

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, September 14, 2022** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

***** Notice – Tooele City is no longer broadcasting meetings via Facebook Live *****

We encourage anyone interested to join the Planning Commission meeting electronically through Tooele City's YouTube channel by logging onto www.youtube.com and searching Tooele City Channel. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecity.org anytime after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.

AGENDA

1. ***Pledge of Allegiance***
2. ***Roll Call***
3. ***Public Hearing and Recommendation*** on a Zoning Map Amendment Request by Hallmark Homes to Reassign the Zoning for Approximately 7.3 Acres Located at the Intersection of 3 O'Clock Drive and SR-36 (Main Street) From the NC Neighborhood Commercial Zoning District to the MR-12 Multi-Family Residential Zoning District.
4. ***Public Hearing and Decision*** on a Conditional Use Permit Request by Epic Summer Recreation, LLC, to Permit the "Automobile Sales and Rental" Use on 0.5 Acres Located at 323 North Main Street in the GC General Commercial Zoning District.
5. ***Public Hearing and Decision*** on a Conditional Use Permit Request by Moorad Commercial, LLC, to Permit the "Retail Store (Located Within an Existing Structure) and Business Office (Located Within an Existing Structure)" Uses on 0.9 Acres Located at 154 South Main Street in the MU-G Mixed Use General Zoning District.
6. ***Public Hearing and Decision*** on a Conditional Use Permit Request by Tagg N Go to Permit the "Car Wash" Use on 1.28 Acres Located at Approximately 270 East 2400 North in the GC General Commercial Zoning District.
7. ***Recommendation*** on a Subdivision Preliminary Plan Request for the Lexington Townhomes Subdivision, Phases 2 & 3 by Harold Irving Representing Lexington Townhomes LLC, to Create 53 Townhome Residential Lots Located at Approximately 620 West Carole's Way in the MR-16 Multi-Family Residential Zoning District on 6.39 Acres.
8. ***Public Hearing and Recommendation*** on an Update to the Moderate Income Housing Plan Element of the Tooele City General Plan.
9. ***City Council Reports***
10. ***Review and Approval*** of Planning Commission Minutes for the Meeting Held on August 24, 2022.



11. *Adjourn*

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Andrew Aagard, Tooele City Planner and Zoning Administrator prior to the meeting at (435) 843-2132.

STAFF REPORT

August 30, 2022

To: Tooele City Planning Commission
Business Date: September 14, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: 3 O'Clock Drive – Zoning Map Amendment Request

Application No.: P22-992
Applicant: Russ Tolbert, representing Hallmark Homes
Project Location: Approximately 602 and 603 S 3 O'Clock Drive
Zoning: NC Neighborhood Commercial Zone
Acreage: 7.36 Acres (Approximately 320,601 ft²)
Request: Request for approval of a Zoning Map Amendment in the NC Neighborhood Commercial zone to re-assign the zoning for both properties to the MR-12 Multi-Family Residential zoning district.

BACKGROUND

This application is a request for approval of a Zoning Map Amendment for approximately 7.36 acres located at 602 and 603 South 3 O'Clock Drive. The property is currently zoned NC Neighborhood Commercial. The applicant is requesting that a Zoning Map Amendment be approved to re-assign the zoning of the property to MR-12 Multi-Family Residential to facilitate the development of the property as residential town homes.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the NC Neighborhood Commercial zoning classification. The NC Neighborhood Commercial zoning designation is not identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. Properties to the west, north and south of the subject properties are zoned R1-7 Residential. Properties to the east of the subject properties are zoned GC General Commercial, RR-1 Residential and R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

In March of 2022 the Land Use map of the General Plan was amended re-assigning these properties to High Density Residential. The High Density Residential land use designation includes all of the MR zoning districts, including the MR-8, MR-12, MR-16 and MR-20 Multi-Family Residential zoning districts. When the City Council approved the change to the Land Use map they did so with a condition limiting the number of units per acre that can be developed on the property to 10 units per acre.

The current zoning of the property is the NC Neighborhood Commercial zone. Neighborhood Commercial District (NC) is designed and intended for small areas for limited commercial uses providing goods and services to residents in the surrounding neighborhood area. The District encourages the provision of small-scale retail and service uses for nearby residents. Uses are restricted in type and size to

promote a local orientation and to limit possible adverse impacts on nearby residential areas. The Neighborhood Commercial District is to be located in areas of the City so as to facilitate pedestrian access and to encourage the continued viability of the uses allowed in the District. The location and design of all buildings and accessory activities and uses should respect the neighborhood and residential activities that adjoin this District and all activities should be conducted in a manner that adds to neighborhood amenity and the residential setting.

The applicant is requesting that the zoning be re-assigned from NC Neighborhood Commercial to MR-12 Multi-Family Residential. In order to accomplish the density of 10 units per acre, the limitation put upon the property during the Land Use Map amendment by the City Council, the applicant needs the MR-12 zoning district. The MR-12 zoning district permits up to 12 units per acre where the MR-8 permits up to 8 units per acre. The MR-8 zoning district would not permit up to 10 units per acre so the MR-12 is the next zoning district available to accomplish the 10 unit per acre limitation approved by the City Council.

The requested MR-12 Multi-Family residential zoning district does comply with the High Density Residential land use designation of the Land Use map.

Site Plan Layout. The applicant has submitted a site plan layout showing their intentions with the site and how development will occur. Please remember that this site plan is conceptual and has not been reviewed by Tooele City staff. This site plan is provided for reference purposes only.

Previous Conditions of Approval. During the Land Use Map Amendment review stage for this request, the City Council placed a conditions on the approval of changing the Land Use from Medium Density Residential to High Density Residential. That condition was as follows:

1. Approved with a maximum of 10 units per acre or MR-10.

Criteria For Approval. The criteria for review and potential approval of a Zoning Map Amendment request is found in Section 7-1A-7 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.
 - (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
 - (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
 - (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
 - (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Zoning Map Amendment submission and has issued the following comments:

1. The City Council placed a 10 unit per acre density restriction on the properties during the Land Use Map Amendment process.
2. The MR-12 Multi-Family Residential zoning district is necessary to accomplish the 10 unit per acre density restriction placed on the properties by the City Council.
3. The MR-12 zoning district complies with the High Density Residential land use designation.

Engineering and Public Works Division Review. The Tooele City Engineering and Public Works Divisions do not typically review Land Use Map and Zoning Map amendments and therefore have not issued any comments regarding this application.

Tooele City Fire Department Review. The Tooele City Fire Department do not typically review Land Use Map and Zoning Map amendments and therefore have not issued any comments regarding this application.

Noticing. The applicant has expressed their desire to rezone the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a Land Use Map Amendment according to the appropriate tenets of the Utah State Code and the Tooele City Code, particularly Section 7-1A-7(1) and render a decision 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. Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. Whether or not public services in the area are adequate to support the subject development.

11. Other findings the Commission deems appropriate to base their decision upon for the proposed application.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the 3 O’Clock Drive Zoning Map Amendment Request by Russ Tolbert, representing Hallmark Homes to re-assign the zoning to the MR-12 Multi-Family Residential zoning district, application number P22-992, based on the findings and subject to the conditions listed in the Staff Report dated August 30, 2022:”

1. List findings and conditions...

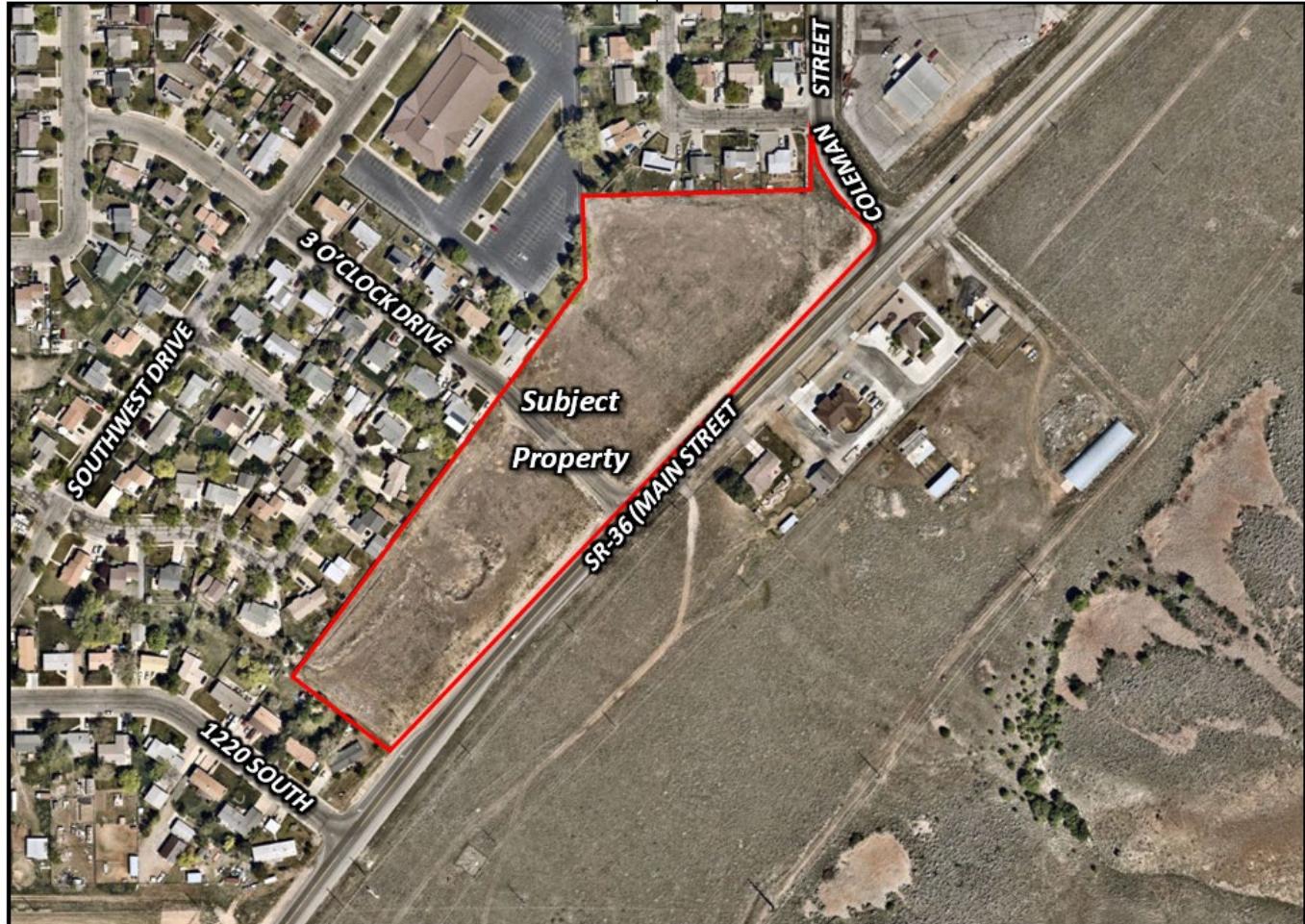
Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the 3 O’Clock Drive Zoning Map Amendment Request by Russ Tolbert, representing Hallmark Homes to re-assign the zoning to the MR-12 Multi-Family Residential zoning district, application number P22-992, based on the following findings:”

1. List findings...

EXHIBIT A

MAPPING PERTINENT TO THE 3 O'CLOCK DRIVE ZONING MAP AMENDMENT

3 O'Clock Drive Zoning Map Amendment



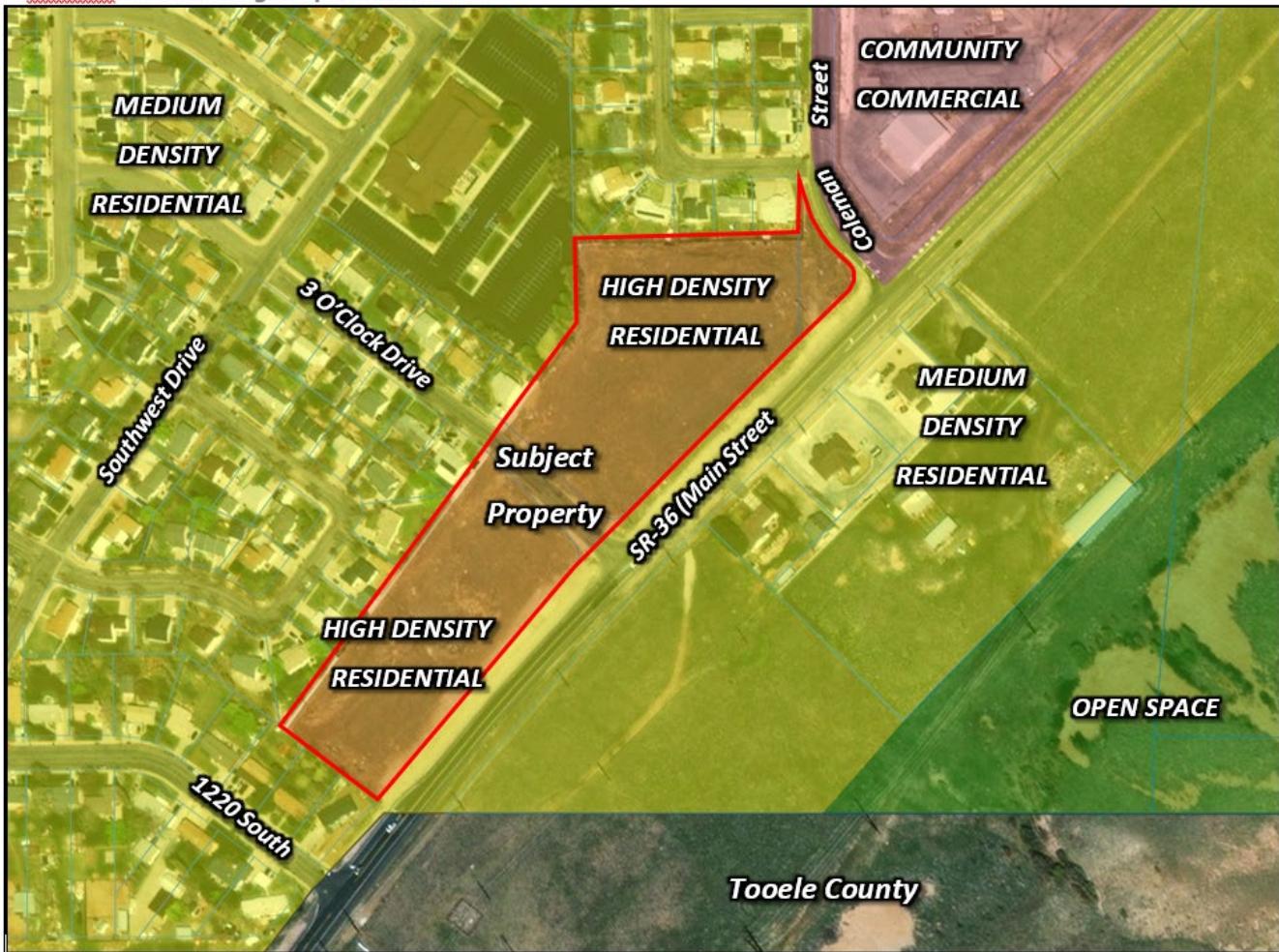
Aerial Map

3 O'Clock Drive Zoning Map Amendment



Current Zoning Map

3 O'Clock Drive Zoning Map Amendment



Land Use Map

3 O'Clock Drive Zoning Map Amendment



Proposed Zoning Map

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Zoning, General Plan, & Master Plan
 Map Amendment Application
 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 map amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once plans for a map amendment proposal are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted map amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a map amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is strongly advised that all applications be submitted well in advance of any anticipated deadlines.

P22-992

Project Information			
Date of Submission: <u>08-10-2022</u>	Current Map Designation: <u>NC</u>	Proposed Map Designation: <u>MR-8</u>	Parcel #(s): <u>17-04-0-0001</u> <u>17-04-0-0002</u> 010- Acres: <u>7.36</u>
Project Name: <u>30'Clock Drive</u>			
Project Address: <u>602 + 603 30'Clock Dr. Tooele, UT 84074</u>			
Proposed for Amendment:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> General Plan <input type="checkbox"/> Master Plan: <u>Zoning</u>		
Brief Project Summary: <u>Zone into MR-8 Zoning</u> <u>MR-12 (per Russ Tolbert 8/22/2022)</u>			
Property Owner(s): <u>Michael Naeger</u>		Applicant(s): <u>Hallmark Homes</u>	
Address: <u>1417416 Ulster Loop</u>		Address: <u>29641 W 4700 S</u>	
City: <u>Thornton</u>	State: <u>CO</u>	City: <u>West Valley City, UT</u>	Zip: <u>84118</u>
Phone: <u>801-870-8085</u>		Phone: <u>801-232-8900</u>	
Contact Person: <u>Russ Tolbert</u>	Address:		
Phone: <u>801-232-8900</u>	City: _____ State: _____ Zip: _____		
Cellular: _____	Fax: _____	Email: _____	

*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.

