PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Work Session, on Wednesday, March 4, 2020 at the hour of 6:00 p.m. The Meeting will be Held at the Tooele City Hall Large Conference Room, located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting
2. Roll Call
3. Mayor’s Report
4. City Council Members’ Report
5. Discussion:
   - Conditional Use Fee
     Presented by Council Member Ed Hansen
   - Recycling
     Presented by Mayor Debbie Winn
   - Cemetery Fence
     Presented by Darwin Cook
   - Capping Rezone Fees
     Presented by Jim Bolser
   - Open Meetings Training
     Presented by Chairman Scott Wardle
   - Council Business Meeting Procedures
6. Closed Meeting
   - Litigation & Pending Litigation
7. Adjourn

__________________________
Michelle Y. Pitt
Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or michellep@tooelecit.org. Prior to the Meeting.
# Conditional Use Permit Application Fee Utah Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alta</td>
<td>$100 + $50 per acre Commercial; $100 + $25 per unit Residential</td>
</tr>
<tr>
<td>Bountiful</td>
<td>$250</td>
</tr>
<tr>
<td>Brigham City</td>
<td>$250</td>
</tr>
<tr>
<td>Coalville</td>
<td>$250</td>
</tr>
<tr>
<td>Eagle Mountain</td>
<td>$500</td>
</tr>
<tr>
<td>Ephraim</td>
<td>$50</td>
</tr>
<tr>
<td>Grantsville</td>
<td>$100</td>
</tr>
<tr>
<td>Herriman</td>
<td>$1000 + $100 per acre 1-20 acres, $30 per acre 20-50 acres, $10 per acre 51+ acres; $250 + $15 per dwelling Residential</td>
</tr>
<tr>
<td>Hurricane</td>
<td>$250</td>
</tr>
<tr>
<td>Kamas</td>
<td>$300</td>
</tr>
<tr>
<td>Lehi</td>
<td>$300</td>
</tr>
<tr>
<td>Logan</td>
<td>$600</td>
</tr>
<tr>
<td>Murray</td>
<td>$300</td>
</tr>
<tr>
<td>Park City</td>
<td>$330</td>
</tr>
<tr>
<td>Pleasant Grove</td>
<td>$300 Commercial; $150 Residential</td>
</tr>
<tr>
<td>Price</td>
<td>$200</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>$200</td>
</tr>
<tr>
<td>Spanish Fork</td>
<td>$300</td>
</tr>
<tr>
<td>St George</td>
<td>$300</td>
</tr>
<tr>
<td>Woods Cross</td>
<td>$50</td>
</tr>
</tbody>
</table>
Sent from my iPad

Begin forwarded message:

From: Ed Hansen <ed@bigstufftaxidermy.com>
Date: February 27, 2020 at 4:23:26 PM MST
To: Ed Hansen <EHansen@tooelecity.org>
Subject: Fwd: FW: Conditional use permit fees

---------- Forwarded message ----------
From: Debbie Winn <dwinn@tooelecity.org>
Date: Fri, Jan 10, 2020 at 1:07 PM
Subject: FW: Conditional use permit fees
To: Ed Hansen <ed@bigstufftaxidermy.com>, Ed Hansen <EHansen@tooelecity.org>

Ed,

Here is the email thread discussion for conditional use permit fees. Let me know if I can help in any way. Thank you

Mayor Debbie Winn

435-843-2104
dwinn@tooelecity.org

<image002.jpg>
From: Jim Bolser  
Sent: Monday, November 4, 2019 10:39 AM  
To: Debbie Winn <dwinn@TooeleCity.org>  
Subject: RE: Conditional use permit fees

Mayor,

I’ve gone through the permit logs for the last four calendar years 2016 – 2019 (thus far). 2016 saw 9 CUP applications, 2017 saw 16 applications, 2018 saw 21 applications, and 2019 has seen 16 applications. I’ve tried to boil them down into some generalized categories. The commercial property uses category would include any use of property that requires a CUP for the primary property use itself, i.e. the application for a private park in Lexington Greens or multi-family uses that require a CUP.

In 2016 - 9

- (2) – In home Preschool/Day Care
- (1) – New elementary school (Sterling)
- (1) – Accessory building size
- (4) – Commercial Property Usage
- (1) – Restaurant drive thru

In 2017 - 16

- (5) – In home Preschool/Day Care
- (4) – Accessory building size
- (7) – Commercial Property Usage

In 2018 - 21

- (2) – In home Preschool/Day Care
- (1) – New school (TJHS Expansion)
- (2) – Accessory building size
- (16) – Commercial Property Usage

In 2019 - 16

- (1) – In home Preschool/Day Care
- (5) – Accessory building size
- (10) – Commercial Property Usage
Hopefully that helps. Let me know if you need anything further. Thanks

Jim Bolser, AICP

From: Debbie Winn <dwinn@TooeleCity.org>
Sent: Friday, November 01, 2019 8:06 AM
To: Jim Bolser <jimb@TooeleCity.org>
Subject: RE: Conditional use permit fees

Jim,

Yes, that all makes sense. I appreciate the effort to really look at what the true cost is versus what we are willing to subsidize. Would it be possible to get a list of the CUP requests in the last 12 months and include what the CUP was for? That may help me to determine if we really want to take this to council for a change. Thanks

Debbie Winn
Tooele City Mayor
435-843-2104
90 North Main
Tooele, UT 84074

From: Jim Bolser
Sent: Thursday, October 31, 2019 4:05 PM
To: Debbie Winn <dwinn@TooeleCity.org>
Subject: RE: Conditional use permit fees

