

STATE OF UTAH



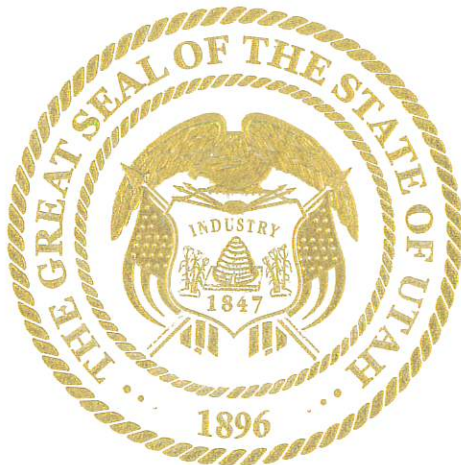
OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of annexation known as the CANYON SPRINGS ANNEXATION located in TOOELE CITY, dated OCTOBER 9, 2024, complying with §67-1a-6.5, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CANYON SPRINGS ANNEXATION located in TOOELE COUNTY, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 4th day of December, 2024 at Salt Lake City, Utah.



A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor

Notice of Impending Boundary Action: Annexation

October 9, 2024

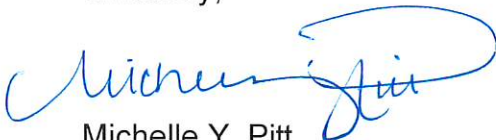
Lieutenant Governor Diedre Henderson
State Capitol Complex
PO Box 142325
Salt Lake City, UT 84114-2325
Via email: jaclynburt@utah.gov

Dear Lieutenant Governor Henderson:

This letter constitutes a Notice of Impending Boundary Action pursuant to U.C.A. §67-1a-6.5, indicating that Tooele City Corporation has taken all necessary actions to annex approximately 61.16 acres of land into the Tooele City corporate limits. All annexation requirements have been met evidenced by the enclosed Tooele City Ordinance 2024-21 and its exhibits. Also enclosed is a copy of the Annexation Plat map.

We look forward to receiving a Certificate of Annexation from your office.

Sincerely,



Michelle Y. Pitt
Tooele City Recorder

Notice of Impending Boundary Action: Annexation

October 9, 2024

Lieutenant Governor Diedre Henderson
State Capitol Complex
PO Box 142325
Salt Lake City, UT 84114-2325
Via email: jaclynburt@utah.gov

Dear Lieutenant Governor Henderson:

This letter constitutes a Notice of Impending Boundary Action pursuant to U.C.A. §67-1a-6.5, indicating that Tooele City Corporation has taken all necessary actions to annex approximately 61.16 acres of land into the Tooele City corporate limits. All annexation requirements have been met evidenced by the enclosed Tooele City Ordinance 2024-21 and its exhibits. Also enclosed is a copy of the Annexation Plat map.

We look forward to receiving a Certificate of Annexation from your office.

Sincerely,

Michelle Y. Pitt
Tooele City Recorder

TOOELE CITY CORPORATION

ORDINANCE 2024-21

AN ORDINANCE OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION PETITION OF HOWARD SCHMIDT, ANNEXING 61.16 ACRES OF LAND INTO THE TOOELE CITY CORPORATE LIMIT, AND ASSIGNING THE R1-8 RESIDENTIAL ZONING DISTRICT TO THE ANNEXED PROPERTY

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2024); and,

WHEREAS, Tooele City has received the annexation petition ("Petition") of Howard Schmidt ("Petitioner"), dated April 25, 2024, in accordance with UCA § 10-2-403 and TCC Chapter 7-24, seeking to annex approximately 61.16 acres of property (the "Property") into the Tooele City corporate limits (see the Petition and map as part of Exhibit A, attached); and,

WHEREAS, the parcel affected by the Ordinance is No. 03-031-0-0014; and,

WHEREAS, the City Council approved Resolution 2024-45 on June 5, 2024, which Resolution accepted the Petition for further consideration, as provided in UCA § 10-2-405(1) (see Resolution 2024-45 and its exhibits attached as Exhibit B; see June 5, 2024, meeting minutes attached as exhibit C); and,

WHEREAS, on July 10, 2024, the Tooele City Planning Commission considered the Petition and voted to forward its recommendation to the City Council, as required by TCC §7-24-1 (see meeting minutes attached as Exhibit F); and,

WHEREAS, by Ordinance 2023-45, the City Council adopted an updated Annexation Policy Plan, a document required by UCA §10-2-401.5, which plan includes the Property as eligible for annexation (see map of annexation Area B attached to Exhibit H); and,

WHEREAS, at the recommendation of the City Administration, and at the request of the City Council, the Petitioner obtained professional engineering and other studies regarding the anticipated impacts of the Canyon Springs annexation on City utility, infrastructure, and fiscal systems; and,

WHEREAS, on July 3, 2024, the City Recorder certified the Petition, as required by UCA §10-2-405(2) (see procedural outline attached as Exhibit I); and,

WHEREAS, as required by UCA §10-2-407(3)(b)(ii)(A), the City Council convened a required public hearing on July 17, 2024, and accepted public comments, protests and objections, including from affected entities (reference UCA §§10-2-401, 406, and 407) (see meeting minutes attached as Exhibit E); and,

WHEREAS, pursuant to TCC §7-24-3, any annexation approval is conditioned upon the Petitioner executing an Annexation Agreement with the City; and,

WHEREAS, on August 21, 2024, the City Council approved Resolution 2024-60, approving an Annexation Agreement for the Canyon Springs annexation (see Resolution 2024-60 attached as Exhibit G); and,

WHEREAS, the Canyon Springs Annexation and general annexation concepts have been discussed in public City Council meetings as indicated above and in the exhibits hereto; and,

WHEREAS, pursuant to Tooele City Code §7-24-1(1)(f), a successful annexation petition must be approved by at least a two-thirds (2/3) majority vote of the City Council; and,

WHEREAS, the City Administration believes that all the procedural requirements of both the Utah Code and Tooele City Code for the approval of an annexation have been satisfied (see checklist attached as Exhibit D):

WHEREAS, on July 17, 2024, the City Council convened a duly-noticed public hearing (see minutes of the public hearing at Exhibit E):

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

1. The Annexation Petition is hereby approved, subject to the conditions stated in this Ordinance and in the Annexation Agreement; and,
2. Petitioner shall immediately execute the approved Annexation Agreement; and,
3. As required in the Annexation Agreement, Petitioner shall execute an agreement with Tooele County for the paving of the trail referenced in the Agreement; and,
4. Subsequent to Petitioner executing both agreements referenced immediately above, but within 30 days of approval of this Ordinance, the City Recorder is hereby directed to file electronically with the Utah Lieutenant Governor a Notice of Impending Boundary Action meeting the requirements of the UCA §67-1a-6.5(3), together with a copy of the final local entity plat; and,
5. The property annexed under this Ordinance, as described in the Petition, shall receive the R1-8 Residential zoning district designation under authority of TCC §7-24-2 and the Annexation Agreement; and,
6. The annexation approved by this Ordinance shall take effect, according to UCA §10-2-425(4), on the date of the Lieutenant Governor's issuance of a Certificate of Annexation and recordation of the Certificate and the local entity plat with the Tooele County Recorder; and,
7. All aspects of this Ordinance, with the exception of the effective date of the annexation for State of Utah purposes under UCA §10-2-425(4), shall take effect immediately upon passage of this Ordinance, without further publication, by authority of the Tooele City Charter

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council
this 21~~st~~ day of August, 2024.

Exhibit A


Petition, Mapping, Zoning, & Staff Report

Petition for Annexation

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission: April 25, 2024	Total Acres: 61.16	Expansion Option Area:	
Project Name: Canyon Cove Development			
General Address: 750 North Droubay Road			
Current Use of Property: Vacant and horse boarding and pasture			
Sponsor: Howard Schmidt		Address: PO Box 95410	
Phone: 801-859-9449 or 801-706-4693	City: South Jordan	State: UT	Zip: 84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor: 		4/25/24 Date	

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity, except as required by GRAMA.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

*** NOTE ***

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee: (213)	Received By:	Date Received:	Receipt #:

TOTAL ANNEXATION AREA
2,663,951 sq. ft.
61.16 acres

UDOT ROW

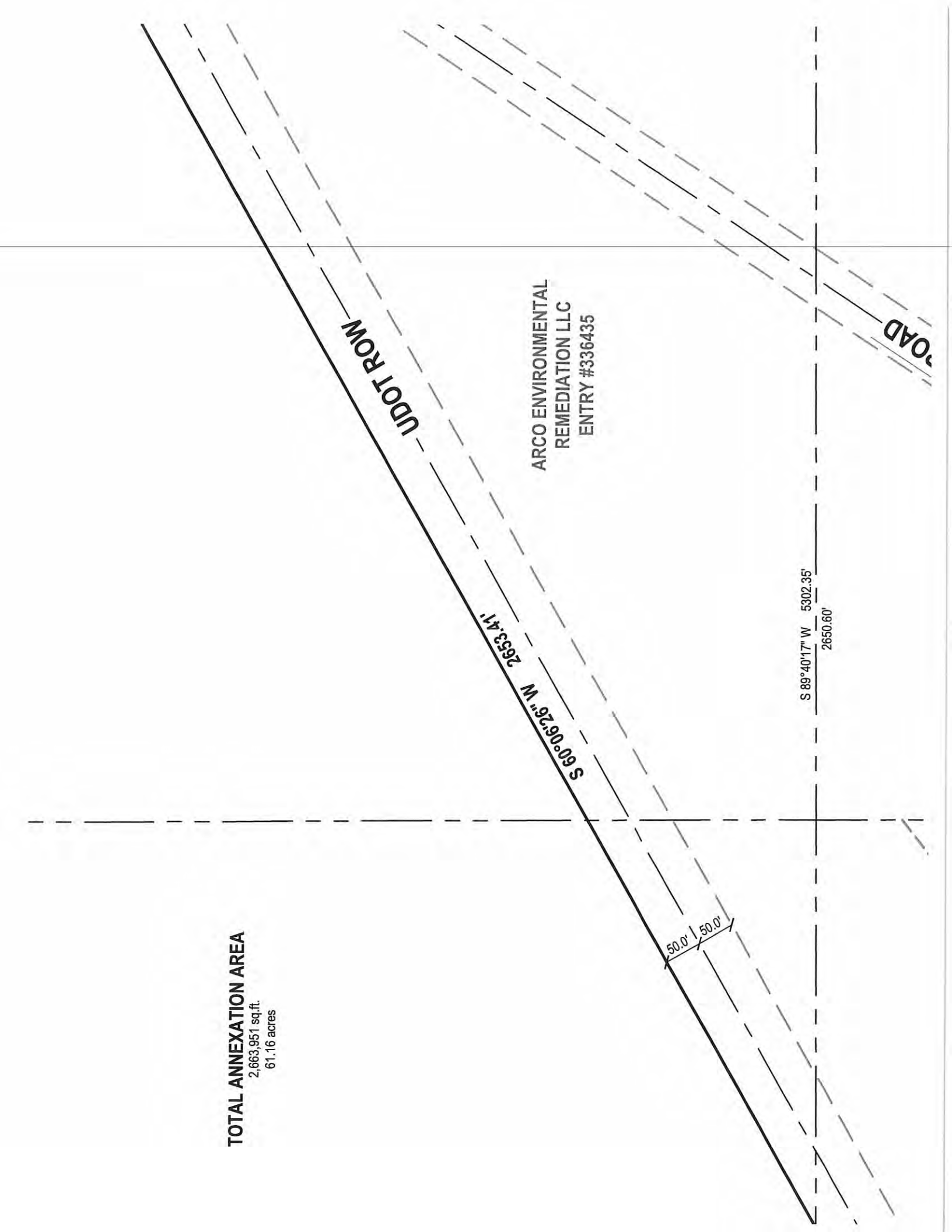
ARCO ENVIRONMENTAL
REMEDIAION LLC
ENTRY #336435

ROAD

S 60°06'26" W 2653.41'

S 89°40'17" W 5302.35'
2650.60'

50.0' | 50.0'



STAFF REPORT

July 3, 2024

To: Tooele City Planning Commission
Business Date: July 10, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Canyon Springs – Annexation Petition Request

Applicant: Howard Schmidt
Project Location: Approximately 750 North Droubay Road
Zoning: Unassigned
Acreage: 61.16 (Approximately 2,664,129 ft²)
Request: Request for approval of an Annexation Petition regarding the incorporation of a 61.16 acres into Tooele City.

BACKGROUND

This application is a request for approval of an annexation petition to annex 61.16 acres of land located in unincorporated Tooele County into Tooele City's municipal boundaries. The parcel is located east of Droubay Road immediately south of the exiting Carr Fork Subdivision and approximately 750 North.

ANALYSIS

Howard Schmidt has submitted an application for a petition for annexation. The application was submitted on April 25, 2024. The property that is being considered is one that is well known to members of the Planning Commission as the same property had a petition for annexation that was submitted in 2021 and ultimately did not pass the City Council with a super majority vote. The Planning Commission made a favorable recommendation to annex this property in June of 2022. This petition for annexation request involves the same property as the previous application with no changes to the boundaries or configuration of the property being considered from the original petition for annexation.

The property proposed for annexation is located on the east side of Droubay Road at about 750 North and totals a little more than 61 acres. The property is current located within the Pine Canyon Township of unincorporated Tooele County. The applicant desires to have the City annex the property into the City's incorporated boundaries and receive connections to City utilities including water and sewer and receive the necessary services such as public safety.

Given that the property is located within unincorporated Tooele County there is no Tooele City zoning district attached. The zoning will need to be assigned during the annexation process by the Tooele City Council. Currently the property is surrounded by properties on the north and west that are currently zoned R1-7 Residential, a zone that permits single family residential and duplexes and requires a minimum lot size of 7,000 square feet.

The applicant's intended use for the property once it has been annexed into the City is to create a single-family residential development consisting of 172 lots with an average lot size of 11,000 square feet with some lots

smaller and some lots larger than 11,000 square feet. The requested zoning for this development will be the R1-7 Residential zone.

The applicant's petition for annexation application was also submitted with various studies regarding impacts of the annexation and potential addition of 172 new homes to Tooele City's utility systems, public safety and finance services. Those studies include a culinary water impact study, a fiscal impact study, a storm water drainage study, a utility impact study, a sewer impact study and a traffic impact study.

Notices of intent to annex were also submitted to the North Tooele Fire District, Tooele County, Tooele City, the Tooele County Board of Health and the Tooele Valley Mosquito District.

The City Council passed a resolution to continue the consideration of the annexation petition and that resolution will be presented on the June 5th City Council business meeting.

The Planning Commission's responsibility is to review the annexation petition and sign the annexation plat. The annexation agreement is not in the purview of the Planning Commission, however, the Commission may make a recommendation regarding the annexation agreement to the City Council. The Planning Commission should evaluate the pros and cons of an annexation of this size and how it impacts the City as a whole. Does the addition of 172 new residential homes benefit Tooele City. Do the trails being proposed by the applicant bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? Do the property taxes generated bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? The applicant has provided the studies compiled by professional engineers and accountants but ultimately the decision comes down to the City Council.

Attached to this report are images of the annexation plat, the zoning map, the land use map and a concept subdivision plan showing a proposed lay out. The individual studies are also available for review but are not included in this memo due to size constraints and limitations. Staff is more than happy to forward those studies to each City Council member upon request.

Impact Studies: The following studies that have been provided by the petitioner and are included in this staff report for the Planning Commission's reference:

1. A fiscal impact study – Conducted by EFG Consulting. Included with this study is a memo from Shannon Wimmer, Tooele City Finance Director, that includes the City's response to this financial impact study.
2. A drainage study – Conducted by Hansen, Allen and Luce.
3. A sewer system study – Conducted by Hansen, Allen and Luce.
4. A fiscal impact study – Conducted by Bonneville Analytics.
5. Culinary water impact study – Conducted by Hansen, Allen and Luce (HAL).
6. A utility impact estimate – Conducted by Ensign Engineering.
7. A Traffic Impact Study – Conducted by Hales Engineering.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the proposed Annexation Petition and has issued the following Comments:

1. Various studies have been provided in this packet for the Planning Commission's reference.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for the annexation petition according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-24-1 and render a recommendation in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. The overall community benefit of the proposed annexation
9. Whether or not public services in the area are adequate to support the proposed annexation.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for Approval – “I move we forward a positive recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we forward a negative recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024, based on the following findings:”

1. List findings...

Exhibit B

Resolution Accepting Annexation Petition

TOOELE CITY CORPORATION

RESOLUTION 2024-45

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING FOR FURTHER CONSIDERATION THE ANNEXATION PETITION OF HOWARD SCHMIDT.

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2020); and,

WHEREAS, by application dated April 25, 2024, petition sponsor Howard Schmidt (the "Petitioner"), filed with Tooele City an Annexation Application ("Petition") for the annexation of 61.16 acres of land (the "Property") into Tooele City (see the Petition attached as Exhibit A); and,

WHEREAS, the Petition was deemed to be complete on May 3, 2024, with submission to the City on April 30, 2024, of all petition-related documents and information (attached as Exhibit A); and,

WHEREAS, the City Council discussed the Petition during its June 5, 2024, public work meeting; and,

WHEREAS, by Ordinance 2020-40, the City Council adopted an updated Annexation Policy Plan, a document required by U.C.A. §10-2-401.5, which update included the Property in the Plan; and,

WHEREAS, the Petition appears to meet the qualifications of U.C.A. §10-2-402 in that the Property is a contiguous area, the Property is contiguous to Tooele City, the annexation would not create an unincorporated island or unincorporated peninsula, the Property is located within Tooele City's expansion area, shown as part of Annexation Option K in Ordinance 2020-40, and Petitioner owns 100% the Property; and,

WHEREAS, U.C.A. §10-2-405(1) provides that the City Council may deny the Petition or accept the Petition for further consideration; and,

WHEREAS, the affected entities, as defined by U.C.A. §10-2-401(1)(a), associated with the Petition, include the North Tooele Fire District and the Tooele Valley Mosquito Abatement District; and,

WHEREAS, the City Recorder and City Attorney have determined that the Petition appears to comply with the requirements of U.C.A. §10-2-403 and -405; and,

WHEREAS, annexation of the Property is anticipated to have significant impacts on City utility and infrastructure systems, and therefore will be required to complete capacity and feasibility studies routinely required by the City of annexation petitioners,

including culinary water, sanitary sewer, storm water, parks and recreation, police services, fire services, and tax and fiscal consequences to the City, prior to annexation, as a condition of annexation approval, and some of these studies have already been provided; and,

WHEREAS, the City Council finds it to be in the best interest of Tooele City to consider further the Petition for purposes of protecting the health, safety, welfare, and economic interests of Tooele City and its residents and businesses:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Petition is hereby accepted for further consideration, subject to the following:

1. Plat. Within 30 days of the date of this Resolution, the Petitioner shall provide an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation, as required by U.C.A. §10-2-405(2)(a), U.C.A. §10-2-403(3)(d)(i), and T.C.C. 7-24-1(b).
2. Petition Certification. Within 30 days of the date of this Resolution, the City Recorder shall certify the Petition and shall mail or deliver written notification of the certification to the Petitioner and to the Tooele County Commission, as required by §10-2-405(2)(c)(i).
3. Annexation Notice. After the certification of the Petition, the City Recorder shall publish the notice required by U.C.A. §10-2-406(2).
4. Zoning Recommendation. Prior to any approval of the Petition, the City Administration shall make a written recommendation to the City Council as to the Property's appropriate initial zoning designation in the event the Petition is approved and the Property is annexed.
5. Planning Commission. The City Administration shall present the Petition, this Resolution, and all pertinent additional information to the Tooele City Planning Commission for a recommendatory vote as soon as practical following the approval of this Resolution.
6. Annexation Agreement. Following the Planning Commission public meeting, and upon instruction from the City Council, the City Administration shall prepare a draft Annexation Agreement, together with an implementing Resolution, for consideration by the City Council, as required by TCC §7-24-3.
7. Resolution, Ordinance. Following the Public Meeting and upon instruction from the City Council, the City Administration shall prepare an annexation Ordinance for consideration by the City Council.
8. Additional Items. The City Council may require additional information, impose additional conditions, and schedule additional public meetings as it deems necessary in the best interest of the public health, safety, and welfare.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this
5th day of June, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

[Handwritten Signature]

Melodi Goehs

Justin Brady

[Handwritten Signature]

[Handwritten Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:

[Handwritten Signature]

Roger Evans Baker, City Attorney

Exhibit A

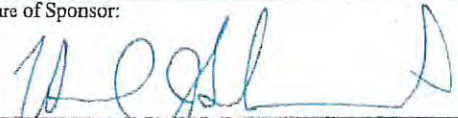
Petition, Mapping, Zoning, & Staff Report

Petition for Annexation

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecitv.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission: April 25, 2024	Total Acres: 61.16	Expansion Option Area:	
Project Name: Canyon Cove Development			
General Address: 750 North Droubay Road			
Current Use of Property: Vacant and horse boarding and pasture			
Sponsor: Howard Schmidt		Address: PO Box 95410	
Phone: 801-859-9449 or 801-706-4693	City: South Jordan	State: UT	Zip: 84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor: 			Date: 4/25/24

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity, except as required by GRAMA.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

***** NOTE *****

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee: (213)	Received By:	Date Received:	Receipt #:

TOTAL ANNEXATION AREA
2,663,951 sq.ft.
61.16 acres

UDOT ROW

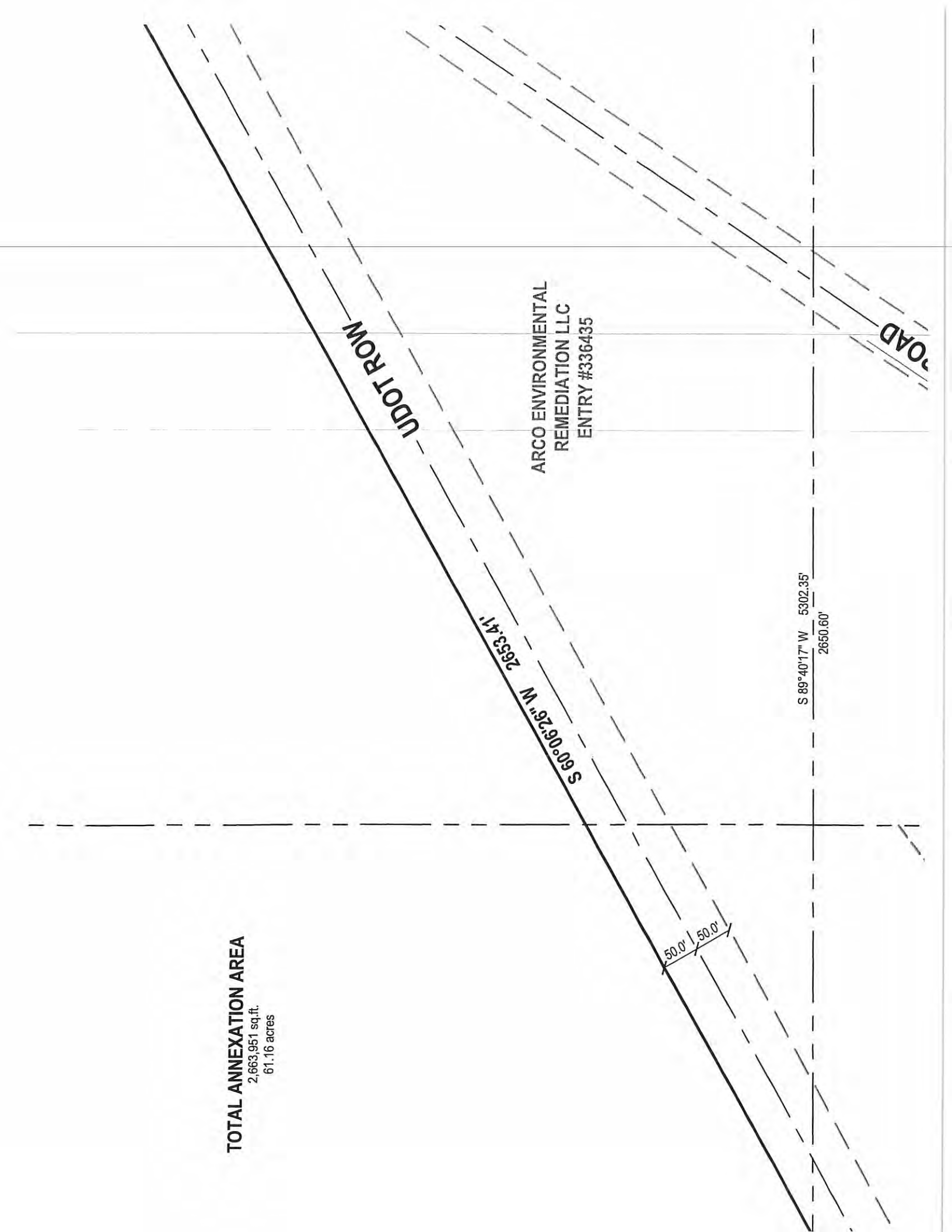
ARCO ENVIRONMENTAL
REMEDiation LLC
ENTRY #336435

ROAD

S 60°06'26" W 2653.41'

50.0' 50.0'

S 89°40'17" W 5302.35'
2650.60'



STAFF REPORT

July 3, 2024

To: Tooele City Planning Commission
Business Date: July 10, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Canyon Springs – Annexation Petition Request

Applicant: Howard Schmidt
Project Location: Approximately 750 North Droubay Road
Zoning: Unassigned
Acreage: 61.16 (Approximately 2,664,129 ft²)
Request: Request for approval of an Annexation Petition regarding the incorporation of a 61.16 acres into Tooele City.

BACKGROUND

This application is a request for approval of an annexation petition to annex 61.16 acres of land located in unincorporated Tooele County into Tooele City's municipal boundaries. The parcel is located east of Droubay Road immediately south of the exiting Carr Fork Subdivision and approximately 750 North.

ANALYSIS

Howard Schmidt has submitted an application for a petition for annexation. The application was submitted on April 25, 2024. The property that is being considered is one that is well known to members of the Planning Commission as the same property had a petition for annexation that was submitted in 2021 and ultimately did not pass the City Council with a super majority vote. The Planning Commission made a favorable recommendation to annex this property in June of 2022. This petition for annexation request involves the same property as the previous application with no changes to the boundaries or configuration of the property being considered from the original petition for annexation.

The property proposed for annexation is located on the east side of Droubay Road at about 750 North and totals a little more than 61 acres. The property is current located within the Pine Canyon Township of unincorporated Tooele County. The applicant desires to have the City annex the property into the City's incorporated boundaries and receive connections to City utilities including water and sewer and receive the necessary services such as public safety.

Given that the property is located within unincorporated Tooele County there is no Tooele City zoning district attached. The zoning will need to be assigned during the annexation process by the Tooele City Council. Currently the property is surrounded by properties on the north and west that are currently zoned R1-7 Residential, a zone that permits single family residential and duplexes and requires a minimum lot size of 7,000 square feet.

The applicant's intended use for the property once it has been annexed into the City is to create a single-family residential development consisting of 172 lots with an average lot size of 11,000 square feet with some lots

smaller and some lots larger than 11,000 square feet. The requested zoning for this development will be the R1-7 Residential zone.

The applicant's petition for annexation application was also submitted with various studies regarding impacts of the annexation and potential addition of 172 new homes to Tooele City's utility systems, public safety and finance services. Those studies include a culinary water impact study, a fiscal impact study, a storm water drainage study, a utility impact study, a sewer impact study and a traffic impact study.

Notices of intent to annex were also submitted to the North Tooele Fire District, Tooele County, Tooele City, the Tooele County Board of Health and the Tooele Valley Mosquito District.

The City Council passed a resolution to continue the consideration of the annexation petition and that resolution will be presented on the June 5th City Council business meeting.

The Planning Commission's responsibility is to review the annexation petition and sign the annexation plat. The annexation agreement is not in the purview of the Planning Commission, however, the Commission may make a recommendation regarding the annexation agreement to the City Council. The Planning Commission should evaluate the pros and cons of an annexation of this size and how it impacts the City as a whole. Does the addition of 172 new residential homes benefit Tooele City. Do the trails being proposed by the applicant bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? Do the property taxes generated bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? The applicant has provided the studies compiled by professional engineers and accountants but ultimately the decision comes down to the City Council.

Attached to this report are images of the annexation plat, the zoning map, the land use map and a concept subdivision plan showing a proposed lay out. The individual studies are also available for review but are not included in this memo due to size constraints and limitations. Staff is more than happy to forward those studies to each City Council member upon request.

Impact Studies: The following studies that have been provided by the petitioner and are included in this staff report for the Planning Commission's reference:

1. A fiscal impact study – Conducted by EFG Consulting. Included with this study is a memo from Shannon Wimmer, Tooele City Finance Director, that includes the City's response to this financial impact study.
2. A drainage study – Conducted by Hansen, Allen and Luce.
3. A sewer system study – Conducted by Hansen, Allen and Luce.
4. A fiscal impact study – Conducted by Bonneville Analytics.
5. Culinary water impact study – Conducted by Hansen, Allen and Luce (HAL).
6. A utility impact estimate – Conducted by Ensign Engineering.
7. A Traffic Impact Study – Conducted by Hales Engineering.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the proposed Annexation Petition and has issued the following Comments:

1. Various studies have been provided in this packet for the Planning Commission's reference.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for the annexation petition according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-24-1 and render a recommendation in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. The overall community benefit of the proposed annexation
9. Whether or not public services in the area are adequate to support the proposed annexation.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for Approval – “I move we forward a positive recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we forward a negative recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024, based on the following findings:”

1. List findings...

Exhibit C

June 5, 2024 City Council Meeting Minutes

Tooele City Council Business Meeting Minutes

Date: Wednesday, June 5, 2024

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Melodi Gochis

Justin Brady

Maresa Manzione

Ed Hansen

David McCall

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Andrew Aagard, Community Development Director

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Jamie Grandpre, Public Works Director

John Perez, Economic Development Director

Chase Randall, Library Director

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Melodi Gochis, Present

Justin Brady, Present

Maresa Manzione, Present

Ed Hansen, Present

Dave McCall, Present

3. Public Comment Period

The public hearing was opened. No one came forward. The public hearing was closed.

4. Resolution 2024-47 A Resolution of the Tooele City Council Consenting Mayor Winn's Appointment of Chennelle Roth and Malcolm Walden to the Library Board of Directors

Presented by Chase Randall, Library Director

Mr. Randall presented the Mayor's appointment of Chennelle Roth and Malcolm Walden to the Library Board of Directors.

Council Member McCall motioned to approve Resolution 2024-47; A Resolution of the Tooele City Council Consenting Mayor Winn's Appointment of Chennelle Roth and Malcolm Walden to the Library Board of Directors. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

5. Library Annual Report

Presented by Chase Randall, Library Director

Mr. Randall presented the Library Annual Report. Inventory is done once a year near thanksgiving. The library has 50,599 items in the building. There have been 12,342 visits per month. There are 12,327 card holders. The library has filled 5 positions this last year.

6. Public Hearing and Motion on Ordinance 2024-18 An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 16.7 Acres of Property Located at Approximately 55 West 3100 North from Medium Density Residential (MDR) to High Density Residential (HDR)

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a land use map amendment for the property located near 55 west 3100 north. Its current Land Use Designation is medium density residential. They are requesting High Density Residential for 16.7 acres. The Planning Commission recommends positive approval.

The public hearing was opened. No one came forward. The public hearing was closed.

The Council asked the following questions:

When this is rezoned, can the Council put a condition that it has to be annexed into the North Tooele Special Service District?

The applicant shared their intent to join the North Tooele City Special Service District.

Mr. Baker addressed the Council. The Council has near absolute legislative discretion to approve or deny the Land Use Map amendment and zoning change. This would be the Council's only time to add a condition to the changes. Such conditions cannot be imposed at the subdivision or site plan approval phase.

Chairman Brady motioned to approve Ordinance 2024-18 with the condition that the applicant annexes into the North Tooele Special Service District. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

7. Public Hearing and Motion on Ordinance 2024-19 An Ordinance of Tooele City Reassigning the Zoning for Approximately 16.7 Acres of Property Located at Approximately 55 West 3100 North from GC General Commercial to MR-20 Multi-Family Residential

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a zoning amendment for the property located 55 west 3100 north. It is currently zoned GC, General Commercial. The applicant is requesting MR-20, Multi-family residential. The applicant is looking to do MR-17 in the 16.7 acres. The Planning Commission recommends approval. If this is rezoned, this satisfies two of the requirements for modern income housing.

Mr. Baker addressed the Council. There is a disconnect at the legislature between affordability and density. State policy requires increased densities, but increased density does not necessarily increase affordability. As the City moves forward with this development inside the North Tooele City Special Service District, it would be great to begin developing standards for the commercial areas, because currently there are none.

The public hearing was opened. No one came forward. The public hearing was closed.

Council Member Manzione motioned to approve Ordinance 2024-19; An Ordinance of Tooele City Reassigning the Zoning for Approximately 16.7 Acres of Property Located at Approximately 55 West 3100 North from GC General Commercial to MR-20 Multi-Family Residential with the condition that the applicant annexes into the North Tooele Special Service District. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

8. State Funded Grant Previously Funded by VOCA (Victims of Crime Act)

Presented by Velynn Matson, City Court Victim Advocate

Ms. Matson presented the State funds for VOCA. They have been funded by the state program last year and were approved this year. VOCA has been able to provide extra funding for emergency funds.

9. Ordinance 2024-16 An Ordinance of Tooele City Amending Tooele City Code Section 6-3-3 Regarding Service Animal Licensing Fees

Presented by Adrian Day, Police Chief

Chief Day section 6-3-3 exempts Service Animal from paying the fees. A service dog does not require documentation or professional training. If it is deemed dangerous, they must pay the animal licensing fees. The fee is \$10 for a fixed fee and \$30 for a dog that is not fixed.

Mr. Baker addressed the Council. The Council could direct staff to remove the exemption all together, making all dogs equal when it comes to license fees.

Council Member Manzione motioned to approve Ordinance 2024-16 Regarding Service Animal Licensing Fees by striking the exemption for animal service fees. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

10. Ordinance 2024-17 An Ordinance of Tooele City Enacting Tooele City Code Section 10-2-8 Regarding Obstruction of Streets and Sidewalks

Presented by Adrian Day, Police Chief

Chief Day presented a City Code section 10-2-8 regarding obstruction of streets and sidewalks. The City can receive \$42,000 under the homeless shelter mitigation grant. The board needs ordinances on camping and restricting the transfer of money or goods on the highway. Utah State Code outlines these items. The intention is to protect the public.

The Council discussed adding additional streets and areas to the Ordinance.

Council Member Gochis motioned to approve Ordinance 2024-17; An Ordinance of Tooele City Enacting Tooele City Code Section 10-2-8 Regarding Obstruction of Streets and Sidewalks including 200 West and Tooele Boulevard. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

11. Resolution 2024-31 A Resolution of the Tooele City Council Renaming Tooele City's Downtown Alliance to Tooele City Historic Main Street Commission

Presented by John Perez, Economic Development Director

Mr. Perez presented the renaming of the Tooele City's Downtown Alliance to Tooele City Historic Main Street Commission.

The Council asked the following questions:
What are the boundaries?

Mayor Winn addressed the Council. The boundary is from Utah Avenue to 100 South, Main street, Vine Street, and Broadway.

Council Member Gochis motioned to approve Resolution 2024-31; A Resolution of the Tooele City Council Renaming Tooele City's Downtown Alliance to Tooele City Historic Main Street Commission. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

12. Resolution 2024-44 A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for U-Haul Moving and Storage

Presented by John Perez, Economic Development Director

Mr. Perez presented a payment of fee in lieu of water rights conveyance for U-Haul moving and storage. They have an estimated capital investment of \$20.8 million, providing two full time positions and four part-time positions. The applicant is requesting 3.8-acre feet.

This item was discussed in the work meeting.

Council Member McCall motioned to approve Resolution 2024-44; A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for U-Haul Moving and Storage. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

13. Resolution 2024-45 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Howard Schmidt

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented an annexation petition of Howard Schmidt. This is to annex in 61 acres. The petition does not approve the annexation but accept the petition for further discussion and consideration.

This item was discussed in the work meeting.

Council Member Gochis motioned to approve Resolution 2024-45 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Howard Schmidt. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

14. Condominium Plat Approval Request for Douglas Orthopedics Located at 2321 North 400 East in the GC General Commercial Zone on 2.2 Acres

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a condominium plat for the Douglas Orthopedics. It is zoned GC, General Commercial. The applicant would like to subdivide the building into five units. Mr. Douglas will maintain the main suite. The plat does establish the private ownership, parking lots, and landscape.

Council Member Manzione motioned to approve Condominium Plat Approval Request for Douglas Orthopedics Located at 2321 North 400 East in the GC General Commercial Zone on 2.2 Acres. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

15. Resolution 2024-46 A Resolution of the Tooele City Council Approving and Ratifying an Agreement with J-U-B Engineers for Public Improvement Inspections

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an agreement to be ratified with J-U-B Engineers for Public Improvement Inspections.

Council Member Hansen motioned to approve Resolution 2024-46 A Resolution of the Tooele City Council Approving and Ratifying an Agreement with J-U-B Engineers for Public Improvement Inspections. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

16. Resolution 2024-50 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc., for the 1000 North 100 East Intersection and Roadway Improvements

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an agreement with Broken Arrow, Inc., for the 1000 North 100 East. This is road widening, storm and drain improvements. The bid is in the amount of \$284,550.07 with a contingency of \$14,000.