Note to Applicant:

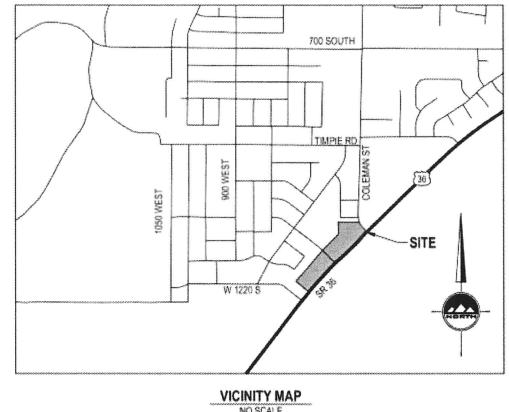
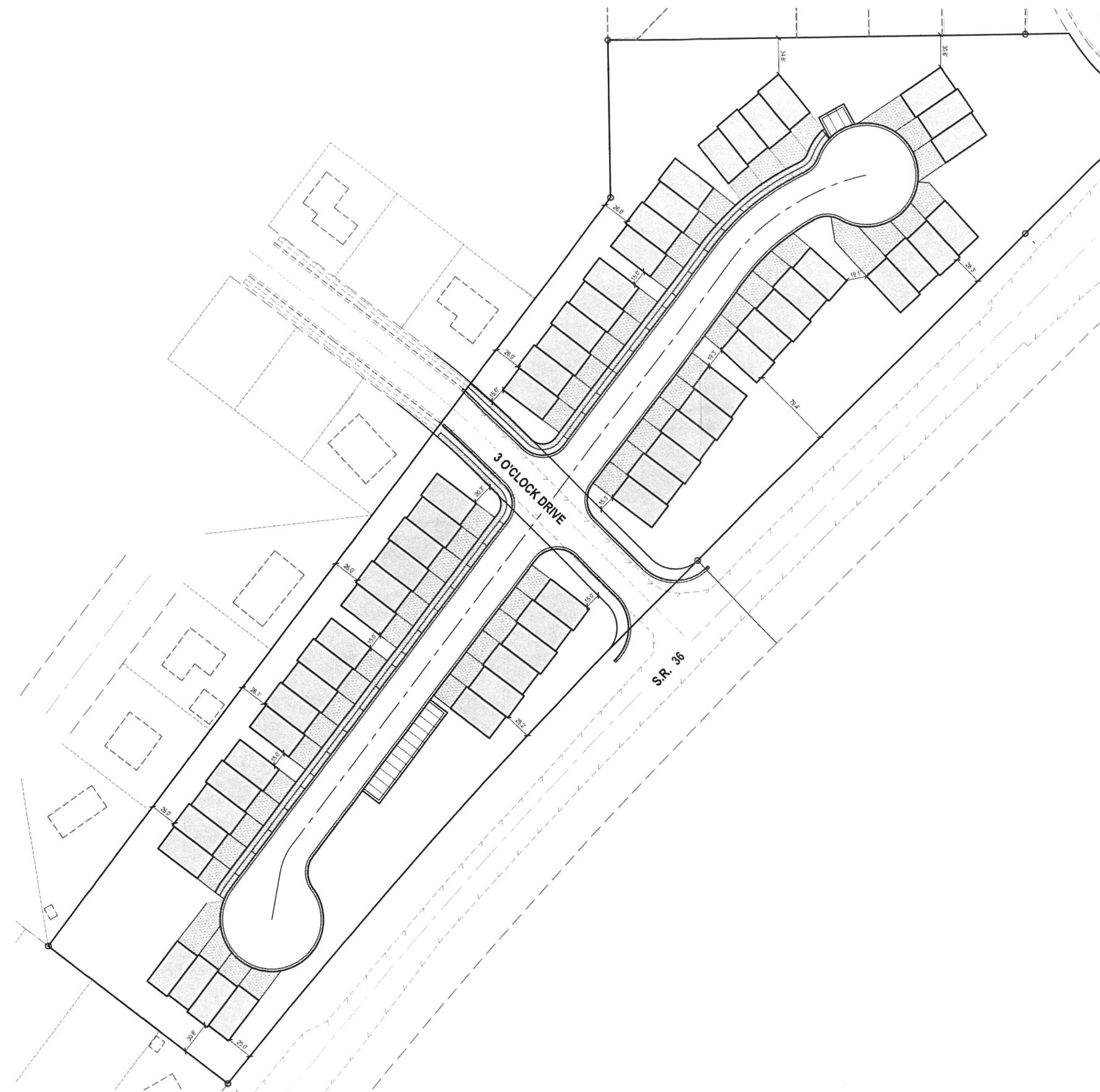
Zoning and map designations are made by ordinance. Any change of zoning or map designation is an amendment to the ordinance establishing that map for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the map may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only			
Received By: <u>Jessi</u>	Date Received: <u>8/10/22</u>	Fees: <u>\$1,700.00</u>	App. #:

RECEIPT # 500228



CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION
Know what's below.
Call before you dig.



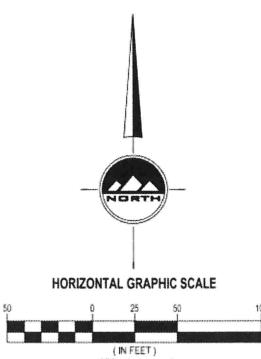
AREA MATRIX

CURRENT ZONE	HDR (HIGH DENSITY RESIDENTIAL)
TOTAL AREA:	7.35 ACRES
PROPOSED DENSITY:	8.16 UNITS/ACRE
PROPOSED UNITS:	58 UNITS
OPEN SPACE:	3.49 ACRES = 47% OF TOTAL ACREAGE
TOWNHOMES	12 COMPLEXES
UNIT AVG. SQ. FT.	1222 SQ. FT.
SQ. FT. AVG. PER COM.	5760 SQ. FT.
APPROX APT. HEIGHT	25 FT.

3 O'CLOCK DRIVE TOWNHOMES
CONCEPT LAYOUT
3 O'CLOCK DRIVE
TOOELE, UTAH

CONCEPT PLAN

PROJECT NUMBER: T12298
PRINT DATE: 6/22/22
DRAWN BY: H. CARTER
CHECKED BY: J. CLEGG
PROJECT MANAGER: J. CLEGG



C-100



TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

MICHAEL NAEGER
2204 SOUTH 2125 WEST
WOODS CROSS, UT 84087
CONTACT:
MICHAEL NAEGER
PHONE: 801-470-8085

STAFF REPORT

August 31, 2022

To: Tooele City Planning Commission
Business Date: September 14, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Epic Summer Recreation – Conditional Use Permit Request

Application No.: P22-989
Applicant: Matt Bullock, representing Epic Summer Recreation, LLC
Project Location: 323 N Main Street
Zoning: GC General Commercial Zone
Acreage: .5 Acres (Approximately 21,780 ft²)
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone regarding authorizing the use of “Automobile Sales and Rental” to occur in an existing structure.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .5 acres located at 323 N Main Street. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to allow the use of “Automobile Sales and Rental” to occur at the existing building.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. Properties to the north, east and south of the subject property are zoned GC General Commercial. 7-11 is located to the north and the Utah Division of Workforce Services is located to the south. The property to the west is zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is proposing a very small scale automobile / recreational vehicle sales dealership for the location. The business will specialize in the sale of small tent trailers and other recreational vehicles. The business will utilize an office space inside the building with 2 or 3 parking spots used for display of the merchandise at the west end of the building. The applicant has indicated in a letter, included in this packet, that there will be no employees and that most business activity will be conducted between the months of March and August.

Site Plan Layout. A site plan has not been submitted as this is an existing building and site. The applicant will occupy two parking stalls for required vehicle display at the west end of the building adjacent to 50 West street. The two designated parking stalls should not create any parking problems for the other businesses in the building in both availability and location.

Parking. This is a multi-tenant building housing various office type uses including a plumbing company’s main office, real estate agencies, law offices, counseling center and a few others. The building itself has a foot print of approximately 9000 square feet, but the building owner has documents that state the main floor is actually closer to 7200 square feet of useable area. Regardless of the total square footages, in a multi-tenant building

multiple parking standards can be applied dependent upon the use occupying a particular office space or suite. This building is not currently full and has seven or eight suites that are vacant. The property owner has provided a spreadsheet listing the current businesses occupying the building and amount of square footage each business uses. Total occupied space by existing businesses inside the building is approximately 3,181 square feet. The predominant use of these spaces is professional or business office and these uses require a parking standard of 1 parking space for each 200 square feet of floor area, or 16 parking spaces. The property owner has provided a parking document demonstrating that there are 32 parking spaces available. Therefore it is staff's determination that there is sufficient parking available to accommodate the "Automobile Sales and Rental" business.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3)and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (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.

Findings of Fact. As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for 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.

In response to the City Code requirement for findings of fact, the following are the staff identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comment:

1. There is sufficient parking available to accommodate the parking required for the automobile sales and rental business.

Engineering and Public Works Review. The Tooele City Engineering and Public Works Divisions have not issued any comments regarding the proposed conditional use permit.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comment:

1. The small size of the proposed dealership business does not result in any concerns for parking, emergency vehicle access to building and other businesses, etc.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Matt Bullock, representing Epic Summer Recreation, LLC, application number P22-989, subject to the following conditions:

1. The applicant shall maintain a current Tooele City Business License.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Matt Bullock, representing Epic Summer Recreation, LLC to authorize the use of “Automobile Sales and Rental” to be conducted at 154 South Main Street, application number P22-989, based on the findings and subject to the condition listed in the Staff Report dated August 31, 2022:”

1. List any additional findings of fact and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Matt Bullock, representing Epic Summer Recreation, LLC to authorize the use of “Automobile Sales and Rental” to be conducted at 154 South Main Street, application number P22-989, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

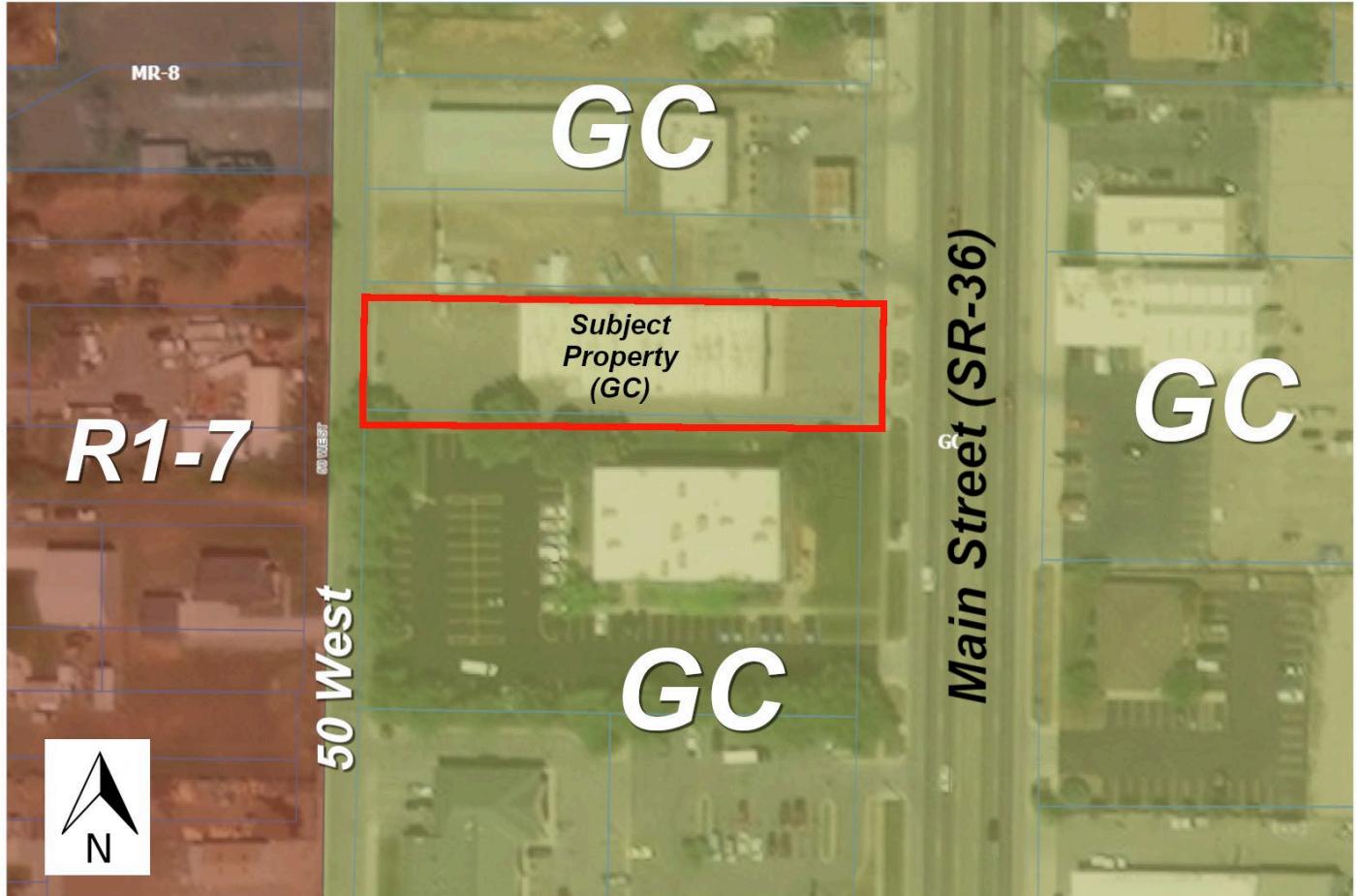
MAPPING PERTINENT TO THE
EPIC SUMMER RECREATION CONDITIONAL USE PERMIT

Epic Summer Recreation Conditional Use



Aerial View

Epic Summer Recreation Conditional Use



Current Zoning

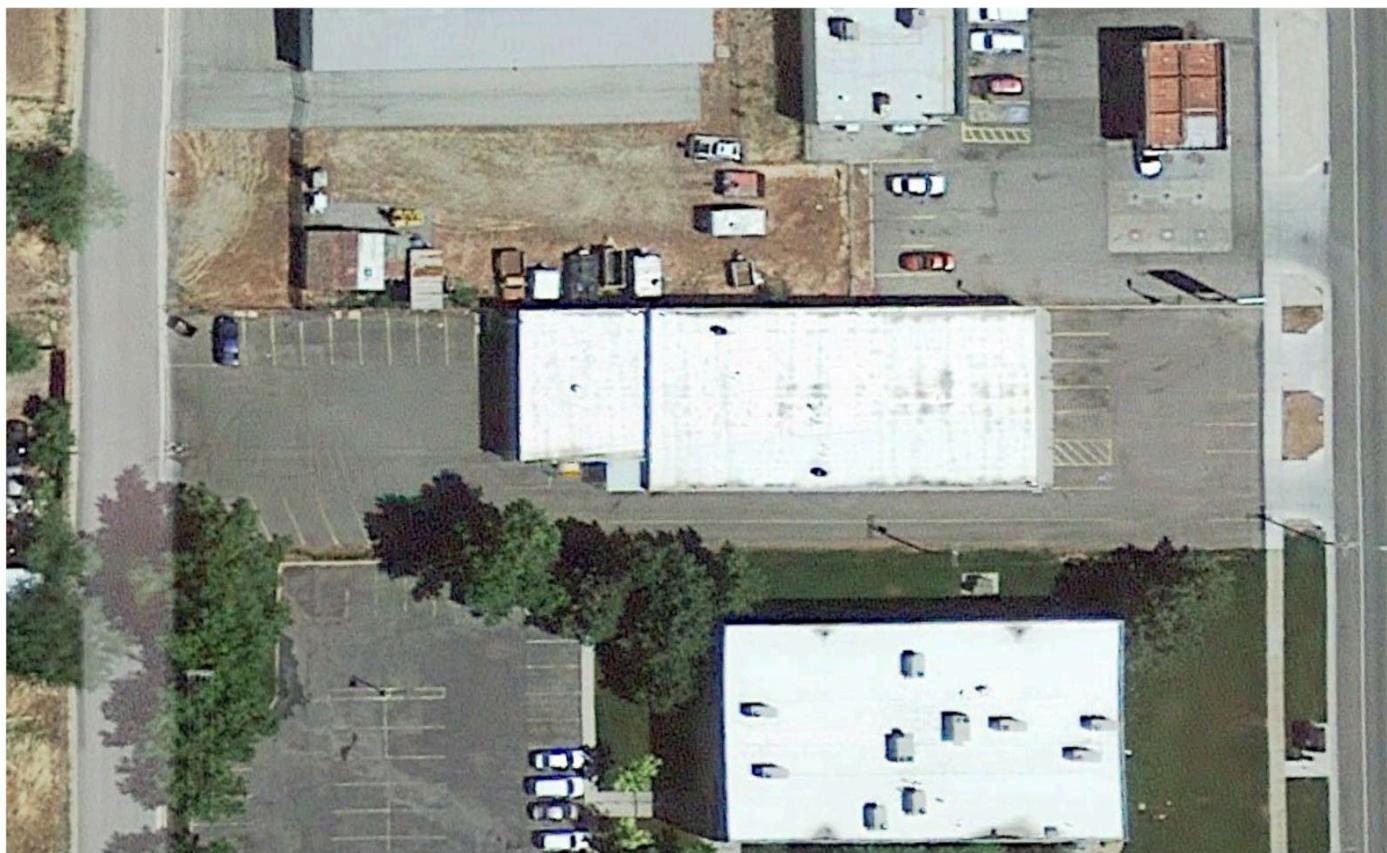
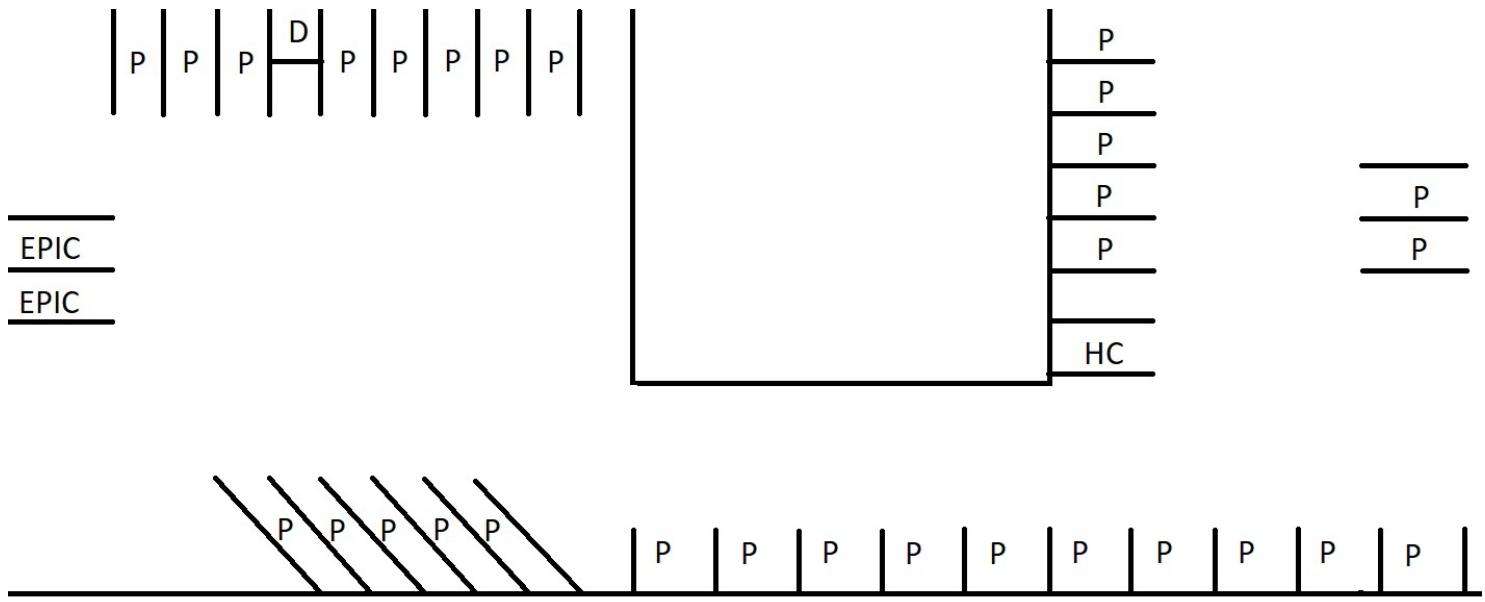