Of course. In my opinion and from what I’ve seen from multiple communities in my career it comes down to a question of comfort and subsidy. As you know the difference in the fee charged and the amount of cost incurred will never match and becomes a subsidy by the general
fund because at a minimum the cost of staff time and commission time, etc. is paid in full regardless of how much comes in through fees so the difference between the two becomes a City subsidy even if we’re not making some sort of formal monetary transfer in the budget. What it boils down to is to what degree a community is comfortable subsidizing all applications, not just CUPs. It can be extrapolated as far as needed, right down to an analysis of the net return through tax base over time from the individual application as a comparison of the degree of subsidy but that seems a bit too robust for an issues like this. I think there is also an acknowledgement also to be made that many of the cities you and I both looked at also have greater tax bases in their communities thereby generating more net income so the issue of subsidy isn’t as strong of a consideration than it might be for a community with a tighter budget. It’s really a question of balance. How much is an appropriate fee to convey the importance of the type of application compared to the degree to which the individual city is comfortable and capable of subsidized those applications. I think the analysis is the same for all communities because none of them recapture their costs through fees. I can see the argument and make the point for any of these perspectives, it just boils down to what we’re comfortable imposing and subsidizing. Hopefully that makes some sense. Thanks,

*Jim Bolser, AICP*

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**From:** Debbie Winn &lt;dwinn@TooeleCity.org&gt;  
**Sent:** Thursday, October 31, 2019 3:50 PM  
**To:** Jim Bolser &lt;jimb@TooeleCity.org&gt;  
**Subject:** RE: Conditional use permit fees

Jim,

Why do you think that the other cities in your analysis charge significantly less for this service? Could it be that they make it up in another fee when the project is completed? I think about a conditional use for a home day care. It still seems excessive to me. If you could provide any other insights to help me understand it better, I would appreciate it.

*Debbie Winn*  
Tooele City Mayor  
435-843-2104  
90 North Main  
Tooele, UT 84074
From: Jim Bolser  
Sent: Thursday, October 31, 2019 2:15 PM  
To: Debbie Winn <dwinn@TooeleCity.org>  
Subject: RE: Conditional use permit fees

Mayor,

Attached is the analysis that was provided to the Council in January 2016 when the current fees were adopted, which included CUPs. I would anticipate current dollars in terms of staff costs to be slightly higher with the passing of time but it’s probably not too far off.

Jim Bolser, AICP

From: Debbie Winn <dwinn@TooeleCity.org>  
Sent: Thursday, October 31, 2019 1:32 PM  
To: Jim Bolser <jimb@TooeleCity.org>  
Subject: RE: Conditional use permit fees

Jim,

I noticed that several communities had a fee for residential CUP’s and a higher one for commercial. Can you give me an estimate on hours spent by staff on reviewing the CUP requests and preparing them for Planning Commission? An estimate for a residential vs a commercial project would be helpful. Thanks!

Debbie Winn

Tooele City Mayor

435-843-2104

90 North Main

Tooele, UT 84074
From: Jim Bolser  
Sent: Thursday, October 31, 2019 10:53 AM  
To: Debbie Winn <dwinnto@TooeleCity.org>  
Subject: RE: Conditional use permit fees

Let me know what you’d like the fees to be and I’ll have it drawn up. Thanks,

Jim Bolser, AICP

From: Debbie Winn <dwinnto@TooeleCity.org>  
Sent: Thursday, October 31, 2019 10:45 AM  
To: Jim Bolser <jimb@TooeleCity.org>  
Subject: Conditional use permit fees

Jim,

I would like to review again the fee we charge for conditional use permits. I think it is excessive. I checked this morning with four other cities: American Fork, no charge for CU permits; Saint George $500, Draper $500, Pleasant Grove $300. Let’s have a meeting to discuss. Thank you!

Debbie Winn

Tooele City Mayor

435-843-2104

90 North Main

Tooele, UT  84074
TOOELE CITY CORPORATION

RESOLUTION 2016-49

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING THE TOOELE CITY FEE SCHEDULE TO INCLUDE FEES FOR ADMINISTRATIVE HOME OCCUPATIONS.

WHEREAS, Tooele City Code §1-26-1 authorizes the City Council to establish City fees by resolution for activities regulated by the City and services provided by the City; and,

WHEREAS, Utah Code §10-3-717 authorizes the City Council to exercise administrative powers, such as establishing city fees and regulating the use of city property, by resolution; and,

WHEREAS, under the Council-Mayor form of municipal government, established and governed by the Tooele City Charter (2006) and Utah Code §10-3b-201 et seq., the Mayor exercises all executive and administrative powers; however, it has been the practice of Tooele City for all fees proposed by the Mayor and City Administration to be approved by the City Council by resolution and included in a Tooele City Fee Schedule; and,

WHEREAS, the City Administration has determined through the adoption of a new procedure for reviewing and approving certain types of Conditional Use Permits that a fee commensurate with that procedure should also be established; and,

WHEREAS, the City Administration recommends that the City Council establish the proposed fees illustrated on Exhibit A attached hereto, with a fee comparison and justification attached as Exhibit B; and,

WHEREAS, in the case of services provided and activities regulated, the proposed fees in Exhibit A have been calculated to recover or under-recover (but not to over-recover) the City’s costs associated with providing the particular service and regulating the particular activity; and,

WHEREAS, in the case of penalties, the proposed fees in Exhibit A have been calculated to constitute a reasonable deterrent, to provide a reasonable incentive, and to mete out an appropriate and reasonable penalty; and,

WHEREAS, the proposed fees are necessary to continue to regulate activities, to provide services, to deter and to punish violations of law, and to fund city programs from the general fund for the benefit of the general population, and are in the best interest of the general welfare of the City and its residents and businesses:
NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City Fee Schedule is hereby amended to include the proposed Community Development Department fees shown in Exhibit A attached hereto.