Council Member Gochis motioned to approve Resolution 2024-50 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc., for the 1000 North 100 East Intersection and Roadway Improvements. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

17. Resolution 2024-49 A Resolution of the Tooele City Council Approving an Agreement with SFT Concrete LLC for the 2024 Tooele Valley Museum Sidewalk Project

Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook presented an agreement with SFT concrete LLC for the installation of the sidewalk at the Tooele Valley Museum Sidewalk Project in the amount of \$35,800. This will better connect all areas of the museum.

~~Council Member Hansen motioned to approve Resolution 2024-49; A Resolution of the Tooele City Council Approving an Agreement with SFT Concrete LLC for the 2024 Tooele Valley Museum Sidewalk Project.~~ Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

18. Resolution 2024-48 A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment and Authorizing the City Purchasing Agent to Dispose of Surplus Personal Property

Presented by Michelle Pitt, City Recorder

Ms. Pitt requested the Council declare surplus a list of technology-related equipment and other goods from the police department. There is an itemized list attached to the resolution which includes old uniforms & coats, iPads, computer towers, laptops, phones, projectors, monitors, cameras and holsters. The items no longer have value to the police department, are not evidence in a criminal prosecution, and are not lost or mislaid property in the possession of the police department. The police department would like to donate the items first city-wide, then to outside agencies, and then dispose of what's left. If approved, the items would be declared surplus and the police department can then start to disperse or dispose of the items.

Council Member McCall motioned to approve Resolution 2024-48; A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment and Authorizing the City Purchasing Agent to Dispose of Surplus Personal Property. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

19. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

Black and McDonald for final building for England Acres Lighting in the amount of \$70,267.66.

Council Member Manzione motioned to approve the invoices and purchase orders. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

20. Minutes

There are no changes to the minutes

Council Member McCall motioned to approve the minutes. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

21. Adjourn

Chairman Brady adjourned the meeting at 8:09pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 19th day of June, 2024



Justin Brady, City Council Chair

Exhibit D

Annexation Procedure

Annexation Procedural Outline (2024)

	Procedural Step	Procedural Step Detail	Responsibility	Statutory References	Date Completed
1.	Annexation Policy Plan	Prepare and approve an Annexation Policy Plan after public hearing.	City Council	UCA 10-2-401.5	
2.	Notice of Intent	Prepare Notice of Intent to file annexation petition. Include accurate map. Deliver to City Recorder. Send copy to each affected entity. Ask County to mail notice (see below). Pay postage cost.	Petitioner/ Applicant	UCA 10-2-403(2)(a)	
3.	Notice of Intent	Mail Notice of Intent to all property owners in annexation area and all property owners within 300 feet of annexation area. Provide copy of the Notice and a certificate of mailing to Tooele City.	Tooele County	UCA 10-2-403(2)(b)	
4.	Petition Form	Prepare an Annexation Petition form. Provide the Petition form to the petitioner.	City Recorder or CD Dpmt	UCA 10-2-403(2)(c)	
5.	Petition	Prepare a written Petition (application) signed by property owners of 50%+ of property owners AND owners of 33%+ of property value with legal description.	Petitioner/ Applicant	TCC 7-24-1(a) UCA 10-2-403(3)	
6.	Copy of Petition	Deliver copy of filed Petition to County Clerk on same day as filing with City	Petitioner/ Applicant	UCA 10-2-403(7)	
7.	Plat	Prepare accurate, recordable Plat with legal description, with engineer/surveyor seal and signature blocks.	Petitioner/ Applicant	UCA 10-2-403(3) TCC 7-24-1(b) UCA 17-23-20	
8.	Staff Review	Verify conformity of Petition & Plat	City Planner	UCA 10-2-402	
9.	City Attorney Review	City Attorney to review as to form	City Attorney	TCC 7-24-1(c)	
10.	Resolution #1	Prepare Resolution on whether to accept Petition for further consideration.	City Attorney	UCA 10-2-405	
11.	Vote on Petition	City Council votes on Resolution whether to accept Petition for further consideration.	City Council	UCA 10-2-405 (1)	

12.	Request Studies	Communicate to Petitioner: 1. Need for studies/reports 2. Need to move forward with annexation agreement	Community Development	TCC 7-24-1(e)	
13.	Staff Discussion	Staff meet to discuss City requirements for annexation agreement.	Mayor and City Staff	(no statutory requirement)	
14.	Verify Petition	The City is to verify that the Petition complies and contains the information required by Utah Code.	City Recorder City Attorney	UCA 10-2-405(2)	
15.	Certify Petition	If the Petition is verified, a certification must be delivered to the City Council, County Commission, and Petitioner.	City Recorder	UCA 10-2-405(2)	
16.	Planning Commission	Planning Commission votes on the Petition, then signs the plat.	Planning Commission	TCC 7-24-1(d), (e)	
17.	Notice re Protest Period	Advertise notice of the Petition 1x/week for 3 weeks in newspaper, public notice website, City website.	City Recorder	UCA 10-2-406(1)	
18.	Notice re Public Hearing	Advertise notice of the Public Hearing at least 7 days prior in newspaper, public notice website, City website.	City Recorder	UCA 10-2-407(7)	
19.	Public Hearing	Public Hearing before City Council.	City Council	UCA 10-2-407(7)	
20.	Annexation Agreement	Prepare Annexation Agreement.	City Attorney	TCC 7-24-3	
21.	Resolution #2	Prepare Resolution for City Council to approve Annexation Agreement (to be voted on in the same meeting as the annexation Ordinance).	City Attorney	TCC 7-24-3	
22.	Annexation Agreement	Execute Annexation Agreement.	Petitioner	TCC 7-24-3	
23.	Ordinance	Prepare Ordinance for City Council to approve Petition.	City Attorney	TCC 7-24-1(f)	
24.	Ordinance	City Council votes on the petition. Must be a 2/3 vote to pass. Signs plat.	City Recorder City Council	TCC 7-24-1(e), (f)	
25.	Zoning	Designate in the Ordinance the zoning of the annexed property.	City Council	TCC 7-24-2	
26.	Lieutenant Governor	File required documents with Lt. Governor's Office: notice of impending boundary action; final local entity plat	City Recorder	UCA 10-2-425	
27.	Annexation Agreement	Record Annexation Agreement with County Recorder.	City Recorder	TCC 7-24-3(b)	

28.	Certificate, Ordinance	Record Lt. Governor Certificate, Notice, Ordinance, and Plat with County Recorder.	City Recorder	TCC 7-24-1(g)	
-----	------------------------	--	---------------	---------------	--

Exhibit E

July 17, 2024 City Council Meeting Minutes

Tooele City Council Business Meeting Minutes

Date: Wednesday, July 17, 2024

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Melodi Gochis
Justin Brady
Maresa Manzione
Ed Hansen
David McCall

City Employees Present:

Mayor Debbie Winn
Adrian Day, Police Department Chief
Michelle Pitt, City Recorder
Loretta Herron, Deputy City Recorder
Roger Baker, City Attorney
Andrew Aagard, Community Development Director
Shannon Wimmer, Finance Director
Jamie Grandpre, Public Works Director
John Perez, Economic Development Director

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Melodi Gochis, Present
Justin Brady, Present
Maresa Manzione, Present
Ed Hansen, Present
Dave McCall, Present

3. Fire Department New Recruits and Award

Chief McCoy presented the Company Recognition Award 2023 which was presented by the Utah Fire Fighters Association Committee for their response to the run-away truck accident in 2023. Chief McCoy presented the new recruits.

4. Youth Court Presentation

Youth Court presented a few youths in the community who committed a crime against Tooele City.

Caden and Corbin Wall formally apologized to the City.

5. Public Comment Period

The public comment period was opened. No one came forward. The public comment was closed.

6. Public Hearing on a Petition for the Canyon Springs Annexation of 61.16 Acres of Land at approximately 750 North Droubay Road by Howard Schmidt into the Tooele City Corporate Limits

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a petition for the Canyon Springs Annexation for the property located at 750 North Droubay Road. The annexation is to bring property that is unincorporated into Tooele City boundaries. The applicant is proposing to develop the property into 170 single-family homes.

The public hearing was opened.

Chairman Brady read the public comment emails that were received from Glen Protti and Camille Protti. They shared concerns of water, traffic, pollution, and safety.

Paul Medina shared concerns of water and traffic.

Brett Louill shared his excitement for the project and willingness to work with the City.

The public hearing was closed.

7. Resolution 2024-56 A Resolution of the Tooele City Council Authorizing the Payment of a Fee in Lieu of Water Rights Conveyance, by the City, and the Reservation of Water Rights for the Perry Commercial Center

Presented by John Perez, Economic Development Director

Mr. Perez presented the reservation of water rights for the Perry Commercial Center. The estimated sales tax is \$1.2 million yearly.

Chairman Brady motioned to approve Resolution 2024-56 A Resolution of the Tooele City Council Authorizing water rights allocation for the Perry Commercial Center. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

8. Resolution 2024-57 A Resolution of the City Council (The "Council") of Tooele City, Utah (The "City"), Providing for the Creation of 10th and Main Public Infrastructure District (The District) as an Independent District, Authorizing and Approving an Amended and Restated Governing Document and an Amended and Restated Interlocal Agreement; Appointing a Board of Trustees; Authorizing Other Documents in Connection Therewith; and Related Matters

Presented by John Perez, Economic Development Director

Mr. Perez presented an amendment for the Public Infrastructure District. The district can only impose taxes when they receive written consent from all property owners. This allows them to be a taxing entity.

This item was discussed during the work meeting.

Council Member Manzione motioned to approve Resolution 2024-57. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

9. Resolution 2024-58 A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Jon Gossett to the Planning Commission as an Alternate Commission Member

Presented by Mayor Debbie Winn

Mayor Winn presented the Mayor's Appointment of Jon Gossett to the Planning Commission as an alternate Commission member.

Council Member Hansen motioned to approve Resolution 2024-58; A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Jon Gossett to the Planning Commission as an Alternate Commission Member. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

10. Resolution 2024-59 A Resolution of the Tooele City Council Approving and Ratifying a Change Order No. 1 to a Roadway Improvements Project for the 2000 North and Berra Boulevard Roundabout Intersection Improvements

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented a ratification of Change Order No. 1 to a Roadway Improvements Project for the 2000 North and Berra Boulevard Roundabout Intersection Improvements. The contract is with Broken Arrow in the amount of \$156,380.63 with an \$8,000 contingency.

Council Member Manzione motioned to approve Resolution 2024-59; A Resolution of the Tooele City Council Approving and Ratifying a Change Order No. 1 to a Roadway Improvements Project for the 2000 North and Berra Boulevard Roundabout Intersection Improvements. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

11. Renumbering Resolution #2024-27, Regarding the Tier 2 Public Safety/Fire Pick-up Election, to Resolution #2024-37

Presented by Michelle Pitt, City Recorder

Resolution #2024-27 regarding the Tier 2 Public Safety/Fire Pick-up Election, and Resolution #2024-33 regarding the School Resource Officer Retention Bonus were brought before the City Council on June 19th and were approved. As staff were filing and indexing these resolutions, the staff realized that the numbers 2024-27 and 2024-33 had already been assigned to resolutions and had already been approved by the Council. This item does not require a vote, but is presented as a housekeeping item. Resolution #2024-27 will be renumbered to 2024-37, and Resolution #2024-33 will be renumbered to 2024-34.

12. Renumbering Resolution #2024-33, Regarding the School Resource Officer Retention Bonus, to Resolution #2024-34

Presented by Michelle Pitt, City Recorder

This item was presented with the above information of #11.

13. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

Nickerson Company for pump well #12 in the amount of \$50,451.

Rehrig Pacific Co. for 702 garbage cans in the amount of \$40,288.30.

Broken Arrow for the 100 S 100 W storm drain replacement in the amount of \$46,115.41.

RH Borden & Company LLC for the acoustic assessment of sewer line pipes and manhole inspections in the amount of \$51,150.

Council Member McCall motioned to approve the invoices and purchase orders. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

14. Minutes

There are no changes to the minutes

Council Member Hansen motioned to approve Minutes. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council

Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

15. Adjourn

Chairman Brady adjourned the meeting at 7:33pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 7th day of August, 2024

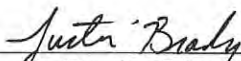

Justin Brady, City Council Chair

Exhibit F

July 10, 2024 Planning Commission Meeting Minutes

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, July 10, 2024

Time: 7:00 p.m.

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Melanie Hammer

Jon Proctor

Chris Sloan

Tyson Hamilton

Weston Jensen

Matt Robinson

Kelley Anderson

Commission Members Excused:

Alison Dunn

City Council Members Present:

Maresa Manzione

Ed Hansen

City Employees Present:

Andrew Aagard, City Development Director

Jared Hall, City Planner

Roger Baker, City Attorney

Minutes prepared by Katherin Yei

Chairman Hamilton called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Melanie Hammer, Present

Tyson Hamilton, Present

Weston Jensen, Present

Chris Sloan, Present

Jon Proctor, Present

Kelley Anderson, Present

Matt Robinson, Present

Alison Dunn, Excused

3. Public Hearing and Recommendation on an annexation petition and plat regarding the annexation of 61.16 acres of property located at approximately 750 North Droubay Road into Tooele City's incorporated boundaries.

Presented by Andrew Aagard, Community Development Director

Mr. Perez presented an annexation petition and plat for the 61.16 acres of property located at 750 North Droubay Road. It currently does not have a land use designation. The surrounding properties are designated as MDR and zoned R1-7. The intended use is to develop the property to 172 lots of single-family homes. The studies the applicant submitted was provided for the Planning Commission.

The Planning Commission asked the following questions:

Does the developer have to provide their own utilities when they are not part of the City?

Is there anything different from the last application to this one?

Was the packet referencing the newest agreement?

Mr. Aagard addressed the Commission. If a piece of land is in Tooele City, the developer has a right to develop. Property annexed in will have to provide their infrastructure. The petition is essentially the same. There is a trail shown on the plans. The trail is part of Tooele County and not going to be part of the annexation. The agreement does mention minimum lot sizes and will have to follow up the single-family design standards.

Mr. Baker addressed the Commission. The letter from the Finance Director is new this go around. Tooele County has approached UDOT to acquire the property for a trail. One of the agreements was to have a contribution to help offset public safety costs, pedestrian activated crosswalks, and recommendations of the varies studies will guide the developer to improve the water and sewer systems.

The Planning Commission opened the public hearing. No one came forward. The public hearing was closed.

Commissioner Proctor motioned to approve a positive recommendation on an annexation petition and plat regarding the annexation of 61.16 acres of property located at approximately 750 North Droubay Road into Tooele City's incorporated boundaries based on the findings listed in the staff report. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Sloan, "Aye", Chairman Hamilton, "Aye", Commissioner Jensen, "Nay", Commissioner Robinson, "Aye", Commissioner Proctor, "Aye", and Commissioner Anderson, "Nay". The motion passed.

4. Public Hearing and Decision – Application #2024-020, a request by Heygley Gonzalez for Conditional Use approval to allow an in-home childcare business for between eight and sixteen children on property located at 942 N. 650 East in the R1-7 Zoning District.

Presented by Jared Hall, City Planner

Mr. Hall presented a Conditional Use Permit for 8-16 children for an in-home childcare business located near 942 N 650 East. It is zoned R1-7. Operation begins at 7:30am for staff. Children will arrive between 8:00am and 9:00am. There are two spaces in the driveway for parents to park. Staff will be waiting at the door during hours to help with safety, pick up, and drop off times. Operations end at 6:00pm. Staff is recommending approval with the conditions listed.

The public hearing was opened. No one came forward. The public hearing was closed.

Commissioner Hammer motioned to approve the Conditional Use Permit for an in-home childcare business for between eight and sixteen children on property located at 942 N. 650 East in the R1-7 Zoning District based on the findings, facts, and subject to the conditions listed in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, Commissioner Proctor, “Aye”, and Commissioner Anderson, “Aye”. The motion passed.

5. City Council Reports

Council Member Manzione did not have anything to report.

6. Review and Approval – Planning Commission Minutes

There are no changes to the minutes.

Commissioner Robinson motioned to approve the minutes. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

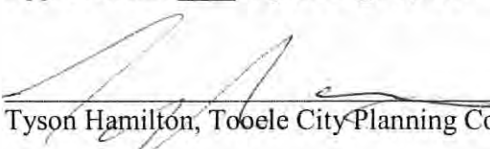
Commissioner Anderson abstained from voting.

7. Adjourn

Chairman Hamilton adjourned the meeting at 7:23 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 16 day of August, 2024



Tyson Hamilton, Tooele City Planning Commission Chair

Exhibit G

Annexation Agreement

TOOELE CITY CORPORATION

RESOLUTION 2024-60

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING THE CANYON SPRINGS ANNEXATION AGREEMENT.

WHEREAS, by application dated April 25, 2024, petition sponsor Howard Schmidt (the "Petitioner"), filed with Tooele City an Annexation Application (aka "Petition") for the annexation of 61.16 acres of land (the Canyon Springs property) into Tooele City; and,

WHEREAS, on June 5, 2024, the City Council approved Resolution 2024-45, accepting the Petition for further consideration; and,

WHEREAS, Tooele City Code §7-24-3 requires every annexation to be preceded by an annexation agreement setting forth the terms and conditions governing the annexation; and,

WHEREAS, the proposed Canyon Springs Annexation Agreement is attached as Exhibit A; and,

WHEREAS, Section 1 of the proposed Annexation Agreement provides that it "shall take effect upon the City Council's approval by at least a two-thirds (2/3) majority vote of an ordinance annexing the Property into Tooele's corporate limits, and this Agreement **shall not take effect otherwise**" [emphasis added];

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Canyon Springs Annexation Agreement attached hereto as Exhibit A is hereby approved and that the Mayor is hereby authorized to sign the same following approval of the Canyon Springs annexation by ordinance.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 21st day of August, 2024.

Exhibit A

Canyon Springs Annexation Agreement

Contact:
Tooele City Recorder
90 North Main
Tooele, UT 84074
(435) 843-2113

Affected Parcel(s): 03-032-0-0014

CANYON SPRINGS ANNEXATION AGREEMENT

TOOELE EAST LLC (“**Petitioner**”), a Utah limited liability company, and TOOELE CITY CORPORATION (“**Tooele**”), a Utah municipality and political subdivision of the State of Utah, and a Utah charter city (collectively the “**Parties**”), hereby make and enter into this Canyon Springs Annexation Agreement (“**Agreement**”) in connection with and to govern the annexation of the 61.16-acre Canyon Springs property (“**Property**”).

RECITALS

- A.** Petitioner owns the Property, which consists of approximately 61.16 contiguous acres of real property adjacent to and contiguous with Tooele (see illustration attached as **Exhibit A**).
- B.** Petitioner submitted a Petition for Annexation (“**Petition**”) on April 25, 2024, seeking annexation of the Property into Tooele.
- C.** Petitioner desires, and Tooele consents to, the annexation of the Property into Tooele’s corporate limits, subject to the terms and conditions of this Agreement.
- D.** The City Council of Tooele finds that the annexation: (i) will serve the best interests of Tooele and the welfare of its inhabitants; (ii) is consistent with Tooele’s Annexation Policy Plan; (iii) will not create islands or peninsulas of unincorporated territory; and, (iv) will not be annexed for the sole purpose of acquiring municipal revenue.
- E.** Petitioner plans, and Tooele desires, quality residential development upon the Property, while at the same time creating public benefits and amenities on, and associated with, the Property. Future development on the Property is referred to herein as **Canyon Springs**, irrespective of the final development name and configuration.
- F.** Tooele City Code (TCC) Section 7-24-3 requires an annexation agreement as a condition of every annexation approval, and Tooele desires to set forth Petitioner’s obligations concerning the annexation of the Property.
- G.** On June 5, 2024, the City Council of Tooele approved Resolution 2024-45, accepting the Petition for further consideration.
- H.** Petitioner has provided to Tooele, at Tooele’s request and at Petitioner’s cost, analyses of the impacts of Canyon Springs upon Tooele’s utility systems, including culinary water, sanitary sewer, storm water drainage, and fiscal and tax. The Tooele Administration has provided to the

City Council additional information.

I. On July 10, 2024, the Petition was presented to the Tooele Planning Commission, which recommended approval of the annexation by a vote of 5-2.

J. Tooele's approval of the annexation of the Property is the consideration for Petitioner's performance of the obligations set forth in this Agreement, and Tooele has no further obligations under this Agreement.

K. The City Council of Tooele, acting pursuant to its statutory authority under Utah law, with its authority as a Utah charter city, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, regulations, and policies, and, in the exercise of its legislative authority and discretion, has chosen to approve this Agreement.

AGREEMENT

Now, therefore, in consideration of the mutual covenants, conditions, and terms of this Agreement, as set forth herein, Petitioner and Tooele hereby agree as follows:

1. **Effective Date.** This Agreement shall take effect upon the City Council's approval by at least a two-thirds (2/3) majority vote of an ordinance annexing the Property into Tooele's corporate limits, and this Agreement shall not take effect otherwise. Tooele shall have no obligation in law or equity to sign the approved annexation plat until after Petitioner has executed this Agreement.
2. **Land Use and Zoning.** Upon completion of the annexation of the Property into Tooele, the Property will possess the MDR (medium density residential) land use designation and the R1-8 zoning designation, and Petitioner agrees to these designations.
3. **No Vested Rights.** This Agreement shall not confer upon any party or parcel any land use entitlements or vested rights.
4. **Dwelling Unit Cap.** The Canyon Springs development shall not exceed 172 dwelling units.
5. **Petitioner's Obligations.** Petitioner shall perform the following obligations in consideration for Tooele approving the annexation of the Property.
 - a. **Land Use Approvals.** Petitioner shall comply with all applicable Tooele laws and regulations, current as of the date of any complete land use application (e.g., subdivision), as a condition of land use approvals for the Property.
 - b. **Dedications.** Petitioner shall dedicate and convey to Tooele all public roads, public improvements, infrastructure easements, and access easements as are shown upon approved subdivision final plats, site plans, building permits, and construction drawings for land uses approved on the Property.

- c. **Water Rights.** Petitioner shall comply with TCC Chapter 7-26 regarding the conveyance of water rights for Canyon Springs, and agrees to the lawfulness of the water rights exaction. The water rights for a final subdivision shall be conveyed prior to approval of that final subdivision.
- d. **Culinary Water Improvements.** Petitioner shall construct and install, at Petitioner's cost, all culinary water project improvements and system improvements required by Tooele for all Canyon Springs land use approvals. Petitioner shall follow all the recommendations of that Memorandum re "Canyon Springs Annexation Drinking Water System Review" dated April 21, 2022, by Hansen Allen & Luce, Inc, attached as **Exhibit B**. Inasmuch as any system improvements necessary for Canyon Springs are not included in Tooele City's current water impact fee facilities plan or impact fee analysis, Petitioner shall not be eligible for, and shall have no right to receive, impact fee credits or reimbursements for the water system improvements.
- e. **Sanitary Sewer Improvements.** Petitioner shall construct and install, at Petitioner's cost, all sanitary sewer project improvements and system improvements required by Tooele for all Canyon Springs land use approvals. Petitioner shall follow all the recommendations of that Memorandum re "Canyon Springs Annexation – Wastewater Review" dated April 26, 2022, by Hansen Allen & Luce, Inc, attached as **Exhibit C** (including Project E-1 described more fully in Exhibit C). Petitioner shall not be eligible for, and shall have no right to receive, impact fee credits or reimbursements for the sewer system improvements.
- f. **Storm Water Improvements.** Petitioner shall construct and install, at Petitioner's cost, all storm water project improvements and system improvements required by Tooele for all Canyon Springs land use approvals. Petitioner shall follow all the recommendations of that Memorandum re "Canyon Springs – Drainage Review" dated April 21, 2022, by Hansen Allen & Luce, Inc, attached as **Exhibit D**. Notwithstanding the above, all storm water detention facilities shall be designed to be multi-functional, i.e., irrigated, landscaped, separated from Droubay Road for public safety, ready for multi-purpose storm water drainage and recreational uses, and approved in writing by both the Public Works Director and the Parks and Recreation Director of Tooele. Storm water detention facilities shall not be eligible for reimbursement or credit from parks and recreation impact fees, and Petitioner waives all rights it might otherwise have to parks and recreation impact fee reimbursements or credits for landscape and recreation facilities and improvements designed as part of the multi-functional storm water detention facilities.
- g. **Parks Facilities.** Petitioner shall not be required to construct any public park facilities in Canyon Springs. Canyon Springs building permits shall include the payment of park and recreation impact fees.
- h. **Parks Monetary Contribution.** Petitioner shall pay to Tooele a voluntary contribution in the sum of \$250,000 to be used by Tooele on park and recreation-related improvements and programs, in Tooele's sole discretion. This payment is part of the

consideration for the Property’s annexation, does not address the specific parks and recreation impacts of Canyon Springs on the City, and shall not entitle Petitioner to a reimbursement or credit from parks and recreation impact fees paid with Canyon Springs building permits. Petitioner waives any right to impact fee credits for the park monetary contribution. Petitioner shall make the payment at the time of any final subdivision application submission to the City, in the amount of \$2,000 per subdivision lot, until fully paid.

i. **Single-family Design Standards.** All Canyon Springs dwellings shall comply with Tooele’s single-family design standards as codified in TCC Chapter 7-11b of the Tooele City Code, irrespective of the limitations in UCA 10-9a-530, each as amended. For the limited purpose of this Section 5.j., and for no other purpose, this Agreement shall be considered a development agreement, as defined in UCA 10-9a-103, as amended. In the alternative, Tooele and Petitioner may negotiate and execute an, separate from this Agreement, to adopt a different Canyon Springs single-family dwelling design standard. If an alternative design standard agreement has not been executed prior to Petitioner’s land use application for a first final subdivision phase, then TCC Chapter 7-11b shall apply in perpetuity to Canyon Springs.

j. **Dwelling Sizes.** Because Petitioner has represented Canyon Springs to be a “step up” or “move up” residential development project, Petitioner agrees that all dwellings shall have the following minimum above-ground floorplan of finished square-footage, not including the garage:

Lot Size (sq ft)	< 10,000	10,000 - 12,000	> 12,000
House Size (1 story)	1,400	1,500	1,600
House Size (2 stories)	1,800	2,000	2,200

k. **Garages.** A minimum of 50% of the dwellings in Canyon Springs shall have a three-or-more-car garage of at least industry standard dimensions.

l. **Public Safety Contribution.** As consideration for the annexation of the Property, Petitioner agrees to pay to Tooele a voluntary contribution of \$250,000 for public safety purposes, to be used in Tooele’s sole discretion. Petitioner shall make the payment at the time of any final subdivision application submission to the City, in the amount of \$2,000 per subdivision lot, until fully paid.

m. **Trail Improvements.** Petitioner shall enter into an agreement with Tooele County to pave a trail on County-owned property located immediately adjacent to the south Property line, beginning at the Droubay Road right-of-way and proceeding east to the eastern Property line. The pavement shall be to County specifications. Execution of the agreement by Petitioner shall be a condition precedent to Tooele obtaining from the State of Utah, and recording with the Tooele County Recorder, a Certificate of

annexation or boundary adjustment, and a local entity plat, for the Canyon Springs annexation.

6. **General Terms and Conditions.**

- a. **Binding Effect and Assignment.** Petitioner may convey all or part of the Property to one or more purchasers. Petitioner shall remain responsible for all Petitioner's obligations under this Agreement unless all of the obligations are assigned at one time to a third party. No assignment of this Agreement and its Petitioner obligations shall be valid without Tooele's prior written consent. Tooele shall not unreasonably withhold its consent after Petitioner demonstrates that the assignee possesses the financial means to fulfill all of Petitioner's obligations under this Agreement. Any assignment must be accomplished by an assumption and assignment agreement, upon which Tooele's consenting signature is necessary for effectiveness of the assignment.
- b. **State and Federal Law.** Petitioner agrees that the obligations imposed by this Agreement comply with local, state, and federal law. The Parties agree that if any provision of this Agreement should be or become, in its performance, non-compliant with state or federal law, or should be declared invalid by a court, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law or the order of the court, as the case may be, and the balance of this Agreement shall remain in full force and effect.
- c. **Recitals.** The above recitals are incorporated into and made a part of this Agreement.
- d. **Exhibits.** All Exhibits referred to herein are incorporated into and made a part of this Agreement.
- e. **Headings.** The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope, interpretation, or construction of any of the terms and provisions of this Agreement or the intent hereof.
- f. **No Third-Party Rights.** This Agreement does not create any joint venture, partnership, joint undertaking, or joint business arrangement between Petitioner and Tooele. Notwithstanding the Trail provision in Section 5.i., above, this Agreement does not create any rights or benefits in or to third parties.
- g. **No Waiver.** The failure by Tooele to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon Petitioner's failure to perform thereof, shall not constitute a waiver by Tooele of any such failure to perform or of any other covenant, agreement, term, or condition.
- h. **Integration.** This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature.

- i. **Amendment.** This Agreement may be modified only by a subsequent writing duly executed and approved by the Parties hereto.
- j. **Mutual Participation in Document Preparation.** Each party has participated materially in the negotiation and preparation of this Agreement and any related items. In the event of a dispute concerning the interpretation of any provision of this Agreement or any related item, both Parties will be deemed to have jointly drafted this document, and the rule of construction to the effect that certain ambiguities are to be construed against the party drafting a document will not apply.
- k. **Applicable Law.** Utah law shall govern this Agreement and its construction.
- l. **Venue.** Venue shall be the Third District Court, Tooele Department.
- m. **Court Costs and Attorneys Fees.** In the event of any legal action between the Parties, arising out of or related to this Agreement, the prevailing Party shall be entitled to recover costs and reasonable attorneys' fees.
- n. **Limitation of Remedies.** Petitioner's sole and exclusive remedy for any non-performance or breach of Tooele's express or implied covenants of this Agreement is declaratory relief construing this Agreement's rights and obligations and specific performance of this Agreement. Under no circumstances shall Tooele City Corporation or its agents be liable to Petitioner or Petitioner's successors-in-interest for any monetary damages, including, but not limited to, special, general, direct, indirect, delay, compensatory, expectancy, consequential, reliance, out-of-pocket, restitution, or other damages.
- o. **No Jury Trial.** To the fullest extent permitted by law, each of the Parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under, or in connection with this Agreement.
- p. **Dispute Resolution.** Tooele and Petitioner recognize and agree that it is in their mutual interest to attempt to informally resolve any disputes that may arise with respect to the interpretation of this Agreement, including as it applies to future Canyon Springs land use applications. In furtherance of that mutual interest, the Parties agree to the following dispute resolution provisions.
 - i. Meet and Confer. In an attempt to resolve the issues or concerns in an expeditious and efficient manner, the Parties shall meet promptly after any Party makes a written objection to the other Party regarding any Party's performance under this Agreement.
 - ii. Non-Binding Mediation. If the Parties are unable to resolve a disagreement under the Meet and Confer provision, they shall appoint a mutually acceptable mediator with knowledge of the subject matter in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each appoint their own representative. These two appointees shall, between them, choose the single mediator. Petitioner

and Tooele shall each pay an equal portion of the fees of the chosen mediator. The chosen mediator shall review the positions of the Parties regarding the issues in dispute and promptly attempt to mediate the conflict. If the Parties are unable to reach agreement, the mediator shall notify the Parties in writing of the resolution that the mediator proposes. The mediator's proposal shall not be binding on the Parties.

- iii. All Rights Reserved. If resolution under the Non-binding Mediation provision fails or is rejected by any Party, the Parties may pursue any and all legal and equitable remedies available except as limited under this Agreement, including specifically the Limitation of Remedies provision in Section 6.o., above.
- q. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and shall either be delivered personally or by certified mail or express courier delivery to the parties at the following addresses:

Tooele City Corporation
Attention: Mayor
90 North Main
Tooele, UT 84074

Tooele East, LLC
Attention: Howard Schmidt
9300 South Redwood Road
West Jordan, UT 84088

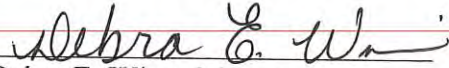
A Party may change its address by giving written notice to the other Party in accordance with this provision.

7. **Binding Authority.** By executing this Agreement, the signatories represent and affirm that they are authorized so to do, and that their respective signatures shall have binding force upon them and upon the Parties represented by each.
8. **Recordation.** This Agreement shall be recorded in the office of the Tooele County Recorder.

(Signature page follows.)

SIGNED:

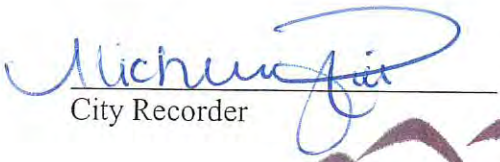
TOOELE CITY CORPORATION



Debra E. Winn, Mayor

TOOELE EAST LLC

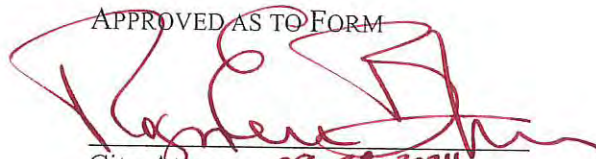

Howard Schmidt, Managing Member

ATTEST:


City Recorder

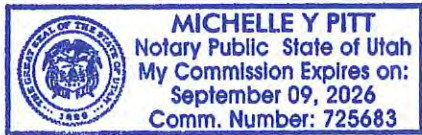


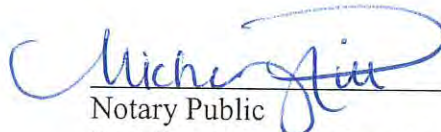
APPROVED AS TO FORM


City Attorney 08-29-2024

STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

Before me, a notary public, appeared Debra E. Winn, who did affirm to me that she is the Mayor of Tooele City Corporation and that she did execute the foregoing Annexation Agreement with due authority on behalf of Tooele City Corporation this 3rd day of September, 2024






Notary Public
Residing in Tooele County, Utah

STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

Before me, a notary public, appeared Howard Schmidt, who did affirm to me that he is the Managing Member of Tooele East LLC, and that he did execute the foregoing Annexation Agreement on behalf of Tooele East LLC with due authority this 6th day of September, 2024





Notary Public
Residing in Tooele County, Utah

Exhibit A

Illustration of the Property

Exhibit B

Drinking Water System Review and Highlighted Recommendations

MEMORANDUM

DATE: April 21, 2022

TO: Paul Hansen, P.E.
Tooele City Engineer
90 North Main
Tooele, Utah 84047

FROM: Katie Gibson Jacobsen, P.E.
Benjamin D. Miner, P.E.
Hansen, Allen & Luce, Inc. (HAL)
859 W. South Jordan Pkwy. Ste. 200
South Jordan, UT 84095

SUBJECT: Canyon Springs Annexation
Drinking Water System Review

PROJECT NO.: 149.08.148



INTRODUCTION

As requested, HAL has performed a review of the effects that the proposed Canyon Springs Annexation will have on the City's public water system. This includes a hydraulic modeling analysis of the proposed drinking water infrastructure for the development. The development is located at approximately 600 North to 840 North, east of Droubay Road in Tooele. The analysis assumes that the development density will be the same as a development layout provided to HAL by Tooele City. This analysis is based on the Utah Division of Drinking Water requirements and the criteria included in the Tooele City Drinking Water System Master Plan dated May 2021 (Master Plan).

This analysis includes a discussion of the effects of the proposed development on the existing system, as well as a discussion of the effects of adding this development to the future scenarios of the master plan.

DRINKING WATER SYSTEM

The Canyon Springs Annexation development is located between 600 North and 840 North east of Droubay Road in Tooele, Utah. The development includes 172 single family residential lots and covers approximately 60 acres. Figure 1 shows a schematic of the existing drinking water pipelines and our assumption of development pipelines. The development will likely propose constructing 8-inch diameter water lines along development streets.

