewer and water lines from the relevant servicing agents.
- (q) The developer anticipates as many as four possible phases based on the number of units. The timing will be determined by the rate of sales but is anticipated to be built out within a 10-15 year period.
- (r) A traffic study has been requested and will be delivered to the planning office before the 3 October 2018 Planning Commission Meeting.
- (s) This subdivision is not anticipated to be a PUD.
- (t) Not applicable.

Original Concept



Updated Concept



AREA CALCULATION TABLE			
DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL	PERCENTAGE OF TOTAL
COMMERCIAL	2,248	3.8	12.4
MANAGING RESIDENTIAL DEVELOPMENT AREA	2,874,537	48.5	48.5
RESIDENTIAL DEVELOPMENT AREA	23,187	0.4	12.7
OPEN SPACE	5,916	0.1	1.0
TOTAL SITE	5,700,897	100.0	100.0

Minimum residential units for development - 274