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 ____ day of ______________, 2016.
TOOELE CITY COUNCIL

(For)

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

(Against)

____________________________________

____________________________________

____________________________________

____________________________________

ABSTAINING: ____________________________

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

____________________________________

ATTEST:

Michelle Pitt, City Recorder

SEAL

Approved as to Form: ____________________

Roger Baker, City Attorney
Exhibit A

Proposed Fees
LAND USE

Subdivision Review

Preliminary Plan: $1,000 + $50.00 per lot
Final Plat: $1,500 + $50.00 per lot
Minor Subdivision: $1,000 + $50.00 per lot
Plat Amendment: $1,000 + $50.00 per lot
Property Line Adjustment: $200.00/property
Property Combination: $200.00/property
Preliminary Plan Approval Extension: $150.00
Final Plat Approval Extension: $150.00

Site Plan Review

Commercial
Sites <1 Acre: $1,500.00
Sites 1.0 to 3.0 Acres: $2,000.00
Sites >3.0 Acres: $2,000.00 + $500/acre or portion >3

Multi-Family Residential
Sites <1 Acre: $1,500.00
Sites 1.0 to 3.0 Acres: $2,000.00
Sites >3.0 Acres: $2,000.00 + $500/acre or portion >3
Site Plan Amendment: $1,000.00
Site Plan Approval Extension: $150.00

Conditional Uses

Conditional Use Permit: $750.00
Administrative Conditional Use Permit: $150.00
Permit Extension: $150.00
Permit Appeal: $150.00

Zoning

Zoning Map Amendment: $1,000.00 + $100.00/acre
Ordinance Text Amendment: $2,000.00

General Plan / Master Plan

Plan Map Amendment: $1,000.00 + $100.00/acre
Plan Text Amendment: $2,000.00

Board of Adjustment

Appeal: $350.00
Variance: $500.00

Reimbursements

Latecomer’s Application: $500.00
Administrative Fee: 10% collected agreement amount

Administrative Review

Zoning Compliance Letter: $75.00
Administrative Interpretation: $75.00
Exhibit B

Fee Comparison and Justification
## Fee Schedule Analysis

### Land Use

<table>
<thead>
<tr>
<th>Conditional Uses</th>
<th>Min. Other Cities</th>
<th>Max. Other Cities</th>
<th>Ave. Staff Hours</th>
<th>Staff True Costs</th>
<th>True Cost Fee</th>
<th>Current Fee</th>
<th>Proposed Fee</th>
<th>Current Subsidy</th>
<th>Proposed Subsidy</th>
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</thead>
<tbody>
<tr>
<td>Conditional Use Permit</td>
<td>$100</td>
<td>$500</td>
<td>6</td>
<td>$137.76</td>
<td>$826.56</td>
<td>$75</td>
<td>$750</td>
<td>91%</td>
<td>9%</td>
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<tr>
<td>Administrative Conditional Use Permit</td>
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<td>$500</td>
<td>2.5</td>
<td>$137.76</td>
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<td>$75</td>
<td>$150</td>
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<td>Permit Extension</td>
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<td>4</td>
<td>$137.76</td>
<td>$551.04</td>
<td>$50</td>
<td>$150</td>
<td>91%</td>
<td>73%</td>
</tr>
<tr>
<td>Permit Appeal</td>
<td>$200</td>
<td>$200</td>
<td>8</td>
<td>$137.76</td>
<td>$1,102.08</td>
<td>$50</td>
<td>$150</td>
<td>95%</td>
<td>86%</td>
</tr>
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</table>

Other cities reviewed include South Jordan, Centerville, Cedar City, Pleasant Grove, Spanish Fork, Draper, Sandy, Murray, West Valley City, and Bountiful
TOOELE CITY CORPORATION

ORDINANCE 2016-18

AN ORDINANCE OF TOOELE CITY AMENDING THE TERMS OF CHAPTER 7-5 OF THE TOOELE CITY CODE RELATING TO THE ESTABLISHMENT OF ADMINISTRATIVE CONDITIONAL USE PERMITS.

WHEREAS, Utah State law grants to Tooele City, and all municipalities, the authority to regulate the use of property within the City; and

WHEREAS, the authority to regulate the use of property includes the legal authority to establish conditional uses as a means to allow uses while regulating the reasonably anticipated nuisances from those uses in the best interest of the community; and

WHEREAS, it is prudent for the City to review its ordinances on a regular basis to ensure their appropriateness and applicability; and

WHEREAS, it is necessary from time to time to revise certain terms of the Tooele City Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

WHEREAS, the City Council of Tooele City has determined that it is reasonable and in the best interest of the city and its citizens to revise the terms and provisions of Chapter 7-5 regarding conditional uses to establish an administrative process for the review and approval of certain conditional uses; and

WHEREAS, the City Council of Tooele City finds good cause to revise the terms and provisions of Chapter 7-5 regarding conditional uses; and

WHEREAS, the City Council of Tooele City finds that the revisions to the text of Chapter 7-5 regarding conditional uses promotes the health, safety, and general welfare of Tooele City and its citizens as a whole; and

WHEREAS, the City Council of Tooele City finds that the revisions to the text of Chapter 7-5 regarding conditional uses promotes the prosperity of the city; and

WHEREAS, the City Council of Tooele City finds that the revisions to the text of Chapter 7-5 regarding conditional uses helps promote and improve the good order of development in the city; and

WHEREAS, the City Council of Tooele City finds that the revisions to the text of Chapter 7-5 regarding conditional uses will serve to promote the comfort, convenience, and aesthetics for citizens of Tooele City; and
WHEREAS, the City Council of Tooele City finds that the revisions to the text of Chapter 7-5 regarding conditional uses will provide fundamental fairness in land use regulation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TOOELE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. Through the adoption of this ordinance, the City Council of Tooele City has made the findings that the adoption of revisions to the text of Chapter 7-5 regarding conditional uses: 1) is based on good cause; 2) promotes the health, safety, and general welfare of Tooele City and its citizens as a whole; 3) promotes the prosperity of the city; 4) improves the good order of development in the city; 5) serves to promote the comfort, convenience, and aesthetics for citizens of Tooele City; and 6) provides fundamental fairness in land use regulation.