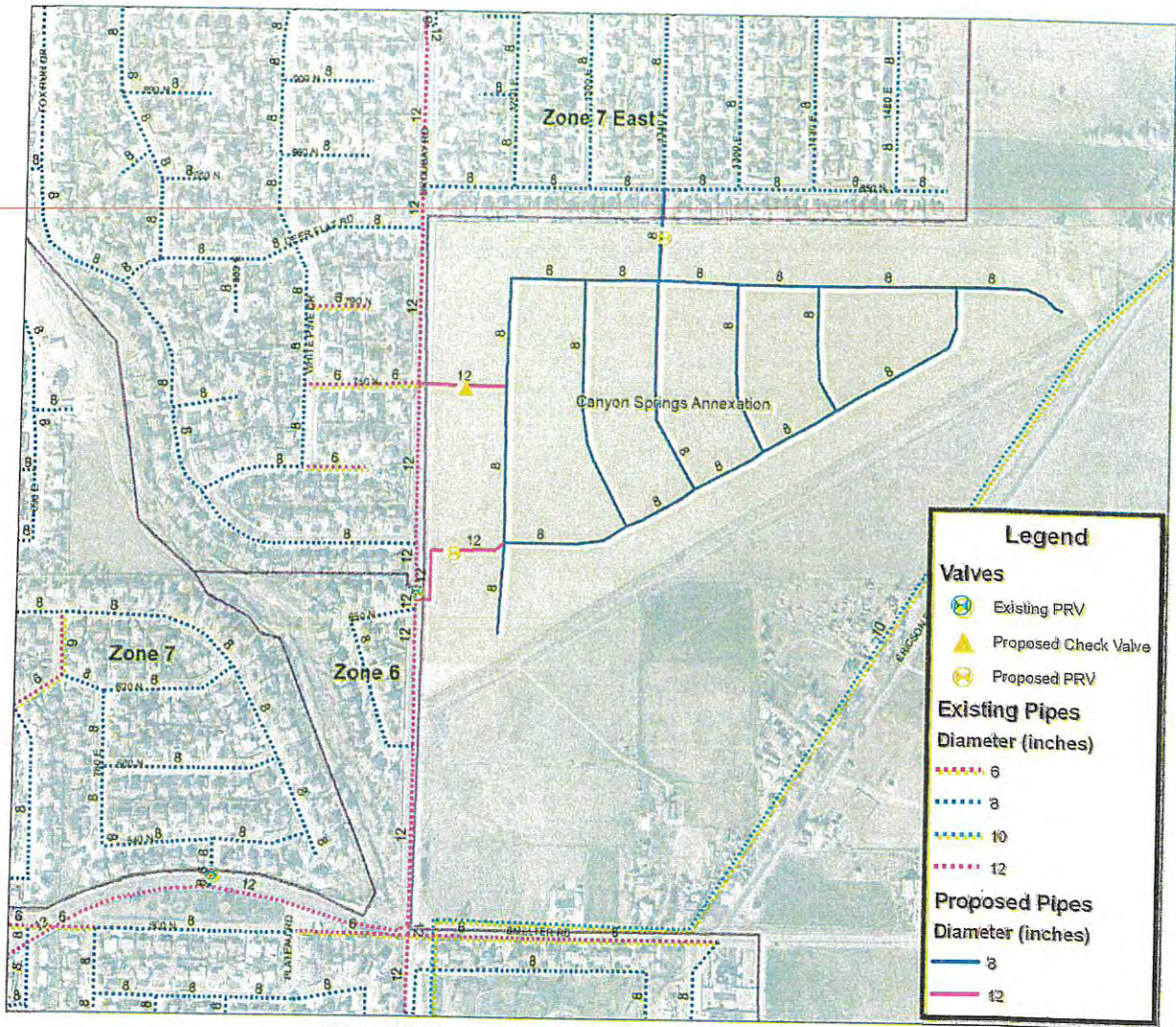


FIGURE 1: DEVELOPMENT LOCATION AND DRINKING WATER SYSTEM PIPE SIZE

Estimated Water Demand

Peak day water demand for the development was calculated using the Level of Service from the Master Plan and data currently available for the proposed development. Estimated indoor and outdoor irrigation demands are calculated as shown in Table 1.

TABLE 1: DRINKING WATER PEAK DAY DEMAND AND STORAGE VOLUME FOR DEVELOPMENT

Development	Units	ERCs	Source/Peak Day Demand¹ (gpm)	Storage² (gal)
Canyon Springs Annexation	172	172	153	93,300

1. Well Source Level of Service is 1,280 gpd per ERC (Tooele City Drinking Water Master Plan, 2021). A peaking factor of 1.75 was multiplied by the peak day demand to get the peak instantaneous demand.

2. The water storage Level of Service is 542 gallons per ERC (Tooele City Drinking Water Master Plan).

Source and Storage

The effects of the Canyon Springs annexation on source and storage were evaluated for the existing system and for the future scenario as described in the Master Plan. Demands for the Canyon Springs annexation area were not included in the Master Plan because they were outside the city boundary. This analysis includes adding these demands to the Master Plan scenarios.

Source and Storage – Existing System

Based on the City's source demand Level of Service of 1,280 gallons per day per ERC, the proposed development will require 153 gpm source capacity, as shown in Table 1. Currently, the City's total reliable source capacity is about 11,730 gpm. Existing demand for constructed development at the time of the 2020 Master Plan is estimated to be 11,600 gpm. With approved development included, the total City peak day demand is estimated to be 13,820 gpm, once all the approved development is constructed.

Based on the City's storage Level of Service of 542 gallons of storage per ERC, the proposed development will require 93,300 gallons of equalization storage, as shown in Table 1. Currently, the City's total storage capacity is 14.3 million gallons (MG). The required storage for existing development at the time of the 2020 Master Plan, including storage for fire flow and emergency, is estimated to be 8.9 MG. With approved development included, the required storage is estimated to be 10.3 MG.

A summary of the anticipated demands and storage requirements, including the proposed Canyon Springs Annexation development, is included in Table 2 below.

TABLE 2: CITY WATER SOURCE AND STORAGE SUMMARY

Description	ERCs		Source Demand (gpm)		Storage Required (MG)	
	This Item	Cumulative	This Item	Cumulative	This Item	Cumulative
2021 Master Plan	13,960	13,960	11,600	11,600	8.93	8.93
Approved Development	2,500	16,460	2,220	13,820	1.34	10.27
Canyon Springs Annexation	172	16,632	153	13,973	93,300 gal	10.36
Estimated City Capacity	-	-	-	11,730	-	14.27
Potential Excess (+) or Deficit (-)	-	-	-	-2,243 ¹ gpm	-	3.91 MG

Note 1 – This does not include the new wells under construction. See discussion below.

It may be observed in Table 2 that the predicted demand may exceed the available source capacity during peak demand periods if all approved development is constructed. The City anticipates completing production wells at Red Delpapa Park (Park well) and near 1500 North Berra Boulevard (Berra well) in the next few months. These wells are anticipated to produce at least 1,000 gpm and 1,500 gpm respectively, which would be enough to eliminate the estimated source deficit and provide a small reserve of about 250 gpm. The City can determine whether to allot this reserve to the Canyon Springs development or preserve it for development within the City. Additionally, the City may wish to preserve source capacity for redundancy in case any wells are out of service.

It is anticipated that adequate storage exists in the City's system for the proposed development.

Source and Storage – Master Plan Capital Facility Projects

The Master Plan indicates that after the Park well and Berra well are constructed, the next three wells are anticipated to provide at least 1,000 gpm each and need to be constructed as shown in Table 3.

TABLE 3: MASTER PLAN CAPITAL FACILITY PROJECTS – SOURCE

Project	Description	ERCs When Required
53-55	East A Well and 12-inch Transmission	15,081
56-57	East C Well and 12-inch Transmission	15,828
58-61	West A Well and 16-inch Transmission	16,950

As shown in Table 2 and Table 3 and based on the number of ERCs projected in the Master Plan the City should construct at least two additional wells beyond the Park Well and Berra Well as soon as possible. Transmission to bring water from these wells to the City is associated with each well, and also needs to be completed. As discussed previously, after adding the Park well and

Berra well to the system, there will be a remaining source capacity of approximately 250 gpm. The next well is needed because the 250 gpm remaining capacity provides very little redundancy or capacity for additional growth. Additionally, it will likely take several years to bring a well online.

The Master Plan indicates two wells are needed to provide full redundancy if the largest well is out of service. After construction of the Park and Berra wells, the Berra well is anticipated to be the largest well in the City system, providing 1,500 gpm. Without the Berra well available, reliable source capacity would be 12,730 gpm. As shown in Table 2, the source demand with the Canyon Springs annexation is 13,973 gpm. Assuming the largest well out of service, one additional well would likely increase the reliable capacity to approximately 13,730 gpm, and two wells would be required to provide the required source demand with a reasonable level of redundancy.

No storage projects are required by the Master Plan to accommodate the Canyon Springs annexation area in the near term.

Source and Storage – Additions to Master Plan System

The Canyon Springs annexation area was not included in the 2021 Master Plan. Adding the development will require additional source beyond what is shown in the Master Plan for the level of growth anticipated by 2060. The Master Plan identifies sources east of and south of Tooele City, potentially as far away as Vernon. Adding the annexation area will expedite the need for these sources, but will not require the identification of new sources.

The Master Plan identified a deficit of 0.1 MG storage at the level of growth anticipated by 2060. Adding the annexation area increases this deficit to 0.2 MG. This deficit will be remedied with the construction of the Berra well operational storage tank and other operational storage tanks discussed in the Master Plan.

Transmission

Tooele City maintains a water network computer model so that the system performance, including transmission capacity, can be evaluated. The proposed development was added to the model so that the effects of the development on the City system could be assessed.

Pressure Zone

The proposed Canyon Springs annexation would be served by the water line along Droubay Road. The pressure zone boundary between Zone 6 and Zone 7 is located at a pressure reducing valve (PRV) located at approximately 660 North Droubay Road. The southern point of the annexation area is adjacent to Zone 6 (higher pressure), and the remainder of the annexation area is adjacent to Zone 7 (lower pressure). Pressure zone boundaries are shown on Figure 1.

The model was used to evaluate which zone is most appropriate for the annexation area. If the development is included in Zone 7, pressures within the development will be insufficient to meet

City and Division of Drinking Water requirements. The development must be constructed as part of Zone 6. This requires constructing a 12-inch waterline to serve the development from upstream (south of) the 660 North Droubay Road PRV. A second PRV must be constructed exiting the development at the connection with the adjacent Carr Fork subdivision (1340 East 800 North). This will allow circulation through the proposed development. An additional 12-inch waterline connection must be constructed from the Zone 7 portion of Droubay Road into the development at 750 North. This connection will serve as a backup supply of water into the proposed development in the case of total loss of use of the primary 12-inch supply line. This waterline must include a check valve to prevent water from leaking through the development from the higher-pressure Zone 6 to Droubay Road. These features are shown on Figure 1.

Master Plan Capital Facility Projects

The master plan projects are shown in Figure 7-1 of the Master Plan. This figure is included in the appendix. The Master Plan indicates these projects should be constructed when the City reaches the number of ERCs shown in Table 4. Including all existing development, approved development, and the Canyon Springs annexation, the City is predicted to have a total of 16,632 ERCs.

TABLE 4: MASTER PLAN CAPITAL FACILITY PROJECTS – TRANSMISSION

Master Plan Project	Description	ERCs When Required
24	12-inch Tank 4 fill line from Canyon Rim line	14,706
25	Control valves on Tank 4 fill line	14,706
26	12-inch Outlet from Tank 4 to Skyline Drive, 980 LF	14,706
27	8-inch Waterline, 7 th Street, Skyline Drive to Vine Street, 2970 LF	14,706
28	10-inch Waterline, 7 th Street, Birch Street to Oquirrh Street, 130 LF	14,706
53-55	East A Well and 12-inch Transmission (~3 miles)	15,081
56-57	East C Well and 12-inch Transmission (~1 mile)	15,828
29	10-inch Waterline, Droubay Road, 280 North to 670 North, 3030 LF	16,575
30	8-inch Waterline, Parallel to Droubay Road, Valley View Drive to Fox Run Drive, 1500 LF	16,575
58-61	West A Well and 16-inch Transmission (~5 miles)	16,950

Master Plan Project 29 is shown as a 10-inch diameter waterline on Droubay Road from just south of Oquirrh Avenue to Fox Run Drive (670 North). This 10-inch waterline size is intended to be constructed in addition to the existing 12-inch waterline on Droubay Road. Rather than constructing parallel waterlines, a new 18-inch waterline would be constructed to replace the existing 12-inch waterline and planned 10-inch waterline. Master Plan Project 29 (18-inch waterline) should be constructed along the frontage of the proposed annexation area.

Master Plan Project 30 is an 8-inch waterline connecting portions of Zone 7 and is located adjacent to the proposed annexation area. A tee for this 8-inch waterline should be constructed as part of the work on Master Plan Project 29 in Droubay Road.

Master Plan Projects 24 through 28 are necessary to allow transmission of water from the City's tanks to Zone 6, Zone 7, and continuing northerly.

Master Plan Projects 53, 56, and 58 are three new wells with their associated transmission waterlines.

Model Results for the Proposed Development

Peak instantaneous minimum and maximum pressures within the development are shown in Table 5, Figure 2, and Figure 3. There is little expected pressure variation between the peak day and peak instantaneous conditions within the Canyon Springs development because the area is controlled by PRVs.

No fire suppression requirement was provided to HAL. The model predicts that the water system is capable of providing 2,400 gpm for fire suppression while maintaining a pressure of 20 psi throughout the system. To achieve this flowrate, several hydrants would be required.

**TABLE 5: DRINKING WATER HYDRAULIC MODELING RESULTS
WITHIN THE PROPOSED DEVELOPMENT**

Condition	Pressure	
	Minimum	Maximum
Peak Day	72 psi	91 psi
Peak Instantaneous	72 psi	91 psi
Diurnal Pressure Variation	0 psi	
Fire Suppression Flow	2,400 gpm	

The proposed drinking water piping meets the criteria set by the Utah Division of Drinking Water and Tooele City for minimum pressures.

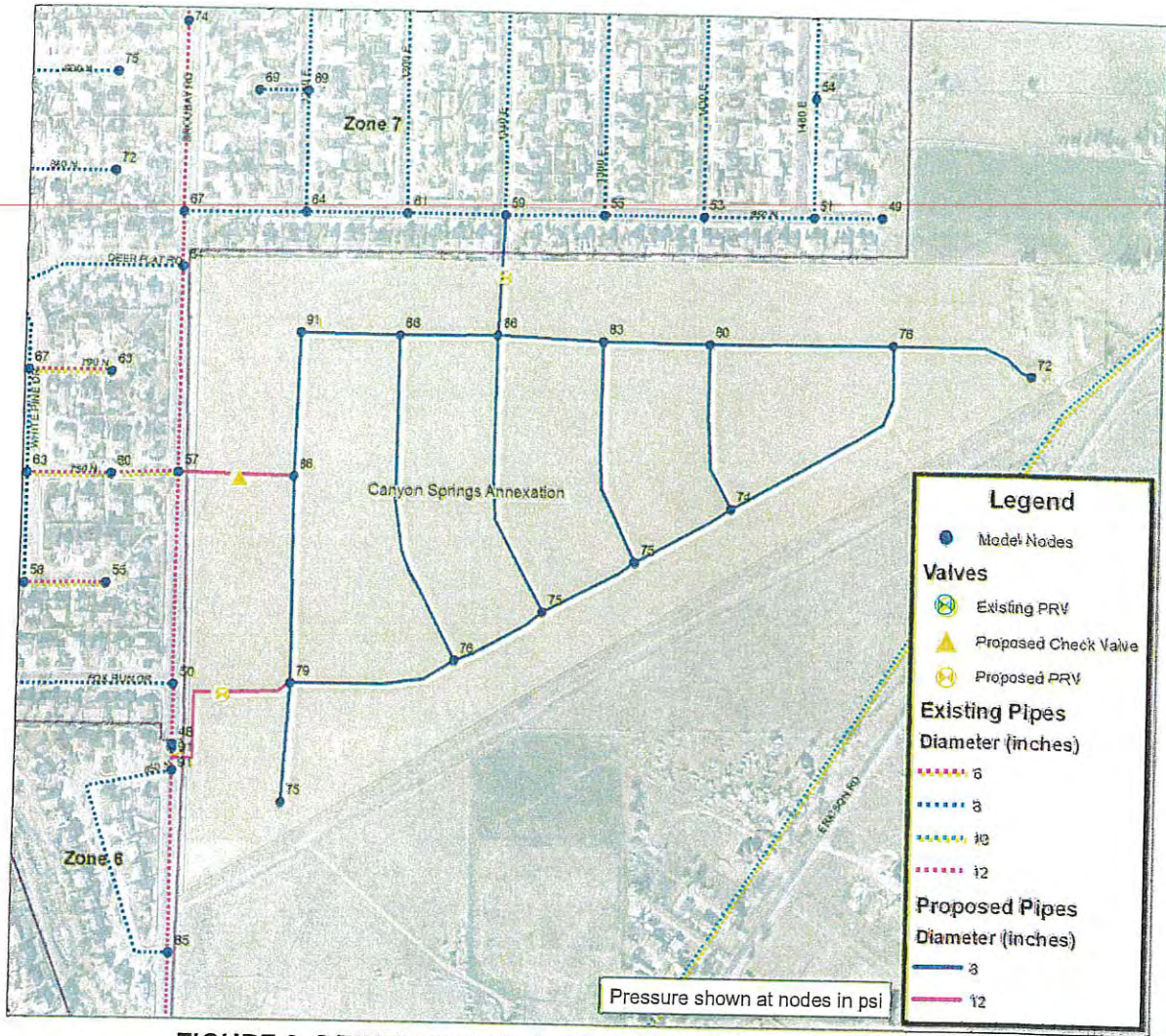


FIGURE 2: DRINKING WATER SYSTEM PEAK DAY PRESSURE

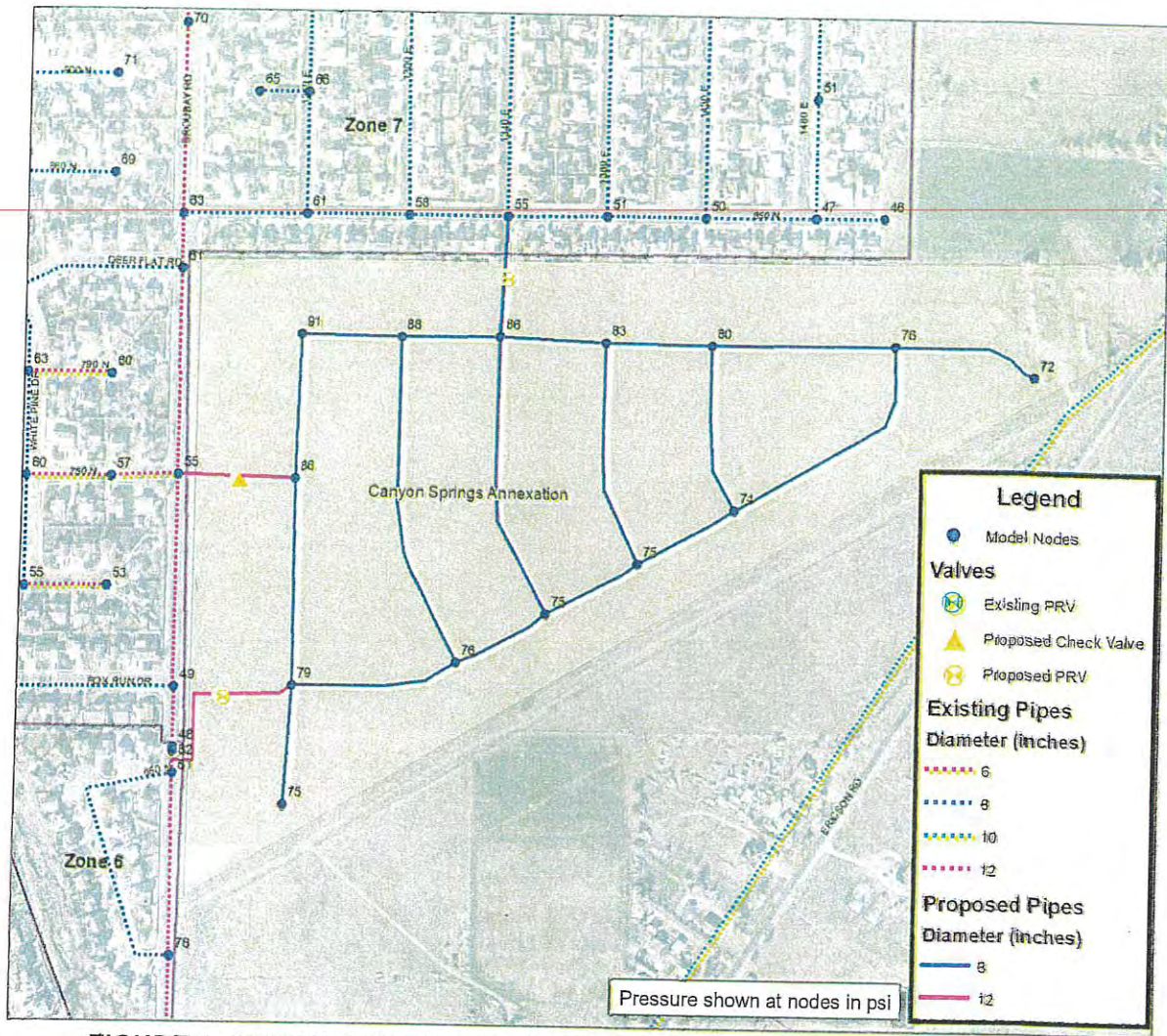


FIGURE 3: DRINKING WATER SYSTEM PEAK INSTANTANEOUS PRESSURE

EFFECTS OF THE PROPOSED DEVELOPMENT ON THE EXISTING SYSTEM

The drinking water model was used to evaluate effects on the existing system from the new development. Existing locations with modeled minimum pressures below 50 psi were evaluated to determine if construction of the new development will reduce pressure at these locations. The model predicts that adding the new development will cause decreases of 0-1 psi at these locations, and did not result in any service connection in the existing system not meeting the minimum pressures specified in UAC rule R309-105-9, including:

- (a) 20 psi during conditions of fire flow and fire demand experienced during peak day demand;
- (b) 30 psi during peak instantaneous demand; and
- (c) 40 psi during peak day demand.

Existing locations with predicted available fire flow below 1,500 gpm were also evaluated. Available fire flow at these locations did not drop more than 0-5 gpm when the new development was added. The hydraulic analysis predicts that the proposed development will not adversely impact the existing system.

CONCLUSIONS AND RECOMMENDATIONS

- After the Park well and Berra well are completed and connected into the drinking water system, the City will have sufficient source capacity to provide peak day demand, but the remaining capacity is very small and does not provide full redundancy in the event a well is out of service. The City should continue efforts to pursue new sources of water immediately. If the proposed Canyon Springs annexation is approved, it will consume most of the available source capacity. This may prevent developments within the City boundaries from being approved in the near future.
- The development is expected to cause small reductions in pressure and available fire flow in the existing drinking water system; however, the system will continue to meet the criteria set by the Utah Division of Drinking Water and Tooele City. The model predicts that after completion of the Park well and Berra well, the system can supply 2,400 gpm for fire suppression within the Canyon Springs development.
- **The proposed Canyon Springs annexation area must be served from Pressure Zone 6 (higher pressure). This requires constructing a 12-inch waterline from upstream (south of) the 660 North Droubay Road PRV into the Canyon Springs development. A second PRV is required exiting the development at 1340 East 800 North. An additional backup 12-inch waterline connection must be constructed from Pressure Zone 7 (lower pressure) into the development at 750 North and must include a check valve.**
- The analysis demonstrates there will be adequate storage available to support the Canyon Springs development.

Exhibit C

Wastewater Review and Highlighted Recommendations
(Including Project E-1 from
Wastewater Collection System Master Plan)

MEMORANDUM

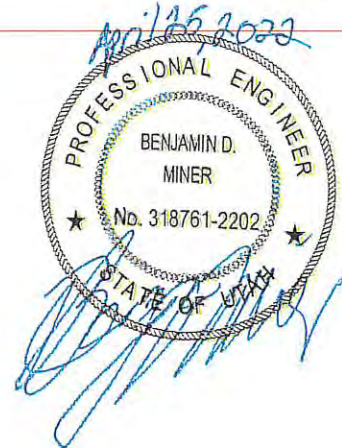
DATE: April 26, 2022

TO: Mr. Paul Hansen, P.E.
Tooele City Engineer
90 North Main
Tooele, Utah 84047

FROM: Benjamin D. Miner, P.E.
Jason Biesinger, Project Analyst
Hansen, Allen & Luce, Inc. (HAL)
859 W. South Jordan Pkwy. Ste. 200
South Jordan, UT 84095

SUBJECT: Canyon Springs Annexation - Wastewater Review

PROJECT NO.: 149.08.148

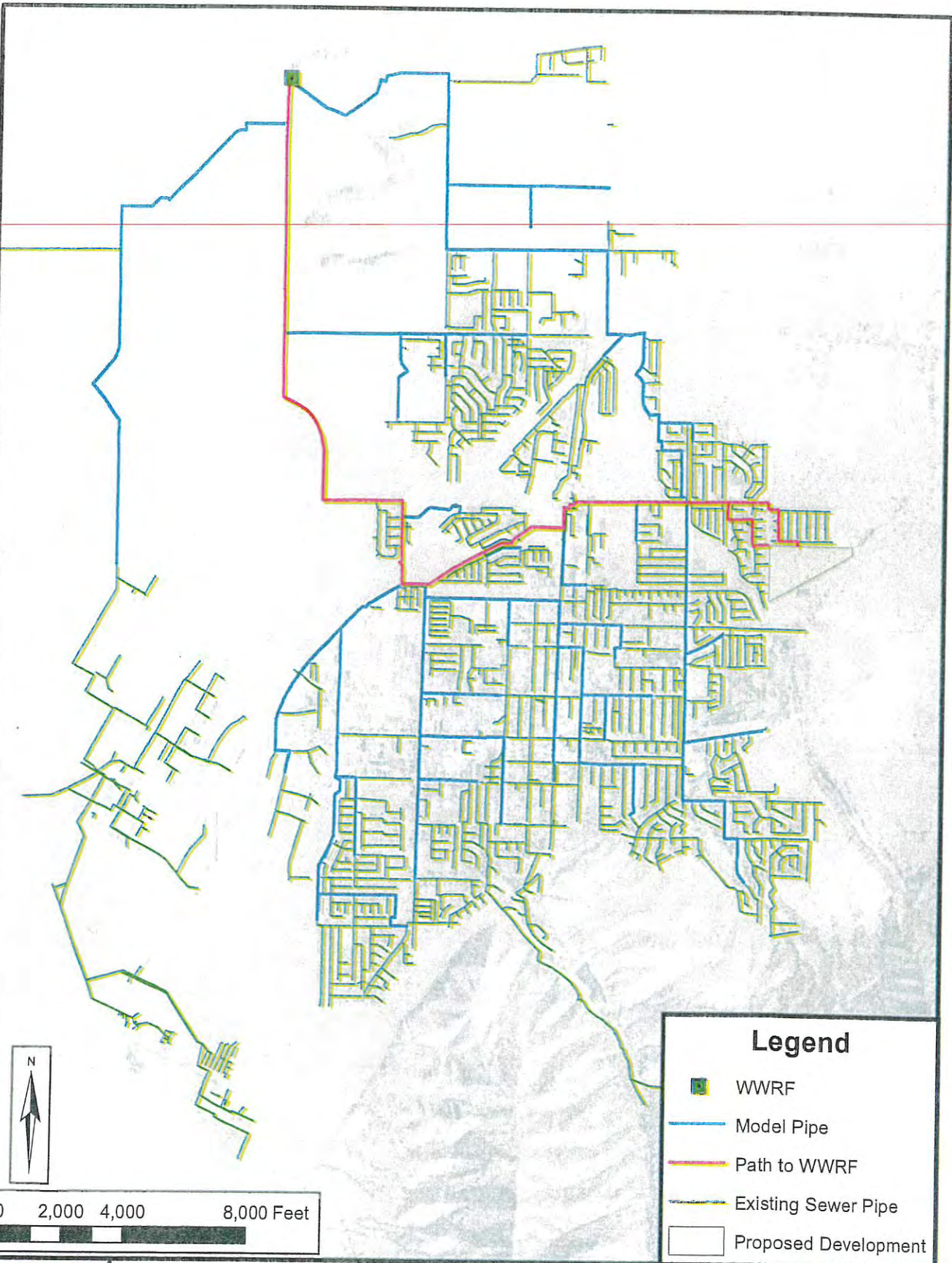


INTRODUCTION

As requested, HAL has performed a review of the effects of the proposed Canyon Springs Annexation on the City's public wastewater collection system. This includes a hydraulic modeling analysis of the proposed wastewater collection infrastructure for the development. The development is located at approximately 600 North to 840 North, east of Droubay Road in Tooele. The analysis assumes that the development density will be the same as a development layout provided to HAL by Tooele City. This analysis has considered the Utah Division of Water Quality (DWQ) requirements and predicted wastewater flow rates that have been identified as part of the on-going wastewater master plan study.

WASTEWATER SYSTEM

The Canyon Springs Annexation development is located at approximately 750 N and Droubay Road in Tooele, Utah, and will include 172 residential lots. Figure 1 shows a schematic map of the existing wastewater system in the vicinity of the proposed development. It is anticipated that the development will connect to existing 8-inch gravity lines on the northern and western boundaries of the proposed subdivision.



Legend

- WWRF
- Model Pipe
- Path to WWRF
- Existing Sewer Pipe
- Proposed Development



Date: 4/21/2022
 Document Path: H:\Projects\149 - Tooele City\08.148 - Canyon Springs - Annexation\GIS\Figure 1_Existing System.mxd



**Tooele City - Canyon Springs Annexation
Existing Wastewater Collection System**

**FIGURE
1**

ESTIMATED WASTEWATER GENERATION

Wastewater generation for the development was estimated based on data currently available for the proposed development. Estimates assume an average wastewater flow of 170 gpd/ERU for average daily flow. This value is peaked by 1.55 in the model analysis. Estimated wastewater production is provided in Table 1.

TABLE 1: EXISTIMATED WASTEWATER PRODUCTION FOR CANYON SPRINGS

Development	Units	ERUs	Daily Flow / ERU (gpd)	Average Daily Sewer Generation (gpd)	Average Daily Sewer Generation (gpm)
Canyon Springs Annexation	172	172	170	29,240	20.3

WASTEWATER COLLECTION SYSTEM MODELING

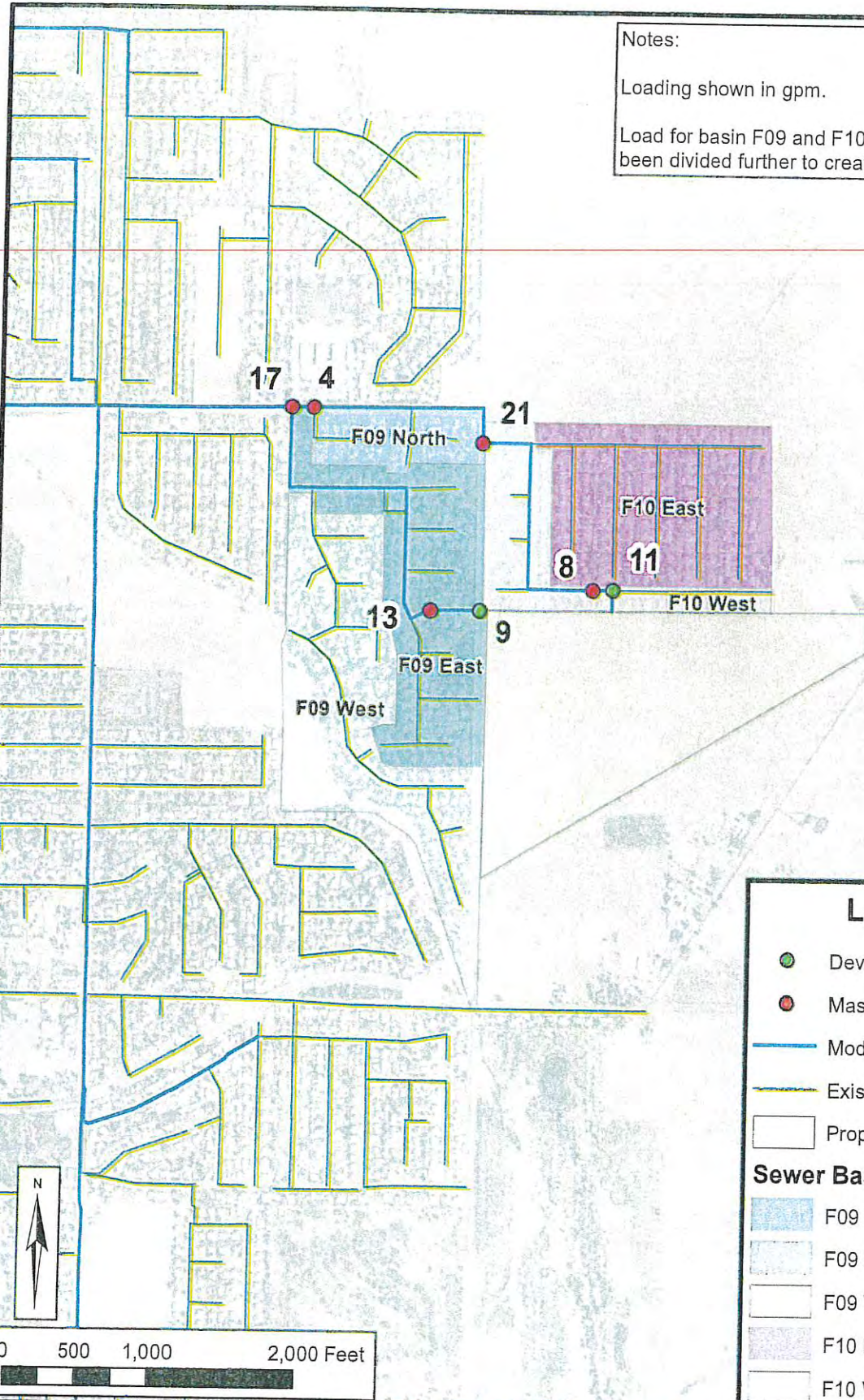
The capacity of the wastewater collection system was analyzed in comparison with the anticipated flows to predict whether the system has capacity to accommodate new flows from the Canyon Springs Development. The analysis was performed using the hydraulic computer model that has been prepared for the wastewater collection system master plan that is on-going. The Canyon Springs Development is located in an area of the City where the sewers were not included in the hydraulic model. The model was updated to include the Canyon Springs Development. This included collecting survey data for key manholes, which allowed flowline and rim elevations to be added to the model. Model flows from the master plan were adjusted to account for the new development. The model loading locations and values for Canyon Springs are provided on Figure 2.

Detailed sewer design information has not be provided for sewers within the development. Once the project moves forward, it is expected that the developer's design engineer will design the sewers with adequate capacity. It is expected that 8" diameter pipes will be adequate. This should be confirmed by the design engineer.

Criteria

The criteria used to determine when a sewer has reached capacity is based on recommendations and standards from the American Society of Civil Engineers (ASCE). These standards recommend that a sewer 12-inches in diameter or smaller has reached maximum capacity when the depth of wastewater divided by the pipe diameter (d/D) has exceeded 0.5, or is half full. For pipes with a larger diameter, the maximum capacity is defined as d/D in excess of 0.75, or is three-quarters full.

Notes:
 Loading shown in gpm.
 Load for basin F09 and F10 in master plan have been divided further to create smaller basins.



Legend

- Development Load
- Master Plan Load
- Model Pipe
- Existing Sewer Pipe
- Proposed Development

Sewer Basin

- F09 East
- F09 North
- F09 West
- F10 East
- F10 West

Date: 4/21/2022
 Document Path: H:\Projects\149 - Tooele City\08.148 - Canyon Springs - Annexation\GIS\Figure 2 Model Loading.mxd



Tooele City - Canyon Springs Annexation
 Hydraulic Model Loading Locations

FIGURE
 2

Calibration and Verification

The hydraulic model that was developed during the wastewater collection system master plan was calibrated with flow monitoring records available at the time. That model was updated to reflect the proposed development. No new specific calibration has been provided with this analysis. If further site-specific calibration is desired, additional flow monitoring can be provided upon request. That flow data could then be used to calibrate and verify model results.

IMPACTS TO EXISTING SYSTEM

The master plan identifies an existing deficiency downstream of the proposed development near the intersection of 1000 North and Main Street. This is shown in Figure 3. While the wastewater generated by the proposed development does not cause the deficiency, if improvements are not made to the sewer, the proposed development would further worsen the deficient flow condition. It is recommended that the City proceed with additional detailed study of the deficiency to confirm the results, and that the City proceed with improvements if needed.

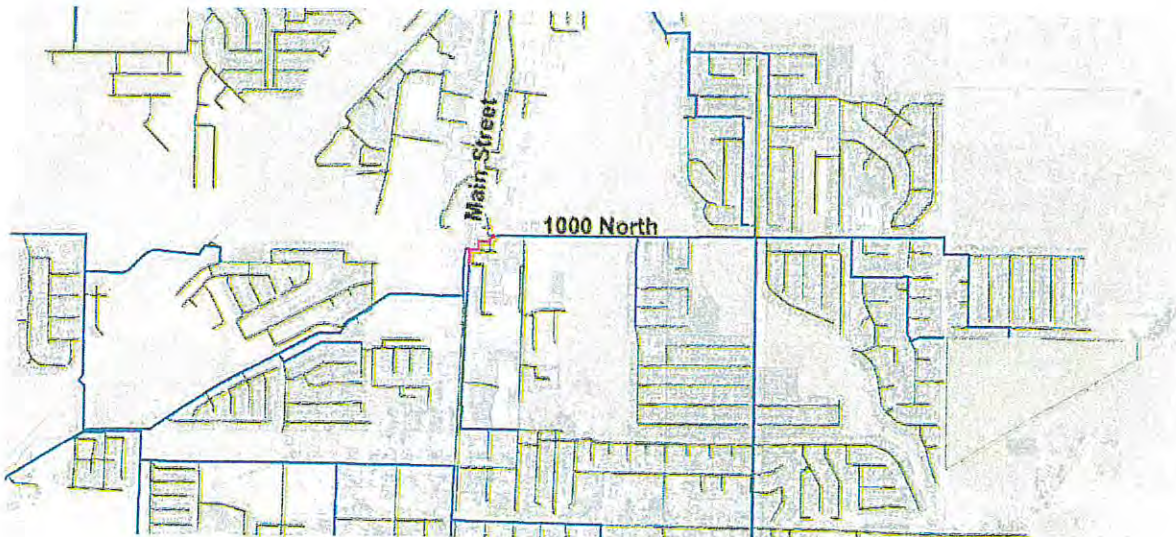


FIGURE 3: EXISTING RECOMMENDED IMPROVEMENTS

The proposed improvement for the deficient area shown in Figure 3 is to replace the existing 15-inch pipe with an 18-inch pipe, or that an equivalent system to constructed.