EXHIBIT B

APPLICANT SUBMITTED INFORMATION



TENANT	SUITE #	SQ. FT.	MON	TUES	WED	THURS	FRI	SAT	SUN
NEW WEST REALTY	101	260							
CREEKSIDER LEGAL	102	196							
ABILITY & CHOICE	103	196	X		X	X			
TREK COUNSELING	104	168							
TREK COUNSELING	105	168							
MAD FAE	106 & 107	280	X		X			X	
VACANT	108	336							
ATP	201	130	X	X	X	X	X		
VACANT	202	130							
ROCK DOC	203 & 303	260	X	X	X	X			
EPIC	204	90							
AMP	205	126	X						
ATP	206	247							
VACANT	301	130							
VACANT	302	130							
VACANT	304	110							
VACANT	305	154							
VACANT	306	168							
CONFERENCE ROOM	401	312							
ABILITY & CHOICE	402	165							
PLAN RIGHT LAW	403 & 404	300		X		X			
ADVOCATES FOR INDEPENDENCE	405	195	X	X	X	X	X		
TOTAL SQ. FT.		4251							
SALT FLAT COFFEE	WH	400		X		X			

Conditional Use Permit Application

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 Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable 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 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.

P22-989

Project Information

Date of Submission:	8/11/22	Current Zoning:	Commercial	Parcel #(s):	02-036-0-011
Project Name:	Epic Summer Recreation LLC			Acres:	.5
Project Address:	323 N. Main Street, Tooele, UT 84074			Units:	11 of 15 units occupied
Project Description:	Automobile sales and rental				
Current Use of Property:	Plumbing & Drain, Service & Repair, office space rental				
Property Owner(s):		Applicant(s): Matt Bullock, Epic Summer Recreation			
Address:		Address: 323 N. Main St, Suite 202			
City:	Tooele	State:	UT	Zip:	84074
City:	Tooele	State:	UT	Zip:	84074
Phone:	435-249-7075				
Phone:	801-598-0887				
Contact Person:	Christina Bush				
Address:	323 N. Main St				
Phone:	435-249-7075				
City:	Tooele		State:	UT	Zip: 84074
Cellular:	Fax:	Email: chrisalltypesplumbing@outlook.com			
Signature of Applicant:					
 Date 08/11/22					

*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.

** 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 City Master Plans, Code, Rules and or Regulations.

2220997

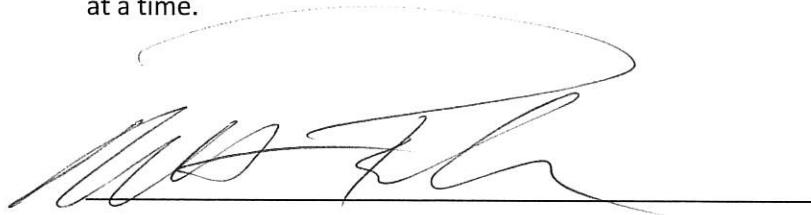
For Office Use Only

Fee:	1000.00 (213)	Received By:	Date Received:	Receipt #:
			8/11/22	00800277

Addendum A

Epic Summer Recreation
323 N. Main Street, Suite 202
Tooele, UT 84074

The purpose of the business, Epic Summer Recreation, is to specialize in selling small tent trailers. It is a seasonal business with most sales incurring during the months of March – August with minimal business being conducted September – February. The business does not have any employees, only the owner, Matt Bullock will be selling said trailers. Generally, Epic Summer Recreation will list 1-2 trailers for sale at a time.



Matthew Bullock
Epic Summer Recreation LLC



Date

STAFF REPORT

August 31, 2022

To: Tooele City Planning Commission
Business Date: September 14, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Moorad Comm, LLC – Conditional Use Permit Request

Application No.: P22-988
Applicant: Shehzad Moorad
Project Location: 154 South Main Street
Zoning: MU-G Mixed Use General Zone
Acreage: .9 Acres (Approximately 39,204 ft²)
Request: Request for approval of a Conditional Use Permit in the MU-G Mixed Use General zone regarding authorization of uses of “Retail Store (located within an existing structure)” and “Business Office (located within an existing structure)” to occur at the existing structure.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately .9 acres located at 154 South Main Street. The property is currently zoned MU-G Mixed Use General. The applicant is requesting that a Conditional Use Permit be approved to authorize the use of a “Retail Store (located within an existing structure)” and “Business Office (located within an existing structure)” to occur inside of the existing Chamber of Commerce Building.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Mixed Use land use designation for the subject property. The property has been assigned the MU-G Mixed Use General zoning classification. Properties to the north, south and east are all zoned MU-G and there is a mix of commercial and residential uses in these areas. Properties to the west are zoned R1-7 Residential. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

In the MU-G Mixed Use General zone all retail and business office uses require a Conditional Use Permit, regardless of whether they are proposing the construction of a new building or locating within an existing building. In this case the applicant wishes to open a small business that specializes in the selling of wholesale raw apparel fabrics, accessories and IT accessories. It is not entirely clear exactly what the applicant will be doing there. The business description sounds like retail but the applicant has stated that he is involved in wholesale activities. Therefore, to ensure the applicant is covered by the ordinance staff has included both the retail and business office uses in the requested conditional use permit. Both uses should cover what the applicant is proposing to do from the location.

Site Plan Layout. This is an existing structure and site so a site plan was not submitted with the application. The aerial photograph accurately displays the conditions at the site.

Parking. The main reason these retail / office uses in existing structures are required to undergo a CUP process is to verify the addition of the business to the existing structure doesn’t result in parking and circulation problems.

The site currently provides 45 parking stalls. The building itself is 6000 square feet. Staff applied a more strict parking standard, using the professional office standard of 1 parking space per 200 square feet and the parking requirement is 30 parking stalls. If a retail parking standard is applied the required parking is 1 space per 300 square feet and thus a requirement of 20 parking stalls. Therefore there is sufficient parking available to cover the entire building as both entirely office or retail. The applicant's business will not result in any parking problems for the building.

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3)and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (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.

Findings of Fact. As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for 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.

In response to the City Code requirement for findings of fact, the following are the staff identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comments:

1. There is more than sufficient parking available to accommodate the applicant's retail and office business inside the existing structure.

Engineering and Public Works Divisions Review. The Tooele City Engineering Division and Public Works Division have not issued any comments regarding the proposed conditional use permit.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request.

Noticing. The applicant has expressed their desire to obtain a Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Shehzad Moorad, application number P22-988, subject to the following conditions:

1. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Shehzad Moorad, authorizing the use of “Retail Store (located within an existing structure)” and “Business Office (located within an existing structure)” located at 154 South Main Street, application number P22-988, based on the findings and subject to the condition listed in the Staff Report dated August 31, 2022.”

1. List any additional findings of fact and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Shehzad Moorad, authorizing the use of “Retail Store (located within an existing structure)” and “Business Office (located within an existing structure)” located at 154 South Main Street, application number P22-988, based on the following findings.”

1. List findings of fact ...

EXHIBIT A

MAPPING PERTINENT TO THE
MOORAD COMM, LLC CONDITIONAL USE PERMIT

Moorad Comm LLC Conditional Use



Aerial View

Moorad Comm LLC Conditional Use

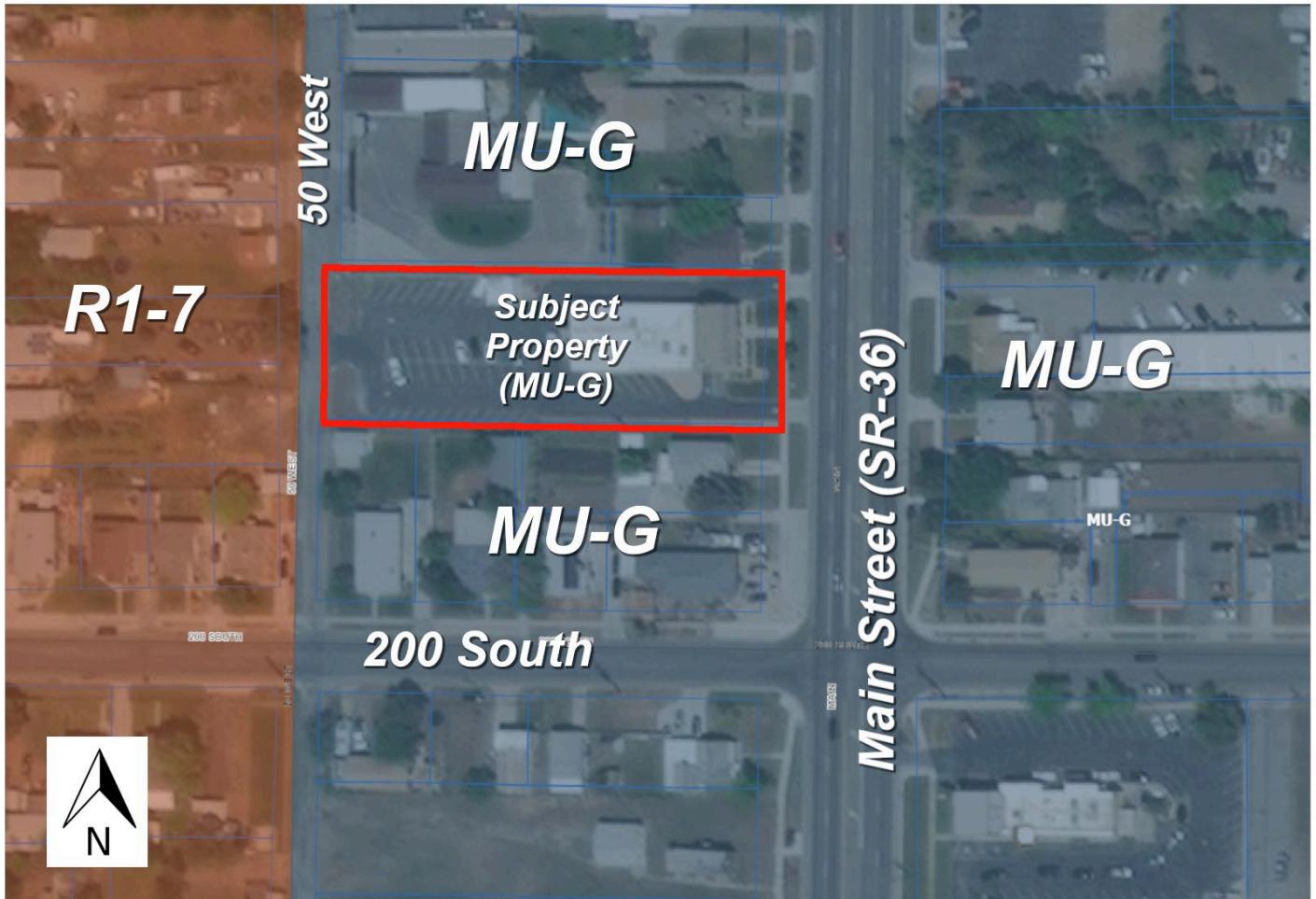




EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Conditional Use Permit Application

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

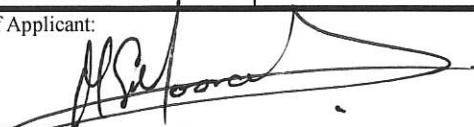


Notice: The applicant must submit copies of the pertinent plans and documents to be reviewed by the City in accordance with the terms of the Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable City ordinances and requirements, are subject 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 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.

P22-988

Project Information

Date of Submission: <u>08/09/2022</u>	Current Zoning: <u>MU-G</u>	Parcel #(s): <u>02-060-0-0019</u>
Project Name: <u>Moorad Comm L.L.C.</u>	Acres: <u>0.90</u>	
Project Address: <u>154 S Main St.</u>	Units: <u>STE 106</u>	
Project Description: <u>Wholesale and brokerage of raw apparel fabrics, accessories and IT accessories.</u>		
Current Use of Property: <u>Misc use.</u>		

Property Owner(s): <u>Tooele Chamber of Commerce</u>		Applicant(s): <u>Mohammad Shehzad Moorad</u>		
Address: <u>154 S MAIN ST</u>		Address: <u>100 E MAIN ST, HC 70 Box 15</u>		
City: <u>TOOELE</u>	State: <u>UT</u>	Zip: <u>84074</u>	City: <u>OPHIR</u>	State: <u>UT</u>
Phone: <u>(435) 882-1690</u>		Phone: <u>+1 (650) 666-7065</u>		
Contact Person: <u>Karen Battencourt</u>		Address: <u>Same as</u>		
Phone: <u>(435) 882-1690</u>		City: <u>Same as</u>	State: <u>Same as</u>	Zip: <u>Same</u>
Cellular:	Fax:		Email: <u>Shehzad.m@protonmail.ch</u>	
Signature of Applicant: 				
Date <u>08/09/2022</u>				

*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.

** 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 City Master Plans, Code, Rules and/or Regulations.

2220996

For Office Use Only

Fee: <u>600.00</u> (213)	Received By: <u>AT</u>	Date Received: <u>08/09/22</u>	Receipt #: <u>00070773</u>
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STAFF REPORT

August 31, 2022

To: Tooele City Planning Commission
Business Date: September 14, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard City Planner / Zoning Administrator

Re: Tagg N Go Car Wash – Conditional Use Permit Request

Application No.: P22-972
Applicant: Conner Atkin, representing Tagg N Go Car Wash
Project Location: 270 East 2400 North
Zoning: GC General Commercial Zone
Acreage: 1.28 Acres (Approximately 55,756 ft²)
Request: Request for approval of a Conditional Use Permit in the GC General Commercial zone regarding authorization of the use of "Car Wash" to occur on the property.

BACKGROUND

This application is a request for approval of a Conditional Use Permit for approximately 1.28 acres located at 270 East 2400 North. The property is currently zoned GC General Commercial. The applicant is requesting that a Conditional Use Permit be approved to authorize the use of "Car Wash" to occur on the property. The Conditional Use Permit will then facilitate the construction of an express car wash on the north end of the property.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Regional Commercial land use designation for the subject property. The property has been assigned the GC General Commercial zoning classification. The property is surrounded on all sides by GC General Commercial zoning and commercial uses. Home Depot is located to the west, Burger King / Chevron are located to the north and on the adjacent side of SR-36 is located Popeye's Chicken, Sherwin Williams Paint and Tooele Orthopedics. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Carwashes are typically found in the GC General Commercial zone and are scattered throughout Tooele City along Main Street so this is not an atypical request. However, all car washes do require a Conditional Use Permit approved by the Planning Commission after a public hearing.

Site Plan Layout. The applicant has provided a site plan along with the site plan design review application that was submitted at the same time as the Conditional Use Permit application. The site plan is included only as a reference for the Planning Commission and is not being reviewed for approval. The site plan should only be used as a reference to identify potential impacts created by the proposed use in the location and to identify conditions, if any are necessary, to mitigate those impacts.

It should be noted that 270 West is not a dedicated public right-of-way and is a road that is privately owned and maintained. All approvals for access to that road will need to be addressed directly with the owner of the road who, according to Tooele County property ownership records, is "Wintergreen Group, LC."

Criteria For Approval. The criteria for review and potential approval of a Conditional Use Permit request is found in Sections 7-5-3(3)and (4) of the Tooele City Code. This section depicts the standard of review for such requests as:

- (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.

Findings of Fact. As a part of the approval or denial of a Conditional Use Permit a finding of fact according to Sections 7-5-4 of the Tooele City Code is required. This section depicts the standard for 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.

In response to the City Code requirement for findings of fact, the following are the staff identified detrimental effects this application, should it be approved, may impose upon adjacent and nearby persons and property :

1. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's engineering plan review, permitted, and inspection processes.
2. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely, particularly for connection into the City's public infrastructure, for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's Public Works Department plan review, permitted, and inspection processes.
3. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with property regulations which can be assured through the City's building plan review, permitted, and inspection processes.
4. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is

imperative that all construction and development activities comply with property regulations which can be assured through the City's Fire Department plan review, permitted, and inspection processes.