Section 2. Amendment. Chapter 7-5 of the Tooele City Code is hereby amended as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon approval by the City Council, without further publication, by authority of the Tooele City Charter.

PASSED AND ADOPTED BY THE CITY COUNCIL OF TOOELE CITY, STATE OF UTAH, THIS ___ DAY OF ____________, 2016.
TOOELE CITY COUNCIL
(For) 

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

ABSTAINING: ______________________________________________________________________

__________________________________________________________________________

(Arrived)

MAYOR OF TOOELE CITY

(Disapproved)

__________________________________________________________________________

ATTEST:

__________________________________________________________________________
Michelle Pitt, City Recorder

__________________________________________________________________________

SEAL

Approved as to Form:

__________________________________________________________________________
Roger Baker, City Attorney
EXHIBIT A

COMPLETE PROPOSED TEXT AMENDMENT
CHAPTER 5. CONDITIONAL USE

7-5-1. Purpose.
7-5-2. Requirements.
7-5-3. Public hearing.
7-5-4. Findings of fact.
7-5-6. Conditions appurtenant to property.
7-5-7. Building permits.
7-5-8. Time limits; termination of permits.
7-5-9. Guidelines for conditions.
7-5-10. Revocation.
7-5-11. Appeals.

7-5-1. Purpose.

The purpose and intent of this Chapter is to allow the integration of specified uses which are allowed uses of the zoning district, but which may create detrimental effects upon neighboring land uses and occupants without the imposition of reasonable conditions calculated to mitigate those detrimental effects.

(Ord. 1996-21, 09-04-1996)

7-5-2 Requirements.

(1) General requirements. A conditional use permit shall be required for all uses listed as conditional uses in each zoning district or elsewhere in this Code.

(2) Application requirements. Application for a conditional use permit shall be made by the property owner or authorized agent to the Community Development Department upon a form prescribed by the Department Director. An application which does not satisfy the requirements of this Chapter shall not be heard. An application must contain the following information:

(a) the name, address, and telephone number of the applicant;

(b) an affidavit under oath asserting ownership of the subject property, executed by the owner or authorized agent;

(c) the description of the property, including a legal description, street address, and other common means of identification;

(d) the names and addresses of all last known property owners as contained in the current records of the Tooele County recorder, within a 200-foot radius of the subject property, measured from the closest boundary of the proposed conditional use as shown on the development plan;

(e) a written statement indicating the manner of compliance with the provisions of this Code, and a written statement setting forth specifically any variance granted by the City from any provision of this Code;

(f) an accurate scale drawing showing the locations of the existing and proposed streets, property lines, uses, structures, driveways, pedestrian walks, off-

7-5-3 Public hearing.

(1) Public hearing. The Planning Commission shall hold a public hearing on all conditional use applications. The Commission shall consider conditional use permit applications at its regularly scheduled business meeting as soon as practicable after the filing of an application. Applications must be filed with the City Engineer not later than 15 days prior to the scheduled business meeting.

(2) Notice. At least 7 days prior to the date set for the hearing, the City shall mail written notice of the hearing to each property owner whose name and address accompany the application. The notice shall give the date, time, and place of the hearing, the name of the applicant, the requested conditional use, an identification of the subject property, and such other information as the Planning Commission may require. In addition to the application fee, the applicant shall pay the costs incurred by the City to provide the required notice.

(3) Procedure. At the public hearing, testimony may be given by the applicant and all other persons either in support of or in opposition to the application. The Planning Commission may take the application under advisement, but shall render its determination within 30 days of the date of the hearing.

(4) Approval. The Planning Commission shall approve the conditional use application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

approval of the application shall be entered into the

(November 2, 2016)
7-5-4. Findings of fact.
Prior to approving or denying a conditional use permit application, the Planning Commission shall make, in the business meeting at which the public hearing is conducted or the permit is approved or denied, a finding of the following facts:

1. the reasonably anticipated detrimental effects of the proposed use upon adjacent and nearby persons and properties;
2. the evidence identified regarding the identified reasonably anticipated detrimental effects of the proposed use;
3. the reasonable conditions imposed, as part of the conditional use permit approval, intended to mitigate the reasonably anticipated detrimental effects of the proposed use;
4. the reasons why the imposed conditions are anticipated or hoped to mitigate the reasonably anticipated detrimental effects of the proposed use;
5. the evidence, if any, identified regarding the ability of the imposed conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.


7-5-5 Notification of Planning Commission action. Within a reasonable time following the public hearing, the applicant shall be notified in writing of the Planning Commission's action. If the application is approved, the notification shall detail any conditions imposed, the procedures to be followed prior to obtaining a business license or building permit, and the expiration date of permit approval.

(Ord. 1996-21, 09-04-1996)

7-5-6 Conditions appurtenant to property.
All conditions imposed upon a conditional use permit shall run with the land, and shall be binding on the applicants and their heirs, successors, and assigns.