IMPACTS TO FUTURE SYSTEM

Hydraulic models for a 10-year and 40-year planning scenario from the master plan were also evaluated. This was done to see how the model results change with and without the proposed development. The model predicts that the proposed development does not cause any part of the collection system to become deficient for these scenarios.

CONCLUSIONS AND RECOMMENDATIONS

Besides the existing deficiency described previously, the rest of the existing sewers are adequate to contain the existing wastewater flows and the flows generated by the Canyon Springs Annexation development.



**WASTEWATER COLLECTION SYSTEM
MASTER PLAN**

(HAL Project No.: 149.49.100)

TABLE 6-3 PEAK HYDRAULIC LOADINGS

Planning Period	Peak Hydraulic Loading* (gpm)	Peak Hydraulic Loading* (MGD)
Existing Conditions	4,306	6.2
Existing Plus Approved	4,514	6.5
2030 (10-Year)	5,007	7.2
2060 (40-Year)	5,981	8.6

*Including inflow (2,000 gpm).

It may be observed in Table 6-3 that the existing peak hydraulic loading is 4,306 gpm (6.2 MGD), and the projected peak hydraulic loading by 2060 is just under 6,000 gpm (8.6 MGD). These values all exceed the current WWRF design capacity of 3.4 MGD.

EXISTING DEFICIENCIES

The maximum depth ratio is the ratio of the maximum flow depth that occurs in the pipe and the diameter of the pipe (d/D). Deficiencies were identified as pipes in the model that exceeded a set d/D during peak flow conditions. The d/D capacity criteria adopted by the City is 0.5 for pipes 12-inches or smaller and 0.75 for pipes larger than 12-inches. Pipe capacity deficiencies identified in the Existing (Approved) scenario model are summarized in Table 6-4 and shown in Figure 6-3.

TABLE 6-4 EXISTING PIPE CAPACITY DEFICIENCIES AND SOLUTIONS

PROJECT ID	LOCATION	ISSUE	SOLUTION
E-1	Along Main Street near 1000 North	Pipe exceeds capacity because d/D > 0.5 (0.64)	Remove and upgrade existing 8" gravity line to 200 ft of 10" gravity line.
E-2	Along 600 North between 100 West and 370 West	Pipe exceeds capacity because d/D > 0.5 (1.0)	Remove and upgrade existing 12" gravity line to 2,100 ft of 15" gravity line.
E-3	Along Coleman Street between Utah Avenue and McKellar Street	Pipe exceeds capacity because d/D > 0.5 (1.0)	Remove and upgrade existing 12" gravity line to 2,550 ft of 15" gravity line.
E-4	Along existing sewer alignment between 600 North to 1000 North and Coleman Street to 1100 West	Pipe exceeds capacity because d/D > 0.75 (1.)	Remove and upgrade existing 18" and 21" gravity line to 6,500 ft of 24" gravity line. Contains 36" bore for 115 ft under railroad tracks.

Exhibit D

Drainage Review and Recommendations

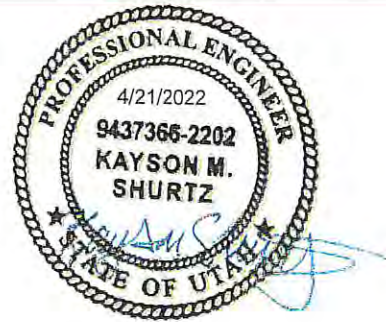
DATE: April 21, 2022

TO: Paul Hansen, P.E.
Tooele City Engineer
90 North Main
Tooele, Utah 84074

FROM: Benjamin D. Miner, M.P.A., P.E.
Kayson Shurtz, P.E.
Hansen, Allen & Luce, Inc. (HAL)
859 West So. Jordan Pkwy – Suite 200
South Jordan, Utah 84095

SUBJECT: Canyon Springs - Drainage Review

PROJECT NO.: 149.08.148



INTRODUCTION

Canyon Springs is an area that has been proposed to be annexed into the City of Tooele. It is located just east of Droubay Road between about 840 North and 600 North. Hansen, Allen, and Luce has been asked to review the area to identify potential drainage issues that need to be addressed before this area can be annexed into the City.

HYDROLOGY

A hydrologic model was developed to determine anticipated flowrates and volumes for the 10-year and 100-year storm events. The design storm selected for this analysis is a three-hour duration storm which incorporates a Farmer-Fletcher 1-hour first quartile storm event as the middle hour of the three-hour design storm (Farmer et al., 1972). This storm distribution is used by many communities in Salt Lake County and would be applicable for Tooele as well. The rainfall depths for the 10-year and 100-year were 1.14 inches and 1.99 inches respectively and were obtained via NOAA Atlas 14 (NOAA, 2011). The runoff modeling was performed using the Soil Conservation Service (SCS) Curve Number (CN) approach as described in *Technical Release 55: Urban Hydrology for Small Watersheds* (NRCS, 1986), hereafter referred to as TR-55. The soil data used in the analysis was obtained from Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database (SSURGO) (NRCS, 2022). The land cover for existing conditions was based on the 2016 National Landcover Dataset (NLCD) (Dewitz, 2019). The land cover and soil data were combined within the model to establish various combinations of land

cover and hydrologic soil type. Table 1 presents the assumed curve numbers that were applied to the model for all the potential combinations found in our study area.

TABLE 1. CURVE NUMBER TABLE

TR-55 Description	NLCD Description	NLCD ID #	A	B	C	D
Water	Open Water	11	98	98	98	98
Open Space (Good)	Developed, Open Space	21	39	61	74	80
Residential - 1/2 Acre	Developed, Low Intensity	22	54	70	80	85
Residential - 1/4 Acre	Developed, Medium Intensity	23	61	75	83	87
Residential - 1/8 Acre	Developed, High Intensity	24	77	85	90	92
Fallow-Bare Soil	Barren Land	31	77	86	91	94
Oak Aspen (Poor)	Deciduous Forest	41	66	66	74	79
Woods (Fair)	Evergreen Forest	42	36	60	73	79
Woods Grass Combination (Fair)	Mixed Forest	43	43	65	76	82
Brush (Fair)	Shrub/Scrub	52	35	56	70	77
Pasture Grassland (Fair)	Grassland/Herbaceous	71	49	69	79	84
Meadow	Pasture/Hay	81	30	58	71	78
Row Crops - SR (Good)	Cultivated Crops	82	67	78	85	89
Wetlands	Woody Wetlands	90	98	98	98	98
Wetlands	Emergent Herbaceous Wetlands	95	98	98	98	98

The modeling was performed using a rain on grid approach in HEC-RAS 2D. The drainage patterns above the proposed site are somewhat complex because of several interconnected ditches. The benefit of using the rain on grid approach is the model determines flow paths based on the terrain and hydraulic capacity of the conveyance channels via Manning's equation. The model allows for an estimate of existing flowrates for both onsite and offsite drainage that will need to be accounted for in the design of the proposed annexation area. The assumed roughness values for the NLCD cover types are shown in Table 2 (HEC, 2021).

TABLE 2. ASSUMED ROUGHNESS COEFFICIENTS

NLCD Description	NLCD ID #	Manning's n
Open Water	11	0.035
Developed, Open Space	21	0.035
Developed, Low Intensity	22	0.08
Developed, Medium Intensity	23	0.1
Developed, High Intensity	24	0.15
Barren Land	31	0.05
Deciduous Forest	41	0.1
Evergreen Forest	42	0.15
Mixed Forest	43	0.12
Shrub/Scrub	52	0.08

NLCD Description	NLCD ID #	Manning's n
Grassland/Herbaceous	71	0.06
Pasture/Hay	81	0.05
Cultivated Crops	82	0.05
Woody Wetlands	90	0.12
Emergent Herbaceous Wetlands	95	0.08

The approximate drainage area to calculate offsite flows was developed based on the available UGRC LiDAR data. As noted previously, the model calculates the movement of water through the drainage and therefore an approximate drainage area is sufficient because if additional area is included it will runoff at a different location and therefore not be included in the calculated offsite flows for our area of interest. The approximate drainage area used in the runoff calculations is shown in Figure 1. The grid generally utilizes 25 x 25-foot grid spacing. Breaklines were also utilized to properly align cell faces with high ground such that hydraulic controls are modeled appropriately.

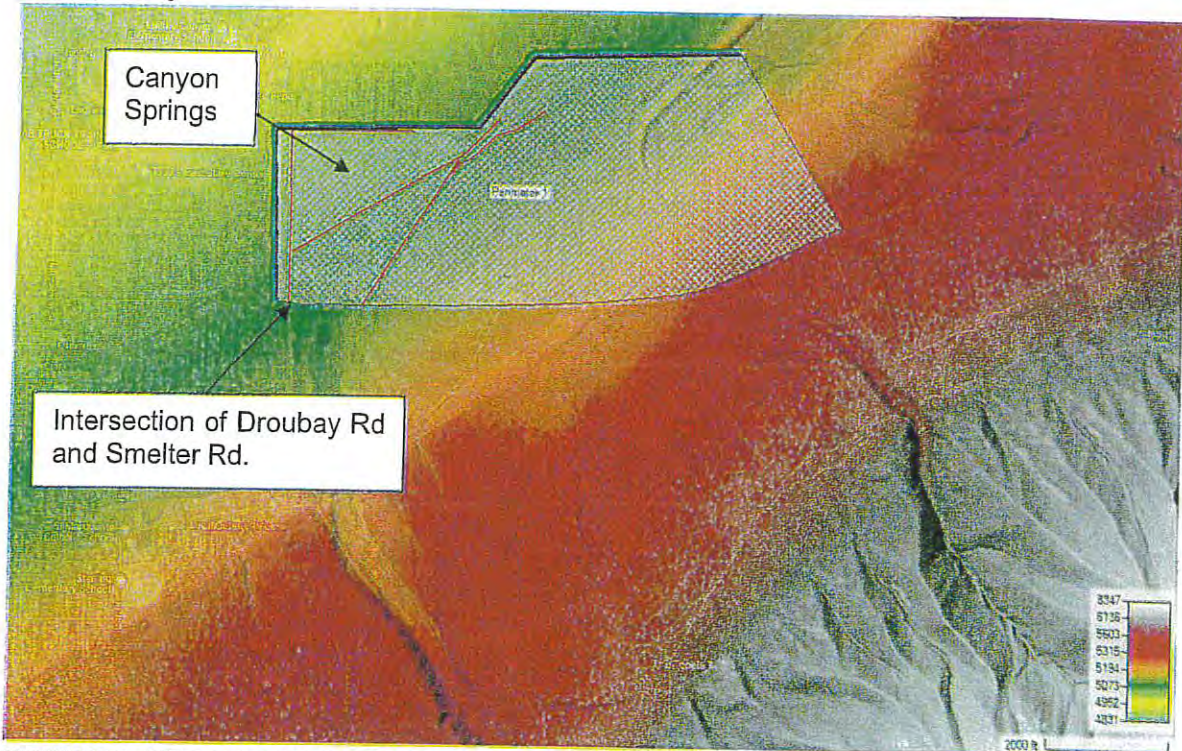


FIGURE 1. HEC-RAS RAIN ON GRID MODEL EXTENTS

EXISTING CONDITIONS MODELING

Existing 10-year flows were negligible and are therefore not reported here. The 100-year existing conditions flows from the proposed site were computed to be approximately 5.9 cfs. The offsite flows that come into the proposed developments for the 100-yr 3-hr event were computed to be approximately 9.5 cfs. Suggesting the drainage area above the proposed development is relatively small. However, these flows must be conveyed through the proposed development. The model shows water ponding on the south side of what looks like a dirt road in the aerial imagery

until it spills over to the proposed development at the general location shown in Figure 2.

The offsite flows must be handled as they come into the development. This could be accomplished by connecting a pipe (with at least 9.5 cfs capacity) from the ponded area shown on Figure 2 into the proposed development drainage system or by creating an open channel conveyance that can convey the 9.5 cfs between lots to the roads of the proposed development at the spill location shown on Figure 2.

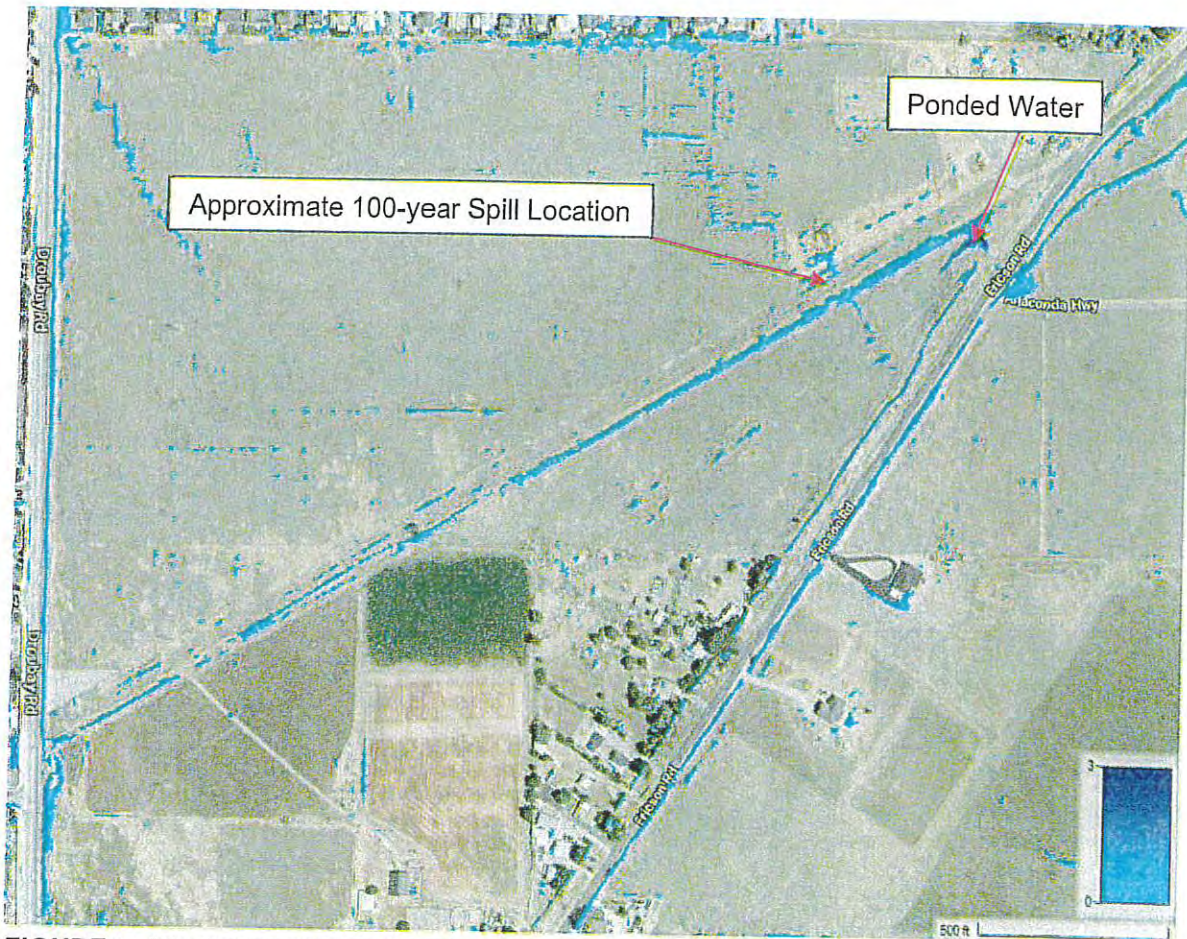


FIGURE 2. 100-YR OFFSITE FLOWS SPILL LOCATION

PROPOSED CONDITIONS MODELING

The site plan provided to HAL shows 172 lots over approximately 60 acres. The development will add additional impervious area in the form of roads, driveways, roofs, sidewalks, and additional hardscape. These impervious areas increase runoff and must be addressed to reduce flood risk to the future residents of the proposed development as well as others who are down gradient from them.

The proposed condition flows for both the 10-year and 100-year scenarios were developed by adjusting the landcover to reflect the roads and homes that are proposed. The site plan provided

was used a guide to estimate additional impervious area. Directly connected impervious area was assumed to have a CN of 98. All roads were assumed to be 100% directly connected while the remaining impervious area was assumed to be 3,000 square feet per lot with 50% of it being directly connected. These assumptions are based on the development looking similar to the existing development directly to the north. The impervious area not associated with roads was composited with the remaining pervious area that was assumed to be Open Space good cover resulting in a composite curve number of 70. Table 3 summarizes the impervious area assumptions.

TABLE 3. IMPERVIOUS AREA ASSUMPTIONS FOR CANYON SPRINGS DEVELOPMENT

Description	Acres	% Directly Connected
Roadway Impervious Area	11.73	100.0
Assumed Additional Impervious Area	11.84	50.0
Open Space Good Condition	37.08	0.0
Totals	60.65	29.1

The modeled peak 10-year flowrate for the entire proposed development was 18.5 cfs. Piping to convey these flows should have sufficient capacity to convey the estimated peak flow rate. The flow per unit acre is approximately 0.31 cfs/acre. This ratio can be used for pipe sizing in areas that only drain a portion of the total drainage area. We recommend a minimum storm drain pipe size of 15-inches.

The modeled peak 100-year flowrate for the entire proposed development was approximately 51.9 cfs. The flow per unit acre is approximately 0.87 cfs/acre. Conveyance and storage must be provided to protect homes from damage during a 100-year event. Conveyance beyond the 10-year event is often provided by the streets along with detention to limit flows downstream. It is recommended that this development provide grading plans for the roads along with calculations that show that the roads and underground conveyance network have sufficient capacity to convey the calculated 100-year flows to an appropriate detention facility. The ratio of peak flow per unit acre can be utilized in the road conveyance calculations based on tributary area. A detention facility will be required for the proposed development to reduce flows back to at least existing conditions (5.9 cfs) so that peak flows downstream are not increased as a result of development. Assuming a release rate of 5.9 cfs (approximately 0.1 cfs/acre) the required detention volume for the proposed development would be approximately 3 ac-ft.

A consideration for this annexation should also include where the detained flows will be discharged. While peak flows would not be increased under the detained scenario, runoff volumes would be spread out over time and reduce pressure on the system. Increased volume in the downstream system could result in increased flood risk due to downstream storage constraints. Discharging the detained flows to a large conveyance like Middle Canyon Creek is the best-case scenario to reduce the downstream flood risk. It appears that the development to the west may have existing storm drain infrastructure that likely discharges into Middle Canyon Creek. This option should be investigated further to determine whether it is feasible to tie into this existing

system to convey detained flows from the proposed annexation area. Otherwise, the City should consider installing new storm water piping from the new development to Middle Canyon Drainage.

SUMMARY

The onsite and offsite flow considerations have been presented in the memo for the proposed annexation property and proposed site plan. The drainage issues all appear to be manageable with most of which being handled utilizing standard engineering practices. Considerations for offsite flows onto the property and where detained releases from the proposed development will discharge must be addressed for annexation. Potential solutions have been presented in the body of this memo.

REFERENCES

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/>. Accessed [March/3/2022].

Farmer, E. E. and Joel E. Fletcher. 1972. *Distribution of Precipitation in Mountainous Areas*. Geilo Symposium, Norway

Bonnin, G., D. Martín, B. Lin, T. Parzybok, M. Yekta, and D. Riley (2004, revised 2011). NOAA Atlas 14 Volume 1, Precipitation-Frequency Atlas of the United States, Semiarid Southwest. NOAA, National Weather Service, Silver Spring, MD.

Dewitz, J., 2019, National Land Cover Database (NLCD) 2016 Products (ver. 2.0, July 2020): U.S. Geological Survey data release.

Hydrologic Engineering Center, 2021. HEC-RAS 2D Modeling User's Manual, U.S. Army Corps of Engineers, Davis CA., April 2021.

From: Tooele East, LLC
Attn: Howard Schmidt
PO Box 65410
South Jordan, Utah 84095

Attn: Tooele County
Attn: Andy Welch
47 S. Main Street
Tooele, Utah 84074

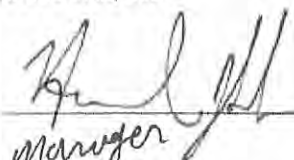
RE: Trail on the South side of the Canyon Springs Development

To whom this may concern:


Tooele East, LLC presents this Letter of Understanding as it relates to the improvements of the trail on south side of the Canyon Springs Development in Tooele, Utah with the following terms and conditions:

1. **Improvement Requirements:** The trail will meet the standards as laid out in exhibit A an attachment to the Letter of Understanding. These requests were provided to us by Cory Bullock, Tooele County Parks and Recreation Director. The only change we would request to this attachment is that the barb wire fence will only run on the South Length. All fencing for the north side of the easement will be put in by the home builder or homeowner.
2. **Costs:** The costs for these improvements will be the sole cost of Tooele East, LLC. In the event that Tooele East is able to collect donations or grants from other entities, Tooele County will accept and support such assistance in good faith to help with the costs of the trail. Tooele County will have no financial obligation to the trail
3. **Trail completion:** The trail will be completed with the completion of Phase 3 of the Canyon Springs Development or by October 1, 2027, whichever comes first.


Tooele East, LLC


manager
Date 10-7-24

Tooele County


Date 10/7/24

APPROVED AS TO FORM:

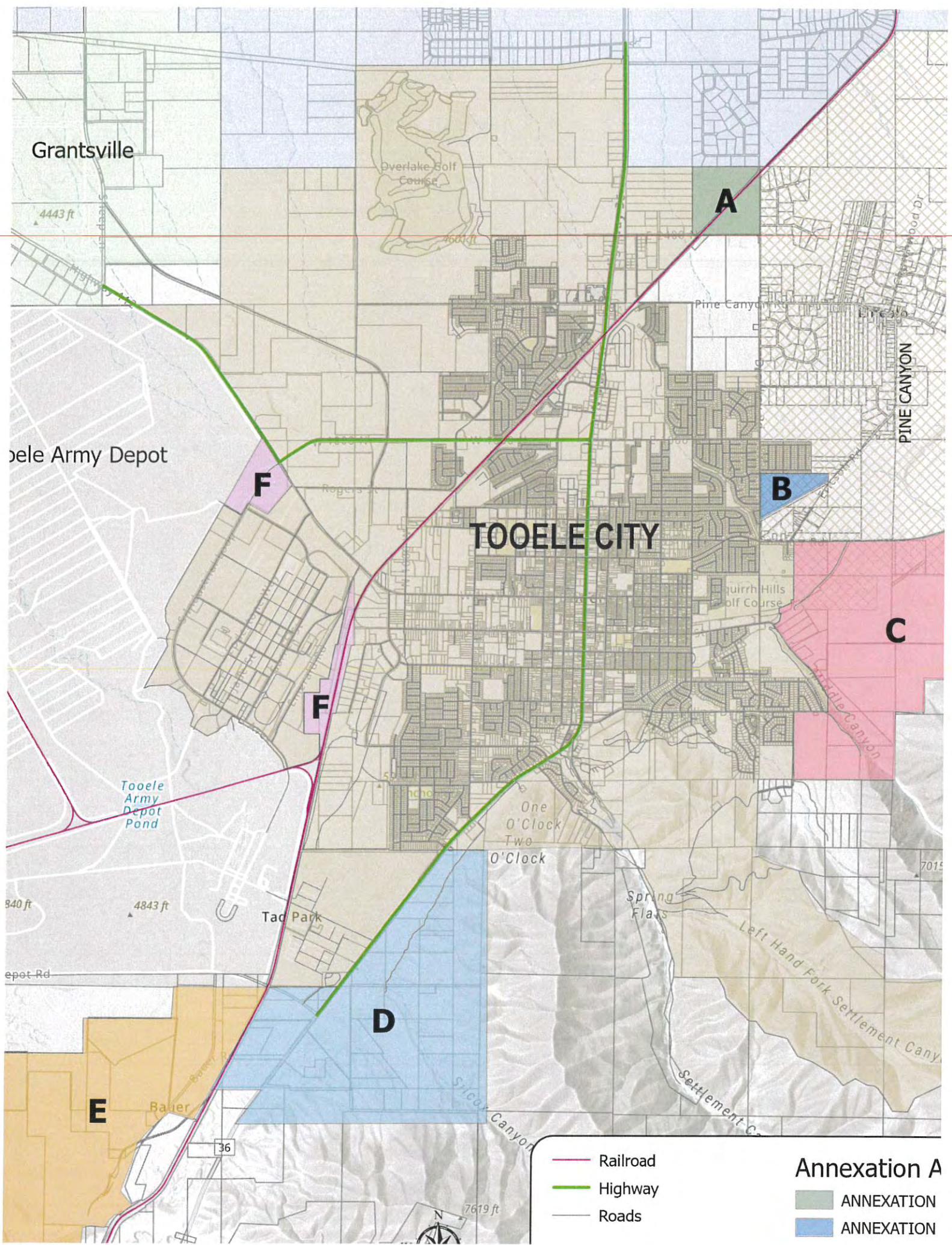

Nathan Harris
Deputy Tooele County Attorney

One Tree Trail

- 8ft wide asphalt trail mostly confined to the north or south side.
 - Don't want it to meander over the 100' area.
 - 6 to 8 inches of road base
 - 3 inches of asphalt
 - ½ inch mix PG64 58.28
 - Current APWA standards
 - Shoulder the edges off with road base.
- Four strain barb wire fences running the south length
 - T-posts every 8 feet
 - Tensioning posts every 32 feet.
- Offsetting flag gates at the west and east entrances to the trail. West entrance off of the trailhead.
- Trailhead
 - Westside only
 - Must take up the entire 100-foot easement.
 - Lodge pole fence surrounding the entire trailhead.
 - Lodge pole and kiosk provided by the county.
 - 4 inches of crushed concrete or lime fines throughout the trailhead area.
 - Tri-panel kiosks installed.

Exhibit H

Annexation Policy Plan Mapping



- Railroad
- Highway
- Roads

Annexation A

- ANNEXATION
- ANNEXATION

Exhibit I

Recorder's Annexation Petition Certification

CERTIFICATION OF ANNEXATION PETITION

To: Debbie Winn, Tooele City Mayor
Tooele City Council
Howard Schmidt, Petition Contact Sponsor
Tooele County Council

Date: July 3, 2024

I, Michelle Y. Pitt, Tooele City Recorder, have received a copy of the attached Annexation Petition for the general address of 750 North Droubay Road, which was accepted for further consideration by Tooele City Resolution 2024-45, and have reviewed the same with Roger Baker, Tooele City Attorney. I hereby certify that the Petition meets the requirements of U.C.A. §10-2-403(3), (4), and (5).

A copy of this Certificate will be delivered to the above addresses as required by U.C.A. §10-2-405(2)(c).

Signed: 

Seal:



PETITION FOR ANNEXATION

Application Packet



Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139

Petition for Annexation Application Checklist

*Incomplete applications will not be accepted or held.
All required items shall be submitted to the City Recorder.*

Submission Requirements (see also Utah State Code Section 10-2-403)

Application Fee Paid previously

Completed Application Form

Completed Record of Petitioned Properties. In order to constitute a complete and viable Petition, the Record of Petitioned Properties must contain the signatures of property owners that make up at least:

- 50% of the land area included in the Petition for Annexation
- 33% of the property value, according to the County Assessor's Office valuations, of all properties included in the Petition for Annexation
- A Statement of Proposed Intent for the properties contained within the area petitioned for annexation
- An Accurate Legal Description for the Complete Boundary of the proposed Annexation prepared by a Licensed Surveyor
 - It is **strongly** encouraged that the legal description be verified by the County Surveyor prior to submission to avoid unnecessary delays
- A paper copy of an accurate recordable map depicting the proposed area of annexation including at least the following:
 - It is **strongly** encouraged that the plat be submitted in paper form to be verified and approved as to form prior to submitting the petition to avoid unnecessary delays
 - A disk or thumb drive of all petition materials in digital format (original PDF) including AutoCAD format for the plat and all drawings
 - Certification by Date, Signature and Seal by the Engineer or Surveyor preparing the plat
 - Property Owner Certifications, including acknowledgement by a Notary Public for each
 - Proper Signature Blocks for each of the following:
 - The Tooele City Planning Commission, including signature lines for each Planning Commissioner voting in favor of the annexation
 - The Tooele City Council, including signature lines for each Planning Commissioner voting in favor of the annexation and a signature line for the City Recorder to attest the signatures of the City Council members
 - The Tooele City Attorney
 - The Tooele City Recorder certifying:
 - the date and time the plat was filed
 - the Ordinance number by which the City Council approved the plat and proposed annexation
 - the date of approval and certification by the City Council
 - The Tooele City Engineer
 - The Tooele City Community Development Department

Notice of annexation petition sent to affected entities including:

- A copy of the noticing sent to affected entities
- A complete list of affected entities to which the notice was sent
- Demonstration of the date on which the notices were sent to affected entities

*****Note:** According to Utah State Code Section 10-2-403(7) it is the sole responsibility of the Sponsor to submit a copy of the complete Petition for Annexation to the City and the County Clerk on the same calendar day.

Additional Information

With the City Council's adoption of a resolution accepting the Petition for Annexation for further consideration, as required by Utah State Code Section 10-2-405, the City Council may also require any of the following and/or any other information or study determined necessary for proper consideration of the Petition for Annexation for approval or denial.

_____ Feasibility Study of Impact to the existing public systems for each of the following:

- Water, including water rights, sources, storage, transmission, phasing, and master planning
- Sewer, including collection systems, transmission, treatment capacity, phasing, and master planning
- Transportation, including upgrades to existing infrastructure, new infrastructure, traffic control, phasing, and master planning
- Parks and Recreation, including levels of service, facility needs, phasing, and master planning
- Public Safety, including service area, response times, staffing and personnel levels, and facility and equipment needs and levels of services for police and fire protection services
- Storm Drain, including collection systems, transmission, detention/retention, phasing, and master planning
- Tax and Revenue, including impact fees generation, cost of services for annexation area, property and sales tax revenues from the annexation area, and full-time equivalent employee calculations for each department to provide city services to the annexation area

_____ Conceptual Development and Land Use Plans

_____ Annexation Agreement

*****Note:** It is **strongly** recommended that applicants familiarize themselves with the procedures and requirements for consideration of a Petition for Annexation found in Utah State Code Section 10-2-400 et. seq. and Tooele City Code Chapter 7-24.

Petition for Annexation

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission:	April 25, 2024	Total Acres:	61.16
Expansion Option Area:			
Project Name:	Canyon Cove Development		
General Address:	750 North Droubay Road		
Current Use of Property:	Vacant and horse boarding and pasture		
Sponsor:	Howard Schmidt	Address:	PO Box 95410
Phone:	801-859-9449 or 801-706-4693	City:	South Jordan
		State:	UT
		Zip:	84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor:		4/25/24	
		Date	

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity, except as required by GRAMA.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

***** NOTE *****

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee:	Received By:	Date Received:	Receipt #:
(213)			

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Marshall Buck Peck

North Tooele Fire District

Dear Marshall Peck,

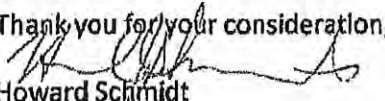
We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

In as much as this parcel (03-031-0-00014) is currently included in the service area of the North Tooele Fire District, we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449
Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,

Howard Schmidt
Manager

Received

Signed

4/20/2024

Date

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Andy Welch
Tooele County Manager
47 South Main
Tooele, UT 84074

Dear Mr. Welch,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

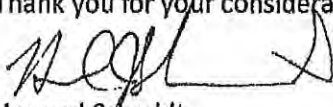
In as much as this parcel (03-031-0-00014) is currently included in Tooele County as an unincorporated parcel we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,


Howard Schmidt
Manager

Received Jan A Welch 4/26/24
Signed Date
County Manager

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN Mayor Debbie Winn

Dear Mayor Winn,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.


In as much as this parcel (03-031-0-00014) is currently included in Tooele County we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,


Howard Schmidt
Manager

Received _____
Signed _____ Date _____

NOTICE OF INTENT TO ANNEX

April 25, 2024
Tooele County Board of Health
Attn: Jeff Coombs
151 No. Main
Tooele, UT 84074

Dear Mr. Coombs,
We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.


Per state code all affected entities are to be notified. In as much as this parcel (03-031-0-00014) is currently included in Tooele Board of Health District, we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact
Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,

Howard Schmidt
Manager



Date 4-29-24

Received



Signed

4-29-24

NOTICE OF INTENT TO ANNEX

April 25, 2024

J

ATTN: Scott Bradshaw
Tooele Valley Mosquito Abatement Manager
Lakepoint, UT 84074

Dear Mr. Bradshaw,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

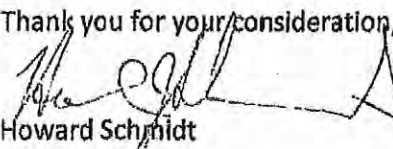
In as much as this parcel (03-031-0-00014) is currently included in Tooele Valley Mosquito Abatement District we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074


Thank you for your consideration,


Howard Schmidt
Manager

Received

Signed

Date


4/26/24

Total

11,184.87

11,184.87

1047 - COUNTY GENERAL - Total Rate: 0.000042

COUNTY GENERAL

072.82

1348 - SCHOOL BASIC LEVY - Total Rate: 0.001408

SCHOOL BASIC LEVY

1,832.10

1849 - MOSQUITO ABATEMENT DISTRICT - Total Rate: 0.000199

MOSQUITO ABATEMENT DISTRICT

231.01

1852 - NORTH TOOELE FIRE DIST. - Total Rate: 0.006581

NORTH TOOELE FIRE DIST.

598.02

1887 - SCHOOL LOCAL LEVY - Total Rate: 0.005501

SCHOOL LOCAL LEVY

6,455.62

1887A - CHARTER SCHOOL LEVY - Total Rate: 0.000075

CHARTER SCHOOL LEVY

0.23

1888 - MULTI-COUNTY ASSESSING-COLLECTING - Total Rate: 0.000015

MULTI-COUNTY ASSESS-COLLECT

17.41

1889 - COUNTY ASSESSING-COLLECTING - Total Rate: 0.000264

COUNTY ASSESS-COLLECT

306.87

1891 - TOOELE COUNTY TRANSPORTATION SSD - Total Rate: 0

TOOELE COUNTY TRANSPORTATION SSD

0.00

1894 - MUNICIPAL TYPE SERVICES - Total Rate: 0.000576

MUNICIPAL TYPE SERVICES

559.06

1896 - TOOELE COUNTY HEALTH DEPARTMENT - Total Rate: 0.000109

TOOELE COUNTY HEALTH DEPARTMENT

129.53

Total

11,184.87

11,184.87

Statement of Intended us for Canyon Springs Development

Canyon Springs is a proposed subdivision to be zoned in accordance with the surrounding area as R-7 zone which allows for 7000 square foot minimum lots sizes but in accordance with the input from the planning commission and city council we are limiting the development to 172 lots with an average size of 11,000 sq. ft. Some will be as large as ½ acre lots.

In addition, the developer has agreed to work with Tooele County to provide a trail boarding the annexation parcel to the south on the existing 100' UDOT right of way. Also, there will be trails from the subdivision accessing the new trail and some detention ponds along Drubay Road that will be landscaped to provide play areas for the residents and neighbors of the development.

Since there has recently been an annexation agreement penned by the city attorney and staff, approved by the required majority of the city council and agreed to by the developer, we would like to review that document and make it the framework to complete this annexation.

A handwritten signature in black ink, appearing to read "H. G. H. - 11". The signature is written in a cursive style with a long horizontal line extending to the right.