5. This application presents the likelihood of construction and development resulting from its approval. Construction and development presents the necessity for work to be done properly and safely for those doing the work as well as those employees and citizens that may patronize the business. As such, it is imperative that all construction and development activities comply with all requirements of the geotechnical report.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Conditional Use Permit submission and has issued a recommendation for approval for the request with the following comments:

1. There are no residential uses within close proximity to the proposed car wash location. All uses in the area are commercial and roads are established to handle commercial traffic and impacts.
2. 270 West street is a private road and all agreements and approvals regarding access to that road will need to be arranged with the owner of the road.

Engineering and Public Works Divisions Review. The Tooele City Engineering and Public Works Division has completed their review of the Conditional Use Permit submission and have not issued any comments regarding the proposal.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Conditional Use Permit submission and has not issued any comments regarding the proposal.

Noticing. The applicant has expressed their desire to obtain the Conditional Use Permit for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use Permit by Conner Atkin, representing Tagg N Go Car Wash, application number P22-972, subject to the following conditions:

1. That all requirements of the Tooele City Engineering Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the Tooele City Public Works Development shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
4. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
5. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.

5. The public services in the area are adequate to support the subject development.
6. The findings of fact for this proposed Conditional Use Permit request have been identified and the conditions proposed are intended to mitigate the reasonably anticipated detrimental impacts, as required by Tooele City Code Section 7-5-4.

MODEL MOTIONS

Sample Motion for Approval – “I move we approve the Conditional Use Permit Request by Conner Atkin, representing Tagg N Go Car Wash to authorize the use of “Car Wash” to occur on 1.28 acres located at approximately 270 East 2400 North, application number P22-972, based on the findings and subject to the conditions listed in the Staff Report dated August 31, 2022.”

1. List any additional findings of fact and conditions...

Sample Motion for Denial – “I move we deny the Conditional Use Permit Request by Conner Atkin, representing Tagg N Go Car Wash to authorize the use of “Car Wash” to occur on 1.28 acres located at approximately 270 East 2400 North, application number P22-972, based on the following findings:”

1. List findings of fact ...

EXHIBIT A

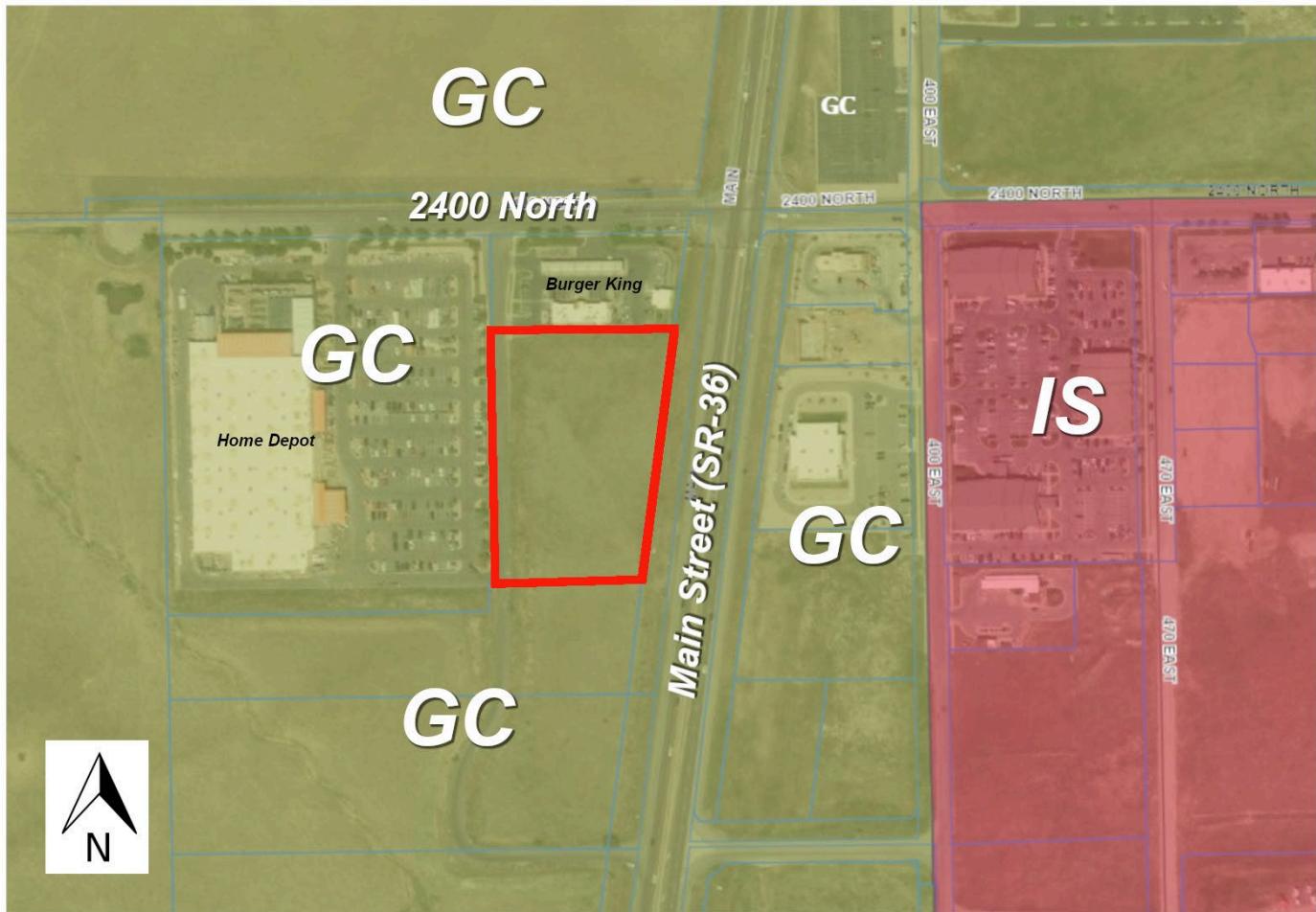
MAPPING PERTINENT TO THE
TAGG N GO CAR WASH CONDITIONAL USE PERMIT

Tagg N Go Car Wash Conditional Use



Aerial View

Tagg N Go Car Wash Conditional Use



Current Zoning

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Conditional Use Permit Application

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 Tooele City Code. All submitted Conditional Use Permit applications shall be reviewed in accordance with all applicable 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 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.

Project Information

22-972

Date of Submission: 08/04/2022	Current Zoning: Regional Commercial	Parcel #(s): 16-025-0-002A
Project Name: Tagg N 60 Car Wash	Acres: 1.28 Acres	
Project Address: 270 E. 2400 North	Units: 1	
Project Description: Express Car Wash		
Current Use of Property: Raw land		
Property Owner(s): Wintergreen Group, LLC		Applicant(s): Tagg N 60 Car Wash
Address: 5939 FM 52		Address: PO Box 911839
City: Perrin	State: TX	Zip: 76486
Phone:		City: St. George State: UT Zip: 84791
Contact Person: Conner Atkin		Phone: 435-628-2256
Phone: 435-669-0708		Address: 839 E 1330 S
Cellular: 435-669-0708	Fax:	City: Salem State: UT Zip: 84653
Email: Conner@taggn60.com		
Signature of Applicant: 		
Date 08/04/2022		

*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.

** 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 City Master Plans, Code, Rules and or Regulations.

For Office Use Only

2220980

Fee: 9650.00 (213)	Received By: 498573	Date Received: 8/12/27	Receipt #: 457
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Tagg N Go Car Wash Conditional Use

2400 North

270 West

CHRISTENSEN & LARSON
INVESTMENT CO
Parcel: 16-025-0-001A
1.68 ac

LOT 1
1.28 ac

Main Street (SR-36)

D 36



Proposed Site Plan

STAFF REPORT

September 7, 2022

To: Tooele City Planning Commission
Business Date: September 14, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Lexington Townhomes Phases 2 and 3 – Preliminary Subdivision Plan Request

Application No.: P21-877
Applicant: Harold Irving, representing Lexington Townhomes, LLC
Project Location: Approximately 620 West Carole's Way
Zoning: MR-16 Multi-Family Residential Zone
Acreage: 6.39 Acres (Approximately 278,219 ft²)
Request: Request for approval of a Preliminary Subdivision Plan in the MR-16 Multi-Family Residential zone facilitating the creation of 53 residential town house lots.

BACKGROUND

This application is a request for approval of a Preliminary Subdivision Plan for approximately 6.39 acres located at approximately 620 West Carole's Way (1200 North). The property is currently zoned MR-16 Multi-Family Residential. The applicant is requesting that a Preliminary Subdivision Plan be approved to facilitate development of the property as privately owned town homes and associated limited common areas and common areas.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the High Density Residential land use designation for the subject property. The property has been assigned the MR-16 Multi-Family Residential zoning classification, supporting approximately 16 dwelling units per acre. The MR-16 Multi-Family Residential zoning designation is identified by the General Plan as a preferred zoning classification for the High Density Residential land use designation. Properties located to the east, north and west are also zoned MR-16 Multi-Family Residential. Property to the south of the subject property is currently zoned NC Neighborhood Commercial. Mapping pertinent to the subject request can be found in Exhibit "A" to this report.

Site Plan Layout. The applicant has chosen to develop both phases 2 and 3 at the same time and in order to do that both applications must be processed and approved concurrently. For the purposes of this application both phases will be reviewed as one development.

It should be noted that this is not a site plan design review application. This is a preliminary subdivision plan and should be reviewed as such. The difference being a site plan design review gets into site details such as building setbacks, landscaping, parking, building architecture, site amenities, and so forth. A preliminary subdivision plan is the precursor to a final plat and is focused primarily on establishing lot lines for private ownership and common areas. However, the site plan is intricately involved in the establishment of lot lines so staff is required to review many site plan issues as part of the preliminary

subdivision plan if the preliminary subdivision plan is submitted first, which, in this case, it has been. The site plan has been included in this packet for the Commissioners' references only. Staff has reviewed the lot locations in regards to building setbacks from private roads and public roads as well as proper building separation and has confirmed that the lots, essentially the building foot prints, are placed in compliance with building setbacks of the MR-16 Zone and Tooele City Code 7-11a Multi-Family Residential Design Guidelines.

Subdivision Layout. The preliminary subdivision plan proposes the creation of 53 individually and privately owned town house style residential lots. Each lot is essentially the footprint of the townhome that will be constructed directly above. Each lot is approximately 25 feet wide and contains 1,217 square feet. There are no lot size minimum restrictions in the MR-16 zoning district. This is done purposefully to facilitate private ownership of individual town homes.

The preliminary subdivision plan also proposes the creation of limited common areas, denoted on the plan with a slanted hatch pattern. In this case limited common areas include individual town house driveways and limited front yard landscape areas. These areas are owned by the development but are limited in use to the adjacent townhome.

The remaining area denoted on the plan are the common areas. These areas include guest parking areas, roads, storm water detention basin and open space between buildings and adjacent property lines. These areas are used by all in the development and are owned and maintained by the development.

All roads within the development are private rights-of-way and will be owned and maintained by the development HOA. The roads will connect to Carole's Way (1200 North) which is a fully dedicated public road.

Criteria For Approval. The procedure for approval or denial of a Subdivision Preliminary Plat request, as well as the information required to be submitted for review as a complete application is found in Sections 7-19-8 and 9 of the Tooele City Code.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the Preliminary Subdivision Plan submission and has issued a recommendation for approval for the request.

Engineering & Public Works Division Review. The Tooele City Engineering and Public Works Divisions have completed their reviews of the Preliminary Subdivision Plan submission and have issued a recommendation for approval for the request.

Tooele City Fire Department Review. The Tooele City Fire Department has completed their review of the Preliminary Subdivision Plan submission and has issued a recommendation for approval for the request.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Preliminary Subdivision Plan by Harold Irving, representing Lexington Townhomes, LLC, application number P21-877, subject to the following conditions:

1. That all requirements of the Tooele City Engineering and Public Works Divisions shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.

2. That all requirements of the Tooele City Building Division shall be satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
3. That all requirements of the Tooele City Fire Department shall be satisfied throughout the development of the site and the construction of all buildings on the site.
4. That all requirements of the geotechnical report shall be satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Tooele City General Plan.
2. The proposed development plans meet the requirements and provisions of the Tooele City Code.
3. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the Lexington Townhomes Phases 2 and 3 Preliminary Subdivision Plan Request by Harold Irving, representing Lexington Townhomes, LLC, creating 53 town house residential lots, application number P21-877, based on the findings and subject to the conditions listed in the Staff Report dated September 7, 2022:”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the Lexington Townhomes Phases 2 and 3 Preliminary Subdivision Plan Request by Harold Irving, representing Lexington Townhomes, LLC, creating 53 town house residential lots, application number P21-877, based on the following findings:”

1. List findings...

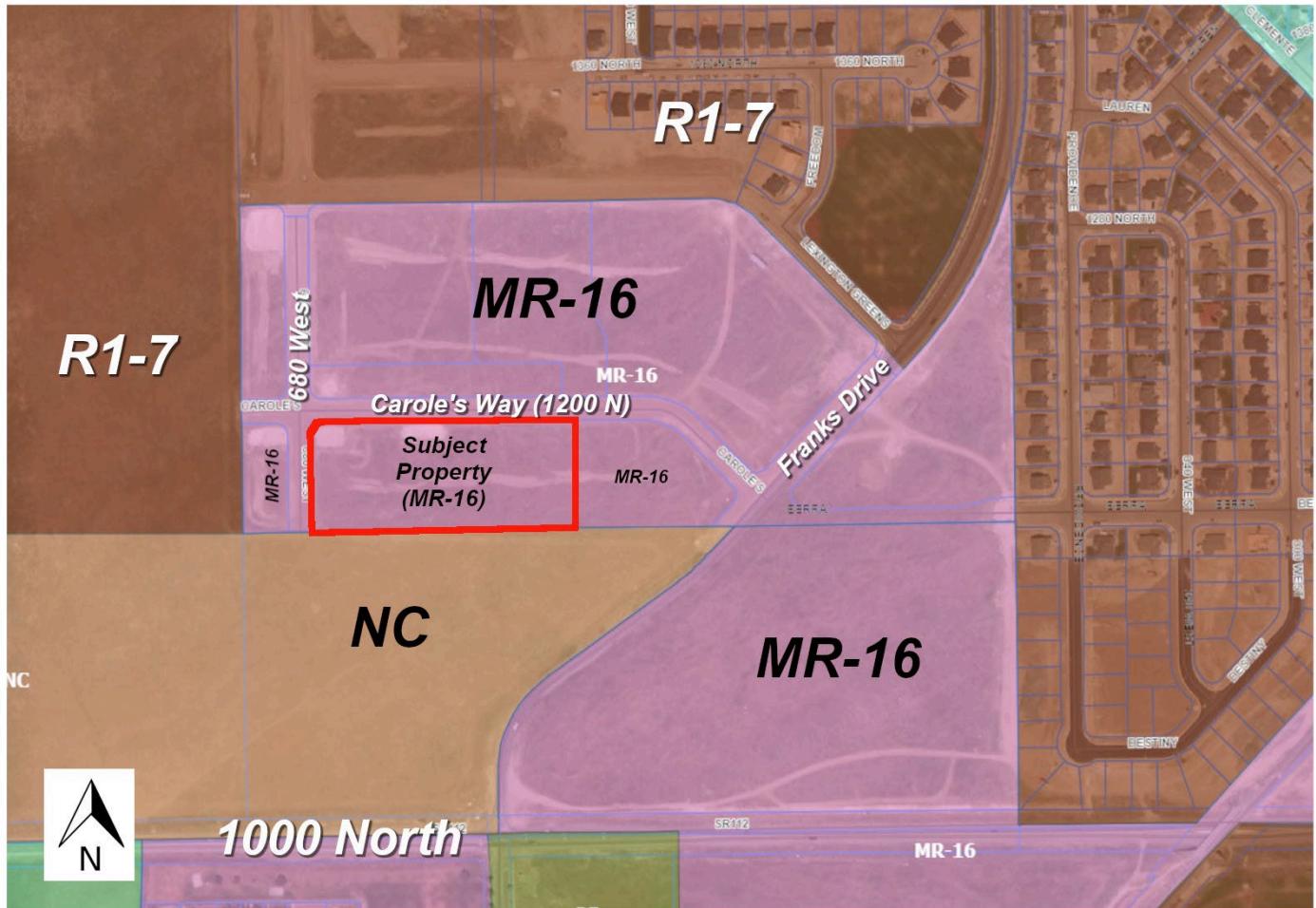
EXHIBIT A

MAPPING PERTINENT TO THE LEXINGTON TOWNHOMES PHASES 2 AND 3 PRELIMINARY SUBDIVISION PLAN

Lexington Townhomes Phase 2 & 3 Preliminary Subdivision Plan



Lexington Townhomes Phase 2 & 3 Preliminary Subdivision Plan



Current Zoning

EXHIBIT B

**PROPOSED DEVELOPMENT PLANS &
APPLICANT SUBMITTED INFORMATION**

Subdivision - Preliminary Plan Application
 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 preliminary plans to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a set of preliminary plans are submitted, the plans are subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the plans are found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted preliminary plan proposals shall be reviewed in accordance with the Tooele City Code. Submission of preliminary plans in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is strongly advised that all plans be submitted well in advance of any anticipated deadlines.