(Ord. 1996-21, 09-04-1996)

7-5-7 Building permits.
1. Following the issuance of a conditional use permit by the Planning Commission, and site plan review, if required, the Building Official may approve an application for a building permit and shall ensure that the development is undertaken and completed in compliance with said permit.
2. Permit document. Prior to the issuance of any

7-5-8 Time limits; termination of permit.
1. Effective date. The date of issuance of a conditional use permit shall be from the date of the Planning Commission's final decision on the conditional use permit application.
2. Commencement of construction. Within 12 months from the date the Planning Commission grants a conditional use permit, the permittee shall substantially comply with all conditions imposed upon the permit. Substantial compliance shall be demonstrated by obtaining a current building permit and commencing construction. Construction shall be deemed commenced upon the completion of the foundation for at least one principal building or 20% of remodeling or other construction. If construction is not commenced within 12 months, the permit will terminate automatically and without notice to the permittee.
3. Business license. If construction is not proposed as an element of the conditional use, a business license shall be obtained to satisfy this requirement. If a business license is not obtained within 12 months, the permit will terminate automatically and without notice to the permittee.
4. Lapsing of permit. If the conditional use should cease for any reason for a continuous period of 12 months, the conditional use permit will terminate automatically and without notice to the permittee.
5. Extensions. A request for extension of a conditional use permit may be filed with the Community Development Department not less than 30 days prior to the permit expiration date. Following a request for extension, the original conditional use permit shall remain valid until the request for extension is acted upon by the Planning Commission in a regularly scheduled public meeting. A request for extension shall not require a public hearing. A permit may be extended for no more than six months. Failure to request an extension in a timely manner shall cause the conditional use permit to expire without further notice, and a new conditional use permit shall be required prior to any reinstatement of the use.
6. Reinstatement. Where a conditional use permit terminates under this Section, approval of a new conditional use permit shall be required prior to any reinstatement of the use.

(Ord. 1996-21, 09-04-1996)

7-5-9 Guidelines for conditions.
Commission may establish all reasonable conditions it deems necessary to protect the health, safety, and general

(November 2, 2016)
welfare of the community. In addition, the Planning Commission may impose conditions regarding the following:

(a) conditions relating to safety for persons and property:
   (i) building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding; for example, down-sloping driveways;
   (ii) the relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential dangers existing on or adjacent to the property;
   (iii) increased setback distances from lot lines;
   (iv) design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault or other seismic hazard, which may exist on or near the property, and limitations or restrictions to use or location of use due to site conditions, including but not limited to flood plains or landslide areas that may exist outside of the Sensitive Area Overlay areas;
   (v) the arrangement and dimensions of truck loading and unloading facilities;
   (vi) the construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting;
   (vii) limits on time of day for the conduct of specified activities, or the absolute length of time of the proposed use; for example, commercial and industrial uses within 250 feet of a residential zoning district not operating between 10:00 p.m. and 6:00 a.m.; and,
   (viii) wind energy conversion systems.

(b) conditions relating to health and sanitation:
   (i) the sufficiency of water to serve the proposed land use and a water delivery system to be installed according to standards adopted by the City;
   (ii) a wastewater disposal system approved by the Tooele County Health Department according to standards adopted by the City; and,
   (iii) solid waste disposal receptacle enclosures constructed according to standards adopted by the City;
   (iv) construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for orderly development of land in the City.

(c) conditions relating to environmental concerns:
   (i) areas that may exist outside of the Sensitive Area Overlay due to soil capabilities, wildlife, and plant life;
   (ii) processes for the control, elimination, or prevention of land, water, or air pollution, the
      (1) The issuance of a conditional use permit under this Chapter grants a revocable property interest and
      prevention of soil erosion, and the control of objectionable odors and noise;
      (ii) the planting of ground cover or other surfacing to prevent dust and erosion;
      (iv) the restructuring and revegetation of the land when the use involves cutting or filling the land and where such land would be adversely affected if not restructured or revegetated.
   (d) conditions relating to compliance with the purposes and regulations of general plans and zoning districts:
      (i) conditional uses being located only on lots fronting arterial or collector streets within the district;
      (ii) the removal of nonconforming, noncompliant, nuisance, or unsafe structures, debris, or plant materials;
      (iii) the screening of yards or other areas as protection from other land uses and activities;
      (iv) landscaping in addition to that which may be required in other chapters of this Code, to ensure protection from neighboring land uses;
   (v) the location, height, lighting, and materials used for the construction of structures to ensure protection of neighboring land uses specifically if the use abuts a residential zoning district;
   (vi) the location, height, and materials of walls, fences, hedges, and screen plantings to ensure protection of adjacent development, or to conceal storage areas, utility installations, or other accessory features or structures;
   (vii) the relocation of proposed or existing structures as necessary to provide for future streets on the Official Street Map, sight distances for general safety, groundwater control, or similar concerns.
   (viii) the construction of recreational facilities necessary to satisfy the needs of the conditional use;
   (ix) increased setback distances from lot lines;
   (x) decreasing the intensity of land uses to avoid nuisances or other detrimental effects; and,
   (xi) improvements which serve the property in question and which may compensate in part or in whole for possible detrimental effects to the district from the proposed conditional use.

(e) conditions relating to performance and administration:
   (i) bonding or other valuable assurance in favor of the City in an amount to be determined by the City may be required for improvements or guarantees of construction relating to the conditional use permit.

(Ord. 1996-21, 09-04-1996)

7-5-10 Revocation.

privilege to engage in the conditional use allowed on the permitted property. The permittee agrees, as a

(November 2, 2016)
condition of permit issuance, to conduct the conditional use on the permitted property in conformity with the terms and conditions of the permit, the ordinances of the City, and all other applicable laws.

(2) Any conditional use permit issued pursuant to the provisions of this Chapter may be revoked by the Community Development Director for failure of the permittee to observe, or to assure observance of, all the conditions specified in the issuing of the permit, or for failure to observe other requirements of this Code in regards to the maintenance of improvements or the conduct of the use or activity as approved.

(3) An action or omission constituting grounds for revocation under this Section by an agent, employee, officer, operator, owner, guest, or patron of the permittee shall constitute the action or omission of the permittee.

