

TOOELE COUNTY CORPORATON
CONTRACT # 12-12-15

AMENDMENT #1 TO
TOOELE COUNTY CONTRACT #01-07-02
Development Agreement for
The Benches at South Rim

THIS AMENDMENT (the "Amendment") is entered into on this 20th day of December, 2012, by and between TOOELE COUNTY, UTAH, a political subdivision of the State of Utah (the "County"), and L & B DEVELOPMENT COMPANY, INC., a Utah Corporation (the "Developer").

RECITALS

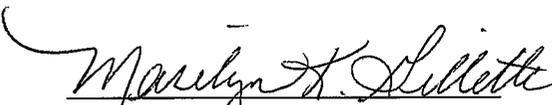
On November 7, 2012 the Tooele County Planning Commission considered a request to amend the side yard and back yard setback requirements for the Benches at South Rim which are contained in Tooele County Contract #01-07-02, the Development Agreement for The Benches at South Rim. The request is to have setbacks of 5 feet for both the side yard and back yard. After considering the request and the staff report on this matter, the Planning Commission recommended approval of the request. Amendment of the underlying development agreement is required in order to make the requested change.

AGREEMENT

The County and Developer agree to amend Tooele County Contract #01-07-02, the Development Agreement for The Benches at South Rim, to allow setbacks as outlined in "Exhibit A AMENDED and EXHIBIT C AMENDED" which are attached hereto.

ATTEST:

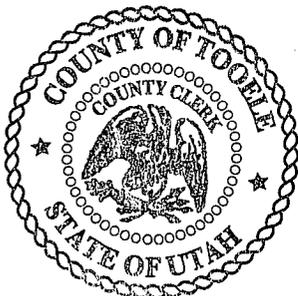
TOOELE COUNTY, a political subdivision
of the State of Utah



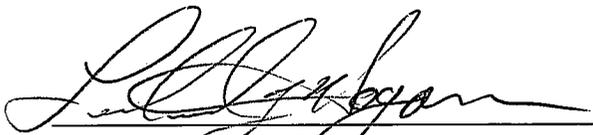
Marilyn H. Lilette
County Clerk



Colleen Johnson, Commission Chair



L & B DEVELOPMENT COMPANY, INC.,
a Utah Corporation



Leland J. Hogan, President

EXHIBIT A AMENDED - DEVELOPMENT AGREEMENT FOR L & B DEVELOPMENT COMPANY, INC., THE BENCHES AT SOUTH RIM PROJECT

SETBACK AND USE RESTRICTIONS FOR THE BENCHES AT SOUTH RIM PLANNED UNIT DEVELOPMENT

For those lots that are between 1 and 4.99 acres, the following are the development restrictions:

- (1) Minimum width: 125 feet.
- (2) Minimum frontage on a public street or an approved private street: 25 feet.
- (3) Minimum yard setback requirements:
 - (a) front yard: 30 feet.
 - (b) rear yard:
 - (i) main building: 30 feet; and
 - (ii) accessory buildings: five feet.
 - (c) side yard: five feet.
- (4) On corner lots, two front yards and two side yards are required.
- (5) Maximum building height: 35 feet.
- (6) Maximum building coverage: 20 percent.
- (7) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) on-site surface drainage facilities;
 - (d) culinary water facilities; and
 - (e) wastewater disposal.

For those lots that are between 5 and 9.99 acres, the following are the development restrictions:

- (1) Minimum width: 220 feet.
- (2) Minimum frontage on a public street or an approved private street: 50 feet.
- (3) Minimum yard setback requirements:
 - (a) front yard: 30 feet.
 - (b) rear yard:
 - (i) main building: 50 feet; and
 - (ii) accessory buildings: five feet.
 - (c) side yard: five feet.
- (4) On corner lots, two front yards and two side yards are required.
- (5) Maximum building height: 35 feet.
- (6) Maximum building coverage: ten percent.
- (7) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) on-site surface drainage facilities;
 - (d) culinary water facilities; and
 - (e) wastewater disposal.