TOOELE CITY CORPORATION

ORDINANCE 2024-21

AN ORDINANCE OF THE TOOELE CITY COUNCIL APPROVING THE ANNEXATION PETITION OF HOWARD SCHMIDT, ANNEXING 61.16 ACRES OF LAND INTO THE TOOELE CITY CORPORATE LIMIT, AND ASSIGNING THE R1-8 RESIDENTIAL ZONING DISTRICT TO THE ANNEXED PROPERTY

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2024); and,

WHEREAS, Tooele City has received the annexation petition ("Petition") of Howard Schmidt ("Petitioner"), dated April 25, 2024, in accordance with UCA § 10-2-403 and TCC Chapter 7-24, seeking to annex approximately 61.16 acres of property (the "Property") into the Tooele City corporate limits (see the Petition and map as part of Exhibit A, attached); and,

WHEREAS, the parcel affected by the Ordinance is No. 03-031-0-0014; and,

WHEREAS, the City Council approved Resolution 2024-45 on June 5, 2024, which Resolution accepted the Petition for further consideration, as provided in UCA § 10-2-405(1) (see Resolution 2024-45 and its exhibits attached as Exhibit B; see June 5, 2024, meeting minutes attached as exhibit C); and,

WHEREAS, on July 10, 2024, the Tooele City Planning Commission considered the Petition and voted to forward its recommendation to the City Council, as required by TCC §7-24-1 (see meeting minutes attached as Exhibit F); and,

WHEREAS, by Ordinance 2023-45, the City Council adopted an updated Annexation Policy Plan, a document required by UCA §10-2-401.5, which plan includes the Property as eligible for annexation (see map of annexation Area B attached to Exhibit H); and,

WHEREAS, at the recommendation of the City Administration, and at the request of the City Council, the Petitioner obtained professional engineering and other studies regarding the anticipated impacts of the Canyon Springs annexation on City utility, infrastructure, and fiscal systems; and,

WHEREAS, on July 3, 2024, the City Recorder certified the Petition, as required by UCA §10-2-405(2) (see procedural outline attached as Exhibit I); and,

WHEREAS, as required by UCA §10-2-407(3)(b)(ii)(A), the City Council convened a required public hearing on July 17, 2024, and accepted public comments, protests and objections, including from affected entities (reference UCA §§10-2-401, 406, and 407) (see meeting minutes attached as Exhibit E); and,

WHEREAS, pursuant to TCC §7-24-3, any annexation approval is conditioned upon the Petitioner executing an Annexation Agreement with the City; and,

WHEREAS, on August 21, 2024, the City Council approved Resolution 2024-60, approving an Annexation Agreement for the Canyon Springs annexation (see Resolution 2024-60 attached as Exhibit G); and,

WHEREAS, the Canyon Springs Annexation and general annexation concepts have been discussed in public City Council meetings as indicated above and in the exhibits hereto; and,

WHEREAS, pursuant to Tooele City Code §7-24-1(1)(f), a successful annexation petition must be approved by at least a two-thirds (2/3) majority vote of the City Council; and,

WHEREAS, the City Administration believes that all the procedural requirements of both the Utah Code and Tooele City Code for the approval of an annexation have been satisfied (see checklist attached as Exhibit D):

WHEREAS, on July 17, 2024, the City Council convened a duly-noticed public hearing (see minutes of the public hearing at Exhibit E):

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

1. The Annexation Petition is hereby approved, subject to the conditions stated in this Ordinance and in the Annexation Agreement; and,
2. Petitioner shall immediately execute the approved Annexation Agreement; and,
3. As required in the Annexation Agreement, Petitioner shall execute an agreement with Tooele County for the paving of the trail referenced in the Agreement; and,
4. Subsequent to Petitioner executing both agreements referenced immediately above, but within 30 days of approval of this Ordinance, the City Recorder is hereby directed to file electronically with the Utah Lieutenant Governor a Notice of Impending Boundary Action meeting the requirements of the UCA §67-1a-6.5(3), together with a copy of the final local entity plat; and,
5. The property annexed under this Ordinance, as described in the Petition, shall receive the R1-8 Residential zoning district designation under authority of TCC §7-24-2 and the Annexation Agreement; and,
6. The annexation approved by this Ordinance shall take effect, according to UCA §10-2-425(4), on the date of the Lieutenant Governor's issuance of a Certificate of Annexation and recordation of the Certificate and the local entity plat with the Tooele County Recorder; and,
7. All aspects of this Ordinance, with the exception of the effective date of the annexation for State of Utah purposes under UCA §10-2-425(4), shall take effect immediately upon passage of this Ordinance, without further publication, by authority of the Tooele City Charter

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council
this 21~~st~~ day of August, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

W.A.
Melodi M. Stokes

Justin Brady

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

[Signature]
Roger Baker, Tooele City Attorney

Exhibit A


Petition, Mapping, Zoning, & Staff Report

Petition for Annexation

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission: April 25, 2024	Total Acres: 61.16	Expansion Option Area:	
Project Name: Canyon Cove Development			
General Address: 750 North Droubay Road			
Current Use of Property: Vacant and horse boarding and pasture			
Sponsor: Howard Schmidt		Address: PO Box 95410	
Phone: 801-859-9449 or 801-706-4693	City: South Jordan	State: UT	Zip: 84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor: 		Date: 4/25/24	

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity, except as required by GRAMA.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

*** NOTE ***

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee: (213)	Received By:	Date Received:	Receipt #:

TOTAL ANNEXATION AREA
2,663,951 sq. ft.
61.16 acres

UDOT ROW

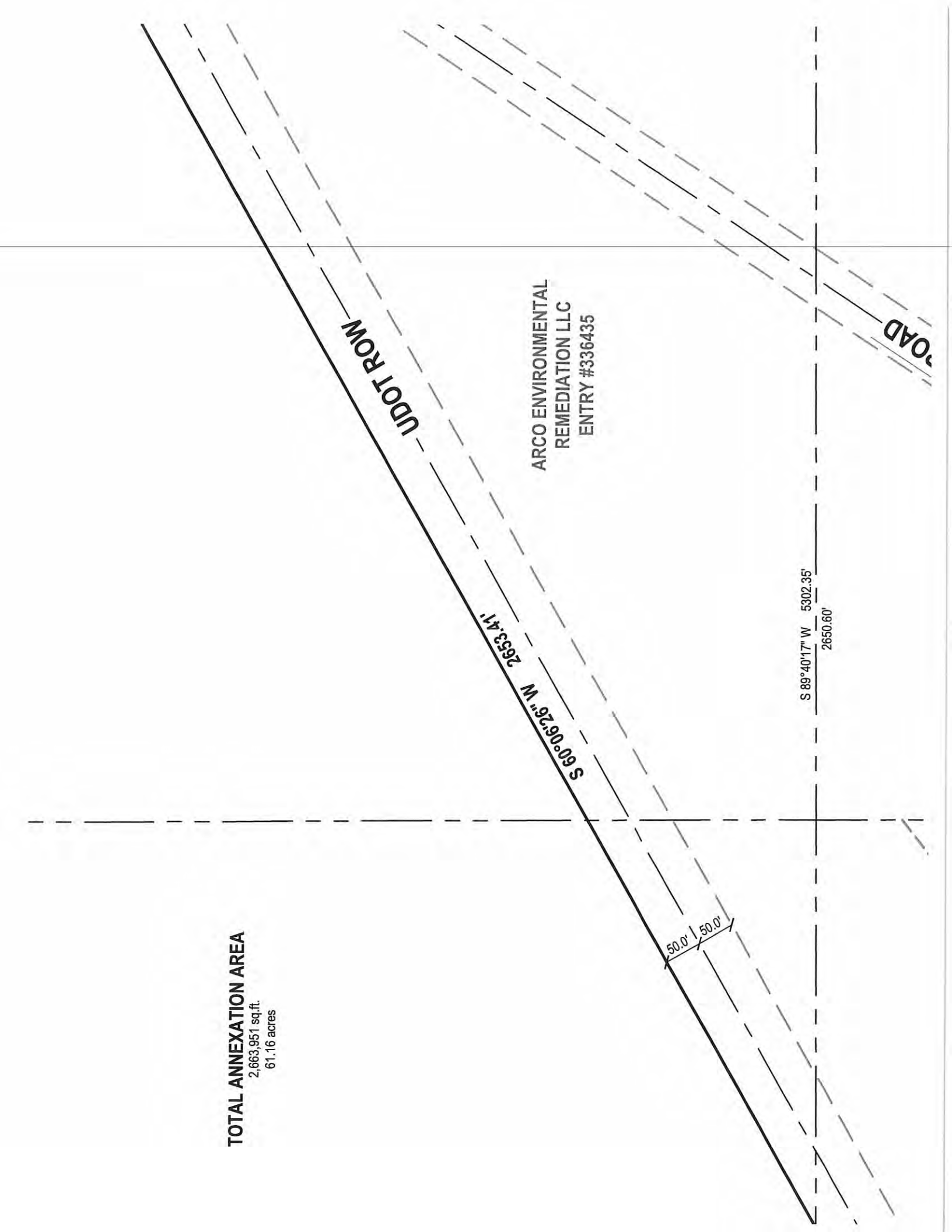
ARCO ENVIRONMENTAL
REMEDIAION LLC
ENTRY #336435

ROAD

S 60°06'26" W 2653.41'

S 89°40'17" W 5302.35'
2650.60'

50.0' | 50.0'



STAFF REPORT

July 3, 2024

To: Tooele City Planning Commission
Business Date: July 10, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Canyon Springs – Annexation Petition Request

Applicant: Howard Schmidt
Project Location: Approximately 750 North Droubay Road
Zoning: Unassigned
Acreage: 61.16 (Approximately 2,664,129 ft²)
Request: Request for approval of an Annexation Petition regarding the incorporation of a 61.16 acres into Tooele City.

BACKGROUND

This application is a request for approval of an annexation petition to annex 61.16 acres of land located in unincorporated Tooele County into Tooele City's municipal boundaries. The parcel is located east of Droubay Road immediately south of the exiting Carr Fork Subdivision and approximately 750 North.

ANALYSIS

Howard Schmidt has submitted an application for a petition for annexation. The application was submitted on April 25, 2024. The property that is being considered is one that is well known to members of the Planning Commission as the same property had a petition for annexation that was submitted in 2021 and ultimately did not pass the City Council with a super majority vote. The Planning Commission made a favorable recommendation to annex this property in June of 2022. This petition for annexation request involves the same property as the previous application with no changes to the boundaries or configuration of the property being considered from the original petition for annexation.

The property proposed for annexation is located on the east side of Droubay Road at about 750 North and totals a little more than 61 acres. The property is current located within the Pine Canyon Township of unincorporated Tooele County. The applicant desires to have the City annex the property into the City's incorporated boundaries and receive connections to City utilities including water and sewer and receive the necessary services such as public safety.

Given that the property is located within unincorporated Tooele County there is no Tooele City zoning district attached. The zoning will need to be assigned during the annexation process by the Tooele City Council. Currently the property is surrounded by properties on the north and west that are currently zoned R1-7 Residential, a zone that permits single family residential and duplexes and requires a minimum lot size of 7,000 square feet.

The applicant's intended use for the property once it has been annexed into the City is to create a single-family residential development consisting of 172 lots with an average lot size of 11,000 square feet with some lots

smaller and some lots larger than 11,000 square feet. The requested zoning for this development will be the R1-7 Residential zone.

The applicant's petition for annexation application was also submitted with various studies regarding impacts of the annexation and potential addition of 172 new homes to Tooele City's utility systems, public safety and finance services. Those studies include a culinary water impact study, a fiscal impact study, a storm water drainage study, a utility impact study, a sewer impact study and a traffic impact study.

Notices of intent to annex were also submitted to the North Tooele Fire District, Tooele County, Tooele City, the Tooele County Board of Health and the Tooele Valley Mosquito District.

The City Council passed a resolution to continue the consideration of the annexation petition and that resolution will be presented on the June 5th City Council business meeting.

The Planning Commission's responsibility is to review the annexation petition and sign the annexation plat. The annexation agreement is not in the purview of the Planning Commission, however, the Commission may make a recommendation regarding the annexation agreement to the City Council. The Planning Commission should evaluate the pros and cons of an annexation of this size and how it impacts the City as a whole. Does the addition of 172 new residential homes benefit Tooele City. Do the trails being proposed by the applicant bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? Do the property taxes generated bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? The applicant has provided the studies compiled by professional engineers and accountants but ultimately the decision comes down to the City Council.

Attached to this report are images of the annexation plat, the zoning map, the land use map and a concept subdivision plan showing a proposed lay out. The individual studies are also available for review but are not included in this memo due to size constraints and limitations. Staff is more than happy to forward those studies to each City Council member upon request.

Impact Studies: The following studies that have been provided by the petitioner and are included in this staff report for the Planning Commission's reference:

1. A fiscal impact study – Conducted by EFG Consulting. Included with this study is a memo from Shannon Wimmer, Tooele City Finance Director, that includes the City's response to this financial impact study.
2. A drainage study – Conducted by Hansen, Allen and Luce.
3. A sewer system study – Conducted by Hansen, Allen and Luce.
4. A fiscal impact study – Conducted by Bonneville Analytics.
5. Culinary water impact study – Conducted by Hansen, Allen and Luce (HAL).
6. A utility impact estimate – Conducted by Ensign Engineering.
7. A Traffic Impact Study – Conducted by Hales Engineering.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the proposed Annexation Petition and has issued the following Comments:

1. Various studies have been provided in this packet for the Planning Commission's reference.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for the annexation petition according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-24-1 and render a recommendation in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. The overall community benefit of the proposed annexation
9. Whether or not public services in the area are adequate to support the proposed annexation.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for Approval – “I move we forward a positive recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we forward a negative recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024, based on the following findings:”

1. List findings...

Exhibit B

Resolution Accepting Annexation Petition

TOOELE CITY CORPORATION

RESOLUTION 2024-45

A RESOLUTION OF THE TOOELE CITY COUNCIL ACCEPTING FOR FURTHER CONSIDERATION THE ANNEXATION PETITION OF HOWARD SCHMIDT.

WHEREAS, the annexation of additional land into Tooele City is governed by Utah Code Chapter 10-2 Part 4 (§10-2-401 *et seq.*), Tooele City Code Chapter 7-24, and Tooele City's Annexation Policy Plan (2020); and,

WHEREAS, by application dated April 25, 2024, petition sponsor Howard Schmidt (the "Petitioner"), filed with Tooele City an Annexation Application ("Petition") for the annexation of 61.16 acres of land (the "Property") into Tooele City (see the Petition attached as Exhibit A); and,

WHEREAS, the Petition was deemed to be complete on May 3, 2024, with submission to the City on April 30, 2024, of all petition-related documents and information (attached as Exhibit A); and,

WHEREAS, the City Council discussed the Petition during its June 5, 2024, public work meeting; and,

WHEREAS, by Ordinance 2020-40, the City Council adopted an updated Annexation Policy Plan, a document required by U.C.A. §10-2-401.5, which update included the Property in the Plan; and,

WHEREAS, the Petition appears to meet the qualifications of U.C.A. §10-2-402 in that the Property is a contiguous area, the Property is contiguous to Tooele City, the annexation would not create an unincorporated island or unincorporated peninsula, the Property is located within Tooele City's expansion area, shown as part of Annexation Option K in Ordinance 2020-40, and Petitioner owns 100% the Property; and,

WHEREAS, U.C.A. §10-2-405(1) provides that the City Council may deny the Petition or accept the Petition for further consideration; and,

WHEREAS, the affected entities, as defined by U.C.A. §10-2-401(1)(a), associated with the Petition, include the North Tooele Fire District and the Tooele Valley Mosquito Abatement District; and,

WHEREAS, the City Recorder and City Attorney have determined that the Petition appears to comply with the requirements of U.C.A. §10-2-403 and -405; and,

WHEREAS, annexation of the Property is anticipated to have significant impacts on City utility and infrastructure systems, and therefore will be required to complete capacity and feasibility studies routinely required by the City of annexation petitioners,

including culinary water, sanitary sewer, storm water, parks and recreation, police services, fire services, and tax and fiscal consequences to the City, prior to annexation, as a condition of annexation approval, and some of these studies have already been provided; and,

WHEREAS, the City Council finds it to be in the best interest of Tooele City to consider further the Petition for purposes of protecting the health, safety, welfare, and economic interests of Tooele City and its residents and businesses:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Petition is hereby accepted for further consideration, subject to the following:

1. Plat. Within 30 days of the date of this Resolution, the Petitioner shall provide an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation, as required by U.C.A. §10-2-405(2)(a), U.C.A. §10-2-403(3)(d)(i), and T.C.C. 7-24-1(b).
2. Petition Certification. Within 30 days of the date of this Resolution, the City Recorder shall certify the Petition and shall mail or deliver written notification of the certification to the Petitioner and to the Tooele County Commission, as required by §10-2-405(2)(c)(i).
3. Annexation Notice. After the certification of the Petition, the City Recorder shall publish the notice required by U.C.A. §10-2-406(2).
4. Zoning Recommendation. Prior to any approval of the Petition, the City Administration shall make a written recommendation to the City Council as to the Property's appropriate initial zoning designation in the event the Petition is approved and the Property is annexed.
5. Planning Commission. The City Administration shall present the Petition, this Resolution, and all pertinent additional information to the Tooele City Planning Commission for a recommendatory vote as soon as practical following the approval of this Resolution.
6. Annexation Agreement. Following the Planning Commission public meeting, and upon instruction from the City Council, the City Administration shall prepare a draft Annexation Agreement, together with an implementing Resolution, for consideration by the City Council, as required by TCC §7-24-3.
7. Resolution, Ordinance. Following the Public Meeting and upon instruction from the City Council, the City Administration shall prepare an annexation Ordinance for consideration by the City Council.
8. Additional Items. The City Council may require additional information, impose additional conditions, and schedule additional public meetings as it deems necessary in the best interest of the public health, safety, and welfare.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this
5th day of June, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

[Handwritten Signature]

Melodi Goehs

Justin Brady

[Handwritten Signature]

[Handwritten Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:

[Handwritten Signature]

Roger Evans Baker, City Attorney

Exhibit A

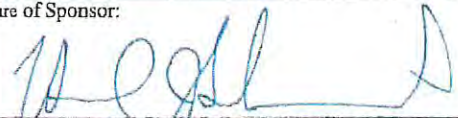
Petition, Mapping, Zoning, & Staff Report

Petition for Annexation

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecitv.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission: April 25, 2024	Total Acres: 61.16	Expansion Option Area:	
Project Name: Canyon Cove Development			
General Address: 750 North Droubay Road			
Current Use of Property: Vacant and horse boarding and pasture			
Sponsor: Howard Schmidt		Address: PO Box 95410	
Phone: 801-859-9449 or 801-706-4693	City: South Jordan	State: UT	Zip: 84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor: 			Date: 4/25/24

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity, except as required by GRAMA.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

***** NOTE *****

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee: (213)	Received By:	Date Received:	Receipt #:

TOTAL ANNEXATION AREA
2,663,951 sq.ft.
61.16 acres

UDOT ROW

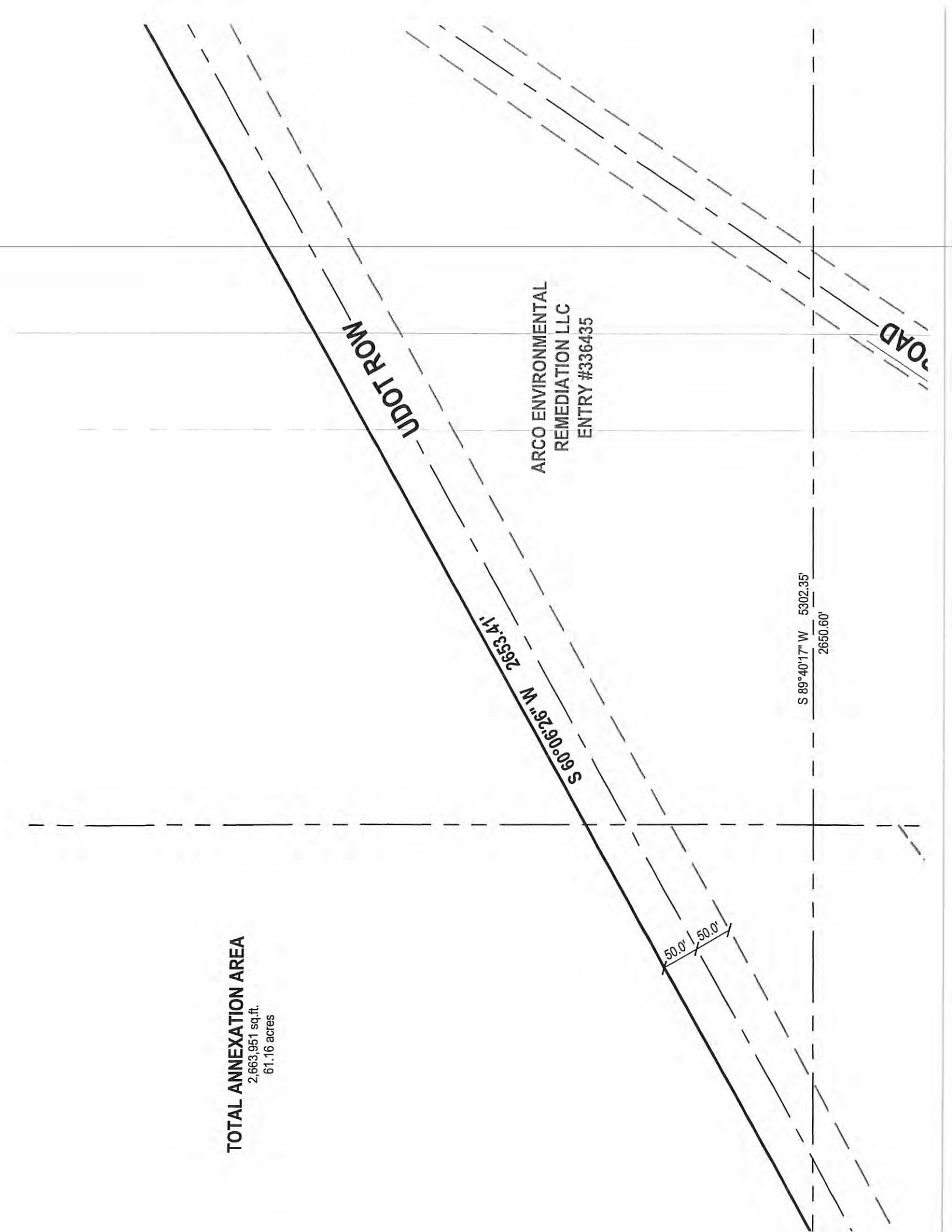
ARCO ENVIRONMENTAL
REMEDICATION LLC
ENTRY #336435

ROAD

S 60°06'26" W 2653.41'

50.0' 50.0'

S 89°40'17" W 5302.35'
2650.60'



STAFF REPORT

July 3, 2024

To: Tooele City Planning Commission
Business Date: July 10, 2024

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Canyon Springs – Annexation Petition Request

Applicant: Howard Schmidt
Project Location: Approximately 750 North Droubay Road
Zoning: Unassigned
Acreage: 61.16 (Approximately 2,664,129 ft²)
Request: Request for approval of an Annexation Petition regarding the incorporation of a 61.16 acres into Tooele City.

BACKGROUND

This application is a request for approval of an annexation petition to annex 61.16 acres of land located in unincorporated Tooele County into Tooele City's municipal boundaries. The parcel is located east of Droubay Road immediately south of the exiting Carr Fork Subdivision and approximately 750 North.

ANALYSIS

Howard Schmidt has submitted an application for a petition for annexation. The application was submitted on April 25, 2024. The property that is being considered is one that is well known to members of the Planning Commission as the same property had a petition for annexation that was submitted in 2021 and ultimately did not pass the City Council with a super majority vote. The Planning Commission made a favorable recommendation to annex this property in June of 2022. This petition for annexation request involves the same property as the previous application with no changes to the boundaries or configuration of the property being considered from the original petition for annexation.

The property proposed for annexation is located on the east side of Droubay Road at about 750 North and totals a little more than 61 acres. The property is current located within the Pine Canyon Township of unincorporated Tooele County. The applicant desires to have the City annex the property into the City's incorporated boundaries and receive connections to City utilities including water and sewer and receive the necessary services such as public safety.

Given that the property is located within unincorporated Tooele County there is no Tooele City zoning district attached. The zoning will need to be assigned during the annexation process by the Tooele City Council. Currently the property is surrounded by properties on the north and west that are currently zoned R1-7 Residential, a zone that permits single family residential and duplexes and requires a minimum lot size of 7,000 square feet.

The applicant's intended use for the property once it has been annexed into the City is to create a single-family residential development consisting of 172 lots with an average lot size of 11,000 square feet with some lots

smaller and some lots larger than 11,000 square feet. The requested zoning for this development will be the R1-7 Residential zone.

The applicant's petition for annexation application was also submitted with various studies regarding impacts of the annexation and potential addition of 172 new homes to Tooele City's utility systems, public safety and finance services. Those studies include a culinary water impact study, a fiscal impact study, a storm water drainage study, a utility impact study, a sewer impact study and a traffic impact study.

Notices of intent to annex were also submitted to the North Tooele Fire District, Tooele County, Tooele City, the Tooele County Board of Health and the Tooele Valley Mosquito District.

The City Council passed a resolution to continue the consideration of the annexation petition and that resolution will be presented on the June 5th City Council business meeting.

The Planning Commission's responsibility is to review the annexation petition and sign the annexation plat. The annexation agreement is not in the purview of the Planning Commission, however, the Commission may make a recommendation regarding the annexation agreement to the City Council. The Planning Commission should evaluate the pros and cons of an annexation of this size and how it impacts the City as a whole. Does the addition of 172 new residential homes benefit Tooele City. Do the trails being proposed by the applicant bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? Do the property taxes generated bring long term benefits to the City to offset the additional costs of providing services to 172 new homes? The applicant has provided the studies compiled by professional engineers and accountants but ultimately the decision comes down to the City Council.

Attached to this report are images of the annexation plat, the zoning map, the land use map and a concept subdivision plan showing a proposed lay out. The individual studies are also available for review but are not included in this memo due to size constraints and limitations. Staff is more than happy to forward those studies to each City Council member upon request.

Impact Studies: The following studies that have been provided by the petitioner and are included in this staff report for the Planning Commission's reference:

1. A fiscal impact study – Conducted by EFG Consulting. Included with this study is a memo from Shannon Wimmer, Tooele City Finance Director, that includes the City's response to this financial impact study.
2. A drainage study – Conducted by Hansen, Allen and Luce.
3. A sewer system study – Conducted by Hansen, Allen and Luce.
4. A fiscal impact study – Conducted by Bonneville Analytics.
5. Culinary water impact study – Conducted by Hansen, Allen and Luce (HAL).
6. A utility impact estimate – Conducted by Ensign Engineering.
7. A Traffic Impact Study – Conducted by Hales Engineering.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the proposed Annexation Petition and has issued the following Comments:

1. Various studies have been provided in this packet for the Planning Commission's reference.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for the annexation petition according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-24-1 and render a recommendation in the best interest of the community with any conditions deemed appropriate and based on specific findings to address the necessary criteria for making such decisions.

Potential topics for findings that the Commission should consider in rendering a decision:

1. The effect of the proposed application on the character of the surrounding area.
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed application is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the properties for the uses proposed.
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed application conforms to the general aesthetic and physical development of the area.
8. The overall community benefit of the proposed annexation
9. Whether or not public services in the area are adequate to support the proposed annexation.
10. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for Approval – “I move we forward a positive recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we forward a negative recommendation to the City Council for the Annexation Petition Request and Annexation Plat by Howard Schmidt, to annex 61.16 acres located at approximately 750 North Droubay Road into Tooele City, based on the findings listed in the Staff Report dated July 3, 2024, based on the following findings:”

1. List findings...

Exhibit C

June 5, 2024 City Council Meeting Minutes

Tooele City Council Business Meeting Minutes

Date: Wednesday, June 5, 2024

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Melodi Gochis

Justin Brady

Maresa Manzione

Ed Hansen

David McCall

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Michelle Pitt, City Recorder

Loretta Herron, Deputy City Recorder

Roger Baker, City Attorney

Andrew Aagard, Community Development Director

Shannon Wimmer, Finance Director

Darwin Cook, Parks and Recreation Director

Jamie Grandpre, Public Works Director

John Perez, Economic Development Director

Chase Randall, Library Director

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Melodi Gochis, Present

Justin Brady, Present

Maresa Manzione, Present

Ed Hansen, Present

Dave McCall, Present

3. Public Comment Period

The public hearing was opened. No one came forward. The public hearing was closed.

4. Resolution 2024-47 A Resolution of the Tooele City Council Consenting Mayor Winn's Appointment of Chennelle Roth and Malcolm Walden to the Library Board of Directors

Presented by Chase Randall, Library Director

Mr. Randall presented the Mayor's appointment of Chennelle Roth and Malcolm Walden to the Library Board of Directors.

Council Member McCall motioned to approve Resolution 2024-47; A Resolution of the Tooele City Council Consenting Mayor Winn's Appointment of Chennelle Roth and Malcolm Walden to the Library Board of Directors. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

5. Library Annual Report

Presented by Chase Randall, Library Director

Mr. Randall presented the Library Annual Report. Inventory is done once a year near thanksgiving. The library has 50,599 items in the building. There have been 12,342 visits per month. There are 12,327 card holders. The library has filled 5 positions this last year.

6. Public Hearing and Motion on Ordinance 2024-18 An Ordinance of Tooele City Reassigning the Land Use Designation for Approximately 16.7 Acres of Property Located at Approximately 55 West 3100 North from Medium Density Residential (MDR) to High Density Residential (HDR)

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a land use map amendment for the property located near 55 west 3100 north. Its current Land Use Designation is medium density residential. They are requesting High Density Residential for 16.7 acres. The Planning Commission recommends positive approval.

The public hearing was opened. No one came forward. The public hearing was closed.

The Council asked the following questions:

When this is rezoned, can the Council put a condition that it has to be annexed into the North Tooele Special Service District?

The applicant shared their intent to join the North Tooele City Special Service District.

Mr. Baker addressed the Council. The Council has near absolute legislative discretion to approve or deny the Land Use Map amendment and zoning change. This would be the Council's only time to add a condition to the changes. Such conditions cannot be imposed at the subdivision or site plan approval phase.

Chairman Brady motioned to approve Ordinance 2024-18 with the condition that the applicant annexes into the North Tooele Special Service District. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

7. Public Hearing and Motion on Ordinance 2024-19 An Ordinance of Tooele City Reassigning the Zoning for Approximately 16.7 Acres of Property Located at Approximately 55 West 3100 North from GC General Commercial to MR-20 Multi-Family Residential

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a zoning amendment for the property located 55 west 3100 north. It is currently zoned GC, General Commercial. The applicant is requesting MR-20, Multi-family residential. The applicant is looking to do MR-17 in the 16.7 acres. The Planning Commission recommends approval. If this is rezoned, this satisfies two of the requirements for modern income housing.

Mr. Baker addressed the Council. There is a disconnect at the legislature between affordability and density. State policy requires increased densities, but increased density does not necessarily increase affordability. As the City moves forward with this development inside the North Tooele City Special Service District, it would be great to begin developing standards for the commercial areas, because currently there are none.

The public hearing was opened. No one came forward. The public hearing was closed.

Council Member Manzione motioned to approve Ordinance 2024-19; An Ordinance of Tooele City Reassigning the Zoning for Approximately 16.7 Acres of Property Located at Approximately 55 West 3100 North from GC General Commercial to MR-20 Multi-Family Residential with the condition that the applicant annexes into the North Tooele Special Service District. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

8. State Funded Grant Previously Funded by VOCA (Victims of Crime Act)

Presented by Velynn Matson, City Court Victim Advocate

Ms. Matson presented the State funds for VOCA. They have been funded by the state program last year and were approved this year. VOCA has been able to provide extra funding for emergency funds.

9. Ordinance 2024-16 An Ordinance of Tooele City Amending Tooele City Code Section 6-3-3 Regarding Service Animal Licensing Fees

Presented by Adrian Day, Police Chief

Chief Day section 6-3-3 exempts Service Animal from paying the fees. A service dog does not require documentation or professional training. If it is deemed dangerous, they must pay the animal licensing fees. The fee is \$10 for a fixed fee and \$30 for a dog that is not fixed.

Mr. Baker addressed the Council. The Council could direct staff to remove the exemption all together, making all dogs equal when it comes to license fees.

Council Member Manzione motioned to approve Ordinance 2024-16 Regarding Service Animal Licensing Fees by striking the exemption for animal service fees. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

10. Ordinance 2024-17 An Ordinance of Tooele City Enacting Tooele City Code Section 10-2-8 Regarding Obstruction of Streets and Sidewalks

Presented by Adrian Day, Police Chief

Chief Day presented a City Code section 10-2-8 regarding obstruction of streets and sidewalks. The City can receive \$42,000 under the homeless shelter mitigation grant. The board needs ordinances on camping and restricting the transfer of money or goods on the highway. Utah State Code outlines these items. The intention is to protect the public.

The Council discussed adding additional streets and areas to the Ordinance.

Council Member Gochis motioned to approve Ordinance 2024-17; An Ordinance of Tooele City Enacting Tooele City Code Section 10-2-8 Regarding Obstruction of Streets and Sidewalks including 200 West and Tooele Boulevard. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

11. Resolution 2024-31 A Resolution of the Tooele City Council Renaming Tooele City's Downtown Alliance to Tooele City Historic Main Street Commission

Presented by John Perez, Economic Development Director

Mr. Perez presented the renaming of the Tooele City's Downtown Alliance to Tooele City Historic Main Street Commission.

The Council asked the following questions:
What are the boundaries?

Mayor Winn addressed the Council. The boundary is from Utah Avenue to 100 South, Main street, Vine Street, and Broadway.

Council Member Gochis motioned to approve Resolution 2024-31; A Resolution of the Tooele City Council Renaming Tooele City's Downtown Alliance to Tooele City Historic Main Street Commission. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

12. Resolution 2024-44 A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for U-Haul Moving and Storage

Presented by John Perez, Economic Development Director

Mr. Perez presented a payment of fee in lieu of water rights conveyance for U-Haul moving and storage. They have an estimated capital investment of \$20.8 million, providing two full time positions and four part-time positions. The applicant is requesting 3.8-acre feet.

This item was discussed in the work meeting.

Council Member McCall motioned to approve Resolution 2024-44; A Resolution of the Tooele City Council Authorizing Payment of a Fee in Lieu of Water Rights Conveyance for U-Haul Moving and Storage. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

13. Resolution 2024-45 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Howard Schmidt

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented an annexation petition of Howard Schmidt. This is to annex in 61 acres. The petition does not approve the annexation but accept the petition for further discussion and consideration.

This item was discussed in the work meeting.

Council Member Gochis motioned to approve Resolution 2024-45 A Resolution of the Tooele City Council Accepting for Further Consideration the Annexation Petition of Howard Schmidt. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

14. Condominium Plat Approval Request for Douglas Orthopedics Located at 2321 North 400 East in the GC General Commercial Zone on 2.2 Acres

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a condominium plat for the Douglas Orthopedics. It is zoned GC, General Commercial. The applicant would like to subdivide the building into five units. Mr. Douglas will maintain the main suite. The plat does establish the private ownership, parking lots, and landscape.

Council Member Manzione motioned to approve Condominium Plat Approval Request for Douglas Orthopedics Located at 2321 North 400 East in the GC General Commercial Zone on 2.2 Acres. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

15. Resolution 2024-46 A Resolution of the Tooele City Council Approving and Ratifying an Agreement with J-U-B Engineers for Public Improvement Inspections

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an agreement to be ratified with J-U-B Engineers for Public Improvement Inspections.

Council Member Hansen motioned to approve Resolution 2024-46 A Resolution of the Tooele City Council Approving and Ratifying an Agreement with J-U-B Engineers for Public Improvement Inspections. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

16. Resolution 2024-50 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc., for the 1000 North 100 East Intersection and Roadway Improvements

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented an agreement with Broken Arrow, Inc., for the 1000 North 100 East. This is road widening, storm and drain improvements. The bid is in the amount of \$284,550.07 with a contingency of \$14,000.

Council Member Gochis motioned to approve Resolution 2024-50 A Resolution of the Tooele City Council Approving an Agreement with Broken Arrow, Inc., for the 1000 North 100 East Intersection and Roadway Improvements. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

17. Resolution 2024-49 A Resolution of the Tooele City Council Approving an Agreement with SFT Concrete LLC for the 2024 Tooele Valley Museum Sidewalk Project

Presented by Darwin Cook, Parks and Recreation Director

Mr. Cook presented an agreement with SFT concrete LLC for the installation of the sidewalk at the Tooele Valley Museum Sidewalk Project in the amount of \$35,800. This will better connect all areas of the museum.

~~Council Member Hansen motioned to approve Resolution 2024-49; A Resolution of the Tooele City Council Approving an Agreement with SFT Concrete LLC for the 2024 Tooele Valley Museum Sidewalk Project.~~ Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

18. Resolution 2024-48 A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment and Authorizing the City Purchasing Agent to Dispose of Surplus Personal Property

Presented by Michelle Pitt, City Recorder

Ms. Pitt requested the Council declare surplus a list of technology-related equipment and other goods from the police department. There is an itemized list attached to the resolution which includes old uniforms & coats, iPads, computer towers, laptops, phones, projectors, monitors, cameras and holsters. The items no longer have value to the police department, are not evidence in a criminal prosecution, and are not lost or mislaid property in the possession of the police department. The police department would like to donate the items first city-wide, then to outside agencies, and then dispose of what's left. If approved, the items would be declared surplus and the police department can then start to disperse or dispose of the items.

Council Member McCall motioned to approve Resolution 2024-48; A Resolution of the Tooele City Council Declaring Surplus Certain Technology-Related Equipment and Authorizing the City Purchasing Agent to Dispose of Surplus Personal Property. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

19. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

Black and McDonald for final building for England Acres Lighting in the amount of \$70,267.66.