(4) Prior to revocation, the Community Development Director shall make a preliminary determination to revoke. Notification of the Director’s preliminary determination to revoke a conditional use permit shall be mailed by the Department by certified U.S. mail to the permittee at the mailing address identified on the conditional use permit application.

(5) Notification of conditional use permit revocation shall be mailed by the Department by certified U.S. mail to the permittee:

(a) if no timely appeal of the preliminary revocation determination was filed, at the mailing address identified on the conditional use permit application; or,

(b) if a timely appeal of the preliminary revocation determination was filed, and the determination was sustained by the Administrative Hearing Officer, at the address identified on the appeal.

(6) The City shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner.

(Ord. 1996-21, 09-04-1996)

7-5-11 Appeals.

Appeals of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 1996-21, 09-04-1996)

7-5-12. Penalty.

The following are violations of this Chapter and are class B misdemeanors:

(1) Conducting a use that is identified as a conditional use in Chapter 7-14 Table 1: Table of Uses or §7-16-3 (Table 1: Table of Uses) of this Title without a valid, current conditional use permit;

(2) Conducting a use in violation of the terms of a conditional use permit; and,

(3) Continuing to conduct a use after a conditional use permit for that use has been revoked.

(Ord. 2012-23, 11-21-2012)

7-5-13 Administrative Conditional Uses.

The terms of this Section shall apply only to those conditional uses listed in Subsection (1). In the event that the terms of this Section conflict with similar provisions elsewhere in this Chapter, the terms of this Section shall supersede for those conditional uses listed in Subsection (1).

(1) Conditional Uses to be Reviewed Administratively. All home occupation uses requiring a conditional use permit shall be reviewed administratively.

(2) Application. All applications for a home occupation conditional use permit shall be filed with the Community Development Department as prescribed in Section 7-5-2 herein.

(3) Fees.

(a) Application Fee. An application for a home occupation conditional use permit shall be accompanied by the fee established by Resolution of the City Council. A receipt or notation of receipt number showing that the application fee has been paid must be attached to all applications as proof of filing. An application for a home occupation conditional use permit shall not be complete without a paid application fee and shall not be accepted.

(b) Extension Fee. A request for extension of a home occupation conditional use permit must be accompanied by the fee established by Resolution of the City Council and must be received prior to the expiration of the permit. An application for extension of a home occupation conditional use permit shall not be complete without a paid application fee and shall not be accepted. Time limits and extensions of a home occupation conditional use permit shall comply with the terms of Section 7-5-8 herein.

(c) Appeal Fee. An appeal from a determination on a home occupation conditional use permit must be accompanied by the fee established by Resolution of the City Council. An application for appeal of a home occupation conditional use permit shall not be complete without a paid application fee and shall not be accepted.

(4) Notice of Application. Upon receipt of a complete application for a home occupation conditional use permit, the Zoning Administrator shall issue notice to all property identified under Section 7-5-2(d) herein. The notice shall include at least the following:

(a) Identification of the property where the proposed home occupation conditional use is to be located;

(b) The nature of the proposed home occupation;

(c) Identification of the proposed home occupation conditional use as an administrative review;

(d) Invitation to submit any relevant information and evidence in writing to the Zoning Administrator regarding the application; and

(e) The date and time deadline, to be not less than 7 calendar days from the date of the notice, for receipt of all submitted relevant information and evidence.

(5) Review of Application.

(a) Standard of Review. Upon receipt of all submitted relevant information and evidence, the Zoning Administrator shall review the application and the

(November 2, 2016)
submitted relevant information and evidence for compliance with the applicable terms of the Tooele City Code. The Zoning Administrator shall review applications for a home occupation conditional use permit according to Section 7-5-3(4) based on the substantial evidence provided in the application, the applicable provisions of the Tooele City Code, and the submitted relevant information and evidence. In the event the Zoning Administrator finds substantial evidence that the application presents unique or extraordinary challenges or the submitted relevant information and evidence present substantial concern that the Zoning Administrator deems a public hearing to be warranted or necessary, the Zoning Administrator, in their sole discretion, shall have the option to defer the application for a home occupation conditional use permit to the Planning Commission for review. In doing so, the application shall then follow the process described in this Chapter for Planning Commission review including noticing and scheduling of a public hearing.

(b) Findings of Fact. The Zoning Administrator may impose conditions necessary to ensure the application’s compliance with the purpose of the Chapter according to the terms of Section 7-5-4 herein.

(6) Notification of Action. Within 7 calendar days of the deadline identified in Subsection (5)(c) herein, the Zoning Administrator shall issue a written notification of determination to the applicant of a home occupation conditional use permit as outlined in section 7-5-5 herein.

(7) Appeal. Any aggrieved party to a written determination for a home occupation conditional use permit may appeal in writing to the Director of the Community Development Department within 7 calendar days of the date of determination being appealed. The Director shall review the appeal according the same standard of review as the determination and issue a determination to uphold or overturn the Zoning Administrator’s determination within 7 calendar days of the appeal being filed. An appeal of the Director’s determination may be appealed according to Section 7-5-11 herein.

(Ord. 2016-18, 11-02-2016)
Cemetery Fence Discussion Information

Measurements:

**200 East** – 1122 feet of total fencing (not including the gate measurements)
   North gate 20 feet, South gate 18.5 feet, center gate 24 feet

**100 East** – 717 feet of total fencing (not including the gate measurements)
   South gate 19.5 feet, center gate 34.5 feet, North gate 24 feet

**Garden Street** – 673 feet of total fencing (not including the gate measurements)
   South gate 22 feet, North gate 21 feet

**Skyline** – 1250 feet of total fencing

**400 South** – 457 feet of total fencing

**Total Linear feet of fence 4222’**

Four-foot-high fencing = $24-26/ft = Totals $102k - $110k

Six-foot-high fencing = $31-34/ft = Totals $131k – $144k

We need to decide which one of the four fence styles we like the most. (See Exhibit)

There would be 8 gates. The bids will come itemized with the gates as an option.