For those lots that are between 5 and 9.99 acres, the following are the development restrictions:

The development restrictions in RR-10 zoning districts are as follows:

- (1) Minimum width: 330 feet.
- (2) Minimum frontage on a public street or an approved private street: 60 feet.
- (3) Minimum yard setback requirements:
 - (a) front yard: 30 feet.
 - (b) rear yard:
 - (i) main building: 60 feet; and
 - (ii) accessory buildings: five feet.
 - (c) side yard: five feet.
- (4) On corner lots, two front yards and two side yards are required.
- (5) Maximum building height: 35 feet.
- (6) Maximum building coverage: five percent.
- (7) Required improvements:
 - (a) street grading;
 - (b) street base;
 - (c) on-site surface drainage facilities;
 - (d) culinary water facilities; and
 - (e) wastewater disposal.

Uses conditionally exempt from frontage, width and area requirements.

(1) A bona fide division or partition of land for the purpose of siting an unmanned facility appurtenant to a pipeline, electrical service, telecommunications, transmission line, radio transmission, regeneration, fiber-optic equipment that is owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission, may be sited on a parcel less than that required by this Chapter, with no frontage, subject to the following:

- (a) The parcel shall have a legal access to it.
- (b) In multiple use and agricultural zoning districts, the site shall be fenced and approved through a conditional use permit.
- (c) In rural residential zoning districts or where a residential or manned structure is within 800 feet, the site shall be large enough that the height of the

EXHIBIT A AMENDED - DEVELOPMENT AGREEMENT FOR L & B DEVELOPMENT COMPANY, INC., THE BENCHES AT SOUTH RIM PROJECT

tallest structure placed in a vertical position from its base, plus ten feet will mark the minimum property edge. The site shall be fenced with chain link fencing, and screened by drought resistant landscaping and trees.

USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section

- 1. Codes and symbols.
- 2. Uses.
- 3. Use tables.
- 3.1. Agriculture, forestry and keeping of animals.
- 3.2. Commercial and industrial uses.
- 3.3. Dwellings, living quarters and long or short-term residences.
- 3.4. Public and quasi-public uses.
- 3.5. Recreational, camping and amusement uses.
- 3.6. Utilities and utility services.

1. Codes and symbols.

(1) In this Part are uses allowed in the various districts as follows:

(a) "permitted uses", indicated by a "P" in the appropriate column; or

(b) "conditional uses", indicated by a "C" or "CI" in the appropriate column.

(2) Conditional uses marked by "C" means issuance by planning commission. Those marked "CI" means it may be approved administratively by the zoning administrator.

(3) If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

(4) If a regulation applies in a given district, it is indicated in the appropriate column by a alphanumeric character that will show the linear feet, or square feet, or acres required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

2. Uses.

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural, or rural residential districts except as provided in this Chapter.

3. Use tables.

Table 3.1. Agriculture, forestry and keeping of animals.				
#	Use	Minimum lot size		
		1	5	10
a	Fruit or vegetable stand	C	C	C
b	Household pets (no more than 2 dogs)	P	P	P
c	Personal agriculture, including grazing and pasturing of animals	P	P	P
d	Accessory buildings and uses customarily incidental to permitted uses	P	P	P
e	Accessory uses and buildings customarily incidental to conditional uses	C	C	C

EXHIBIT C AMENDED - DEVELOPMENT AGREEMENT FOR L & B DEVELOPMENT COMPANY, INC., THE BENCHES AT SOUTH RIM PROJECT

six percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel

- 2) Minimum width - 660 feet.
- 3) Minimum frontage on a public street or an approved private street - 60 feet.
- 4) Minimum yard setback requirements:
 - a) front yard - 30 feet,
 - b) rear yard:
 - i). main building - 60 feet,
 - ii). Accessory buildings - five feet
 - c) side yard: 30 feet
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 5 percent
- 8) Required improvements:
 - a) street grading;
 - b) street base;
 - c) on-site surface drainage facilities;
 - d) culinary water facilities;
 - e) wastewater disposal; and
 - f) street monuments.

PART 15-3

RURAL RESIDENTIAL DISTRICTS

Section

15-3-1. Purposes of rural residential districts.

15-3-2. RR-1 development restrictions

15-3-3. RR-5 development restrictions

15-3-4. RR-10 development restrictions

15-3-1. Purposes of rural residential districts.

1) The purposes of rural residential districts are to promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public services. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

2) The rural residential zoning districts in Tooele County are RR-1, RR-5, and RR-10.

15-3-2. RR-1 development restrictions.