Project Information

Date of Submission: <i>8/18/21</i>	Submittal #: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Zone:	Acres:	Parcel #(s):
Project Name: <i>LEXINGTON TOWNHOMES PHASES 2, 3</i>				
Project Address: <i>620 W. CALOIS'S WAY (1200 NORTH)</i>				
Project Description:		Phases: <i>2, 3</i>	Lots: <i>53</i>	
Property Owner(s): <i>LEXINGTON TOWNHOMES LLC</i>		Applicant(s): <i>HAROLD ZRUVIN</i>		
Address: <i>8703 Sandy Parkway</i>		Address: <i>8703 Sandy Parkway</i>		
City: <i>Sandy</i>	State: <i>UT</i>	Zip: <i>84070</i>	City: <i>Sandy</i>	State: <i>UT</i>
Phone: <i>801-301-1549</i>	Email: <i>hbirving@yahoo</i>	Phone: <i>801-301-1549</i>	Email: <i>hbirving@yahoo.com</i>	
Contact Person:		Address:		
Phone:		City:	State:	Zip:
Cellular:		Fax:		Email:
Engineer & Company: <i>ENG/GE ENGINEERING</i>		Surveyor & Company:		
Address: <i>160 N MAIN STREET</i>		Address:		
City: <i>TOOELE</i>	State: <i>UT</i>	Zip: <i></i>	City:	State:
Phone:	Email:		Phone:	Email:

*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.

For Office Use Only

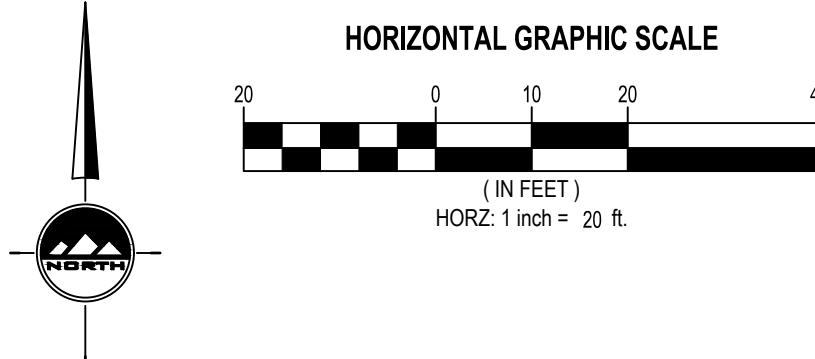
Land Use Review:	Date:	Water Superintendent Review:	Date:	City Engineer Review:	Date:
Planning Review:	Date:	Reclamation Superintendent Review:	Date:	Director Review:	Date:

Fire Flow Test

Location:	Residual Pressure:	Flow (gpm):	Min. Required Flow (gpm):
Performed By:	Date Performed:	Corrections Needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments Returned: Date: <input type="checkbox"/> Yes <input type="checkbox"/> No

811

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

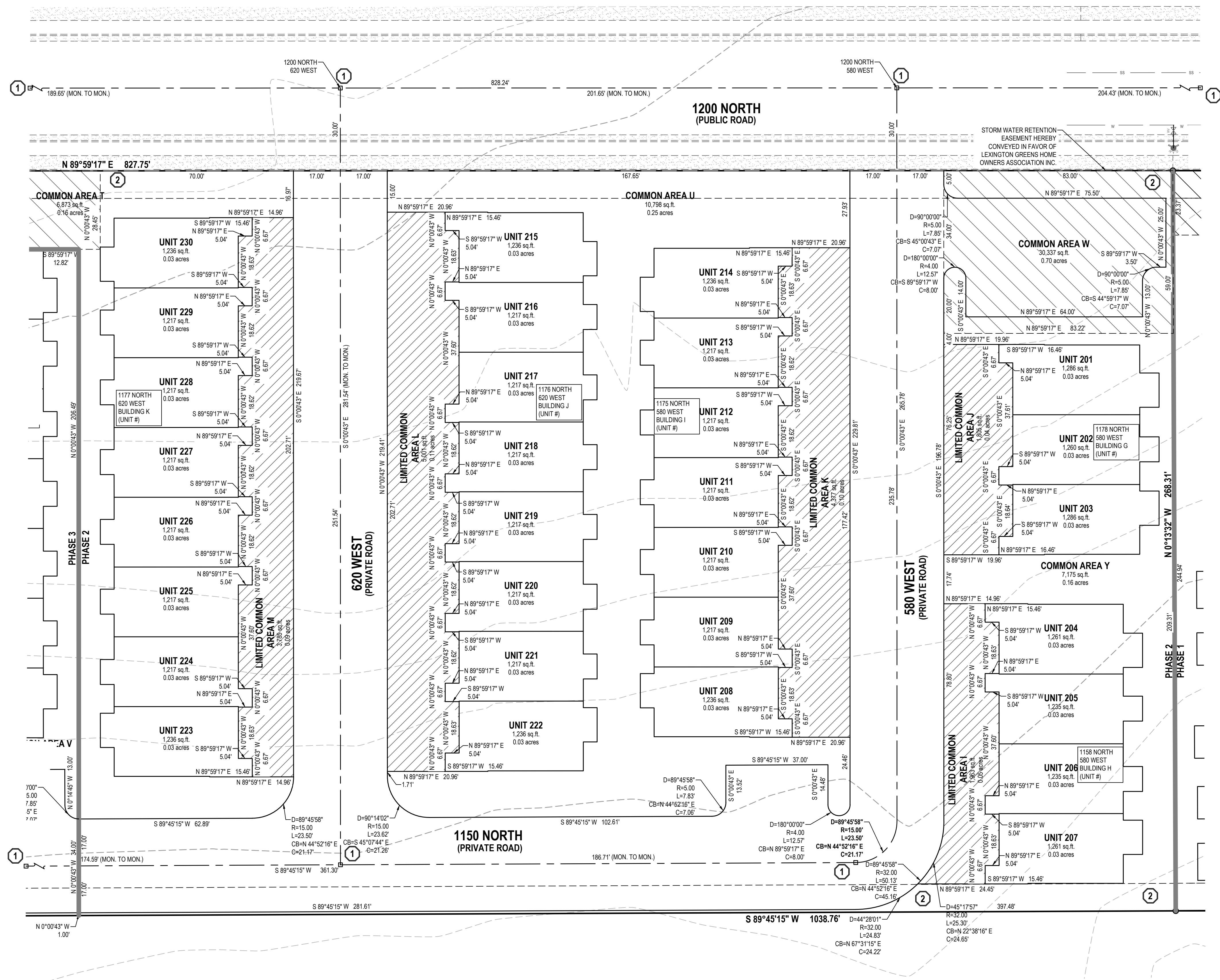


KEYNOTES:

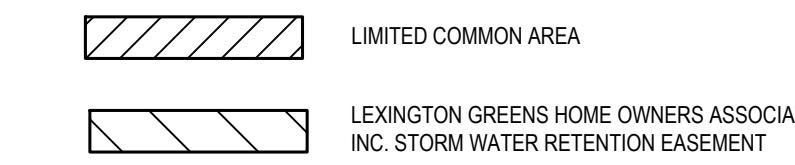
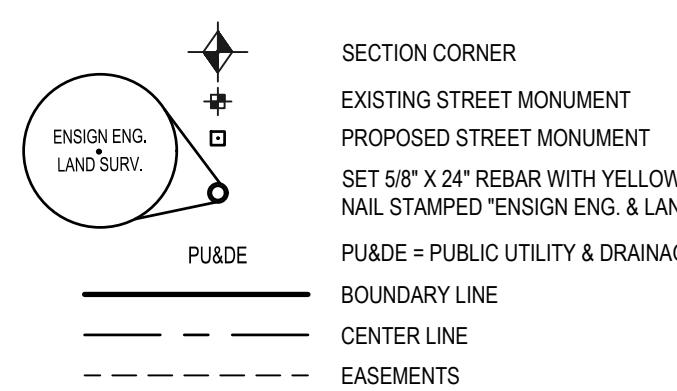
- ① SET STREET MONUMENT PER TOOELE CITY STANDARDS AND SPECIFICATIONS
- ② NO TREES OR DEEP ROOTED VEGETATION MAY BE PLANTED IN EASEMENTS
- ③ EXISTING STREET MONUMENT

PRELIMINARY PLAT
LEXINGTON TOWNHOMES SUBDIVISION PHASE 2-3

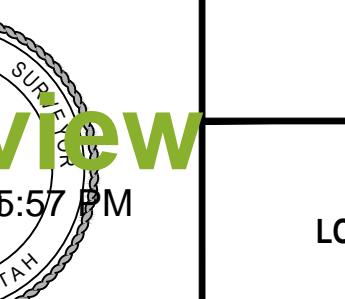
(AMENDING LOT 201 OF THE LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



LEGEND



DEVELOPER: **BUILDING DYNAMICS INC.**
8703 SOUTH SANDY PARKWAY
SANDY, UTAH
HAROLD IRVING
801-301-1549



PRELIMINARY PLAT
LEXINGTON TOWNHOMES
SUBDIVISION PHASES 2-3

(AMENDING LOT 201 OF THE LEXINGTON AT OVERLAKE
SUBDIVISION AMENDMENT 1)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP
3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH



ENSIGN
TOOELE
LAYTON
CEDAR CITY
RICHFIELD

SALT LAKE CITY
Phone: 801.255.6529
169 North Main Street, Unit 1
Tooele, Utah 84074
Phone: 435.853.1453
CEDAR CITY
Phone: 435.843.3590
Fax: 435.578.0108
RICHFIELD
Phone: 435.866.2983

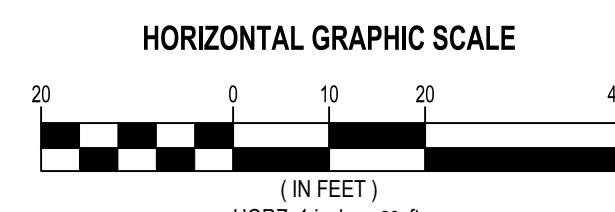
SHEET 2 OF 4
PROJECT NUMBER: 8260C
MANAGER: D. KINSMAN
DRAWN BY: C. CARPENTER
CHECKED BY: D. KINSMAN
DATE: 2/10/22
TIME:
FEE\$

TOOELE COUNTY RECORDER
RECORDED #
STATE OF UTAH, COUNTY OF TOOELE, RECORDED AND FILED AT THE
REQUEST OF:
DATE: TIME:
TOOELE COUNTY RECORDER

For Review

811.

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.



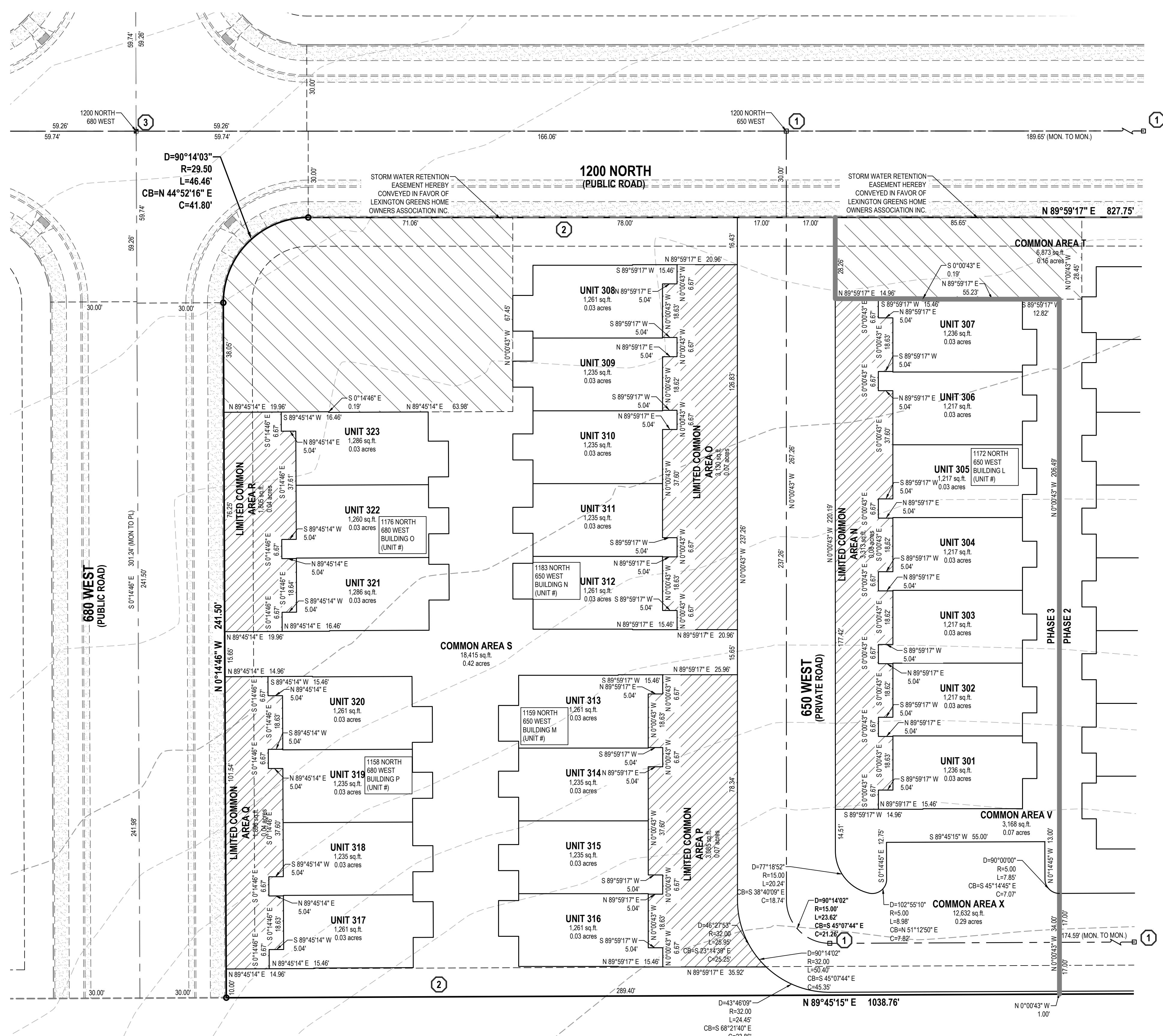
KEY

- 1** SET STREET MONUMENT PER TOOKE CITY STANDARDS AND SPECIFICATIONS
- 2** NO TREES OR DEEP ROOTED VEGETATION MAY BE PLANTED IN EASEMENTS
- 3** EXISTING STREET MONUMENT

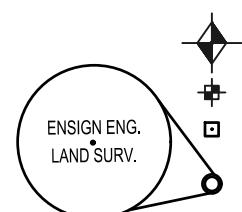
PRELIMINARY PLAT

LEXINGTON TOWNHOMES SUBDIVISION PHASE 2

(AMENDING LOT 201 OF THE LEXINGTON AT OVERLAKE SUBDIVISION AMENDMENT 1)
LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 4 WEST
SALT LAKE BASE AND MERIDIAN, TOOELE CITY, TOOELE COUNTY, UTAH



LEGEND



- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP
NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- PU&DE = PUBLIC UTILITY & DRAINAGE EASEMENT
- BOUNDARY LINE
- CENTER LINE
- EASEMENTS

EA
HOME OWNERS ASSOCIATION
ESTATE PLANNING

DEVELOPER
BUILDING DYNAMICS
8703 SOUTH SANDY PARKWAY
SANDY, UTAH
HAROLD IRVING
801-301-1549

PRELIMINARY PLAT LEXINGTON TOWNHOMES SUBDIVISION PHASES 2-3

**(AMENDING LOT 201 OF THE LEXINGTON AT OVERLAKE
SUBDIVISION AMENDMENT 1)**
**LOCATED IN THE SOUTHEAST CORNER OF SECTION 17, TOWNSHIP
3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN,
TOOELE CITY, TOOELE COUNTY, UTAH**



ENS
TOOLE

TOOELE
169 North Main
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Fax: 435.578.1111

G N

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

Street Unit 1
074
3590
08

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

PROJECT NUMBER : 8260C

MANAGER : D. KINSMAN

DRAWN BY : C. CARPENTER

CHECKED BY : D. KINSMAN

DATE : 2/10/22

TOOELE COUNTY RECORDER

STAFF REPORT

September 6, 2022

To: Tooele City Planning Commission
Business Date: September 14, 2022

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: Moderate Income Housing Plan – General Plan Amendment and Update

Applicant: Tooele City
Request: Request for approval of an update to the Moderate Income Housing Element of the Tooele City General Plan

BACKGROUND

Tooele City is proposing an update to the Moderate Income Housing Element of the General Plan. The plan is essentially remaining unchanged in regards to housing and income statistics. Staff looked at updating many of the graphs and charts but there was not sufficient time to update all of the information and still meet the submittal deadline required by the Utah State Legislature. Staff will engage in amending these numbers and statistics for the 2023 update. This update is a result of the Utah State Legislature's passage of HB 462 which modifies many of the provisions of the SB 34 legislation. Those modifications do have an impact on the Tooele City Moderate Income Housing Plan. This new bill requires cities to do the following:

1. Clarifies MIH requirement and timing to amend the General Plan (Moderate Income Housing element of the Tooele City General Plan).
2. Requires the inclusion of an implementation plan to bring the MIH element to life.
3. Amends the list of strategies Cities may use.
4. Outlines the annual reporting requirement.
5. Adds priority incentives / restrictions for compliance with the MIH requirement.

This 2022 plan update is to ensure compliance with the new mandates set forth by HB 462, approved in the last legislative session.

ANALYSIS

General Plan. Tooele City's General Plan contains a five year moderate income housing element. It is required by Utah State law that the moderate income housing plan is reviewed every two years to update the plan and assess the plan's implementation. New amendments passed in the previous legislative session require cities to now update and report their plans to the Utah Department of Workforce Services on an annual basis.