When we install the fence, we will have gate posts installed even if we don’t do the gates now. If we do the entire project at once the cost per linear foot will go down, and could cover the cost of the gates.

Once the approval is given for the contract, lead time on the material is about 6 weeks.

Installation is around 4-5 weeks.

With the use of recently purchased equipment that the city council approved. The parks department crews will be able to remove the current fence without having to pay the contractor to do so. (Kubota), (Top rail would be salvaged for baseball fields) Remaining would be taken to landfill.
LIFETIME WARRANTY

The Montage families of fencing products are manufactured from superior quality materials by skilled craftsmen with the highest standards of workmanship in the industry. Ameristar is confident in offering Montage with a Lifetime Limited Warranty (the first of its kind), backed by an American company with over 30 years of demonstrated excellence in manufacturing ornamental fencing products.

E-COAT vs PAINTED STEEL

Major corrosion problems start from the inside. That’s why all products in the Montage family are coated inside and outside. Our galvanized steel framework is subjected to a multi-stage pre-treatment/wash (with zinc phosphate), followed by a duplex cathodic electrocoat system consisting of an epoxy primer, which significantly increases corrosion protection, and an acrylic topcoat, which provides the protection necessary to withstand adverse weathering effects. This process results in years of maintenance-free ownership. Simply painting steel on the outside leaves it vulnerable to corrosion, which in turn destroys the entire fence.

Competitors Painted Rail (outside only)  Montage E-Coated rail (outside and inside)

- Acrylic Topcoat
- Epoxy Primer
- Zinc Phosphate
- Galvanic Zinc
Montage ornamental steel fence is unparalleled in strength and quality, adapts to virtually any terrain, withstands vast shifts in climate yet remains untouched by time in stately elegance. This fence offers an array of customizeable options to fit your unique sense of style and application.

PROFUSION WELDED STEEL vs ALUMINUM

All Montage fence panels are fabricated using Ameristar’s ProFusion welding process. This technique combines laser and fusion technology to create a virtually invisible structural connection at every picket to rail intersection. Unlike typical aluminum fence systems that are held together with unsightly screws, the ProFusion weld used with Montage promotes a “good neighbor” profile with sleek lines and no exposed picket to rail fasteners. When compared to residential aluminum fencing, Montage’s welded steel construction is unmatched in strength and durability.

RAKEABLE vs STAIR-STEP

The ProFusion welded panel design of Montage enables maximum bias for virtually all terrains. Being the only welded steel fence capable of following steep grade changes, Montage follows uneven ground contours like a second skin. This eliminates stair-stepping panels with the flexibility of a 48” rise in an 8’ run.

ENVIRONMENTALLY RESPONSIBLE

Ameristar proudly leads the way in manufacturing programs and practices to reduce our carbon footprint and has developed methods to reduce our energy consumption. We consistently monitor air emissions, storm water runoff, and waste water discharge. We also recycle all of our scrap steel, wood, cardboard, plastics, paper and oil products. Montage is fabricated from domestic steel that contains up to 97% recycled content.
CLASSIC™

Timeless Elegance

Classic style features extended pickets that culminate to an arrow-pointed spear capture the beautiful look of old style wrought iron fencing. Single, double and arched walk gates that perfectly match this fence style are also available.

- 2-rail panels in 3', 3½', 4' and 5' heights, with a standard or flush bottom rail
- 3-rail panels in 3', 3½', 4', 5' and 6' heights, with a standard or flush bottom rail

MAJESTIC™

Modern Beauty

Majestic's flush top rail projects a clean, streamlined look that make it one of the most popular styles in the Montage family. Single, double and arched walk gates that perfectly match this fence style are available as well.

- 2-rail panels in 3', 3½', 4' and 5' heights, with a standard or flush bottom rail
- 3-rail panels in 3', 3½', 4', 5' and 6' heights, with a standard or flush bottom rail (4½' panels available with flush bottom rail only)

GENESIS™

Creatively Distinct

Genesis style's extended flat-topped pickets serve as a foundation for your choice of accent finials providing a customized design. Single, double and arched walk gates that perfectly match this fence style are available as well.

- 2-rail panels in 3', 3½', 4' and 5' heights, with a standard or flush bottom rail
- 3-rail panels in 3', 3½', 4', 5' and 6' heights, with a standard or flush bottom rail
WARrior

Traditional Character

Alternating picket heights coupled with each picket culminating into an arrow-pointed spear, give the Warrior style a distinctive look that is a hallmark of wrought iron fencing. Single and double swing gates that perfectly match this fence style are also available.

- 2-rail panels in 3’, 3½’, 4’ and 5’ heights, with a standard or flush bottom rail
- 3-rail panels in 3’, 3½’, 4’, 5’ and 6’ heights, with a standard or flush bottom rail

CreScenT

Sophisticated Charm

Crescent style is a unique old world look with pressed-spear pickets protected by arched steel loops. Single and double swing gates that perfectly match this fence style are also available. (Not rakeable).

- 2-rail panels in 3’, 3½’, 4’ and 5’ heights, with a standard or flush bottom rail
- 3-rail panels in 3’, 3½’, 4’, 5’ and 6’ heights, with a standard or flush bottom rail

Finials & Adornments

Quad Flare  Triad  Royalty  Ball Cap  Serpentine Scroll  Butterfly Scroll  Double Rings

Color Options

Black  Bronze

MONTAGE® | Residential Ornamental Steel Fence
Montage Pool, Pet & Play provides additional safety for pets and children with 3" airspace between pickets. The 3" airspace of the Montage Pool, Pet & Play gives these panels a more robust appearance, as well as increased panel strength due to the additional picket to rail connections.