The development restrictions in RR-1 zoning districts are as follows:

- 1) Minimum lot size is one acre (43,560 sq ft.).
- 2) Minimum width - 125 feet.
- 3) Minimum frontage on a public street or an

approved private street - 25 feet.

- 4) Minimum yard setback requirements:
 - a) front yard - 30 feet,
 - b) rear yard:
 - i) main building - 30 feet,
 - ii). Accessory buildings - five feet
 - c) side yard: five feet
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 20%
- 8) Required improvements:
 - a) street grading;
 - b) street base;
 - c) on-site surface drainage facilities;
 - d) culinary water facilities;
 - e) wastewater disposal; and
 - f) street monuments.

15-3-3. RR-5 development restrictions.

The development restrictions in RR-5 zoning districts are as follows:

- 1) Minimum lot size is 5 acres (217,800 sq ft). A six percent reduction in minimum lot size shall be allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.
- 2) Minimum width - 220 feet.
- 3) Minimum frontage on a public street or an approved private street - 50 feet.
- 4) Minimum yard setback requirements:
 - a) front yard - 30 feet,
 - b) rear yard:
 - i). main building - 50 feet,
 - ii). accessory buildings five feet
 - c) side yard: five feet
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: 10%
- 8) Required improvements:
 - a) street grading;
 - b) street base;
 - c) on-site surface drainage facilities;
 - d) culinary water facilities;
 - e) wastewater disposal; and
 - f) street monuments.

15-3-4. RR-10 development restrictions.

The development restrictions in RR-10 zoning districts are as follows:

- 1) Minimum lot size is 10 acres (435,600 sq ft). A six percent reduction in minimum lot size shall be

EXHIBIT C AMENDED - DEVELOPMENT AGREEMENT FOR L & B DEVELOPMENT COMPANY, INC., THE BENCHES AT SOUTH RIM PROJECT

allowed for dedication of public rights-of-way providing access to and past the affected lot or parcel.

- 2) Minimum width - 330 feet.
- 3) Minimum frontage on a public street or an approved private street - 60 feet.
- 4) Minimum yard setback requirements:
 - a) front yard - 30 feet,
 - b) rear yard:
 - i). main building 60 feet,
 - ii). Accessory buildings: five feet
 - c) side yard: 25 feet.
 - ii) accessory buildings:
- 5) On corner lots, two front yards and two side yards are required.
- 6) Maximum building height - 35 feet
- 7) Maximum building coverage: five percent
- 8) Required improvements:
 - a) street grading;
 - b) street base;
 - c) on-site surface drainage facilities;
 - d) culinary water facilities;
 - e) wastewater disposal; and
 - f) street monuments.

PART 15-5

USE TABLES, CODES, SYMBOLS AND RESTRICTIONS

Section	
15-5-1.	Codes and symbols
15-5-2.	Uses
15-5-3.	Use tables.
15-5-3.1	Agriculture, forestry and keeping of animals.
15-5-3.2	Commercial and industrial uses
15-5-3.3	Dwellings, living quarters and long or short-term residences.
15-5-3.4	Public and quasi-public uses.
15-5-3.5	Recreational, camping, and amusement uses.
15-5-3.6	Utilities and utility services.
15-5-1.	Codes and symbols

PART 15-4

EXEMPTION FROM AREA REQUIREMENTS

Section

15-4-1. Uses conditionally exempt from frontage, width, and area requirements of the zoning district.

1) A bona fide division or partition of land for the purpose of siting an unmanned facility appurtenant to a pipeline, electrical service, telecommunication equipment, a transmission line, radio transmission, regeneration, fiber optic equipment, that is owned or operated by a public or private utility service regulated by the Public Utility Commission or Federal Communications Commission, may be sited on a parcel less than that required by this Chapter, with no frontage, subject to the following:

- a) the parcel shall have a legal access to it;
- b) In multiple use and agricultural zoning districts, the site shall be fenced and approved through a conditional use permit.
- c) In rural residential zoning districts or where a residential or manned structure is within 800 feet, the site shall be large enough that the height of the tallest structure placed in a vertical position from its base, plus ten feet will mark the minimum property edge. The site shall be fenced with chain link fencing, and screened by drought resistant landscaping and trees.

2) The conditional exemption allowed by this section does not excuse the applicant or landowner from compliance with the subdivision ordinance.