Current Status of Tooele City's Moderate Income Housing Plan. After analyzing the new requirements as set forth in HB 462 Tooele City's plan is in good shape, though, the housing statistics throughout the plan are in need of an update. Due to time restrictions related to the early submittal deadline imposed by the State of Utah City staff did not have sufficient time to complete all of the detailed information. City staff will begin working on an update to the housing statistics immediately and will be prepared for the

2023 report.

The largest and most notable change required by the legislature is the addition of an implementation plan which requires cities to start taking action on the planning strategies already selected by the cities as part of the 2021 update.

Cities were originally required to choose from a laundry list of 23 planning strategies set forth by the Legislature to help encourage the construction or maintenance of moderate income housing. The following seven items were the strategies that Tooele City was already implementing or was planning to implement when the 2021 update was reported.

1. Rezone for densities necessary to assure the production of moderate income housing.
2. Encourage higher density or moderate income residential development near major transit investment corridors.
3. Create or allow for, and reduce regulations related to, Accessory Dwelling Units in residential zones.
4. Apply for or partner with an entity that applies for State or Federal funds or tax incentives to promote the construction of moderate income housing.
5. Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
6. Consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the City.
7. Reduce impact fees related to low and moderate income housing.

The 2022 update now includes nine housing strategies from the list of revised strategies (now 24 instead of 23) provided by the Utah State Legislature as part of HB 462. Please note the differences in the strategies. Please keep in mind that the law requires Cities to only implement three of the strategies defined in the legislation. Tooele City is implementing nine of them. The differences in strategies are a result of the changes required by the State Legislature.

1. Rezone for Densities Necessary to Facilitate the Production of Moderate Income Housing.
2. Zone or Rezone for Higher Density or Moderate Income Residential Development in Commercial or Mixed-Use Zones near Major Transit Investment Corridors, Commercial Centers or Employment Centers.
3. Create or Allow for, and Reduce Regulations Related to, Internal or Detached Accessory Dwelling Units in Residential Zones.
4. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing or any other entity that applies for programs or services that promote the construction of preservation of moderate income housing.
5. Demonstrate Investment in the Rehabilitation or Expansion of Infrastructure that Facilitates the Construction of Moderate Income Housing.
6. Reduce, Waive, or Eliminate Impact Fees Related to Moderate Income Housing.
7. Consider and Utilize General Fund Subsidies or Other Sources of Revenue to Waive Construction Related Fees that are Otherwise General Imposed by the City for the Construction or Rehabilitation of Moderate Income Housing.

8. Preserve Existing and New Moderate Income Housing and Subsidized Units by Utilizing a Landlord Incentive Program, Providing for Deed Restricted Units Through a Grant Program or Establishing a Housing Loss Mitigation Fund.
9. Eliminate Impact Fees for Any Accessory Dwelling Unit that is not an Internal Accessory Dwelling Unit as Defined in Section 10-9a-530.

The main changes to the City's Moderate Income Housing Plan begin on page 26 of the plan. As City Staff was reviewing the Plan to satisfy the State's requirement to begin implementing each of these strategies it was quickly learned that Tooele City is already fully implementing the 9 strategies listed above. Amendments to the plan include the required implementation plans but since the City is already effectively conducting these strategies the implementation plan is really nothing more than a description of what the City is doing and a pledge to continue doing so as the need or request is received from the development and housing community. It really is about as simple as that.

Tooele City Staff can state with confidence that the Tooele City Moderate Income Housing plan does meet and exceed the requirements of HB 462. Once approved by the City Council the amended plan will be posted on the Tooele City website for public viewing and Tooele City will have completed its State mandated obligations for 2022.

Criteria For Approval. In considering a proposed amendment to the Tooele City General Plan, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:

- (a) The effect of the proposed amendment on the character of the surrounding area;
- (b) Consistency with the General Plan Land Use Map and the goals and policies of the General Plan and its separate elements;
- (c) Consistency and compatibility with the existing uses of adjacent and nearby properties;
- (d) Consistency and compatibility with the possible future uses of adjoining and nearby properties as identified by the General Plan;
- (e) The suitability of the properties for the uses requested viz. a viz. the suitability of the properties for the uses identified by the General Plan; and
- (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Community Development Department has reviewed the requirements of HB 462, passed by the State Legislature in the previous session, and has updated the moderate income housing plan to meet the requirements of the Legislative update. Tooele city's Planning Staff recommends approval of the updated moderate income housing plan.

Noticing. The amendment to the Moderate Income Housing Element of the General Plan requires a public hearing and was noticed as required by City and State Codes.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to the Moderate Income Housing Element of the General Plan.

This recommendation is based upon the following findings:

1. The current moderate income housing plan estimates the existing supply of moderate income housing in the City but is in need of update for housing and income statistics as per the 2020 US Census. This update will be conducted in time for the 2023 reporting period.
2. That Tooele City currently implements nine of the twenty four planning strategies as outlined in the Utah State Code.
3. That Tooele City exceeds the minimum requirement of three of the twenty four planning strategies as outlined in the Utah State Code.

MODEL MOTIONS

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council to amend the Moderate Income Housing Element of the General Plan and adopt the draft Tooele City Moderate Income Housing Plan, 2022, based upon the findings listed in the staff report dated October 1, 2019.”

1. List any additional findings and conditions...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council to amend the Moderate Income Housing Element of the General Plan and adopt the draft Tooele City Moderate Income Housing Plan, 2022, based upon the following findings.”

1. List findings...

EXHIBIT B

PROPOSED MODERATE INCOME HOUSING PLAN TEXT



MODERATE INCOME HOUSING PLAN

TOOELE CITY - 2022

PERPARED BY

TOOELE CITY COMMUNITY DEVELOPMENT DEPARTMENT

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On August 21, 2019, the Tooele City Council approved an ordinance enacting Chapter 7-14a addressing accessory dwelling units. This ordinance permits detached, attached and interior accessory dwelling units for properties that meet certain qualifications of lot size, setbacks, parking and so forth. Having the Accessory Dwelling Unit ordinance complete, Tooele City will now begin implementing this ordinance through the building permit process.....	27
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Tooele City Code already permits General Fund subsidies and the Tooele City Council is considering increasing these for moderate income housing. Any time impact fees are waived there is a requirement that the fee is made up for through General Fund subsidies.	30
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In many older areas of Tooele City there are some legally non-conforming duplexes, apartment buildings and other housing units that were constructed prior to existing zoning codes. These non-conforming units are protected by Tooele City Code Chapter 7-3; Non-Conforming Uses. This ordinance permits non-conforming buildings and land uses to persist in perpetuity as long as there is not a cessation of use greater	

than one year and also permits the re-construction of non-conforming buildings if destroyed by fire or other calamity. There are no plans to change or otherwise amend this ordinance and these non-conforming, potentially moderate income housing units will continue without challenge by Tooele City. ... 30

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INTRODUCTION

House Bill 295

Utah's affordable housing legislation (HB295) aspires toward a community's housing market meeting the homeownership desires of all moderate, low and extremely low income households. The legislation encourages a community to provide a "reasonable opportunity for a variety of affordable housing for moderate income households." The results of this housing needs analysis demonstrates that the Tooele City housing market satisfies the requirements of HB295. The City housing market has a substantial number of *homeownership* opportunities for moderate income households while affordable housing opportunities for low and extremely low income households, as shown by household data, tend to be limited.

City General Plan

Tooele City adopted a General Plan with a Land Use Element on December 16, 1998, which Land Use Element has been amended many times for individual areas or projects. A new General Plan was adopted in December 2020, with updated plan elements, including and updated Land Use Plan. The moderate housing plan fits into the City General Plan as one on the guiding elements of the total plan. Each department coordinates with the Community Development Director, Public Works Director and the City Engineer, to maintain, replace, and expand City services and utilities as needed. The Community Development Department uses the General Plan Elements to regulate and guide new developments to provide a balanced and diversified housing inventory.

Regional Planning

The three main population centers in Tooele Valley are separated by large tracts of land predominately rural in nature with single-family homes on large parcels. Grantsville City has expanded its corporate boundary eastward to Tooele City and Erda City incorporated in 2021 to occupy portions of those unincorporated tracts. No coordination has occurred with the other entities in the development of a moderate-income housing plan. Tooele County Housing Authority and Utah Housing Corporation have constructed 11 of their 16 low income or tax credit housing communities in Tooele City. Tooele City is the only urban area in the Tooele Valley with a sizable and diverse housing inventory that provides for all income levels, though Grantsville City is also experiencing rapid growth.

City Growth Pattern

Despite the housing construction recession of 2007, residential construction and home sales in Tooele City are strong and have grown significantly since 2018. Similar to the statewide trend, sales of existing homes are at record levels and the median sales price of a single family home has increased by 75% in 2017 to \$210,000, and since then to over \$350,000.

Tooele City has experienced rapid population growth over the last 3 decades (Chart 2). From 1980 to 1990, the City experienced a negative growth rate of -3.13% a possible result of local mine closures. From 1990 to 2010, the housing boom of the Wasatch Front Counties spilled over into the Tooele Valley with 62% and 40% growth rates respectively, in spite of a building recession from 2007 to 2011. From 2010 to the 2016 ACS Census shows a low 3.7% growth rate for Tooele City and market indicators predict a growth rate increase in the near future as new subdivisions and apartment projects are completed.

CHART 2

CITY POPULATION & GROWTH RATES

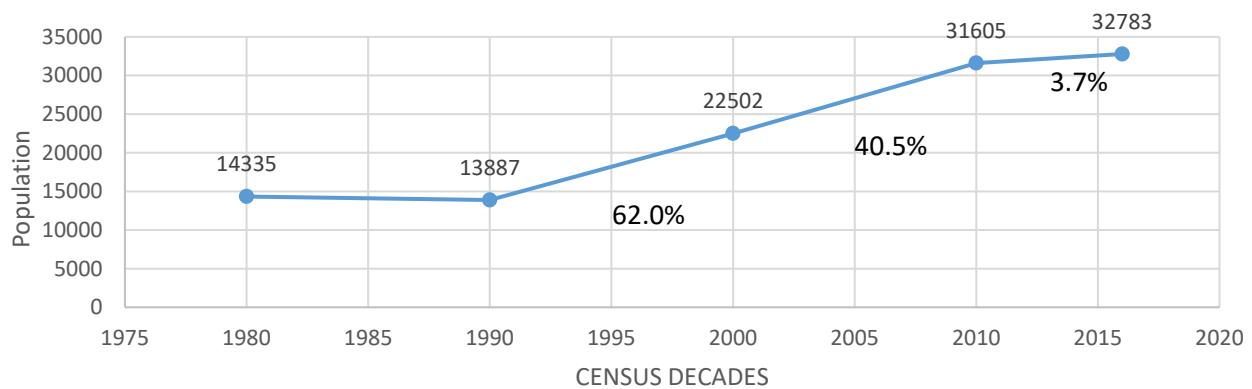
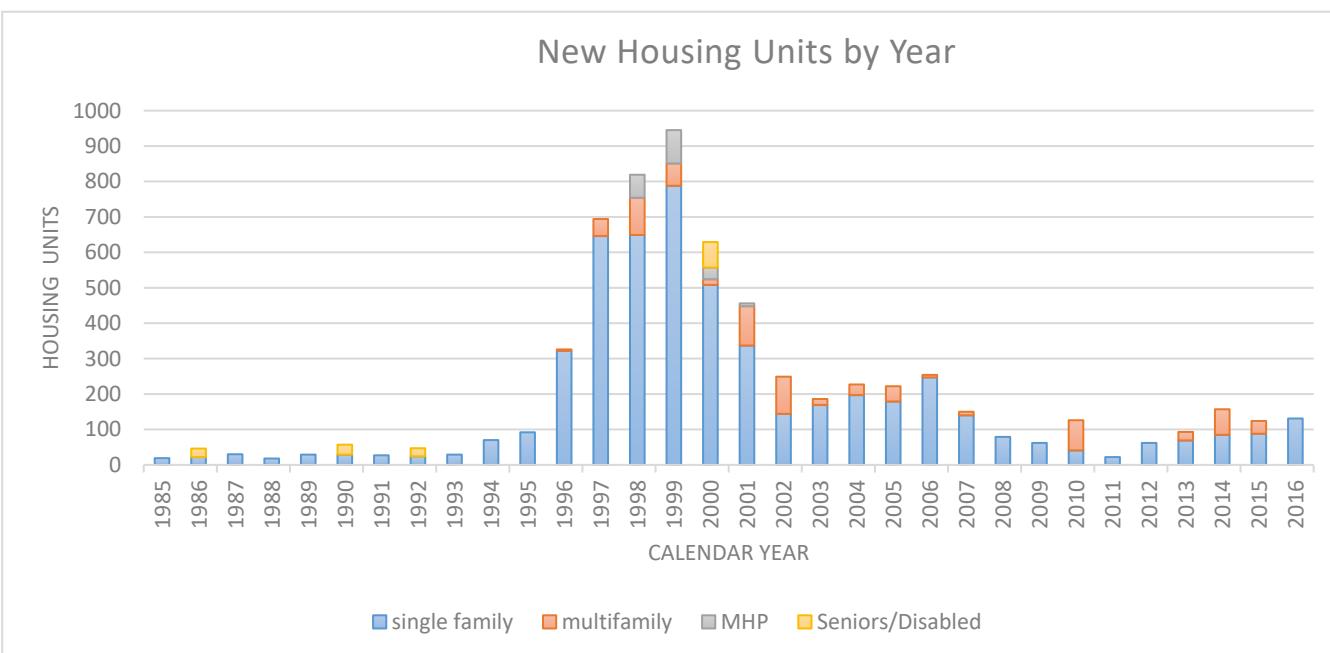


Chart 1 shows housing units constructed each year including new Mobile Home units in Mobile Home Parks, Elderly and Disabled housing units constructed in each year. Single-family detached homes are the preferred housing unit constructed in Tooele City over the last 30 years.

Tooele City, at 32,763 is the largest City in Tooele County comprising half of the County's 2016 population of 65,285. The high growth rate of Tooele City and Tooele County in the past 25 years has been the result of the Wasatch Front's soaring housing costs and diminished land availability. Tooele City's rapid growth started in 1994, peaked in 1999 with over 900 new housing units and then declined to a low of 186 housing units in 2003. The market attempted to recover until 2006 but declined again until 2011 with just 21 housing units. Since 2011, housing construction has increased to just over 130 housing units per year in 2016.

Chart 1



Source: Tooele City Building Department

Commuting Patterns

The majority of Tooele County's working age population commute for employment. Each workday more than 18,000 County residents leave the county for work in Salt Lake, Utah, Davis, Weber Counties. Tooele County has an out-commuting ratio of 3.11 which means a little over 3 residents leave Tooele County for employment each day, while one resident lives and works in Tooele County. The mean travel time of residents of Tooele City is 28.4 minutes which does not deter new home buyers from selecting Tooele City. (Source: U.S. Census ACS 2016)

New Housing Construction

Apartment communities (rent assisted and market rate) show a very low vacancy rate at or below four percent. Rent assisted communities are full with waiting lists and the four large market rate projects in the City have very low vacancy rates. Rents in Tooele have also increased. Two of the newest apartment communities report rents for 3 bedroom units at \$950 to \$1300 per month and the communities are 99% occupied. (Source: Tooele County affordable housing needs assessment - 2018)

Housing market indicators point to a housing shortage in Tooele City with increasing prices for both homeownership and renters and very low vacancy rates. Currently, most major housing market in Utah face similar conditions. Housing demand is outpacing the supply of new homes and apartments.

Tooele City residential construction for the last 5 years has been relatively slow compared to the housing market in the Wasatch Front counties that have recovered from the 2007 construction recession. Few new single-family housing subdivisions were completed in Tooele City between 2006 and 2016 and, as a result of this lack of new building lot inventory, Tooele City may experience a slowdown in single-family home construction in 2018.

Community Sentiment

Community sentiment towards growth was noted during public hearings for the adoption of the City General Plan with the Land Use element in December 16, 1998. The public was not in favor of large high density housing projects and expressed concerns about traffic, noise and higher taxes. The consensus of the hearings was for a balanced mix of housing styles which would permit residents to select from single family homes, condominiums, townhomes, apartments, mobile homes, and senior housing. The lot sizes would range from 1 and 5 acre lots for larger homes, 10,000 to 14,000 square foot lots for large to moderate sized homes and 7,000 to 8,000 square foot lots for moderate to small homes. The mix would be predominately single family homes.

Procedures and Definitions

City Staff utilized the Utah Affordable Housing Forecast Tool (UAHFT) to analyze housing needs in the community, based upon the affordability of the existing housing stock. The UAHFT is a housing needs model that projects housing demand based upon current trends of housing affordability and projected population increases. Data for the model was obtained through the US Census, the US Department of Housing and Urban Development, the Utah State Governor's Office of Planning and Budget (GOPB) and other sources. Findings for the models are summarized throughout this study.

The following terms are commonly used throughout this document:

- Affordable Housing: Housing for which the occupant is paying no more than 30 percent of his or her income for gross housing cost, including utilities.
- Area Median Income (AMI): the Area Median Income is a statistic generated by the U.S. Department of Housing and Urban Development (HUD) for the purposes of determining the eligibility of applicants for certain federal housing programs.
- American Community Survey (ACS): the American Community Survey is an ongoing survey by the U.S. Census Bureau. It regularly gathers information previously contained only in the long form of the decennial census, such as ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. Sent to approximately 295,000 addresses monthly, it is the largest household survey that the Census Bureau administers.
- Utah Affordable Housing Forecast Tool (UAHFT) is a housing needs model that projects housing needs based upon current trends of housing affordability and projected population increases.
- Low to Moderate Income Households (LMI): Low to Moderate Income Households refer to Households whose income does not exceed 115 percent of the median income for the area when adjusted for family size.
- U.S. Department of Housing and Urban Development (HUD): HUD is a cabinet department in the Executive branch of the United States federal government. HUD's Comprehensive Housing Affordability Strategy (CHAS) also makes available, projections of needs for affordable housing for the three moderate income target groups.
- Cost burdened households: Households spending more than 30 percent of their income for housing cost are considered to be cost burdened.