- 2-rail panels in 3’, 3½’, and 4’ heights, with a standard or flush bottom rail (available in Majestic or Gemini only)
- 3-rail panels in 3’, 3½’, 4’, 5’ and 6’ heights, with a standard or flush bottom rail (4½’ Majestic panels available with flush bottom rail only)
AVAILABLE GATE SYSTEMS

EXPERIENCE YOUR

Grand Entrance

For the perfect finishing touch to your project, Montage offers several gate options to compliment any installation. Montage's single arched swing gates, traditional single swing and double swing gates are crafted with fully welded construction for years of durability. Fabricated with the same components as the fence panel these Montage gates provide a seamless transition from ornamental fence to decorative gate. A variety of steel Estate® Entry Gates are also available to accent any entry.
KNOWLEDGE & EXPERIENCE

Ameristar was chartered 30 years ago in response to the demand by consumers and specifiers for specialty fence products. Ameristar offers an aesthetically pleasing product that is both high in quality and affordability. This has been achieved by maximizing high-volume productivity, increasing product design strength, and promoting simplistic installation.

PROVEN CAPABILITY

Ameristar’s integrated in-house process and extensive raw material inventory results in much improved productivity and availability compared to the competition. By having a vast finished goods inventory, Ameristar is capable of delivering finished products faster than competitors who sublet the majority of their operations.

INDUSTRY LEADERSHIP

Over the years Ameristar has continually raised the bar across the board in the manufacturing of high quality, innovative fencing products. Our demonstrated commitment to upholding higher values translates into superior products that go far beyond merely meeting minimum industry standards.
MEMORANDUM

To: Tooele City Council
Cc: Debbie Winn, Mayor
From: Jim Bolser, AICP, Director
Date: February 26, 2020
Re: Zoning Map Amendment Fees

Subject:

When the City undertook the effort of comprehensively examining the fee structure for land use applications in 2015 and 2016, the Council found it appropriate to make adjustments to the fee schedule. Those adjustments included Zoning Map Amendment applications, see an excerpt of the currently-adopted fee schedule attached. One aspect that was not contemplated at that time, nor before, was the idea of an application being submitted that included a large enough area that the cost of the application fees would clearly outpace the effort needed to review the application. The fee structure is set up based on the average application knowing that there will be applications that the size or details of an application are such that massive fees would still not cover the City’s cost of reviewing the application and vice versa. Where this kind of structure falters is when an application is so large that it crosses the tipping point into an imbalance where the City is making a profit on the application. The difficulty in this analysis is determining where that balance point lies since every application is unique and carries its own challenges and benefits that have to be analyzed. The staff is proposing making an amendment to the adopted fee schedule, not to change the fees required to apply for a Zoning Map Amendment, but place a cap on the amount of money an applicant would need to pay for such an application. Due to the few number of applications that approach this tipping point that are applicant initiated this analysis is further complicated to approach from a workload standpoint. The staff proposes to cap the calculation of fees for Zoning Map Amendment applications at 50 acres, regardless of the total acreage contained in the application, see the attached proposed amendment to the excerpt of the currently-adopted fee schedule.

As always, should you have any questions or concerns please feel free to contact me at any time.
**Conditional Uses**
- Conditional Use Permit: $750.00
- Administrative Conditional Use Permit: $150.00
- Permit Extension: $150.00
- Permit Appeal: $150.00

**Zoning**
- Zoning Map Amendment: $1,000.00 + $100.00/acre
- Ordinance Text Amendment: $2,000.00

**General Plan / Master Plan**
- Plan Map Amendment: $1,000.00 + $100.00/acre
- Plan Text Amendment: $2,000.00

**Reimbursements**
- Latecomer’s Application: $500.00
- Administrative Fee: 10% collected agreement amount

**Administrative Review**
- Zoning Compliance Letter: $75.00
- Administrative Interpretation: $75.00

**Signs**
- Permanent Sign Application: Per IBC
- Temporary Sign Application: $25.00
- Violations: see Code Enforcement and Nuisance Abatement
Conditional Uses

- Conditional Use Permit: $750.00
- Administrative Conditional Use Permit: $150.00
- Permit Extension: $150.00
- Permit Appeal: $150.00

Zoning

- Zoning Map Amendment: $1,000.00 + $100.00/acre up to 50 acres regardless of application size
- Ordinance Text Amendment: $2,000.00

General Plan / Master Plan

- Plan Map Amendment: $1,000.00 + $100.00/acre
- Plan Text Amendment: $2,000.00

Reimbursements

- Latecomer’s Application: $500.00
- Administrative Fee: 10% collected agreement amount

Administrative Review

- Zoning Compliance Letter: $75.00
- Administrative Interpretation: $75.00

Signs

- Permanent Sign Application: Per IBC
- Temporary Sign Application: $25.00
- Violations: see Code Enforcement and Nuisance Abatement
City Council:

Utah Code Section 52-4-104 requires that the City Council/RDA Board have annual training regarding the Utah Open and Public Meetings Act. Utah Code Section 63G-22-103 invites officials to obtain this training on-line.

Tooele City’s annual audit checks to make sure Council members/Board members have received the training.

David Church, general counsel for the Utah League of Cities and Towns, has provided excellent annual trainings on the Act. Several of his trainings are on YouTube. For this year’s training, I invite you to watch Mr. Church’s one-hour presentation. He is a fun presenter, and the hour will go quickly.

After watching the training, please email Shannon Wimmer, Assistant Finance Director, confirming that you have watched the training. She helps compile documentation in preparation for the City’s annual audit.

Thank you.

Roger Baker
Tooele City Attorney