Council Member Manzione motioned to approve the invoices and purchase orders. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

20. Minutes

There are no changes to the minutes

Council Member McCall motioned to approve the minutes. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

21. Adjourn

Chairman Brady adjourned the meeting at 8:09pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 19th day of June, 2024



Justin Brady, City Council Chair

Exhibit D

Annexation Procedure

Annexation Procedural Outline (2024)

	Procedural Step	Procedural Step Detail	Responsibility	Statutory References	Date Completed
1.	Annexation Policy Plan	Prepare and approve an Annexation Policy Plan after public hearing.	City Council	UCA 10-2-401.5	
2.	Notice of Intent	Prepare Notice of Intent to file annexation petition. Include accurate map. Deliver to City Recorder. Send copy to each affected entity. Ask County to mail notice (see below). Pay postage cost.	Petitioner/ Applicant	UCA 10-2-403(2)(a)	
3.	Notice of Intent	Mail Notice of Intent to all property owners in annexation area and all property owners within 300 feet of annexation area. Provide copy of the Notice and a certificate of mailing to Tooele City.	Tooele County	UCA 10-2-403(2)(b)	
4.	Petition Form	Prepare an Annexation Petition form. Provide the Petition form to the petitioner.	City Recorder or CD Dpmt	UCA 10-2-403(2)(c)	
5.	Petition	Prepare a written Petition (application) signed by property owners of 50%+ of property owners AND owners of 33%+ of property value with legal description.	Petitioner/ Applicant	TCC 7-24-1(a) UCA 10-2-403(3)	
6.	Copy of Petition	Deliver copy of filed Petition to County Clerk on same day as filing with City	Petitioner/ Applicant	UCA 10-2-403(7)	
7.	Plat	Prepare accurate, recordable Plat with legal description, with engineer/surveyor seal and signature blocks.	Petitioner/ Applicant	UCA 10-2-403(3) TCC 7-24-1(b) UCA 17-23-20	
8.	Staff Review	Verify conformity of Petition & Plat	City Planner	UCA 10-2-402	
9.	City Attorney Review	City Attorney to review as to form	City Attorney	TCC 7-24-1(c)	
10.	Resolution #1	Prepare Resolution on whether to accept Petition for further consideration.	City Attorney	UCA 10-2-405	
11.	Vote on Petition	City Council votes on Resolution whether to accept Petition for further consideration.	City Council	UCA 10-2-405 (1)	

12.	Request Studies	Communicate to Petitioner: 1. Need for studies/reports 2. Need to move forward with annexation agreement	Community Development	TCC 7-24-1(e)	
13.	Staff Discussion	Staff meet to discuss City requirements for annexation agreement.	Mayor and City Staff	(no statutory requirement)	
14.	Verify Petition	The City is to verify that the Petition complies and contains the information required by Utah Code.	City Recorder City Attorney	UCA 10-2-405(2)	
15.	Certify Petition	If the Petition is verified, a certification must be delivered to the City Council, County Commission, and Petitioner.	City Recorder	UCA 10-2-405(2)	
16.	Planning Commission	Planning Commission votes on the Petition, then signs the plat.	Planning Commission	TCC 7-24-1(d), (e)	
17.	Notice re Protest Period	Advertise notice of the Petition 1x/week for 3 weeks in newspaper, public notice website, City website.	City Recorder	UCA 10-2-406(1)	
18.	Notice re Public Hearing	Advertise notice of the Public Hearing at least 7 days prior in newspaper, public notice website, City website.	City Recorder	UCA 10-2-407(7)	
19.	Public Hearing	Public Hearing before City Council.	City Council	UCA 10-2-407(7)	
20.	Annexation Agreement	Prepare Annexation Agreement.	City Attorney	TCC 7-24-3	
21.	Resolution #2	Prepare Resolution for City Council to approve Annexation Agreement (to be voted on in the same meeting as the annexation Ordinance).	City Attorney	TCC 7-24-3	
22.	Annexation Agreement	Execute Annexation Agreement.	Petitioner	TCC 7-24-3	
23.	Ordinance	Prepare Ordinance for City Council to approve Petition.	City Attorney	TCC 7-24-1(f)	
24.	Ordinance	City Council votes on the petition. Must be a 2/3 vote to pass. Signs plat.	City Recorder City Council	TCC 7-24-1(e), (f)	
25.	Zoning	Designate in the Ordinance the zoning of the annexed property.	City Council	TCC 7-24-2	
26.	Lieutenant Governor	File required documents with Lt. Governor's Office: notice of impending boundary action; final local entity plat	City Recorder	UCA 10-2-425	
27.	Annexation Agreement	Record Annexation Agreement with County Recorder.	City Recorder	TCC 7-24-3(b)	

28.	Certificate, Ordinance	Record Lt. Governor Certificate, Notice, Ordinance, and Plat with County Recorder.	City Recorder	TCC 7-24-1(g)	
-----	------------------------	--	---------------	---------------	--

Exhibit E

July 17, 2024 City Council Meeting Minutes

Tooele City Council Business Meeting Minutes

Date: Wednesday, July 17, 2024

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Melodi Gochis
Justin Brady
Maresa Manzione
Ed Hansen
David McCall

City Employees Present:

Mayor Debbie Winn
Adrian Day, Police Department Chief
Michelle Pitt, City Recorder
Loretta Herron, Deputy City Recorder
Roger Baker, City Attorney
Andrew Aagard, Community Development Director
Shannon Wimmer, Finance Director
Jamie Grandpre, Public Works Director
John Perez, Economic Development Director

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Brady.

2. Roll Call

Melodi Gochis, Present
Justin Brady, Present
Maresa Manzione, Present
Ed Hansen, Present
Dave McCall, Present

3. Fire Department New Recruits and Award

Chief McCoy presented the Company Recognition Award 2023 which was presented by the Utah Fire Fighters Association Committee for their response to the run-away truck accident in 2023. Chief McCoy presented the new recruits.

4. Youth Court Presentation

Youth Court presented a few youths in the community who committed a crime against Tooele City.

Caden and Corbin Wall formally apologized to the City.

5. Public Comment Period

The public comment period was opened. No one came forward. The public comment was closed.

6. Public Hearing on a Petition for the Canyon Springs Annexation of 61.16 Acres of Land at approximately 750 North Droubay Road by Howard Schmidt into the Tooele City Corporate Limits

Presented by Andrew Aagard, Community Development Director

Mr. Aagard presented a petition for the Canyon Springs Annexation for the property located at 750 North Droubay Road. The annexation is to bring property that is unincorporated into Tooele City boundaries. The applicant is proposing to develop the property into 170 single-family homes.

The public hearing was opened.

Chairman Brady read the public comment emails that were received from Glen Protti and Camille Protti. They shared concerns of water, traffic, pollution, and safety.

Paul Medina shared concerns of water and traffic.

Brett Louill shared his excitement for the project and willingness to work with the City.

The public hearing was closed.

7. Resolution 2024-56 A Resolution of the Tooele City Council Authorizing the Payment of a Fee in Lieu of Water Rights Conveyance, by the City, and the Reservation of Water Rights for the Perry Commercial Center

Presented by John Perez, Economic Development Director

Mr. Perez presented the reservation of water rights for the Perry Commercial Center. The estimated sales tax is \$1.2 million yearly.

Chairman Brady motioned to approve Resolution 2024-56 A Resolution of the Tooele City Council Authorizing water rights allocation for the Perry Commercial Center. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

8. Resolution 2024-57 A Resolution of the City Council (The "Council") of Tooele City, Utah (The "City"), Providing for the Creation of 10th and Main Public Infrastructure District (The District) as an Independent District, Authorizing and Approving an Amended and Restated Governing Document and an Amended and Restated Interlocal Agreement; Appointing a Board of Trustees; Authorizing Other Documents in Connection Therewith; and Related Matters

Presented by John Perez, Economic Development Director

Mr. Perez presented an amendment for the Public Infrastructure District. The district can only impose taxes when they receive written consent from all property owners. This allows them to be a taxing entity.

This item was discussed during the work meeting.

Council Member Manzione motioned to approve Resolution 2024-57. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

9. Resolution 2024-58 A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Jon Gossett to the Planning Commission as an Alternate Commission Member

Presented by Mayor Debbie Winn

Mayor Winn presented the Mayor's Appointment of Jon Gossett to the Planning Commission as an alternate Commission member.

Council Member Hansen motioned to approve Resolution 2024-58; A Resolution of the Tooele City Council Acknowledging the Mayor's Appointment of Jon Gossett to the Planning Commission as an Alternate Commission Member. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

10. Resolution 2024-59 A Resolution of the Tooele City Council Approving and Ratifying a Change Order No. 1 to a Roadway Improvements Project for the 2000 North and Berra Boulevard Roundabout Intersection Improvements

Presented by Jamie Grandpre, Public Works Director

Mr. Grandpre presented a ratification of Change Order No. 1 to a Roadway Improvements Project for the 2000 North and Berra Boulevard Roundabout Intersection Improvements. The contract is with Broken Arrow in the amount of \$156,380.63 with an \$8,000 contingency.

Council Member Manzione motioned to approve Resolution 2024-59; A Resolution of the Tooele City Council Approving and Ratifying a Change Order No. 1 to a Roadway Improvements Project for the 2000 North and Berra Boulevard Roundabout Intersection Improvements. Council Member Gochis seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Gochis, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

11. Renumbering Resolution #2024-27, Regarding the Tier 2 Public Safety/Fire Pick-up Election, to Resolution #2024-37

Presented by Michelle Pitt, City Recorder

Resolution #2024-27 regarding the Tier 2 Public Safety/Fire Pick-up Election, and Resolution #2024-33 regarding the School Resource Officer Retention Bonus were brought before the City Council on June 19th and were approved. As staff were filing and indexing these resolutions, the staff realized that the numbers 2024-27 and 2024-33 had already been assigned to resolutions and had already been approved by the Council. This item does not require a vote, but is presented as a housekeeping item. Resolution #2024-27 will be renumbered to 2024-37, and Resolution #2024-33 will be renumbered to 2024-34.

12. Renumbering Resolution #2024-33, Regarding the School Resource Officer Retention Bonus, to Resolution #2024-34

Presented by Michelle Pitt, City Recorder

This item was presented with the above information of #11.

13. Invoices & Purchase Orders

Ms. Pitt presented the following invoices and purchase orders:

Nickerson Company for pump well #12 in the amount of \$50,451.
Rehrig Pacific Co. for 702 garbage cans in the amount of \$40,288.30.
Broken Arrow for the 100 S 100 W storm drain replacement in the amount of \$46,115.41.
RH Borden & Company LLC for the acoustic assessment of sewer line pipes and manhole inspections in the amount of \$51,150.

Council Member McCall motioned to approve the invoices and purchase orders. Council Member Hansen seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council Member Gochis, “Aye,” Council Member Manzione, “Aye,” Council Member McCall, “Aye,” and Chairman Brady, “Aye.” The motion passed.

14. Minutes

There are no changes to the minutes

Council Member Hansen motioned to approve Minutes. Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, “Aye,” Council

Member Gochis, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye," and Chairman Brady, "Aye." The motion passed.

15. Adjourn

Chairman Brady adjourned the meeting at 7:33pm.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 7th day of August, 2024

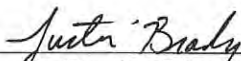

Justin Brady, City Council Chair

Exhibit F

July 10, 2024 Planning Commission Meeting Minutes

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, July 10, 2024

Time: 7:00 p.m.

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Melanie Hammer

Jon Proctor

Chris Sloan

Tyson Hamilton

Weston Jensen

Matt Robinson

Kelley Anderson

Commission Members Excused:

Alison Dunn

City Council Members Present:

Maresa Manzione

Ed Hansen

City Employees Present:

Andrew Aagard, City Development Director

Jared Hall, City Planner

Roger Baker, City Attorney

Minutes prepared by Katherin Yei

Chairman Hamilton called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Melanie Hammer, Present

Tyson Hamilton, Present

Weston Jensen, Present

Chris Sloan, Present

Jon Proctor, Present

Kelley Anderson, Present

Matt Robinson, Present

Alison Dunn, Excused

3. Public Hearing and Recommendation on an annexation petition and plat regarding the annexation of 61.16 acres of property located at approximately 750 North Droubay Road into Tooele City's incorporated boundaries.

Presented by Andrew Aagard, Community Development Director

Mr. Perez presented an annexation petition and plat for the 61.16 acres of property located at 750 North Droubay Road. It currently does not have a land use designation. The surrounding properties are designated as MDR and zoned R1-7. The intended use is to develop the property to 172 lots of single-family homes. The studies the applicant submitted was provided for the Planning Commission.

The Planning Commission asked the following questions:

Does the developer have to provide their own utilities when they are not part of the City?

Is there anything different from the last application to this one?

Was the packet referencing the newest agreement?

Mr. Aagard addressed the Commission. If a piece of land is in Tooele City, the developer has a right to develop. Property annexed in will have to provide their infrastructure. The petition is essentially the same. There is a trail shown on the plans. The trail is part of Tooele County and not going to be part of the annexation. The agreement does mention minimum lot sizes and will have to follow up the single-family design standards.

Mr. Baker addressed the Commission. The letter from the Finance Director is new this go around. Tooele County has approached UDOT to acquire the property for a trail. One of the agreements was to have a contribution to help offset public safety costs, pedestrian activated crosswalks, and recommendations of the varies studies will guide the developer to improve the water and sewer systems.

The Planning Commission opened the public hearing. No one came forward. The public hearing was closed.

Commissioner Proctor motioned to approve a positive recommendation on an annexation petition and plat regarding the annexation of 61.16 acres of property located at approximately 750 North Droubay Road into Tooele City's incorporated boundaries based on the findings listed in the staff report. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Sloan, "Aye", Chairman Hamilton, "Aye", Commissioner Jensen, "Nay", Commissioner Robinson, "Aye", Commissioner Proctor, "Aye", and Commissioner Anderson, "Nay". The motion passed.

4. Public Hearing and Decision – Application #2024-020, a request by Heygley Gonzalez for Conditional Use approval to allow an in-home childcare business for between eight and sixteen children on property located at 942 N. 650 East in the R1-7 Zoning District.

Presented by Jared Hall, City Planner

Mr. Hall presented a Conditional Use Permit for 8-16 children for an in-home childcare business located near 942 N 650 East. It is zoned R1-7. Operation begins at 7:30am for staff. Children will arrive between 8:00am and 9:00am. There are two spaces in the driveway for parents to park. Staff will be waiting at the door during hours to help with safety, pick up, and drop off times. Operations end at 6:00pm. Staff is recommending approval with the conditions listed.

The public hearing was opened. No one came forward. The public hearing was closed.

Commissioner Hammer motioned to approve the Conditional Use Permit for an in-home childcare business for between eight and sixteen children on property located at 942 N. 650 East in the R1-7 Zoning District based on the findings, facts, and subject to the conditions listed in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye”, Commissioner Proctor, “Aye”, and Commissioner Anderson, “Aye”. The motion passed.

5. City Council Reports

Council Member Manzione did not have anything to report.

6. Review and Approval – Planning Commission Minutes

There are no changes to the minutes.

Commissioner Robinson motioned to approve the minutes. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Sloan, “Aye”, Chairman Hamilton, “Aye”, Commissioner Jensen, “Aye”, Commissioner Robinson, “Aye” and Commissioner Proctor, “Aye”. The motion passed.

Commissioner Anderson abstained from voting.

7. Adjourn

Chairman Hamilton adjourned the meeting at 7:23 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 16 day of August, 2024

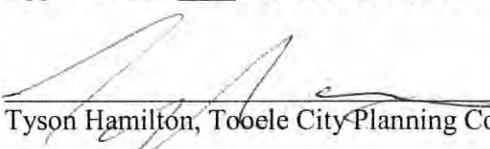

Tyson Hamilton, Tooele City Planning Commission Chair

Exhibit G

Annexation Agreement

TOOELE CITY CORPORATION

RESOLUTION 2024-60

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING THE CANYON SPRINGS ANNEXATION AGREEMENT.

WHEREAS, by application dated April 25, 2024, petition sponsor Howard Schmidt (the "Petitioner"), filed with Tooele City an Annexation Application (aka "Petition") for the annexation of 61.16 acres of land (the Canyon Springs property) into Tooele City; and,

WHEREAS, on June 5, 2024, the City Council approved Resolution 2024-45, accepting the Petition for further consideration; and,

WHEREAS, Tooele City Code §7-24-3 requires every annexation to be preceded by an annexation agreement setting forth the terms and conditions governing the annexation; and,

WHEREAS, the proposed Canyon Springs Annexation Agreement is attached as Exhibit A; and,

WHEREAS, Section 1 of the proposed Annexation Agreement provides that it "shall take effect upon the City Council's approval by at least a two-thirds (2/3) majority vote of an ordinance annexing the Property into Tooele's corporate limits, and this Agreement **shall not take effect otherwise**" [emphasis added];

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Canyon Springs Annexation Agreement attached hereto as Exhibit A is hereby approved and that the Mayor is hereby authorized to sign the same following approval of the Canyon Springs annexation by ordinance.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this 21st day of August, 2024.

TOOELE CITY COUNCIL

(For)

(Against)

[Handwritten Signature]

Melodi M. Orkus

Justin Brady

[Handwritten Signature]

[Handwritten Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

SEAL

Approved as to Form:

[Handwritten Signature]
Roger Evans Baker, City Attorney

Exhibit A

Canyon Springs Annexation Agreement

Contact:
Tooele City Recorder
90 North Main
Tooele, UT 84074
(435) 843-2113

Affected Parcel(s): 03-032-0-0014

CANYON SPRINGS ANNEXATION AGREEMENT

TOOELE EAST LLC (“**Petitioner**”), a Utah limited liability company, and TOOELE CITY CORPORATION (“**Tooele**”), a Utah municipality and political subdivision of the State of Utah, and a Utah charter city (collectively the “**Parties**”), hereby make and enter into this Canyon Springs Annexation Agreement (“**Agreement**”) in connection with and to govern the annexation of the 61.16-acre Canyon Springs property (“**Property**”).

RECITALS

- A.** Petitioner owns the Property, which consists of approximately 61.16 contiguous acres of real property adjacent to and contiguous with Tooele (see illustration attached as **Exhibit A**).
- B.** Petitioner submitted a Petition for Annexation (“**Petition**”) on April 25, 2024, seeking annexation of the Property into Tooele.
- C.** Petitioner desires, and Tooele consents to, the annexation of the Property into Tooele’s corporate limits, subject to the terms and conditions of this Agreement.
- D.** The City Council of Tooele finds that the annexation: (i) will serve the best interests of Tooele and the welfare of its inhabitants; (ii) is consistent with Tooele’s Annexation Policy Plan; (iii) will not create islands or peninsulas of unincorporated territory; and, (iv) will not be annexed for the sole purpose of acquiring municipal revenue.
- E.** Petitioner plans, and Tooele desires, quality residential development upon the Property, while at the same time creating public benefits and amenities on, and associated with, the Property. Future development on the Property is referred to herein as **Canyon Springs**, irrespective of the final development name and configuration.
- F.** Tooele City Code (TCC) Section 7-24-3 requires an annexation agreement as a condition of every annexation approval, and Tooele desires to set forth Petitioner’s obligations concerning the annexation of the Property.
- G.** On June 5, 2024, the City Council of Tooele approved Resolution 2024-45, accepting the Petition for further consideration.
- H.** Petitioner has provided to Tooele, at Tooele’s request and at Petitioner’s cost, analyses of the impacts of Canyon Springs upon Tooele’s utility systems, including culinary water, sanitary sewer, storm water drainage, and fiscal and tax. The Tooele Administration has provided to the

City Council additional information.

I. On July 10, 2024, the Petition was presented to the Tooele Planning Commission, which recommended approval of the annexation by a vote of 5-2.

J. Tooele's approval of the annexation of the Property is the consideration for Petitioner's performance of the obligations set forth in this Agreement, and Tooele has no further obligations under this Agreement.

K. The City Council of Tooele, acting pursuant to its statutory authority under Utah law, with its authority as a Utah charter city, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, regulations, and policies, and, in the exercise of its legislative authority and discretion, has chosen to approve this Agreement.

AGREEMENT

Now, therefore, in consideration of the mutual covenants, conditions, and terms of this Agreement, as set forth herein, Petitioner and Tooele hereby agree as follows:

1. **Effective Date.** This Agreement shall take effect upon the City Council's approval by at least a two-thirds (2/3) majority vote of an ordinance annexing the Property into Tooele's corporate limits, and this Agreement shall not take effect otherwise. Tooele shall have no obligation in law or equity to sign the approved annexation plat until after Petitioner has executed this Agreement.
2. **Land Use and Zoning.** Upon completion of the annexation of the Property into Tooele, the Property will possess the MDR (medium density residential) land use designation and the R1-8 zoning designation, and Petitioner agrees to these designations.
3. **No Vested Rights.** This Agreement shall not confer upon any party or parcel any land use entitlements or vested rights.
4. **Dwelling Unit Cap.** The Canyon Springs development shall not exceed 172 dwelling units.
5. **Petitioner's Obligations.** Petitioner shall perform the following obligations in consideration for Tooele approving the annexation of the Property.
 - a. **Land Use Approvals.** Petitioner shall comply with all applicable Tooele laws and regulations, current as of the date of any complete land use application (e.g., subdivision), as a condition of land use approvals for the Property.
 - b. **Dedications.** Petitioner shall dedicate and convey to Tooele all public roads, public improvements, infrastructure easements, and access easements as are shown upon approved subdivision final plats, site plans, building permits, and construction drawings for land uses approved on the Property.

- c. **Water Rights.** Petitioner shall comply with TCC Chapter 7-26 regarding the conveyance of water rights for Canyon Springs, and agrees to the lawfulness of the water rights exaction. The water rights for a final subdivision shall be conveyed prior to approval of that final subdivision.
- d. **Culinary Water Improvements.** Petitioner shall construct and install, at Petitioner's cost, all culinary water project improvements and system improvements required by Tooele for all Canyon Springs land use approvals. Petitioner shall follow all the recommendations of that Memorandum re "Canyon Springs Annexation Drinking Water System Review" dated April 21, 2022, by Hansen Allen & Luce, Inc, attached as **Exhibit B**. Inasmuch as any system improvements necessary for Canyon Springs are not included in Tooele City's current water impact fee facilities plan or impact fee analysis, Petitioner shall not be eligible for, and shall have no right to receive, impact fee credits or reimbursements for the water system improvements.
- e. **Sanitary Sewer Improvements.** Petitioner shall construct and install, at Petitioner's cost, all sanitary sewer project improvements and system improvements required by Tooele for all Canyon Springs land use approvals. Petitioner shall follow all the recommendations of that Memorandum re "Canyon Springs Annexation – Wastewater Review" dated April 26, 2022, by Hansen Allen & Luce, Inc, attached as **Exhibit C** (including Project E-1 described more fully in Exhibit C). Petitioner shall not be eligible for, and shall have no right to receive, impact fee credits or reimbursements for the sewer system improvements.
- f. **Storm Water Improvements.** Petitioner shall construct and install, at Petitioner's cost, all storm water project improvements and system improvements required by Tooele for all Canyon Springs land use approvals. Petitioner shall follow all the recommendations of that Memorandum re "Canyon Springs – Drainage Review" dated April 21, 2022, by Hansen Allen & Luce, Inc, attached as **Exhibit D**. Notwithstanding the above, all storm water detention facilities shall be designed to be multi-functional, i.e., irrigated, landscaped, separated from Droubay Road for public safety, ready for multi-purpose storm water drainage and recreational uses, and approved in writing by both the Public Works Director and the Parks and Recreation Director of Tooele. Storm water detention facilities shall not be eligible for reimbursement or credit from parks and recreation impact fees, and Petitioner waives all rights it might otherwise have to parks and recreation impact fee reimbursements or credits for landscape and recreation facilities and improvements designed as part of the multi-functional storm water detention facilities.
- g. **Parks Facilities.** Petitioner shall not be required to construct any public park facilities in Canyon Springs. Canyon Springs building permits shall include the payment of park and recreation impact fees.
- h. **Parks Monetary Contribution.** Petitioner shall pay to Tooele a voluntary contribution in the sum of \$250,000 to be used by Tooele on park and recreation-related improvements and programs, in Tooele's sole discretion. This payment is part of the

consideration for the Property’s annexation, does not address the specific parks and recreation impacts of Canyon Springs on the City, and shall not entitle Petitioner to a reimbursement or credit from parks and recreation impact fees paid with Canyon Springs building permits. Petitioner waives any right to impact fee credits for the park monetary contribution. Petitioner shall make the payment at the time of any final subdivision application submission to the City, in the amount of \$2,000 per subdivision lot, until fully paid.

i. **Single-family Design Standards.** All Canyon Springs dwellings shall comply with Tooele’s single-family design standards as codified in TCC Chapter 7-11b of the Tooele City Code, irrespective of the limitations in UCA 10-9a-530, each as amended. For the limited purpose of this Section 5.j., and for no other purpose, this Agreement shall be considered a development agreement, as defined in UCA 10-9a-103, as amended. In the alternative, Tooele and Petitioner may negotiate and execute an, separate from this Agreement, to adopt a different Canyon Springs single-family dwelling design standard. If an alternative design standard agreement has not been executed prior to Petitioner’s land use application for a first final subdivision phase, then TCC Chapter 7-11b shall apply in perpetuity to Canyon Springs.

j. **Dwelling Sizes.** Because Petitioner has represented Canyon Springs to be a “step up” or “move up” residential development project, Petitioner agrees that all dwellings shall have the following minimum above-ground floorplan of finished square-footage, not including the garage:

Lot Size (sq ft)	< 10,000	10,000 - 12,000	> 12,000
House Size (1 story)	1,400	1,500	1,600
House Size (2 stories)	1,800	2,000	2,200

k. **Garages.** A minimum of 50% of the dwellings in Canyon Springs shall have a three-or-more-car garage of at least industry standard dimensions.

l. **Public Safety Contribution.** As consideration for the annexation of the Property, Petitioner agrees to pay to Tooele a voluntary contribution of \$250,000 for public safety purposes, to be used in Tooele’s sole discretion. Petitioner shall make the payment at the time of any final subdivision application submission to the City, in the amount of \$2,000 per subdivision lot, until fully paid.

m. **Trail Improvements.** Petitioner shall enter into an agreement with Tooele County to pave a trail on County-owned property located immediately adjacent to the south Property line, beginning at the Droubay Road right-of-way and proceeding east to the eastern Property line. The pavement shall be to County specifications. Execution of the agreement by Petitioner shall be a condition precedent to Tooele obtaining from the State of Utah, and recording with the Tooele County Recorder, a Certificate of

annexation or boundary adjustment, and a local entity plat, for the Canyon Springs annexation.

6. **General Terms and Conditions.**

- a. **Binding Effect and Assignment.** Petitioner may convey all or part of the Property to one or more purchasers. Petitioner shall remain responsible for all Petitioner's obligations under this Agreement unless all of the obligations are assigned at one time to a third party. No assignment of this Agreement and its Petitioner obligations shall be valid without Tooele's prior written consent. Tooele shall not unreasonably withhold its consent after Petitioner demonstrates that the assignee possesses the financial means to fulfill all of Petitioner's obligations under this Agreement. Any assignment must be accomplished by an assumption and assignment agreement, upon which Tooele's consenting signature is necessary for effectiveness of the assignment.
- b. **State and Federal Law.** Petitioner agrees that the obligations imposed by this Agreement comply with local, state, and federal law. The Parties agree that if any provision of this Agreement should be or become, in its performance, non-compliant with state or federal law, or should be declared invalid by a court, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law or the order of the court, as the case may be, and the balance of this Agreement shall remain in full force and effect.
- c. **Recitals.** The above recitals are incorporated into and made a part of this Agreement.
- d. **Exhibits.** All Exhibits referred to herein are incorporated into and made a part of this Agreement.
- e. **Headings.** The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope, interpretation, or construction of any of the terms and provisions of this Agreement or the intent hereof.
- f. **No Third-Party Rights.** This Agreement does not create any joint venture, partnership, joint undertaking, or joint business arrangement between Petitioner and Tooele. Notwithstanding the Trail provision in Section 5.i., above, this Agreement does not create any rights or benefits in or to third parties.
- g. **No Waiver.** The failure by Tooele to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement, or to exercise any right or remedy consequent upon Petitioner's failure to perform thereof, shall not constitute a waiver by Tooele of any such failure to perform or of any other covenant, agreement, term, or condition.
- h. **Integration.** This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature.

- i. **Amendment.** This Agreement may be modified only by a subsequent writing duly executed and approved by the Parties hereto.
- j. **Mutual Participation in Document Preparation.** Each party has participated materially in the negotiation and preparation of this Agreement and any related items. In the event of a dispute concerning the interpretation of any provision of this Agreement or any related item, both Parties will be deemed to have jointly drafted this document, and the rule of construction to the effect that certain ambiguities are to be construed against the party drafting a document will not apply.
- k. **Applicable Law.** Utah law shall govern this Agreement and its construction.
- l. **Venue.** Venue shall be the Third District Court, Tooele Department.
- m. **Court Costs and Attorneys Fees.** In the event of any legal action between the Parties, arising out of or related to this Agreement, the prevailing Party shall be entitled to recover costs and reasonable attorneys' fees.
- n. **Limitation of Remedies.** Petitioner's sole and exclusive remedy for any non-performance or breach of Tooele's express or implied covenants of this Agreement is declaratory relief construing this Agreement's rights and obligations and specific performance of this Agreement. Under no circumstances shall Tooele City Corporation or its agents be liable to Petitioner or Petitioner's successors-in-interest for any monetary damages, including, but not limited to, special, general, direct, indirect, delay, compensatory, expectancy, consequential, reliance, out-of-pocket, restitution, or other damages.
- o. **No Jury Trial.** To the fullest extent permitted by law, each of the Parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under, or in connection with this Agreement.
- p. **Dispute Resolution.** Tooele and Petitioner recognize and agree that it is in their mutual interest to attempt to informally resolve any disputes that may arise with respect to the interpretation of this Agreement, including as it applies to future Canyon Springs land use applications. In furtherance of that mutual interest, the Parties agree to the following dispute resolution provisions.
 - i. Meet and Confer. In an attempt to resolve the issues or concerns in an expeditious and efficient manner, the Parties shall meet promptly after any Party makes a written objection to the other Party regarding any Party's performance under this Agreement.
 - ii. Non-Binding Mediation. If the Parties are unable to resolve a disagreement under the Meet and Confer provision, they shall appoint a mutually acceptable mediator with knowledge of the subject matter in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each appoint their own representative. These two appointees shall, between them, choose the single mediator. Petitioner

and Tooele shall each pay an equal portion of the fees of the chosen mediator. The chosen mediator shall review the positions of the Parties regarding the issues in dispute and promptly attempt to mediate the conflict. If the Parties are unable to reach agreement, the mediator shall notify the Parties in writing of the resolution that the mediator proposes. The mediator's proposal shall not be binding on the Parties.

- iii. All Rights Reserved. If resolution under the Non-binding Mediation provision fails or is rejected by any Party, the Parties may pursue any and all legal and equitable remedies available except as limited under this Agreement, including specifically the Limitation of Remedies provision in Section 6.o., above.
- q. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and shall either be delivered personally or by certified mail or express courier delivery to the parties at the following addresses:

Tooele City Corporation
Attention: Mayor
90 North Main
Tooele, UT 84074

Tooele East, LLC
Attention: Howard Schmidt
9300 South Redwood Road
West Jordan, UT 84088

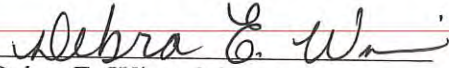
A Party may change its address by giving written notice to the other Party in accordance with this provision.

7. **Binding Authority.** By executing this Agreement, the signatories represent and affirm that they are authorized so to do, and that their respective signatures shall have binding force upon them and upon the Parties represented by each.
8. **Recordation.** This Agreement shall be recorded in the office of the Tooele County Recorder.

(Signature page follows.)

SIGNED:

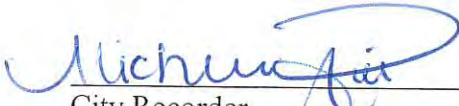
TOOELE CITY CORPORATION



Debra E. Winn, Mayor

TOOELE EAST LLC

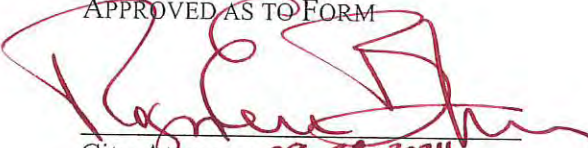

Howard Schmidt, Managing Member

ATTEST:


City Recorder




APPROVED AS TO FORM


City Attorney 08-29-2024

STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

Before me, a notary public, appeared Debra E. Winn, who did affirm to me that she is the Mayor of Tooele City Corporation and that she did execute the foregoing Annexation Agreement with due authority on behalf of Tooele City Corporation this 3rd day of September, 2024

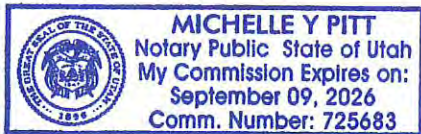





Notary Public
Residing in Tooele County, Utah

STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

Before me, a notary public, appeared Howard Schmidt, who did affirm to me that he is the Managing Member of Tooele East LLC, and that he did execute the foregoing Annexation Agreement on behalf of Tooele East LLC with due authority this 6th day of September, 2024





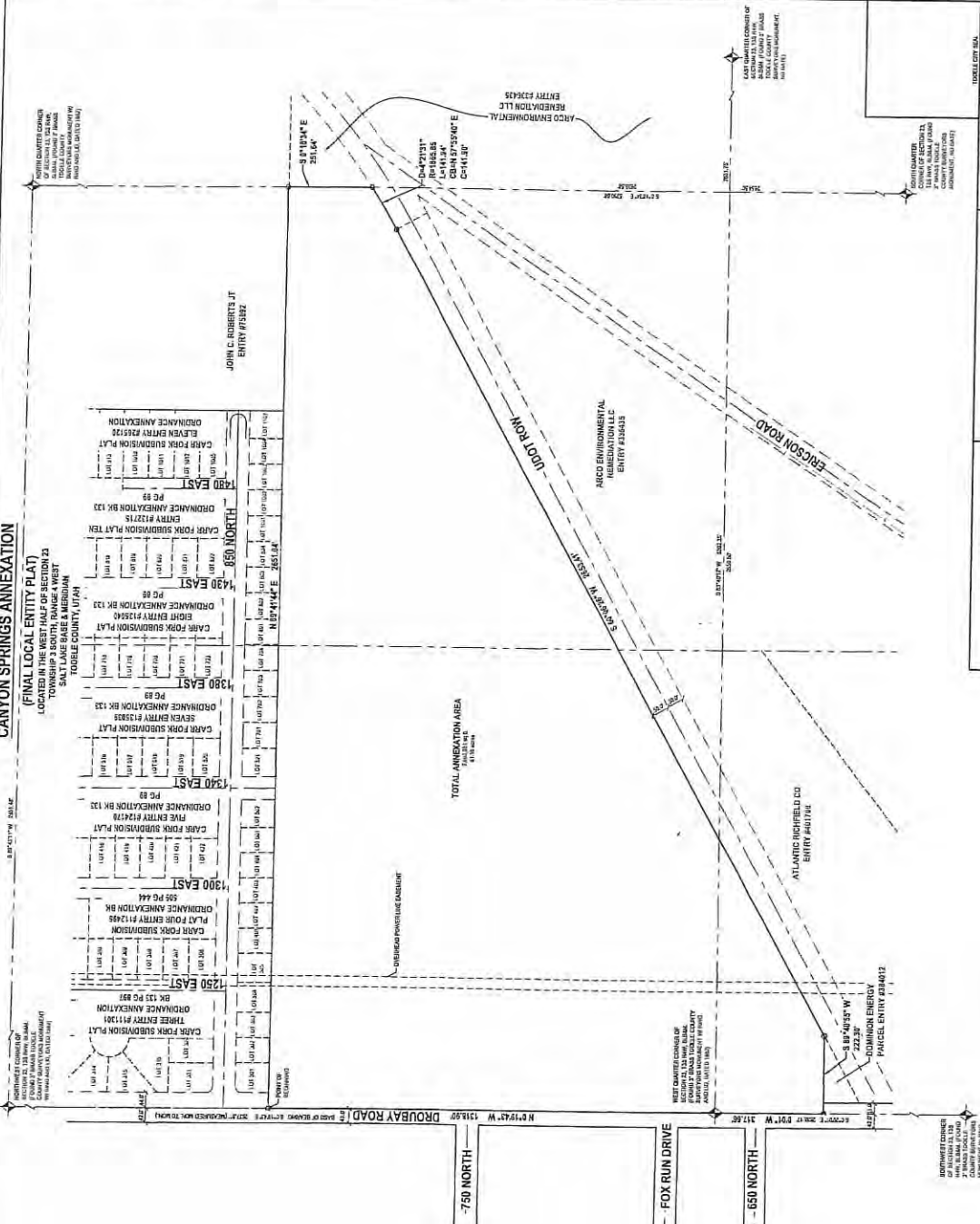
Notary Public
Residing in Tooele County, Utah

Exhibit A

Illustration of the Property

CANYON SPRINGS ANNEXATION

(FINAL LOCAL ENTITY PLAN)
 LOCATED IN THE WEST HALF OF SECTION 23
 TOWNSHIP 3 SOUTH, RANGE 4 WEST
 SALT LAKE COUNTY, UTAH



BOUNDARY DESCRIPTION
 A Parcel of land, within the Salt Lake County, Utah, being that certain parcel of land, more particularly described as follows: ...
 The parcel is bounded on the north by the Salt Lake County, Utah, being that certain parcel of land, more particularly described as follows: ...
 The parcel is bounded on the south by the Salt Lake County, Utah, being that certain parcel of land, more particularly described as follows: ...
 The parcel is bounded on the east by the Salt Lake County, Utah, being that certain parcel of land, more particularly described as follows: ...
 The parcel is bounded on the west by the Salt Lake County, Utah, being that certain parcel of land, more particularly described as follows: ...

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

ACCEPTANCE BY LEGISLATIVE BODY
 THIS IS TO CERTIFY THAT THE CITY ENGINEER HAS REVIEWED THE ANNEXATION MAP AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEER'S ACT AND THE CITY ENGINEER'S REGULATIONS. THE ANNEXATION MAP IS HEREBY ACCEPTED BY THE CITY ENGINEER AND THE CITY ENGINEER'S REGULATIONS ARE HEREBY APPLIED TO THE ANNEXATION MAP.