Population

Current Demographics

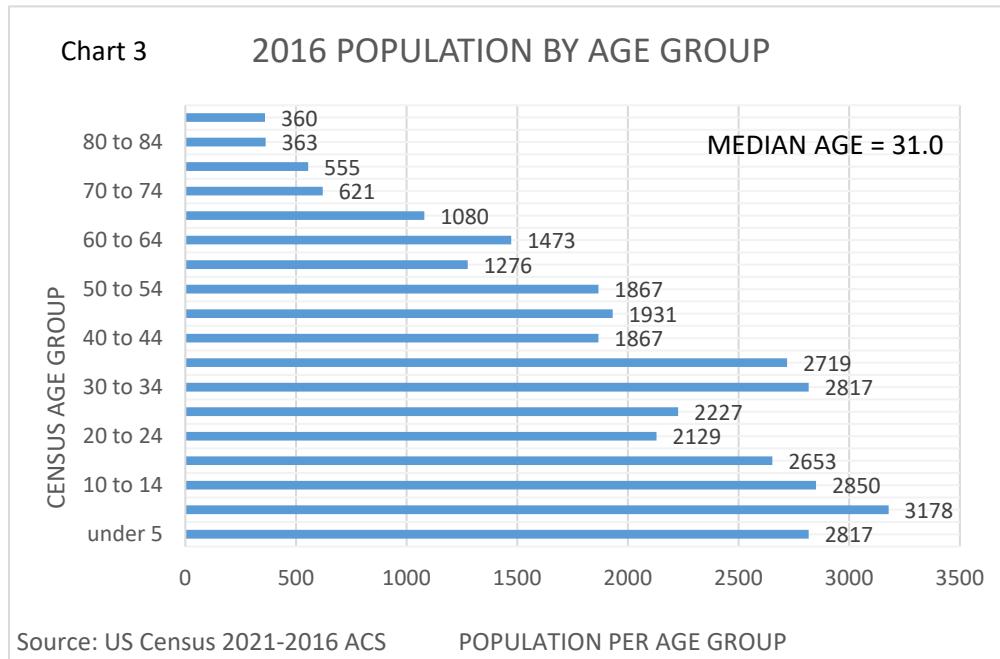


Chart 3 shows Tooele City as having a median age of 31 years. The chart also shows that the young adult age group (20 to 29 years) drops which is probably a result of young adults leaving home for college and additional job opportunities in adjacent counties. The adult age group of 30 years and older reflects a significant number of families returning to or

migrating to Tooele City from the Wasatch Front counties. A survey of new residents signing up for City utilities, shows most new families have moved to Tooele City because of Tooele City's more affordable housing .

The US Census numbers show Tooele City Population increasing from the 2010 Census population of 31,605 to 32,783 in 2016 with a growth rate of 3.6%. In the same period, Tooele City issued building permits for 380 single family homes and 132 apartment units. The demographics of the 2016 Census estimates demonstrates that family migration (30 to 40 years old) to Tooele City is still occurring (Chart 3).

Households within Targeted Income Groups

An effective indicator of the need for affordable housing is the number of households experiencing housing cost burdens. This data is provided by HUD's Comprehensive Housing Affordability Strategy (CHAS). If a household is paying more than 30 percent of their income for housing and utilities, that household has a "housing cost burden." If a household is paying more than 50 percent of their income for housing, that household has a "severe housing cost burden."

Table 1

HUD CHAS 2015 HOME OWNER - RENTERS COST BURDEN 30% AND 50% TOOELE CITY			
Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	505	460	640
Household Income >30% to <=50% HAMFI	305	55	475
Household Income >50% to <=80% HAMFI	240	0	550
Household Income >80% to <=100% HAMFI	0	0	240
Household Income >100% HAMFI	0	0	680
Total	1050	515	2585
Income by Cost Burden (Owners only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income <= 30% HAMFI	195	130	245
Household Income >30% to <=50% HAMFI	325	155	620
Household Income >50% to <=80% HAMFI	690	95	1670
Household Income >80% to <=100% HAMFI	190	0	1145
Household Income >100% HAMFI	130	0	4030
Total	1530	380	7705
HUD CHAS 2015			

Table 2 shows the HUD CHAS Owners & Renter Data for Tooele City. CHAS estimates there are 2585 renters and 7705 owners. About 20 percent of homeowners have a housing cost burden of at least 30 Percent. The share of homeowners facing severe housing cost burdens drops to about 5 percent for 50% of income.

Table 2

Homeowners with Cost Burdens in Tooele City, 2015				
	Owners with Cost burden >=30% of Income	Percent of Owners burden >=30% of Income	Owners with Cost burden >=50% of Income	Percent of Owners burden >=50% of Income
Total Owners	1530	19.9%	380	4.9%
Source: HUD CHAS				
Renters with Cost Burdens in Tooele City, 2015				
	Renters with Cost Burden >=30% of Income	Percent of Renters Burden >=30% of Income	Renters with Cost Burden >=50% of Income	Percent of Renters Burden >=50% of Income
Total Renters	1,050	40.6%	515	19.9%
Source: HUD CHAS				

In Tooele City, 40.6 percent of all renters have a cost burden of at least 30%. The share of renters with a severe housing cost burden (50% AMI or less) drops to 19.9 percent. Households that have a cost burden are not receiving any housing subsidy, (tax credit, voucher, etc.).

Table 3

Tooele City has an Area Median Income of \$56,602 in 2016 which is up from \$48,133 in 2000. Stansbury Park has an AMI of \$85,297 and Grantsville has an AMI of \$64,652. Table 3 shows the income available for median income households in Tooele City, households at 50% to 80% AMI, households at 30% to 50% AMI, and households below 30% AMI. Also shown is

Tooele City 2016		
Affordable Housing Costs by Income, Tenure, Race, and Age		
Category - \$56,602/yr	Gross Monthly Income	Affordable Housing Costs
Area Median Household Income	\$4,747	\$1,424
>50%-80% AMI	\$2,667 to \$4,266	\$800 to \$1,280
>30-50% AMI	\$1,653 to \$2,666	\$496 to \$799
0-30% AMI	\$0 To \$1,652	\$0 to \$495
Median Homeowner Household Income	\$5,352	\$1,606
Median Renter Household Income	\$2,899	\$870
White Household Median Income	\$4,904	\$1,471
Hispanic Household Median Income	\$4,561	\$1,368
Elderly Household Median Income (65+)	\$3,245	\$974

Source: U.S. Census Bureau, American Community Survey. 2012-2016.

what a household in each income group can afford to spend on housing. For example, a household in Tooele City with income at 50% AMI to 80% AMI could afford to spend, without incurring a cost burden, \$800 to \$1,280 each month. The estimated Gross Monthly Income and Affordable Housing Costs for several race and age groups are also listed. The elderly (65+) are a special needs population with the lowest median income and having many disabilities and medical needs which makes finding affordable housing difficult. The elderly are a priority concern for Tooele City.

CURRENT HOUSING STOCK

Total Housing Units

The US Census ACS 2016, shows Tooele City as having 11,040 housing units. Of the 11,040 housing units, 8,009 are owner occupied, and 2,497 housing units are renter occupied. The remaining housing units of 534 were vacant at the time of the survey.

Table 4

Tooele City Housing Units by Tenure, 2016					
Owner Occupied Units	Renter Occupied Units	Total Vacant Units	Total Occupied Units	Percent Owner Occupied	Percent Renter Occupied
8,009	2,497	534	10,506	76.20%	23.80%

Source: U.S. Census, ACS 2012-2016

Breakdown of Housing Units demographics

Table 5

Tooele City's housing inventory is predominantly detached single-family at 8,618 units (78%). A count of attached single-family units shows only 461 units (4.2%) while 2, 3 and 4 unit housing structures account for 479 housing units (4.3%). The remaining housing units in structures of 5 units or more equal 724 units for 6.5%. Mobile homes in Mobile Home Parks account for 6.9% of the housing units.

Housing Units by Units in Structure		
	Housing Units	Percent of Total
Total Housing Units	11,040	
1, Detached	8,618	78.1%
1, Attached	461	4.2%
2	179	1.6%
3 to 4	300	2.7%
5 to 9	276	2.5%
10 to 19	169	1.5%
20 or more units	279	2.5%
mobile homes	758	6.9%

Source: U.S. Census, ACS 2012-2016

Tooele City has a relatively young housing unit inventory (Table 6). Over half or 52.5% (5801) of all housing units in the City were built in or after 1990 and are no older than 30 years old. The housing units built before 1990 but after 1950 (36%) accounting for 3971 units, are of an age where upgrades or remodeling may be necessary. The housing units built before 1950 account for 11.5% (1268) of Tooele's housing inventory and are primarily located in the older homes within the central core of the City. These homes may be more affordable than newer homes but, due to advanced age may require some investment in remodeling and renovation.

Table 6

Year Structure was Built - Tooele City		
Year Built	Housing Unit	Percent of Total
2010 or after	239	2.2%
2000 to 2009	2774	25.1%
1990 to 1999	2788	25.2%
1980 to 1989	671	6.1%
1970 to 1979	1320	12.0%
1960 to 1969	1366	12.3%
1950 to 1959	614	5.6%
1940 to 1949	581	5.3%
1939 to earlier	687	6.2%
Total Units	11,040	100.0%

Source: U.S. Census, ACS 2012-2016

Table 7

The vast majority of housing units in Tooele City have 3, 4, 5 or more bedrooms (77.6%). Two bedrooms or less housing units make up only 22.5% of Tooele City housing units. This large percentage of 3, 4 and 5 bedrooms in housing units indicates that Tooele City's housing market is dominated by large families. The

Number of Bedrooms in Housing Unit		
Housing Units with	Housing Units	Percent of Total
No Bedrooms	61	0.6%
1 bedroom	418	3.8%
2 Bedrooms	2,000	18.1%
3 Bedrooms	3,827	34.7%
4 Bedrooms	2,987	27.1%
5 or more Bedrooms	1,747	15.8%

Source: U.S. Census, ACS 2012-2016

2016 US Census ACS lists the average family as 3.63 people and the average household as 3.09 people and both exceed the national average.

Housing Units with Housing Problems, 2016	
Housing Problems	
Overcrowding	11
Lack kitchen, plumbing	0

Source: U.S. Census, ACS 2012-2016

Table 8

Overcrowding was the only housing problem noted by the ACS 2016. HUD CHAS considers more than one person per room as overcrowding.

Affordability of Existing Housing Stock

Home sales data indicates that Tooele city has a high level of affordable housing. Affordability is measured by comparing various income levels and the percentage of new units each income level can afford. In order to qualify as equally affordable, at least 50% of homes sold in a city should be affordable to the median income

level. If more than 50% of new housing units sold in the city are at or above the median income level the City has an affordable housing market. The greater the percentage, the greater the affordability. If 50% of housing units sold are below median income level the City no longer has an affordable housing market.

Median Sales Price of Single Family Homes

Table 9

Median Sales Price of Single-Family Homes in Tooele City			
2000	\$119,900	2010	\$150,000
2001	\$117,460	2011	\$125,000
2002	\$115,000	2012	\$131,000
2004	\$117,900	2013	\$143,000
2005	\$129,900	2014	\$157,500
2006	\$152,500	2015	\$172,500
2007	\$180,000	2016	\$189,500
2008	\$175,000	2017	\$210,000
2009	\$159,900	AAGR	2.90%

AAGR = average annual growth rate.

Source: UtahRealtor.Com

Housing prices in Tooele City are very affordable compared to prices in neighboring Wasatch Front counties. The City median sales price in 2017 was \$210,000. In Salt Lake County the median sales price of a single family home in 2017 was \$325,000, 55 percent higher.

Median Sales Price of a Condominium and Townhomes

Table 10

In the previous 6 years Tooele City has experienced sales price increases for single-family Homes from \$125,000 to \$210,000 in 2017. Condominiums sales price increases have also jumped from \$81,750 to \$152,000 in 2017. A 68 percent price increase in single-family homes and 86 percent price increase for Condominiums and Townhomes.

Tooele City			
Median Sales Price of Condominiums and Townhomes			
2000	\$115,463	2010	\$112,200
2001	\$91,900	2011	\$81,750
2002	\$91,995	2012	\$90,950
2004	\$84,850	2013	\$109,900
2005	\$85,950	2014	\$109,000
2006	\$101,000	2015	\$120,000
2007	\$119,900	2016	\$132,000
2008	\$136,400	2017	\$152,000
2009	\$125,000	AAGR	1.60%

AAGR = average annual growth rate.

Source: UtahRealtor.Com

CURRENT AFFORDABLE HOUSING AVAILABLE AND NEED

Table 3 lists the Gross Monthly Income and Affordable Housing Costs for the three targeted income groups. For a household earning \$28,301 (50% AMI), may afford housing costs of \$799 per month but housing costs greater than the \$799 per month would become a cost burden. Table 3 also shows the Gross Monthly Income and Affordable Housing Costs for Median Homeowners Household Income, median renter Household Income, white households Median Income, Hispanic Household Median Income, Elderly Household Median Income (65+). This table follows the recommended template for needs assessment from the Utah State Division of Community Housing.

Table 3

Tooele City 2016		
Affordable Housing Costs by Income, Tenure, Race, and Age		
Category - \$56,602/yr	Gross Monthly Income	Affordable Housing Costs
Area Median Household Income	\$4,747	\$1,424
>50%-80% AMI	\$2,667 to \$4,266	\$800 to \$1,280
>30-50% AMI	\$1,653 to \$2,666	\$496 to \$799
0-30% AMI	\$0 To \$1,652	\$0 to \$495
Median Homeowner Household Income	\$5,352	\$1,606
Median Renter Household Income	\$2,899	\$870
White Household Median Income	\$4,904	\$1,471
Hispanic Household Median Income	\$4,561	\$1,368
Elderly Household Median Income (65+)	\$3,245	\$974

Source: U.S. Census Bureau, American Community Survey. 2012-2016.

Table 11

	Owners and Renters by number w/Cost Burdens					
	<=30% AMI	<30% AMI to <=50% AMI	<50% AMI to <=80% AMI	<80% AMI to <=100% AMI	>100% AMI	Total
Owners by Income	245	620	1,670	1,145	4,030	7,705
30% Cost Burden of Owners	195	325	690	190	130	1,530
50% Cost Burden of Owners	130	155	95	0	0	380
Renters by Income	640	475	550	240	680	2,585
30% Cost Burden of Renters	505	305	240	0	0	1,050
50% Cost Burden of Renters	460	55	0	0	0	515

Source: HUD CHAS

Table 11 shows the number of households in the five target groups. HUD CHAS indicates there are 7,705 owners and 2,585 renters in Tooele City. Renter households face cost burdens also. Tables 3 and 11 lists the income levels and number of renters in the five income target groups. By HUD CHAS numbers (Table 12), Tooele City needs an additional 325 affordable owner housing units.

Tooele City has 445 subsidized rental units (see table 11) but by HUD CHAS number, Tooele City needs 965 affordable rental units which leads to a need of 520 additional affordable rental units.

Table 13

Percent of Homes Sold in Tooele City Affordable to Households at Area Median Income			
	Total Homes Sold	Affordable Homes	Percentage of Homes Sold Affordable
2012	424	414	97.6%
2013	501	491	98.0%
2014	549	519	94.0%
2015	660	632	95.8%
2016	771	740	96.2%

Source: UtahRealEstate.com

Percent of Condos Sold in Tooele City Affordable to Households at Area Median Income			
	Total Condos Sold	Affordable Condos	Percentage of Condos Sold Affordable
2012	24	24	100.0%
2013	29	29	100.0%
2014	38	38	100.0%
2015	41	41	100.0%
2016	54	54	100.0%

Source: UtahRealEstate.com

Table 14

At the 80% Area Median Income group level, \$45,282 (Table 14), affordable home sales dropped from 97% in 2012 to 96.2% in 2016. Condominiums and townhomes sales at the 80% Area Median Income level were at 100% or near 100% for all 5 years. This makes Tooele City very affordable at the 80% AMI. This target income group still has many choices in the purchase of a home, condominium or townhome.

At the 80 percent AMI (\$45282), Single -family home sales and Condominium or Townhome sales were well over the affordable 50% sales level hurdle. No additional housing units are needed for this income level.

The following tables 13-16 show the availability of existing housing stock for targeted income groups for single family and condominiums or townhomes for the years 2012 to 2016.

At the Area Median Income group level, \$56,602, affordable home sales dropped from 97% in 2012 to 96.2% in 2016. Condominiums and townhomes sales at the Area Median Income level were at 100% for all 5 years.

Over 740 single family homes were affordable out of 771 sales (96.2%). This makes Tooele City very affordable at this AMI group level in 2016.

No additional housing units are required for this income level.