LEGEND
 BOUNDARY
 EASEMENT
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

HORIZONTAL GRAPHIC SCALE
 1" = 100'

LEGEND
 BOUNDARY
 EASEMENT
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

APPROVALS
 CITY ENGINEER'S APPROVAL
 CITY COUNCIL APPROVAL
 CITY PLANNING COMMISSION APPROVAL

Exhibit B

Drinking Water System Review and Highlighted Recommendations

MEMORANDUM

DATE: April 21, 2022

TO: Paul Hansen, P.E.
Tooele City Engineer
90 North Main
Tooele, Utah 84047

FROM: Katie Gibson Jacobsen, P.E.
Benjamin D. Miner, P.E.
Hansen, Allen & Luce, Inc. (HAL)
859 W. South Jordan Pkwy. Ste. 200
South Jordan, UT 84095

SUBJECT: Canyon Springs Annexation
Drinking Water System Review

PROJECT NO.: 149.08.148



INTRODUCTION

As requested, HAL has performed a review of the effects that the proposed Canyon Springs Annexation will have on the City's public water system. This includes a hydraulic modeling analysis of the proposed drinking water infrastructure for the development. The development is located at approximately 600 North to 840 North, east of Droubay Road in Tooele. The analysis assumes that the development density will be the same as a development layout provided to HAL by Tooele City. This analysis is based on the Utah Division of Drinking Water requirements and the criteria included in the Tooele City Drinking Water System Master Plan dated May 2021 (Master Plan).

This analysis includes a discussion of the effects of the proposed development on the existing system, as well as a discussion of the effects of adding this development to the future scenarios of the master plan.

DRINKING WATER SYSTEM

The Canyon Springs Annexation development is located between 600 North and 840 North east of Droubay Road in Tooele, Utah. The development includes 172 single family residential lots and covers approximately 60 acres. Figure 1 shows a schematic of the existing drinking water pipelines and our assumption of development pipelines. The development will likely propose constructing 8-inch diameter water lines along development streets.

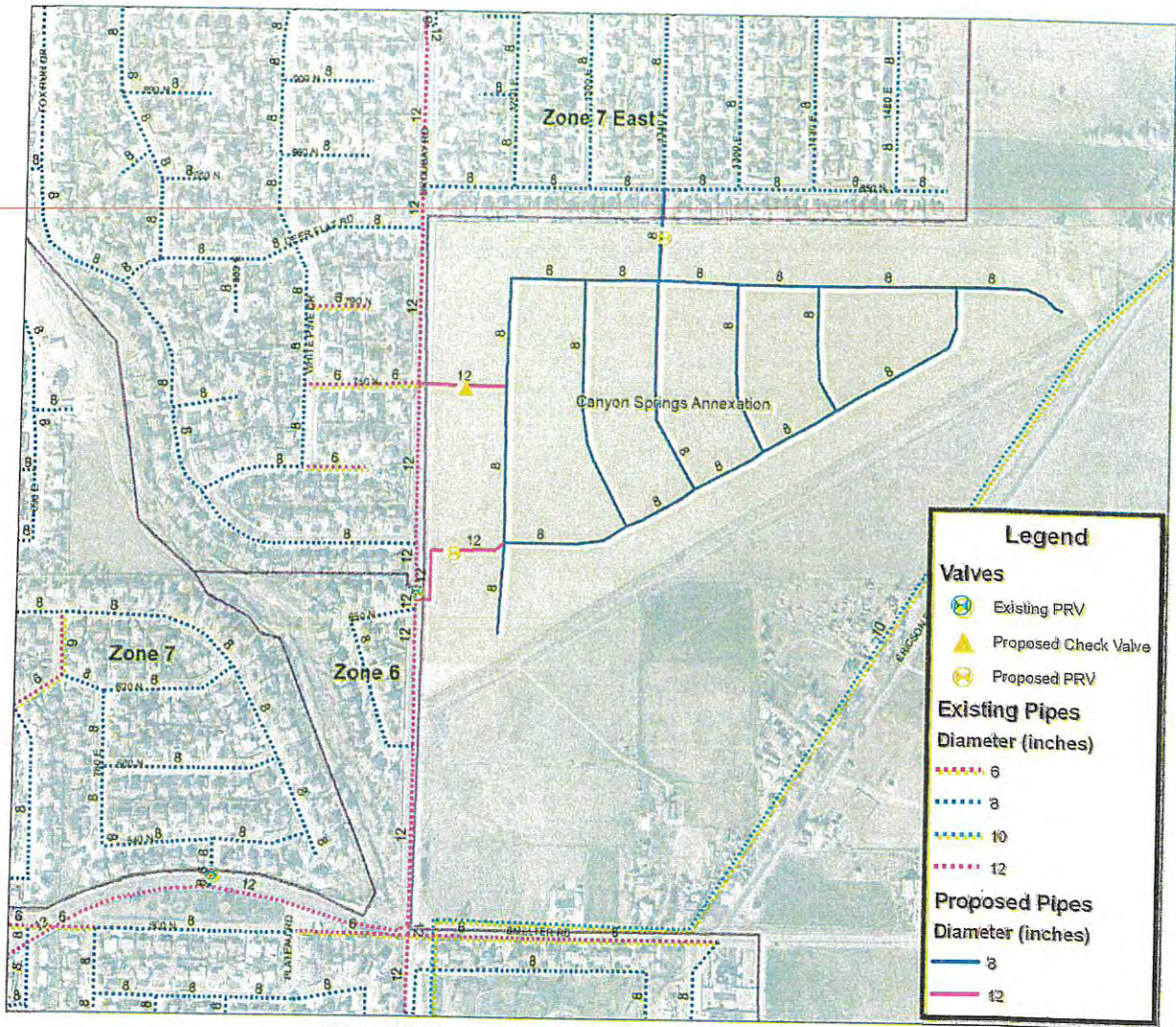


FIGURE 1: DEVELOPMENT LOCATION AND DRINKING WATER SYSTEM PIPE SIZE

Estimated Water Demand

Peak day water demand for the development was calculated using the Level of Service from the Master Plan and data currently available for the proposed development. Estimated indoor and outdoor irrigation demands are calculated as shown in Table 1.

TABLE 1: DRINKING WATER PEAK DAY DEMAND AND STORAGE VOLUME FOR DEVELOPMENT

Development	Units	ERCs	Source/Peak Day Demand¹ (gpm)	Storage² (gal)
Canyon Springs Annexation	172	172	153	93,300

1. Well Source Level of Service is 1,280 gpd per ERC (Tooele City Drinking Water Master Plan, 2021). A peaking factor of 1.75 was multiplied by the peak day demand to get the peak instantaneous demand.

2. The water storage Level of Service is 542 gallons per ERC (Tooele City Drinking Water Master Plan).

Source and Storage

The effects of the Canyon Springs annexation on source and storage were evaluated for the existing system and for the future scenario as described in the Master Plan. Demands for the Canyon Springs annexation area were not included in the Master Plan because they were outside the city boundary. This analysis includes adding these demands to the Master Plan scenarios.

Source and Storage – Existing System

Based on the City's source demand Level of Service of 1,280 gallons per day per ERC, the proposed development will require 153 gpm source capacity, as shown in Table 1. Currently, the City's total reliable source capacity is about 11,730 gpm. Existing demand for constructed development at the time of the 2020 Master Plan is estimated to be 11,600 gpm. With approved development included, the total City peak day demand is estimated to be 13,820 gpm, once all the approved development is constructed.

Based on the City's storage Level of Service of 542 gallons of storage per ERC, the proposed development will require 93,300 gallons of equalization storage, as shown in Table 1. Currently, the City's total storage capacity is 14.3 million gallons (MG). The required storage for existing development at the time of the 2020 Master Plan, including storage for fire flow and emergency, is estimated to be 8.9 MG. With approved development included, the required storage is estimated to be 10.3 MG.

A summary of the anticipated demands and storage requirements, including the proposed Canyon Springs Annexation development, is included in Table 2 below.

TABLE 2: CITY WATER SOURCE AND STORAGE SUMMARY

Description	ERCs		Source Demand (gpm)		Storage Required (MG)	
	This Item	Cumulative	This Item	Cumulative	This Item	Cumulative
2021 Master Plan	13,960	13,960	11,600	11,600	8.93	8.93
Approved Development	2,500	16,460	2,220	13,820	1.34	10.27
Canyon Springs Annexation	172	16,632	153	13,973	93,300 gal	10.36
Estimated City Capacity	-	-	-	11,730	-	14.27
Potential Excess (+) or Deficit (-)	-	-	-	-2,243 ¹ gpm	-	3.91 MG

Note 1 – This does not include the new wells under construction. See discussion below.

It may be observed in Table 2 that the predicted demand may exceed the available source capacity during peak demand periods if all approved development is constructed. The City anticipates completing production wells at Red Delpapa Park (Park well) and near 1500 North Berra Boulevard (Berra well) in the next few months. These wells are anticipated to produce at least 1,000 gpm and 1,500 gpm respectively, which would be enough to eliminate the estimated source deficit and provide a small reserve of about 250 gpm. The City can determine whether to allot this reserve to the Canyon Springs development or preserve it for development within the City. Additionally, the City may wish to preserve source capacity for redundancy in case any wells are out of service.

It is anticipated that adequate storage exists in the City's system for the proposed development.

Source and Storage – Master Plan Capital Facility Projects

The Master Plan indicates that after the Park well and Berra well are constructed, the next three wells are anticipated to provide at least 1,000 gpm each and need to be constructed as shown in Table 3.

TABLE 3: MASTER PLAN CAPITAL FACILITY PROJECTS – SOURCE

Project	Description	ERCs When Required
53-55	East A Well and 12-inch Transmission	15,081
56-57	East C Well and 12-inch Transmission	15,828
58-61	West A Well and 16-inch Transmission	16,950

As shown in Table 2 and Table 3 and based on the number of ERCs projected in the Master Plan the City should construct at least two additional wells beyond the Park Well and Berra Well as soon as possible. Transmission to bring water from these wells to the City is associated with each well, and also needs to be completed. As discussed previously, after adding the Park well and

Berra well to the system, there will be a remaining source capacity of approximately 250 gpm. The next well is needed because the 250 gpm remaining capacity provides very little redundancy or capacity for additional growth. Additionally, it will likely take several years to bring a well online.

The Master Plan indicates two wells are needed to provide full redundancy if the largest well is out of service. After construction of the Park and Berra wells, the Berra well is anticipated to be the largest well in the City system, providing 1,500 gpm. Without the Berra well available, reliable source capacity would be 12,730 gpm. As shown in Table 2, the source demand with the Canyon Springs annexation is 13,973 gpm. Assuming the largest well out of service, one additional well would likely increase the reliable capacity to approximately 13,730 gpm, and two wells would be required to provide the required source demand with a reasonable level of redundancy.

No storage projects are required by the Master Plan to accommodate the Canyon Springs annexation area in the near term.

Source and Storage – Additions to Master Plan System

The Canyon Springs annexation area was not included in the 2021 Master Plan. Adding the development will require additional source beyond what is shown in the Master Plan for the level of growth anticipated by 2060. The Master Plan identifies sources east of and south of Tooele City, potentially as far away as Vernon. Adding the annexation area will expedite the need for these sources, but will not require the identification of new sources.

The Master Plan identified a deficit of 0.1 MG storage at the level of growth anticipated by 2060. Adding the annexation area increases this deficit to 0.2 MG. This deficit will be remedied with the construction of the Berra well operational storage tank and other operational storage tanks discussed in the Master Plan.

Transmission

Tooele City maintains a water network computer model so that the system performance, including transmission capacity, can be evaluated. The proposed development was added to the model so that the effects of the development on the City system could be assessed.

Pressure Zone

The proposed Canyon Springs annexation would be served by the water line along Droubay Road. The pressure zone boundary between Zone 6 and Zone 7 is located at a pressure reducing valve (PRV) located at approximately 660 North Droubay Road. The southern point of the annexation area is adjacent to Zone 6 (higher pressure), and the remainder of the annexation area is adjacent to Zone 7 (lower pressure). Pressure zone boundaries are shown on Figure 1.

The model was used to evaluate which zone is most appropriate for the annexation area. If the development is included in Zone 7, pressures within the development will be insufficient to meet

City and Division of Drinking Water requirements. The development must be constructed as part of Zone 6. This requires constructing a 12-inch waterline to serve the development from upstream (south of) the 660 North Droubay Road PRV. A second PRV must be constructed exiting the development at the connection with the adjacent Carr Fork subdivision (1340 East 800 North). This will allow circulation through the proposed development. An additional 12-inch waterline connection must be constructed from the Zone 7 portion of Droubay Road into the development at 750 North. This connection will serve as a backup supply of water into the proposed development in the case of total loss of use of the primary 12-inch supply line. This waterline must include a check valve to prevent water from leaking through the development from the higher-pressure Zone 6 to Droubay Road. These features are shown on Figure 1.

Master Plan Capital Facility Projects

The master plan projects are shown in Figure 7-1 of the Master Plan. This figure is included in the appendix. The Master Plan indicates these projects should be constructed when the City reaches the number of ERCs shown in Table 4. Including all existing development, approved development, and the Canyon Springs annexation, the City is predicted to have a total of 16,632 ERCs.

TABLE 4: MASTER PLAN CAPITAL FACILITY PROJECTS – TRANSMISSION

Master Plan Project	Description	ERCs When Required
24	12-inch Tank 4 fill line from Canyon Rim line	14,706
25	Control valves on Tank 4 fill line	14,706
26	12-inch Outlet from Tank 4 to Skyline Drive, 980 LF	14,706
27	8-inch Waterline, 7 th Street, Skyline Drive to Vine Street, 2970 LF	14,706
28	10-inch Waterline, 7 th Street, Birch Street to Oquirrh Street, 130 LF	14,706
53-55	East A Well and 12-inch Transmission (~3 miles)	15,081
56-57	East C Well and 12-inch Transmission (~1 mile)	15,828
29	10-inch Waterline, Droubay Road, 280 North to 670 North, 3030 LF	16,575
30	8-inch Waterline, Parallel to Droubay Road, Valley View Drive to Fox Run Drive, 1500 LF	16,575
58-61	West A Well and 16-inch Transmission (~5 miles)	16,950

Master Plan Project 29 is shown as a 10-inch diameter waterline on Droubay Road from just south of Oquirrh Avenue to Fox Run Drive (670 North). This 10-inch waterline size is intended to be constructed in addition to the existing 12-inch waterline on Droubay Road. Rather than constructing parallel waterlines, a new 18-inch waterline would be constructed to replace the existing 12-inch waterline and planned 10-inch waterline. Master Plan Project 29 (18-inch waterline) should be constructed along the frontage of the proposed annexation area.

Master Plan Project 30 is an 8-inch waterline connecting portions of Zone 7 and is located adjacent to the proposed annexation area. A tee for this 8-inch waterline should be constructed as part of the work on Master Plan Project 29 in Droubay Road.

Master Plan Projects 24 through 28 are necessary to allow transmission of water from the City's tanks to Zone 6, Zone 7, and continuing northerly.

Master Plan Projects 53, 56, and 58 are three new wells with their associated transmission waterlines.

Model Results for the Proposed Development

Peak instantaneous minimum and maximum pressures within the development are shown in Table 5, Figure 2, and Figure 3. There is little expected pressure variation between the peak day and peak instantaneous conditions within the Canyon Springs development because the area is controlled by PRVs.

No fire suppression requirement was provided to HAL. The model predicts that the water system is capable of providing 2,400 gpm for fire suppression while maintaining a pressure of 20 psi throughout the system. To achieve this flowrate, several hydrants would be required.

**TABLE 5: DRINKING WATER HYDRAULIC MODELING RESULTS
WITHIN THE PROPOSED DEVELOPMENT**

Condition	Pressure	
	Minimum	Maximum
Peak Day	72 psi	91 psi
Peak Instantaneous	72 psi	91 psi
Diurnal Pressure Variation	0 psi	
Fire Suppression Flow	2,400 gpm	

The proposed drinking water piping meets the criteria set by the Utah Division of Drinking Water and Tooele City for minimum pressures.

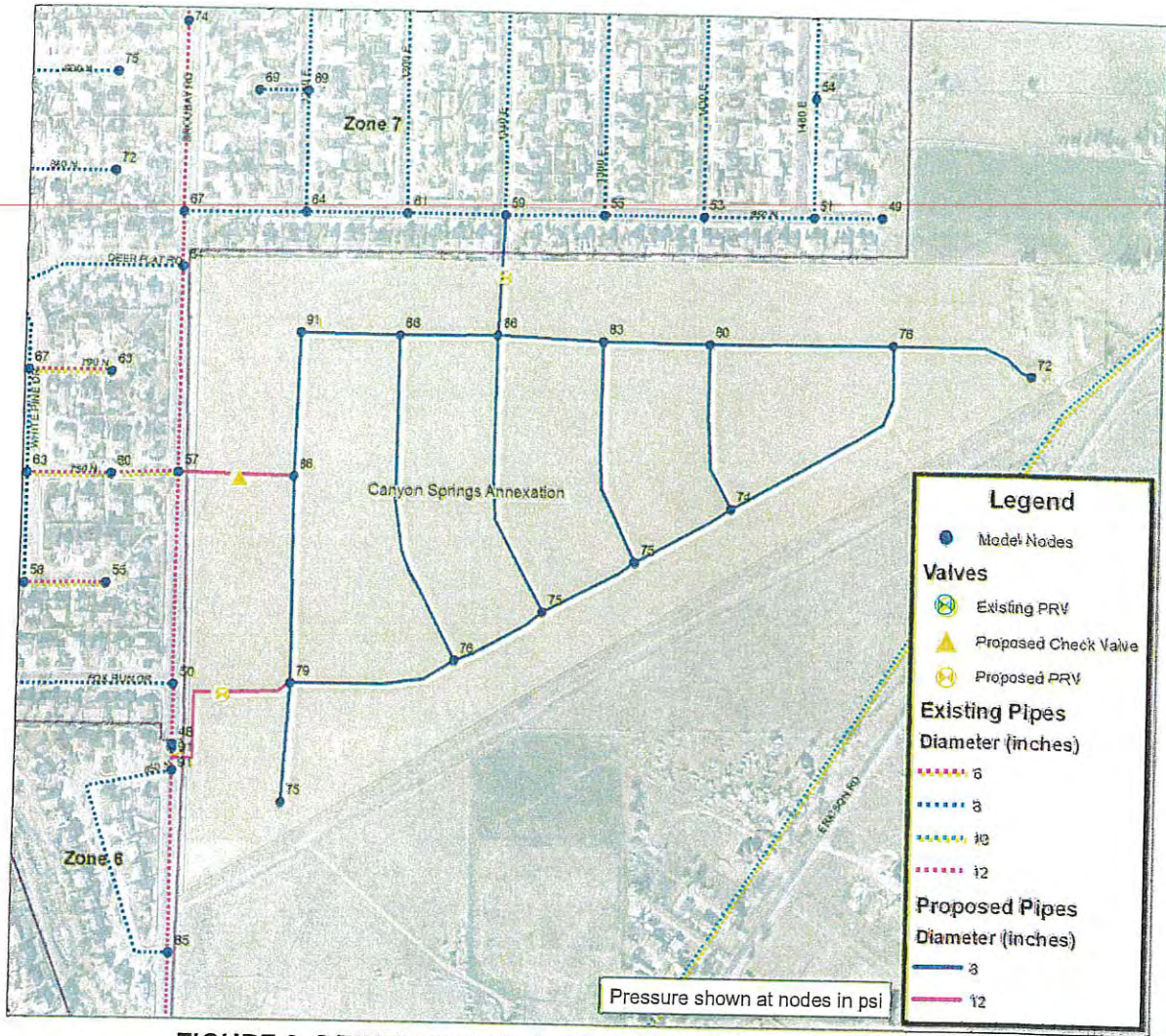


FIGURE 2: DRINKING WATER SYSTEM PEAK DAY PRESSURE

Existing locations with predicted available fire flow below 1,500 gpm were also evaluated. Available fire flow at these locations did not drop more than 0-5 gpm when the new development was added. The hydraulic analysis predicts that the proposed development will not adversely impact the existing system.

CONCLUSIONS AND RECOMMENDATIONS

- After the Park well and Berra well are completed and connected into the drinking water system, the City will have sufficient source capacity to provide peak day demand, but the remaining capacity is very small and does not provide full redundancy in the event a well is out of service. The City should continue efforts to pursue new sources of water immediately. If the proposed Canyon Springs annexation is approved, it will consume most of the available source capacity. This may prevent developments within the City boundaries from being approved in the near future.
- The development is expected to cause small reductions in pressure and available fire flow in the existing drinking water system; however, the system will continue to meet the criteria set by the Utah Division of Drinking Water and Tooele City. The model predicts that after completion of the Park well and Berra well, the system can supply 2,400 gpm for fire suppression within the Canyon Springs development.
- **The proposed Canyon Springs annexation area must be served from Pressure Zone 6 (higher pressure). This requires constructing a 12-inch waterline from upstream (south of) the 660 North Droubay Road PRV into the Canyon Springs development. A second PRV is required exiting the development at 1340 East 800 North. An additional backup 12-inch waterline connection must be constructed from Pressure Zone 7 (lower pressure) into the development at 750 North and must include a check valve.**
- The analysis demonstrates there will be adequate storage available to support the Canyon Springs development.

Exhibit C

Wastewater Review and Highlighted Recommendations
(Including Project E-1 from
Wastewater Collection System Master Plan)

MEMORANDUM

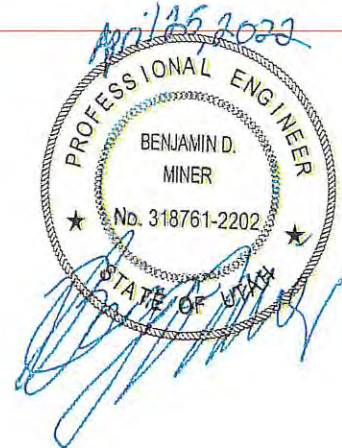
DATE: April 26, 2022

TO: Mr. Paul Hansen, P.E.
Tooele City Engineer
90 North Main
Tooele, Utah 84047

FROM: Benjamin D. Miner, P.E.
Jason Biesinger, Project Analyst
Hansen, Allen & Luce, Inc. (HAL)
859 W. South Jordan Pkwy. Ste. 200
South Jordan, UT 84095

SUBJECT: Canyon Springs Annexation - Wastewater Review

PROJECT NO.: 149.08.148

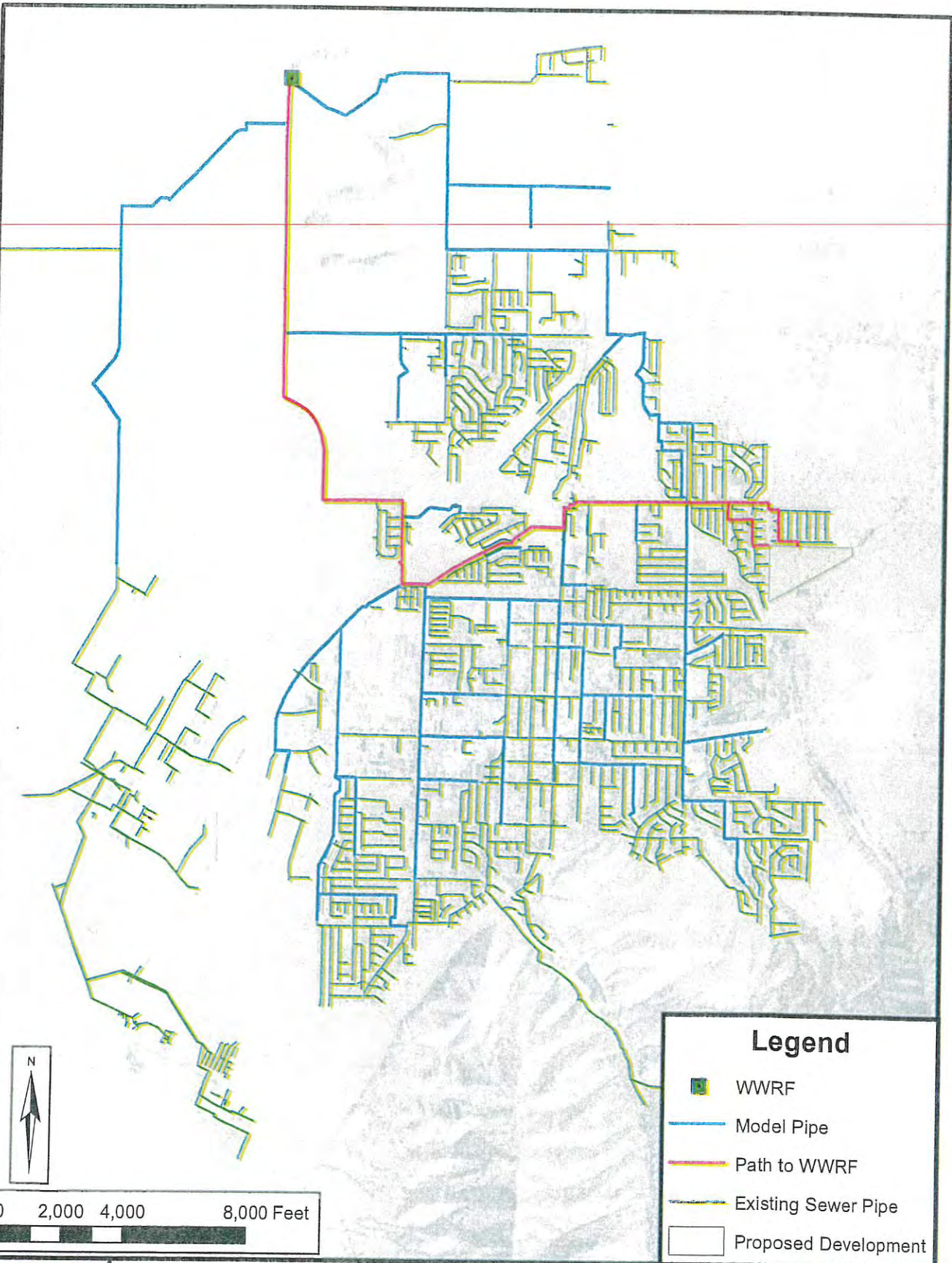


INTRODUCTION

As requested, HAL has performed a review of the effects of the proposed Canyon Springs Annexation on the City's public wastewater collection system. This includes a hydraulic modeling analysis of the proposed wastewater collection infrastructure for the development. The development is located at approximately 600 North to 840 North, east of Droubay Road in Tooele. The analysis assumes that the development density will be the same as a development layout provided to HAL by Tooele City. This analysis has considered the Utah Division of Water Quality (DWQ) requirements and predicted wastewater flow rates that have been identified as part of the on-going wastewater master plan study.

WASTEWATER SYSTEM

The Canyon Springs Annexation development is located at approximately 750 N and Droubay Road in Tooele, Utah, and will include 172 residential lots. Figure 1 shows a schematic map of the existing wastewater system in the vicinity of the proposed development. It is anticipated that the development will connect to existing 8-inch gravity lines on the northern and western boundaries of the proposed subdivision.



Legend

- WWRf
- Model Pipe
- Path to WWRf
- Existing Sewer Pipe
- Proposed Development

0 2,000 4,000 8,000 Feet



Date: 4/21/2022
 Document Path: H:\Projects\149 - Tooele City\08.148 - Canyon Springs - Annexation\GIS\Figure 1_Existing System.mxd



**Tooele City - Canyon Springs Annexation
Existing Wastewater Collection System**

**FIGURE
1**

ESTIMATED WASTEWATER GENERATION

Wastewater generation for the development was estimated based on data currently available for the proposed development. Estimates assume an average wastewater flow of 170 gpd/ERU for average daily flow. This value is peaked by 1.55 in the model analysis. Estimated wastewater production is provided in Table 1.

TABLE 1: EXISTIMATED WASTEWATER PRODUCTION FOR CANYON SPRINGS

Development	Units	ERUs	Daily Flow / ERU (gpd)	Average Daily Sewer Generation (gpd)	Average Daily Sewer Generation (gpm)
Canyon Springs Annexation	172	172	170	29,240	20.3

WASTEWATER COLLECTION SYSTEM MODELING

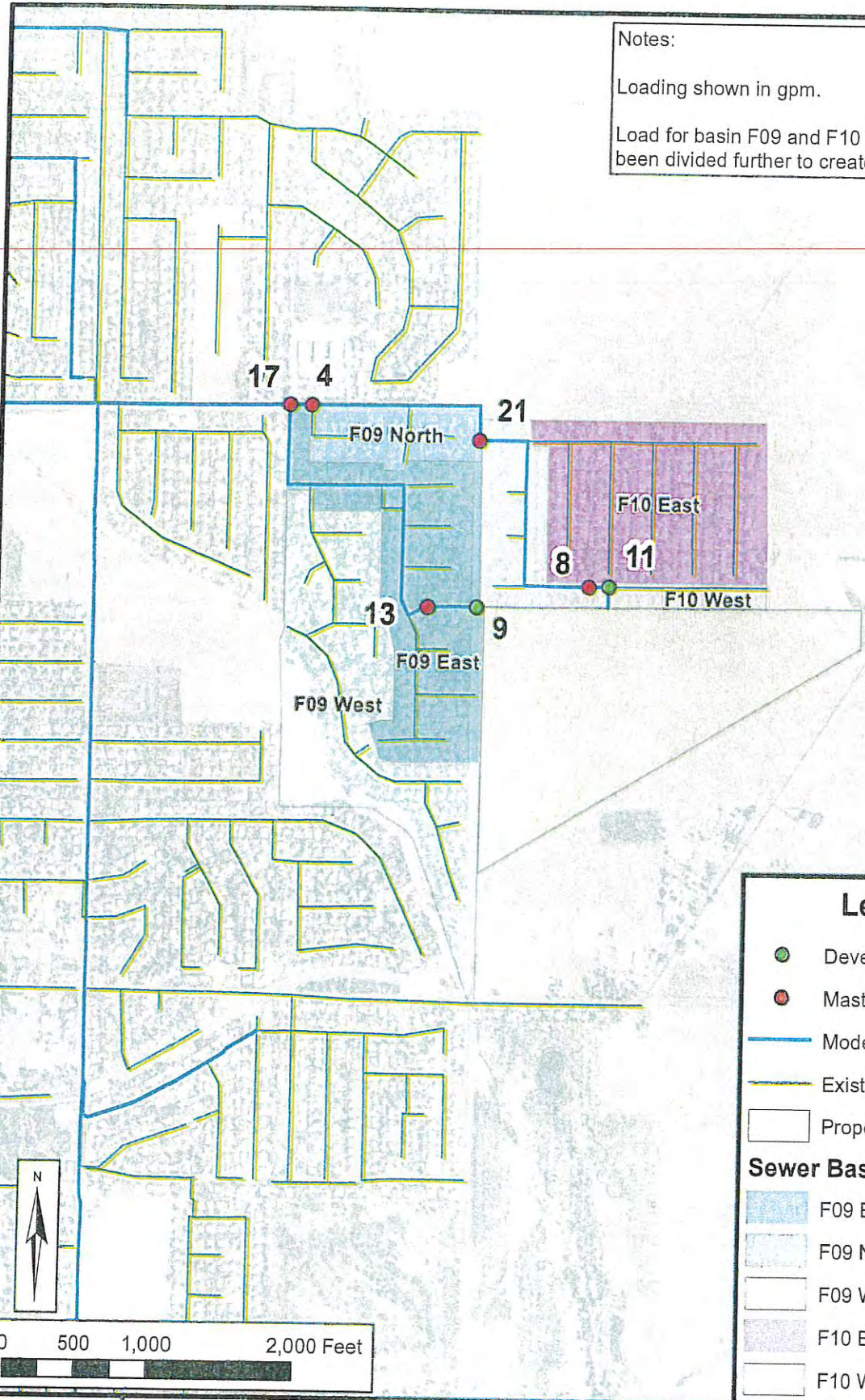
The capacity of the wastewater collection system was analyzed in comparison with the anticipated flows to predict whether the system has capacity to accommodate new flows from the Canyon Springs Development. The analysis was performed using the hydraulic computer model that has been prepared for the wastewater collection system master plan that is on-going. The Canyon Springs Development is located in an area of the City where the sewers were not included in the hydraulic model. The model was updated to include the Canyon Springs Development. This included collecting survey data for key manholes, which allowed flowline and rim elevations to be added to the model. Model flows from the master plan were adjusted to account for the new development. The model loading locations and values for Canyon Springs are provided on Figure 2.

Detailed sewer design information has not be provided for sewers within the development. Once the project moves forward, it is expected that the developer's design engineer will design the sewers with adequate capacity. It is expected that 8" diameter pipes will be adequate. This should be confirmed by the design engineer.

Criteria

The criteria used to determine when a sewer has reached capacity is based on recommendations and standards from the American Society of Civil Engineers (ASCE). These standards recommend that a sewer 12-inches in diameter or smaller has reached maximum capacity when the depth of wastewater divided by the pipe diameter (d/D) has exceeded 0.5, or is half full. For pipes with a larger diameter, the maximum capacity is defined as d/D in excess of 0.75, or is three-quarters full.

Notes:
 Loading shown in gpm.
 Load for basin F09 and F10 in master plan have been divided further to create smaller basins.

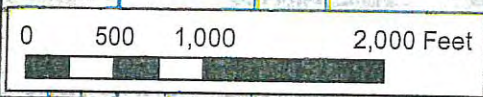


Legend

- Development Load
- Master Plan Load
- Model Pipe
- Existing Sewer Pipe
- Proposed Development

Sewer Basin

- F09 East
- F09 North
- F09 West
- F10 East
- F10 West



Date: 4/21/2022
 Document Path: H:\Projects\149 - Tooele City\08_148 - Canyon Springs - Annexation\GIS\Figure 2 Model Loading.mxd



**Tooele City - Canyon Springs Annexation
 Hydraulic Model Loading Locations**

**FIGURE
 2**

Calibration and Verification

The hydraulic model that was developed during the wastewater collection system master plan was calibrated with flow monitoring records available at the time. That model was updated to reflect the proposed development. No new specific calibration has been provided with this analysis. If further site-specific calibration is desired, additional flow monitoring can be provided upon request. That flow data could then be used to calibrate and verify model results.

IMPACTS TO EXISTING SYSTEM

The master plan identifies an existing deficiency downstream of the proposed development near the intersection of 1000 North and Main Street. This is shown in Figure 3. While the wastewater generated by the proposed development does not cause the deficiency, if improvements are not made to the sewer, the proposed development would further worsen the deficient flow condition. It is recommended that the City proceed with additional detailed study of the deficiency to confirm the results, and that the City proceed with improvements if needed.

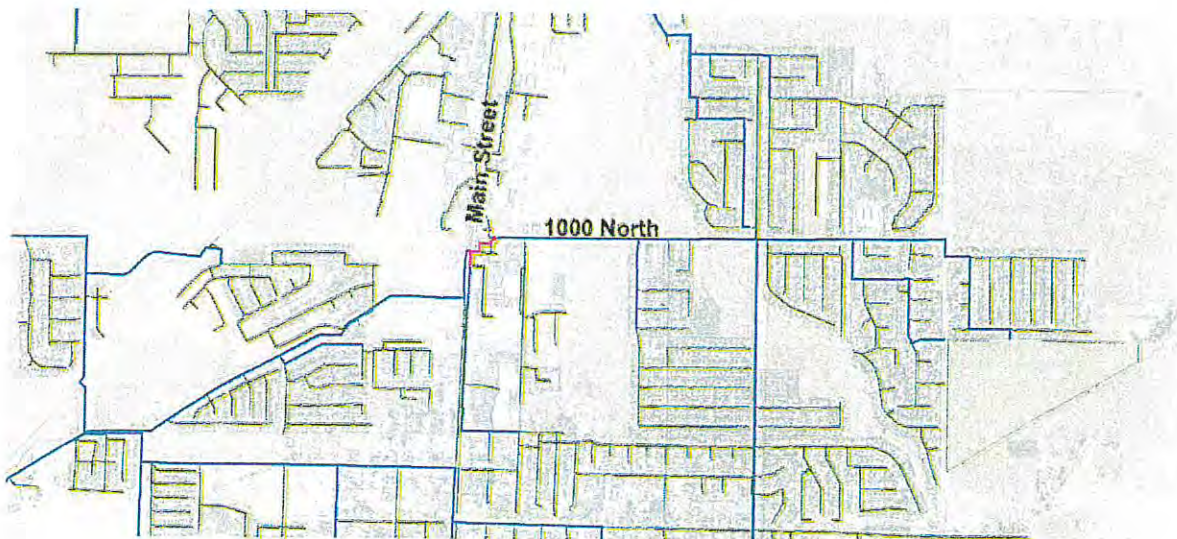


FIGURE 3: EXISTING RECOMMENDED IMPROVEMENTS

The proposed improvement for the deficient area shown in Figure 3 is to replace the existing 15-inch pipe with an 18-inch pipe, or that an equivalent system to constructed.

IMPACTS TO FUTURE SYSTEM

Hydraulic models for a 10-year and 40-year planning scenario from the master plan were also evaluated. This was done to see how the model results change with and without the proposed development. The model predicts that the proposed development does not cause any part of the collection system to become deficient for these scenarios.

CONCLUSIONS AND RECOMMENDATIONS

Besides the existing deficiency described previously, the rest of the existing sewers are adequate to contain the existing wastewater flows and the flows generated by the Canyon Springs Annexation development.



**WASTEWATER COLLECTION SYSTEM
MASTER PLAN**

(HAL Project No.: 149.49.100)

TABLE 6-3 PEAK HYDRAULIC LOADINGS

Planning Period	Peak Hydraulic Loading* (gpm)	Peak Hydraulic Loading* (MGD)
Existing Conditions	4,306	6.2
Existing Plus Approved	4,514	6.5
2030 (10-Year)	5,007	7.2
2060 (40-Year)	5,981	8.6

*Including inflow (2,000 gpm).

It may be observed in Table 6-3 that the existing peak hydraulic loading is 4,306 gpm (6.2 MGD), and the projected peak hydraulic loading by 2060 is just under 6,000 gpm (8.6 MGD). These values all exceed the current WWRF design capacity of 3.4 MGD.

EXISTING DEFICIENCIES

The maximum depth ratio is the ratio of the maximum flow depth that occurs in the pipe and the diameter of the pipe (d/D). Deficiencies were identified as pipes in the model that exceeded a set d/D during peak flow conditions. The d/D capacity criteria adopted by the City is 0.5 for pipes 12-inches or smaller and 0.75 for pipes larger than 12-inches. Pipe capacity deficiencies identified in the Existing (Approved) scenario model are summarized in Table 6-4 and shown in Figure 6-3.

TABLE 6-4 EXISTING PIPE CAPACITY DEFICIENCIES AND SOLUTIONS

PROJECT ID	LOCATION	ISSUE	SOLUTION
E-1	Along Main Street near 1000 North	Pipe exceeds capacity because d/D > 0.5 (0.64)	Remove and upgrade existing 8" gravity line to 200 ft of 10" gravity line.
E-2	Along 600 North between 100 West and 370 West	Pipe exceeds capacity because d/D > 0.5 (1.0)	Remove and upgrade existing 12" gravity line to 2,100 ft of 15" gravity line.
E-3	Along Coleman Street between Utah Avenue and McKellar Street	Pipe exceeds capacity because d/D > 0.5 (1.0)	Remove and upgrade existing 12" gravity line to 2,550 ft of 15" gravity line.
E-4	Along existing sewer alignment between 600 North to 1000 North and Coleman Street to 1100 West	Pipe exceeds capacity because d/D > 0.75 (1.0)	Remove and upgrade existing 18" and 21" gravity line to 6,500 ft of 24" gravity line. Contains 36" bore for 115 ft under railroad tracks.

Exhibit D

Drainage Review and Recommendations

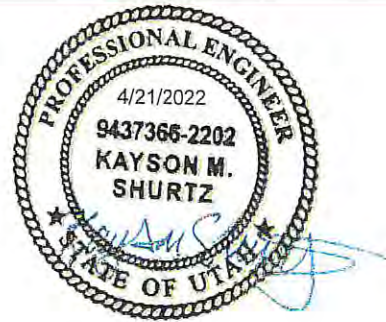
DATE: April 21, 2022

TO: Paul Hansen, P.E.
Tooele City Engineer
90 North Main
Tooele, Utah 84074

FROM: Benjamin D. Miner, M.P.A., P.E.
Kayson Shurtz, P.E.
Hansen, Allen & Luce, Inc. (HAL)
859 West So. Jordan Pkwy – Suite 200
South Jordan, Utah 84095

SUBJECT: Canyon Springs - Drainage Review

PROJECT NO.: 149.08.148



INTRODUCTION

Canyon Springs is an area that has been proposed to be annexed into the City of Tooele. It is located just east of Droubay Road between about 840 North and 600 North. Hansen, Allen, and Luce has been asked to review the area to identify potential drainage issues that need to be addressed before this area can be annexed into the City.

HYDROLOGY

A hydrologic model was developed to determine anticipated flowrates and volumes for the 10-year and 100-year storm events. The design storm selected for this analysis is a three-hour duration storm which incorporates a Farmer-Fletcher 1-hour first quartile storm event as the middle hour of the three-hour design storm (Farmer et al., 1972). This storm distribution is used by many communities in Salt Lake County and would be applicable for Tooele as well. The rainfall depths for the 10-year and 100-year were 1.14 inches and 1.99 inches respectively and were obtained via NOAA Atlas 14 (NOAA, 2011). The runoff modeling was performed using the Soil Conservation Service (SCS) Curve Number (CN) approach as described in *Technical Release 55: Urban Hydrology for Small Watersheds* (NRCS, 1986), hereafter referred to as TR-55. The soil data used in the analysis was obtained from Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database (SSURGO) (NRCS, 2022). The land cover for existing conditions was based on the 2016 National Landcover Dataset (NLCD) (Dewitz, 2019). The land cover and soil data were combined within the model to establish various combinations of land

cover and hydrologic soil type. Table 1 presents the assumed curve numbers that were applied to the model for all the potential combinations found in our study area.

TABLE 1. CURVE NUMBER TABLE

TR-55 Description	NLCD Description	NLCD ID #	A	B	C	D
Water	Open Water	11	98	98	98	98
Open Space (Good)	Developed, Open Space	21	39	61	74	80
Residential - 1/2 Acre	Developed, Low Intensity	22	54	70	80	85
Residential - 1/4 Acre	Developed, Medium Intensity	23	61	75	83	87
Residential - 1/8 Acre	Developed, High Intensity	24	77	85	90	92
Fallow-Bare Soil	Barren Land	31	77	86	91	94
Oak Aspen (Poor)	Deciduous Forest	41	66	66	74	79
Woods (Fair)	Evergreen Forest	42	36	60	73	79
Woods Grass Combination (Fair)	Mixed Forest	43	43	65	76	82
Brush (Fair)	Shrub/Scrub	52	35	56	70	77
Pasture Grassland (Fair)	Grassland/Herbaceous	71	49	69	79	84
Meadow	Pasture/Hay	81	30	58	71	78
Row Crops - SR (Good)	Cultivated Crops	82	67	78	85	89
Wetlands	Woody Wetlands	90	98	98	98	98
Wetlands	Emergent Herbaceous Wetlands	95	98	98	98	98

The modeling was performed using a rain on grid approach in HEC-RAS 2D. The drainage patterns above the proposed site are somewhat complex because of several interconnected ditches. The benefit of using the rain on grid approach is the model determines flow paths based on the terrain and hydraulic capacity of the conveyance channels via Manning's equation. The model allows for an estimate of existing flowrates for both onsite and offsite drainage that will need to be accounted for in the design of the proposed annexation area. The assumed roughness values for the NLCD cover types are shown in Table 2 (HEC, 2021).

TABLE 2. ASSUMED ROUGHNESS COEFFICIENTS

NLCD Description	NLCD ID #	Manning's n
Open Water	11	0.035
Developed, Open Space	21	0.035
Developed, Low Intensity	22	0.08
Developed, Medium Intensity	23	0.1
Developed, High Intensity	24	0.15
Barren Land	31	0.05
Deciduous Forest	41	0.1
Evergreen Forest	42	0.15
Mixed Forest	43	0.12
Shrub/Scrub	52	0.08

NLCD Description	NLCD ID #	Manning's n
Grassland/Herbaceous	71	0.06
Pasture/Hay	81	0.05
Cultivated Crops	82	0.05
Woody Wetlands	90	0.12
Emergent Herbaceous Wetlands	95	0.08

The approximate drainage area to calculate offsite flows was developed based on the available UGRC LiDAR data. As noted previously, the model calculates the movement of water through the drainage and therefore an approximate drainage area is sufficient because if additional area is included it will runoff at a different location and therefore not be included in the calculated offsite flows for our area of interest. The approximate drainage area used in the runoff calculations is shown in Figure 1. The grid generally utilizes 25 x 25-foot grid spacing. Breaklines were also utilized to properly align cell faces with high ground such that hydraulic controls are modeled appropriately.

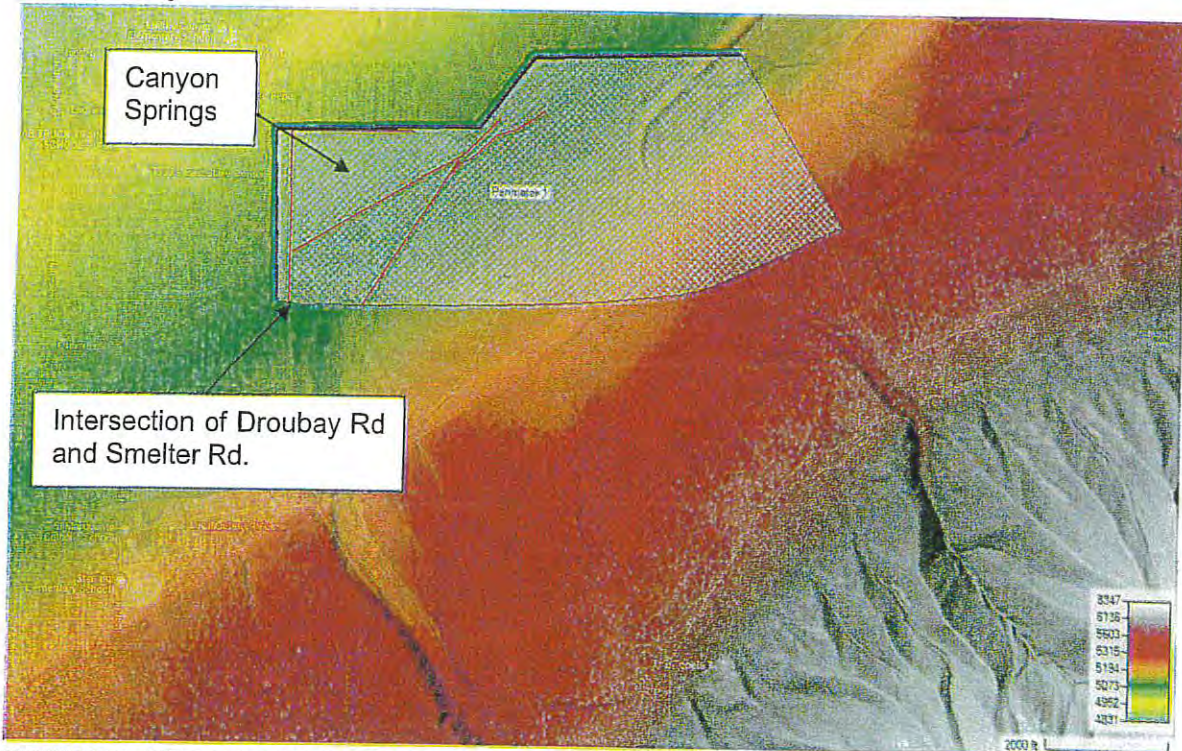


FIGURE 1. HEC-RAS RAIN ON GRID MODEL EXTENTS

EXISTING CONDITIONS MODELING

Existing 10-year flows were negligible and are therefore not reported here. The 100-year existing conditions flows from the proposed site were computed to be approximately 5.9 cfs. The offsite flows that come into the proposed developments for the 100-yr 3-hr event were computed to be approximately 9.5 cfs. Suggesting the drainage area above the proposed development is relatively small. However, these flows must be conveyed through the proposed development. The model shows water ponding on the south side of what looks like a dirt road in the aerial imagery

until it spills over to the proposed development at the general location shown in Figure 2.

The offsite flows must be handled as they come into the development. This could be accomplished by connecting a pipe (with at least 9.5 cfs capacity) from the ponded area shown on Figure 2 into the proposed development drainage system or by creating an open channel conveyance that can convey the 9.5 cfs between lots to the roads of the proposed development at the spill location shown on Figure 2.

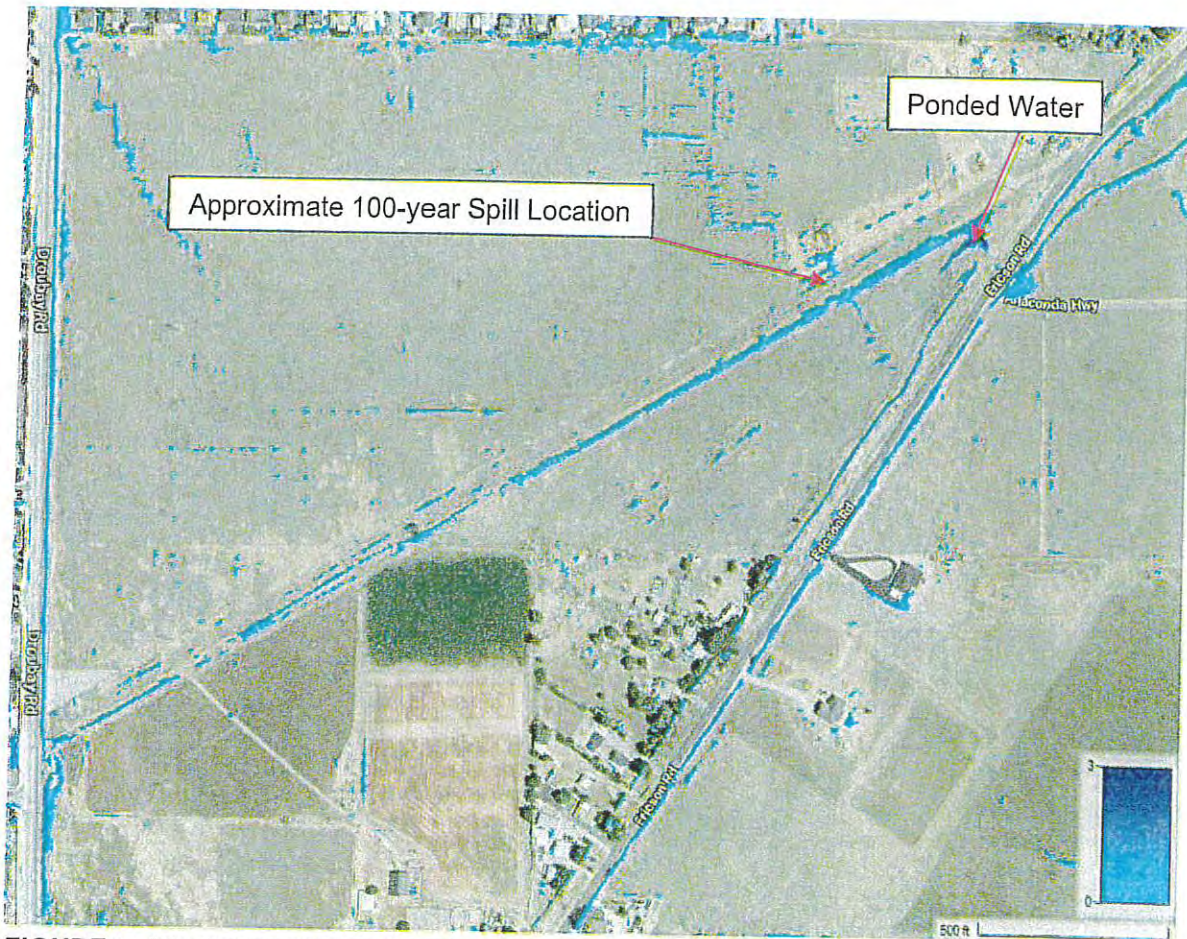


FIGURE 2. 100-YR OFFSITE FLOWS SPILL LOCATION

PROPOSED CONDITIONS MODELING

The site plan provided to HAL shows 172 lots over approximately 60 acres. The development will add additional impervious area in the form of roads, driveways, roofs, sidewalks, and additional hardscape. These impervious areas increase runoff and must be addressed to reduce flood risk to the future residents of the proposed development as well as others who are down gradient from them.

The proposed condition flows for both the 10-year and 100-year scenarios were developed by adjusting the landcover to reflect the roads and homes that are proposed. The site plan provided

was used a guide to estimate additional impervious area. Directly connected impervious area was assumed to have a CN of 98. All roads were assumed to be 100% directly connected while the remaining impervious area was assumed to be 3,000 square feet per lot with 50% of it being directly connected. These assumptions are based on the development looking similar to the existing development directly to the north. The impervious area not associated with roads was composited with the remaining pervious area that was assumed to be Open Space good cover resulting in a composite curve number of 70. Table 3 summarizes the impervious area assumptions.

TABLE 3. IMPERVIOUS AREA ASSUMPTIONS FOR CANYON SPRINGS DEVELOPMENT

Description	Acres	% Directly Connected
Roadway Impervious Area	11.73	100.0
Assumed Additional Impervious Area	11.84	50.0
Open Space Good Condition	37.08	0.0
Totals	60.65	29.1

The modeled peak 10-year flowrate for the entire proposed development was 18.5 cfs. Piping to convey these flows should have sufficient capacity to convey the estimated peak flow rate. The flow per unit acre is approximately 0.31 cfs/acre. This ratio can be used for pipe sizing in areas that only drain a portion of the total drainage area. We recommend a minimum storm drain pipe size of 15-inches.

The modeled peak 100-year flowrate for the entire proposed development was approximately 51.9 cfs. The flow per unit acre is approximately 0.87 cfs/acre. Conveyance and storage must be provided to protect homes from damage during a 100-year event. Conveyance beyond the 10-year event is often provided by the streets along with detention to limit flows downstream. It is recommended that this development provide grading plans for the roads along with calculations that show that the roads and underground conveyance network have sufficient capacity to convey the calculated 100-year flows to an appropriate detention facility. The ratio of peak flow per unit acre can be utilized in the road conveyance calculations based on tributary area. A detention facility will be required for the proposed development to reduce flows back to at least existing conditions (5.9 cfs) so that peak flows downstream are not increased as a result of development. Assuming a release rate of 5.9 cfs (approximately 0.1 cfs/acre) the required detention volume for the proposed development would be approximately 3 ac-ft.

A consideration for this annexation should also include where the detained flows will be discharged. While peak flows would not be increased under the detained scenario, runoff volumes would be spread out over time and reduce pressure on the system. Increased volume in the downstream system could result in increased flood risk due to downstream storage constraints. Discharging the detained flows to a large conveyance like Middle Canyon Creek is the best-case scenario to reduce the downstream flood risk. It appears that the development to the west may have existing storm drain infrastructure that likely discharges into Middle Canyon Creek. This option should be investigated further to determine whether it is feasible to tie into this existing

system to convey detained flows from the proposed annexation area. Otherwise, the City should consider installing new storm water piping from the new development to Middle Canyon Drainage.

SUMMARY

The onsite and offsite flow considerations have been presented in the memo for the proposed annexation property and proposed site plan. The drainage issues all appear to be manageable with most of which being handled utilizing standard engineering practices. Considerations for offsite flows onto the property and where detained releases from the proposed development will discharge must be addressed for annexation. Potential solutions have been presented in the body of this memo.

REFERENCES

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/>. Accessed [March/3/2022].

Farmer, E. E. and Joel E. Fletcher. 1972. *Distribution of Precipitation in Mountainous Areas*. Geilo Symposium, Norway

Bonnin, G., D. Martín, B. Lin, T. Parzybok, M. Yekta, and D. Riley (2004, revised 2011). NOAA Atlas 14 Volume 1, Precipitation-Frequency Atlas of the United States, Semiarid Southwest. NOAA, National Weather Service, Silver Spring, MD.

Dewitz, J., 2019, National Land Cover Database (NLCD) 2016 Products (ver. 2.0, July 2020): U.S. Geological Survey data release.

Hydrologic Engineering Center, 2021. HEC-RAS 2D Modeling User's Manual, U.S. Army Corps of Engineers, Davis CA., April 2021.

From: Tooele East, LLC
Attn: Howard Schmidt
PO Box 65410
South Jordan, Utah 84095

Attn: Tooele County
Attn: Andy Welch
47 S. Main Street
Tooele, Utah 84074

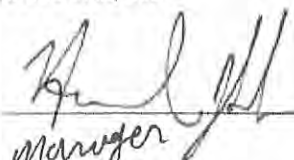
RE: Trail on the South side of the Canyon Springs Development

To whom this may concern:


Tooele East, LLC presents this Letter of Understanding as it relates to the improvements of the trail on south side of the Canyon Springs Development in Tooele, Utah with the following terms and conditions:

1. **Improvement Requirements:** The trail will meet the standards as laid out in exhibit A an attachment to the Letter of Understanding. These requests were provided to us by Cory Bullock, Tooele County Parks and Recreation Director. The only change we would request to this attachment is that the barb wire fence will only run on the South Length. All fencing for the north side of the easement will be put in by the home builder or homeowner.
2. **Costs:** The costs for these improvements will be the sole cost of Tooele East, LLC. In the event that Tooele East is able to collect donations or grants from other entities, Tooele County will accept and support such assistance in good faith to help with the costs of the trail. Tooele County will have no financial obligation to the trail
3. **Trail completion:** The trail will be completed with the completion of Phase 3 of the Canyon Springs Development or by October 1, 2027, whichever comes first.


Tooele East, LLC


manager
Date 10-7-24

Tooele County


Date 10/7/24

APPROVED AS TO FORM:

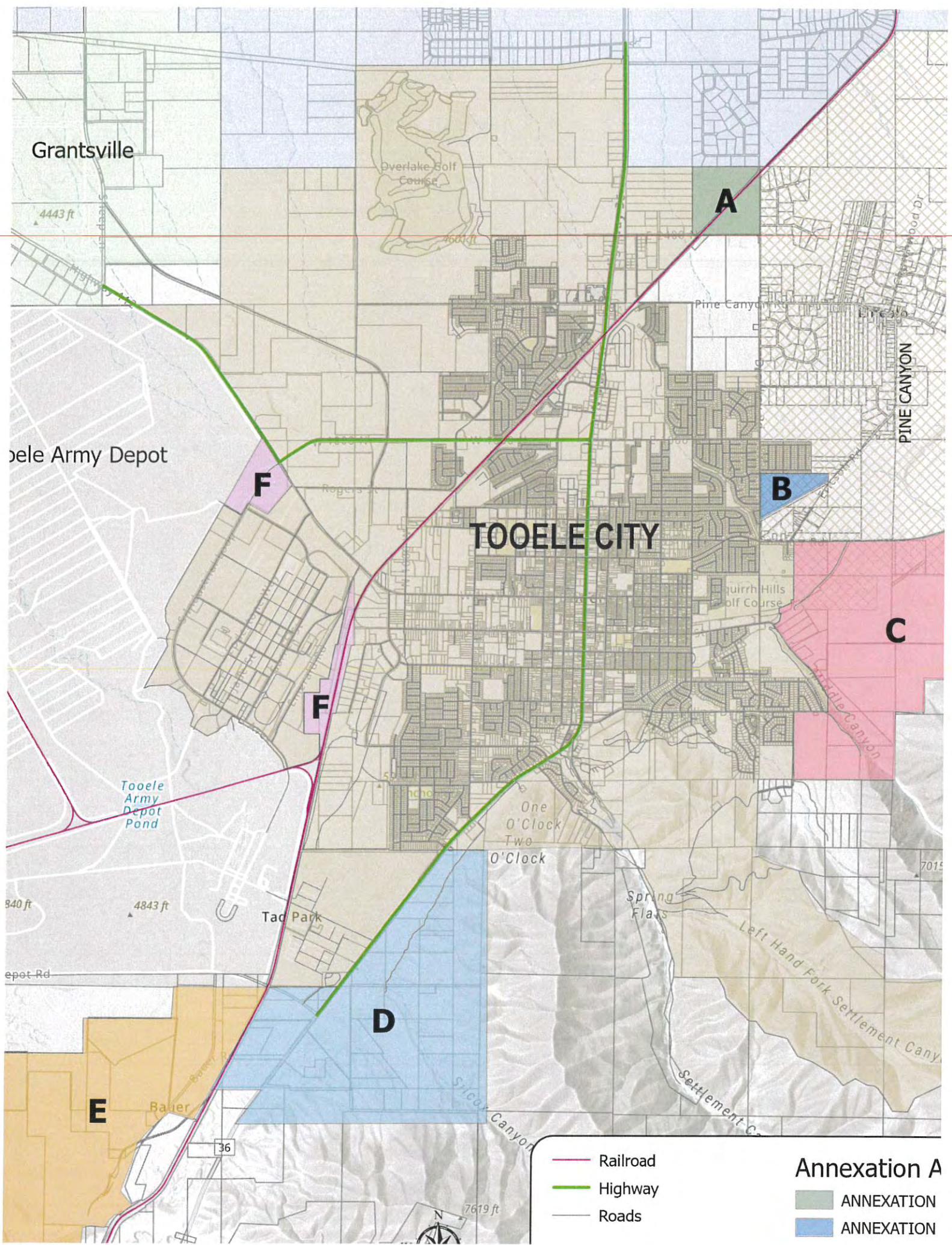

Nathan Harris
Deputy Tooele County Attorney

One Tree Trail

- 8ft wide asphalt trail mostly confined to the north or south side.
 - Don't want it to meander over the 100' area.
 - 6 to 8 inches of road base
 - 3 inches of asphalt
 - 1/2 inch mix PG64 58.28
 - Current APWA standards
 - Shoulder the edges off with road base.
- Four strain barb wire fences running the south length
 - T-posts every 8 feet
 - Tensioning posts every 32 feet.
- Offsetting flag gates at the west and east entrances to the trail. West entrance off of the trailhead.
- Trailhead
 - Westside only
 - Must take up the entire 100-foot easement.
 - Lodge pole fence surrounding the entire trailhead.
 - Lodge pole and kiosk provided by the county.
 - 4 inches of crushed concrete or lime fines throughout the trailhead area.
 - Tri-panel kiosks installed.

Exhibit H

Annexation Policy Plan Mapping



Grantsville

Overlake Golf Course

A

4443 ft

4600 ft

Pine Canyon

Tooele Army Depot

F

B

TOOELE CITY

C

Tooele Army Depot Pond

F

One O'Clock
Two O'Clock

840 ft

4843 ft

Tad Park

Spring Flats

7015

Depot Rd

D

Left Hand Fork Settlement Canyon

E

Bauer

36

7619 ft



- Railroad
- Highway
- Roads

Annexation A

- ANNEXATION
- ANNEXATION

Exhibit I

Recorder's Annexation Petition Certification

CERTIFICATION OF ANNEXATION PETITION

To: Debbie Winn, Tooele City Mayor
Tooele City Council
Howard Schmidt, Petition Contact Sponsor
Tooele County Council

Date: July 3, 2024

I, Michelle Y. Pitt, Tooele City Recorder, have received a copy of the attached Annexation Petition for the general address of 750 North Droubay Road, which was accepted for further consideration by Tooele City Resolution 2024-45, and have reviewed the same with Roger Baker, Tooele City Attorney. I hereby certify that the Petition meets the requirements of U.C.A. §10-2-403(3), (4), and (5).

A copy of this Certificate will be delivered to the above addresses as required by U.C.A. §10-2-405(2)(c).

Signed: 

Seal:



PETITION FOR ANNEXATION

Application Packet



Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139

Petition for Annexation Application Checklist

*Incomplete applications will not be accepted or held.
All required items shall be submitted to the City Recorder.*

Submission Requirements (see also Utah State Code Section 10-2-403)

Application Fee Paid previously

Completed Application Form

Completed Record of Petitioned Properties. In order to constitute a complete and viable Petition, the Record of Petitioned Properties must contain the signatures of property owners that make up at least:

- 50% of the land area included in the Petition for Annexation
- 33% of the property value, according to the County Assessor's Office valuations, of all properties included in the Petition for Annexation
- A Statement of Proposed Intent for the properties contained within the area petitioned for annexation
- An Accurate Legal Description for the Complete Boundary of the proposed Annexation prepared by a Licensed Surveyor
 - It is **strongly** encouraged that the legal description be verified by the County Surveyor prior to submission to avoid unnecessary delays
- A paper copy of an accurate recordable map depicting the proposed area of annexation including at least the following:
 - It is **strongly** encouraged that the plat be submitted in paper form to be verified and approved as to form prior to submitting the petition to avoid unnecessary delays
 - A disk or thumb drive of all petition materials in digital format (original PDF) including AutoCAD format for the plat and all drawings
 - Certification by Date, Signature and Seal by the Engineer or Surveyor preparing the plat
 - Property Owner Certifications, including acknowledgement by a Notary Public for each
 - Proper Signature Blocks for each of the following:
 - The Tooele City Planning Commission, including signature lines for each Planning Commissioner voting in favor of the annexation
 - The Tooele City Council, including signature lines for each Planning Commissioner voting in favor of the annexation and a signature line for the City Recorder to attest the signatures of the City Council members
 - The Tooele City Attorney
 - The Tooele City Recorder certifying:
 - the date and time the plat was filed
 - the Ordinance number by which the City Council approved the plat and proposed annexation
 - the date of approval and certification by the City Council
 - The Tooele City Engineer
 - The Tooele City Community Development Department

Notice of annexation petition sent to affected entities including:

- A copy of the noticing sent to affected entities
- A complete list of affected entities to which the notice was sent
- Demonstration of the date on which the notices were sent to affected entities

*****Note:** According to Utah State Code Section 10-2-403(7) it is the sole responsibility of the Sponsor to submit a copy of the complete Petition for Annexation to the City and the County Clerk on the same calendar day.

Additional Information

With the City Council's adoption of a resolution accepting the Petition for Annexation for further consideration, as required by Utah State Code Section 10-2-405, the City Council may also require any of the following and/or any other information or study determined necessary for proper consideration of the Petition for Annexation for approval or denial.

_____ Feasibility Study of Impact to the existing public systems for each of the following:

- Water, including water rights, sources, storage, transmission, phasing, and master planning
- Sewer, including collection systems, transmission, treatment capacity, phasing, and master planning
- Transportation, including upgrades to existing infrastructure, new infrastructure, traffic control, phasing, and master planning
- Parks and Recreation, including levels of service, facility needs, phasing, and master planning
- Public Safety, including service area, response times, staffing and personnel levels, and facility and equipment needs and levels of services for police and fire protection services
- Storm Drain, including collection systems, transmission, detention/retention, phasing, and master planning
- Tax and Revenue, including impact fees generation, cost of services for annexation area, property and sales tax revenues from the annexation area, and full-time equivalent employee calculations for each department to provide city services to the annexation area

_____ Conceptual Development and Land Use Plans

_____ Annexation Agreement

*****Note:** It is **strongly** recommended that applicants familiarize themselves with the procedures and requirements for consideration of a Petition for Annexation found in Utah State Code Section 10-2-400 et. seq. and Tooele City Code Chapter 7-24.

Petition for Annexation

Community Development Department
 90 North Main Street, Tooele, UT 84074
 (435) 843-2132 Fax (435) 843-2139
www.tooelecity.org



Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Utah State Code and Tooele City Code. All submitted Petition for Annexation applications shall be reviewed in accordance with all applicable State and City ordinances and requirements, are subject to compliance reviews by various City departments, and may be returned to the applicant for revision if the plans are found to be inadequate or inconsistent with the requirements of the State Code and City Code. Application submission in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all checklist items be submitted well in advance of any anticipated deadlines.

Annexation Information			
Date of Submission:	April 25, 2024	Total Acres:	61.16
Expansion Option Area:			
Project Name:	Canyon Cove Development		
General Address:	750 North Droubay Road		
Current Use of Property:	Vacant and horse boarding and pasture		
Sponsor:	Howard Schmidt	Address:	PO Box 95410
Phone:	801-859-9449 or 801-706-4693	City:	South Jordan
		State:	UT
		Zip:	84095
Primary Phone Number:	Cell Number:	Email: howard@braemarco.com	
Signature of Sponsor:		4/25/24	
		Date	

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity, except as required by GRAMA.

** By submitting this application form to the City, the applicant acknowledges that the above list is not exclusive and under no circumstances waives any responsibility or obligation of the Applicant and or his Agents from full compliance with Utah State Code and City Master Plans, Codes, Rules and or Regulations.

***** NOTE *****

According to Utah State Code Section 10-2-403(7), it is the sole responsibility of the SPONSOR of a Petition For Annexation to deliver to the County Clerk a complete copy of the same petition to annex property on the same calendar day the petition is filed with the City.

For Office Use Only			
Fee:	Received By:	Date Received:	Receipt #:
(213)			

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Marshall Buck Peck

North Tooele Fire District

Dear Marshall Peck,

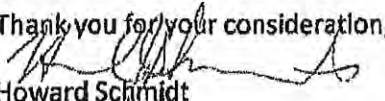
We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

In as much as this parcel (03-031-0-00014) is currently included in the service area of the North Tooele Fire District, we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449
Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,

Howard Schmidt
Manager

Received

Signed

4/20/2024

Date

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN: Andy Welch
Tooele County Manager
47 South Main
Tooele, UT 84074

Dear Mr. Welch,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

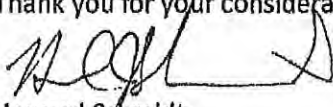
In as much as this parcel (03-031-0-00014) is currently included in Tooele County as an unincorporated parcel we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,


Howard Schmidt
Manager

Received Jan A Welch 4/26/24
Signed Date
County Manager

NOTICE OF INTENT TO ANNEX

April 25, 2024

]

ATTN Mayor Debbie Winn

Dear Mayor Winn,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.


In as much as this parcel (03-031-0-00014) is currently included in Tooele County we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,


Howard Schmidt
Manager

Received _____
Signed _____ Date _____

NOTICE OF INTENT TO ANNEX

April 25, 2024
Tooele County Board of Health
Attn: Jeff Coombs
151 No. Main
Tooele, UT 84074

Dear Mr. Coombs,
We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.


Per state code all affected entities are to be notified. In as much as this parcel (03-031-0-00014) is currently included in Tooele Board of Health District, we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact
Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074

Thank you for your consideration,

Howard Schmidt
Manager



Date 4-29-24

Received



Signed

4-29-24

NOTICE OF INTENT TO ANNEX

April 25, 2024

J

ATTN: Scott Bradshaw
Tooele Valley Mosquito Abatement Manager
Lakepoint, UT 84074

Dear Mr. Bradshaw,

We are hereby giving notice that it is the intention of the property owners of land located at the east side of Droubay Road at approximately 750 North to seek annexation into the boundaries of Tooele City.

Per state code all affected entities are to be notified.

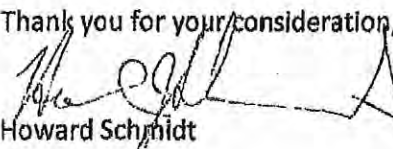
In as much as this parcel (03-031-0-00014) is currently included in Tooele Valley Mosquito Abatement District we are giving you this notice. If you have any concerns or comments we would be happy to address them as the land owners at:

Tooele East LLC
ATTN Howard Schmidt
PO Box 95410
South Jordan UT 84095
801-859-9449

Or you may also contact

Andrew Aagard, Community Development Director for Tooele City.
90 No. Main
Tooele, UT 84074


Thank you for your consideration,


Howard Schmidt
Manager

Received

Signed

Date


4/26/24

Total

11,184.87

11,184.87

1047 - COUNTY GENERAL - Total Rate: 0.000042

COUNTY GENERAL

072.82

1348 - SCHOOL BASIC LEVY - Total Rate: 0.001408

SCHOOL BASIC LEVY

1,832.10

1849 - MOSQUITO ABATEMENT DISTRICT - Total Rate: 0.000199

MOSQUITO ABATEMENT DISTRICT

231.01

1852 - NORTH TOOELE FIRE DIST. - Total Rate: 0.006581

NORTH TOOELE FIRE DIST.

598.02

1857 - SCHOOL LOCAL LEVY - Total Rate: 0.005501

SCHOOL LOCAL LEVY

6,455.62

1887A - CHARTER SCHOOL LEVY - Total Rate: 0.000075

CHARTER SCHOOL LEVY

82.32

1888 - MULTI-COUNTY ASSESSING-COLLECTING - Total Rate: 0.000015

MULTI-COUNTY ASSESS-COLLECT

17.41

1889 - COUNTY ASSESSING-COLLECTING - Total Rate: 0.000264

COUNTY ASSESS-COLLECT

306.87

1891 - TOOELE COUNTY TRANSPORTATION SSD - Total Rate: 0

TOOELE COUNTY TRANSPORTATION SSD

0.00

1894 - MUNICIPAL TYPE SERVICES - Total Rate: 0.000576

MUNICIPAL TYPE SERVICES

559.86

1896 - TOOELE COUNTY HEALTH DEPARTMENT - Total Rate: 0.000109

TOOELE COUNTY HEALTH DEPARTMENT

129.53

Total

11,184.87

11,184.87

Statement of Intended us for Canyon Springs Development

Canyon Springs is a proposed subdivision to be zoned in accordance with the surrounding area as R-7 zone which allows for 7000 square foot minimum lots sizes but in accordance with the input from the planning commission and city council we are limiting the development to 172 lots with an average size of 11,000 sq. ft. Some will be as large as ½ acre lots.

In addition, the developer has agreed to work with Tooele County to provide a trail boarding the annexation parcel to the south on the existing 100' UDOT right of way. Also, there will be trails from the subdivision accessing the new trail and some detention ponds along Drubay Road that will be landscaped to provide play areas for the residents and neighbors of the development.

Since there has recently been an annexation agreement penned by the city attorney and staff, approved by the required majority of the city council and agreed to by the developer, we would like to review that document and make it the framework to complete this annexation.

A handwritten signature in black ink, appearing to read "H. G. H. - 11". The signature is written in a cursive style with a long horizontal stroke at the end.

CANYON SPRINGS ANNEXATION

(FINAL LOCAL ENTITY PLAT)
 LOCATED IN THE WEST HALF OF SECTION 23
 TOWNSHIP 3 SOUTH, RANGE 4 WEST
 SALT LAKE BASE & MERIDIAN
 TOOELE COUNTY, UTAH