Percent of Homes Sold in Tooele City Affordable to Households at 80% AMI			
	Total Homes Sold	Affordable Homes	Percentage of Homes Sold Affordable
2012	424	397	93.6%
2013	501	450	89.8%
2014	549	444	80.9%
2015	660	518	78.5%
2016	771	546	70.8%

Source: UtahRealEstate.com

Percent of Condos Sold in Tooele City Affordable to Households at 80% AMI			
	Total Condos Sold	Affordable Condos	Percentage of Condos Sold Affordable
2012	24	24	100.0%
2013	29	29	100.0%
2014	38	35	92.1%
2015	41	40	97.6%
2016	54	54	100.0%

Source: UtahRealEstate.com

Percent of Homes Sold in Tooele City Affordable to Households at 50% AMI			
	Total Homes Sold	Affordable Homes	Percentage of Homes Sold Affordable
2012	424	134	31.6%
2013	501	96	19.2%
2014	549	79	14.4%
2015	660	52	7.9%
2016	771	37	4.8%

Source: Utah RealEstate.com

Percent of Condos Sold in Tooele City Affordable to Households at 50% AMI			
	Total Condos Sold	Affordable Homes	Percentage of Homes Sold Affordable
2012	24	17	70.8%
2013	29	14	48.3%
2014	38	5	13.2%
2015	41	16	39.0%
2016	54	10	18.5%

Source: Utah RealEstate.com

Percent of Homes Sold in Tooele City Affordable to Households at 30% AMI			
	Total Homes Sold	Affordable Homes	Percentage of Homes Sold Affordable
2012	424	17	4.0%
2013	501	5	1.0%
2014	549	3	0.5%
2015	660	6	0.9%
2016	771	1	0.1%

Source: Utah RealEstate.com

Percent of Condos Sold in Tooele City Affordable to Households at 30% AMI			
	Total Condos Sold	Affordable Condos	Percentage of Homes Sold Affordable
2012	24	2	8.3%
2013	29	0	0.0%
2014	38	0	0.0%
2015	41	0	0.0%
2016	54	0	0.0%

Source: Utah RealEstate.com

Table 15

At the 50% Area Median Income group level, \$28,301 (Table 15), homes sales that were affordable dropped from 31.6% in 2012 to 4.8% in 2016.

Condominiums and townhomes sales at the 50% Area Median Income level dropped from 70.8% to 18.5% in 2016. This makes Tooele City less affordable and this target group has limited choices in home or condominium purchases. Per HUD CHAS, Tooele City, with only 37 affordable homes and 10 affordable condos, needs 48 additional affordable homes or condos at the 50% AMI level.

Table 16

At the 30% Area Median Income group level, \$16,980 (Table 16), homes sales that were affordable dropped from 4.0% in 2012 to 0.1% in 2016. Condominiums and townhomes sales at the 30% Area Median Income level dropped from 8.3% to 0% in the same 5 year period. At the 30% AMI level, home purchase options are extremely limited and condominium or townhome purchases may be unavailable. Tooele City is not affordable at the 30% Area Median Income level.

Per HUD CHAS, Tooele City needs an additional 324 affordable housing units at the 30% AMI level.

Rental rates have increased as the median sales prices have gone up. The US Census ACS 2016 shows a median rent of \$759. From a recent survey of rental rates on Zillow.com for rentals, there were only 12 homes or apartments available for rent at rates of \$700 to \$1500 per month. The newer apartments and homes are renting well above the median rate. In the 2016 rental housing market, affordable rental units are limited or not available in the newer apartment communities.

Ethnic and Racial Minority Populations

Tooele City's population is 82% white (not Hispanic). Minorities, which includes Hispanics, comprise 18% of the total City Population. The Hispanic population is 12.9% of the City's population and American Indian being reported for 1.4% of the City population.

Table 17

Tooele City		
Percent Share of City Population by Race		
	Number	Percent
Total	32,783	100%
White	26,919	82.10%
Hispanic	4235	12.90%
American Indian	462	1.40%
Asian	160	0.49%
Pacific Islands	82	0.25%
Black	278	0.85%
Other Race	72	0.22%
2 or more Races	575	1.75%
Source: US Census ACS 2016		

Racial and ethnic minority status is correlated with poverty level. In Tooele City, 8.1% of the entire population is reported to be below the poverty level which would indicate that approximately 2,656 residents are living at or below the poverty income level set by the U.S. Census. The poverty percentage for Tooele County is 7.2% and for the entire State is 11.7%.

Poverty rates by race are identified in table 16. Because of this correlation, any deficiencies in available low and moderate-income housing units, disproportionately impacts minority populations. Of the minority population, 15% are below the poverty level.

Table 18

Tooele City			
Poverty by Race in Tooele City			
Race	Number	Percent of in Poverty	US Cenus Race in Poverty Table
All Races = 8.1%			
White only	1,910	7.2%	B17001H
Hispanic	467	11.2%	B17001I
American Indian	61	12.8%	B17001C
Asian	0	0.0%	B17001D
Pacific Islands	0	0.0%	B17001E
Black	21	7.8%	B17001B
Other Race	241	15.2%	B17001F
2 or more Races	91	10.1%	B17001G
Source: US Census ACS 2016			

SPECIAL NEEDS POPULATION

Tooele City understands that it is important to address affordable housing for those with special needs. People with special needs may include vulnerable populations such as senior citizens, people with disabilities, the homeless or those otherwise in need of specialized or supportive housing.

DISABILITY

Table 19

Tooele City Residents with Disabilities				
Disability	Age Group	Total Pop.	Pop. w/disability	% of Total
hearing disability	Under 5	2828	0	0.00%
	5 to 17	7753	11	0.10%
	19 to 64	19008	468	2.50%
	65 - plus	2898	581	20.00%
vision disability	Under 5	2828	0	0.00%
	5 to 17	7753	37	0.30%
	19 to 64	19008	304	1.60%
	65 - plus	2898	1854	6.40%
cognitive disability	under 18	10581	560	7.20%
	19 to 64	19008	877	4.60%
	65 - plus	2898	143	4.90%
	under 18	10581	90	0.20%
ambulatory disability	19 to 64	19008	1257	6.60%
	65 - plus	2898	817	28.20%
	under 18	10581	142	1.80%
self-care disability	19 to 64	19008	367	1.90%
	65 - plus	2898	268	9.20%
	under 18	10581	729	3.80%
independent living	19 to 64	19008	525	18.1%
	65 - plus	2898		

Source: US Census ACS 2016

People with disabilities under the age of 65 comprise approximately 9.0% of the City population or 2,930 people. It is estimated that 36.6% of all Americans 65 or older have some form of disability. According to the ACS approximately 1,178 individuals, or 40.6% of Tooele City residents over age 65 have a disability. People with disabilities often face financial and social difficulties that make it difficult to obtain housing. Programs that are geared toward helping people with disabilities obtain housing include: low rent and public housing voucher programs, assistance through centers of independence, employment and training resources.

The median income of an individual with a disability is usually considerably less than persons without a disability. According to the ACS, median income for disabled residents over 16 years of age, is 32.5% less than City residents without a disability of the same age. This would translate to a disabled single householder having a median income of \$38,206 which would require using a larger share of their income for housing.

Seniors-Elderly

About 9.0 percent of Tooele City population is 65 and older as of the 2016 ACS. The share of the city's population that is 65 or older is expected to remain approximately the same. As the City population ages, more families will elect to move their elderly family members to Tooele City to be near them. Some elderly residents may not be able to remain in their homes or may choose to relocate to a dwelling type that better suits their preferences and needs. The Tooele City Council recognizes the need to evaluate the housing options available to seniors wishing to remain in or move to the community.

Homeless

According to the 2016 annualized Point in Time count, roughly 0.1% of Utah's population is homeless. Although regional differences may impact the rate of homelessness, this percentage can be used to estimate the number of homeless individuals in Tooele City, which is approximately 32. Tooele County Housing authority has programs in place as noted in the Tooele County Moderate Housing Study which address this need.

Veterans

Based on the 2016 ACS, veterans account for approximately 7.6 percent of Tooele City's population, or 2,507 people. Men make up 92% of those veterans and women 8%. There are 811 veterans that are 65 years or older age, or 32.3 percent of the Tooele City veteran population. Also, 749 veterans in Tooele city were reported as having some form of disability, which amounts to 18.2 percent of the city's disabled population being veterans. Of the 1423 working age veterans (18 to 65 years old), 43% or 1084 were unemployed. There were 100 veterans reported to be living below the poverty level by the 2016 ACS. The median income of a veteran in Tooele City was reported to be \$50,533 which is 10.7 percent lower than the City as a whole. This suggests that a single income household with a veteran is less likely to afford the median housing unit in the city. Given these estimates, the City should work with the Utah Department of Workforce Services to consider strategies to lower the unemployment rate among working-aged veterans.

Victims of Domestic Violence

Victims of domestic violence receive shelter at Pathways Domestic Violence Shelter operated by Valley Behavioral Health. The facility has 16 beds and operates at high levels of occupancy. The program provides shelter for victims of domestic violence for 30 days before the individual(s) is released. In 2017 the facility served 536 individuals, 342 were residents of Tooele County. A high need, as expressed by director Elizabeth Albertson, is for transitional housing. Many of their clients do not have housing and are left to choose between homelessness or doubling up with friends/family. Pathways Domestic Violence Shelter has applied for a U.S. Department of Justice grant that would help fund and develop a 5-unit transitional housing facility. Under the terms of the grant the transitional housing would be for 6 months to 24 months. Transitional housing for this population is a high priority.

Fair Housing Status

HUD measures Fair Housing Status by the number of housing discrimination complaints in a jurisdiction. Fair Housing complaints are very low for Tooele County. Since 1994, 24 complaints have been filed. Five complaints were filed in 2012 which was the highest year. Only 3 complaints were filed in 2017. Considering the county has about 4,300 rental units, filed complaints are an extremely low percentage of the renter population. (Source: Tooele County Affordable Needs Assessment)

Availability of a Variety of Housing Sizes

Tooele City's housing inventory is predominately single family with 3 and 4 bedrooms (61.8%). There are only 2,479 housing units (22.5%) with 2 bedroom or less within Tooele City. New homes are required by zoning to be at least 1,100 square feet which again leads to a 3 bedroom home. A majority of the homes in Tooele City have basements which have been or can be finished for additional bedrooms as the need arises.

Analysis of Special Needs Housing

There is a significant population of seniors and people with disabilities in Tooele City, currently there is a deficiency of housing specifically designed for this segment of the population in Tooele City. There are 16 low income tax credit and subsidized rental communities in Tooele County. Of the 16, 11 are located in Tooele City (Table 18) and contain 445 housing units (60.7%). The other rental communities consist of 287 units (39.3%) and are located in Grantsville, Stansbury Park and Wendover. Tooele City needs more special needs housing since all available housing units are occupied and there is a waiting list for available rental units. As the city grows, the need for specialized housing will likely continue to increase and the city should evaluate and monitor current zoning regulations to assure that there are minimal regulatory barriers to constructing this type of housing. Subsidized housing and special needs rental housing is managed by Utah Housing Corp and Tooele County Housing Authority.

Table 20

Low Income Tax Credit and Subsidized Rental Communities In Tooele City				
Apartment Community	Address	subsidy	Units	
Somerset Gardens (Senior)	143 North 400 West	RD Senior	28	
Oquirrh View Apartments (Senior)	552 North 270 East	RD Senior	16	
Canyon Cove Senior Housing (Senior)	178 East Vine St	HUD Senior	21	
Remington Park Retirement (Senior)	495 W Utah Avenue	RD Senior	72	
Lake View Apartments	742 N 100 East	Tax Credit	76	
Valley Meadows	582 N Shay Lane	Tax Credit	40	
Tooele Crown	Scattered Sites	Tax Credit	11	
Tooele Gateway Apartments	232 W Fenwick Lane	Tax Credit	130	
Westwood Mesa	780 West 770 South	Tax Credit	22	
Landmark Apartments	350 West 400 North	HUD Senior	24	
Five-Plex		Public Housing	5	
		Total	445	

Source: Utah Housing Corp & Tooele County Housing Authority

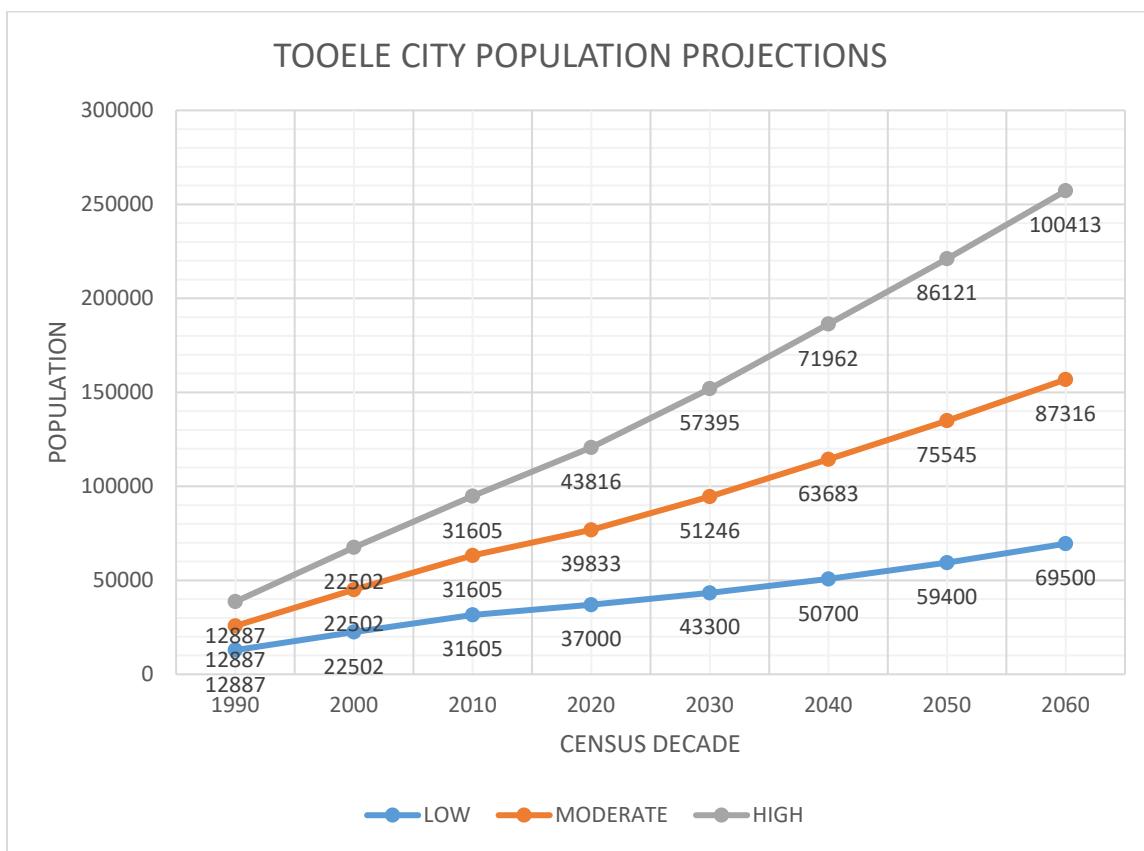
TCHA and Utah Housing Corp administer many affordable housing assistance programs as well as the many Tax Credit and subsidized rental communities. There is a home repair program, weatherization program, down payment assistance program, Security deposit assistance program, rent to own program and Section 8 rental assistance program. Not all programs are funded at any one time but the Housing Authority is constantly seeking grants and additional funding to continue the programs. TCHA is also seeking funding to construct a new housing community for low income households which it will manage because many private landlords have stop participating in the assisted rental program.

Population Projections

High, Medium and Low Population Projections

The population projection used for this study (Moderate Projection) is from the Governor's Office of Budget and Planning with growth rates of between 16% and 29% each decade. A high and low population projection was also calculated based upon the GOBP projection. The GOBP projection is used because it tends to follow the recent growth rates. Chart 4 shows the three population projections. The high projection predicts Tooele City population to reach about 100,000 people by 2060. Assuming all growth factors such as expanded sanitary sewer facilities, expanded culinary water facilities, expanded transportation system to Salt Lake County, expanded city services and continued good economic growth continue, the moderate population projection is obtainable.

Chart 4

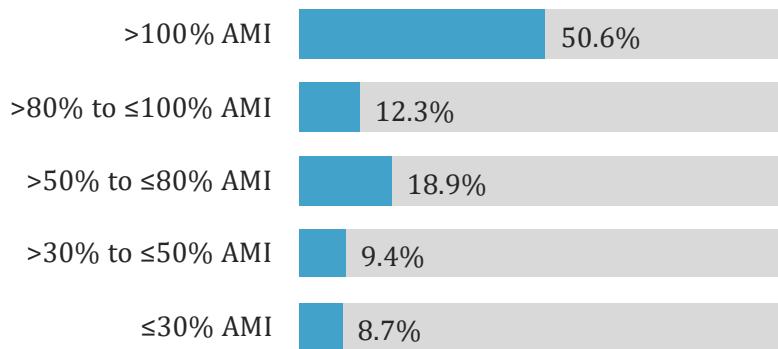


Estimated percentages of Targeted Income groups and Special Needs Groups

The UAHFT tool, using the moderate growth projection, shows the percent share of the City 2016 population in relationship to the AMI (\$56,605). 50.6% of the City's population has an income at or above the Area Median Income in 2016 (Chart 5). Using the same percentage of the City population in the targeted income groups for the 5 and 10 year projections as is currently estimated by the ACS, see Chart 5. From the US Census ACS, shows 9% of Tooele's Population is disabled, 9% are seniors, .01% are homeless (2016 annualized Point in Time), 7.6% are veteran, and approximately .005% are victims of domestic violence (342 county residents served in 2017).

Chart 5

Households by Income Level (Present)



Forecast of Affordable Housing Need

Comparing Population Projections with Expected Housing Construction

The housing construction industry in Tooele City in 2016 is still recovering from the economic recession of 2007-2011. New subdivisions are in the planning stages and builders have reported having problems finding building lots and scheduling subcontractors. In 2016, residential contractors are still trying to keep up with the expanding demand in the Tooele City market and have had to delay construction projects because of the above mentioned problems.

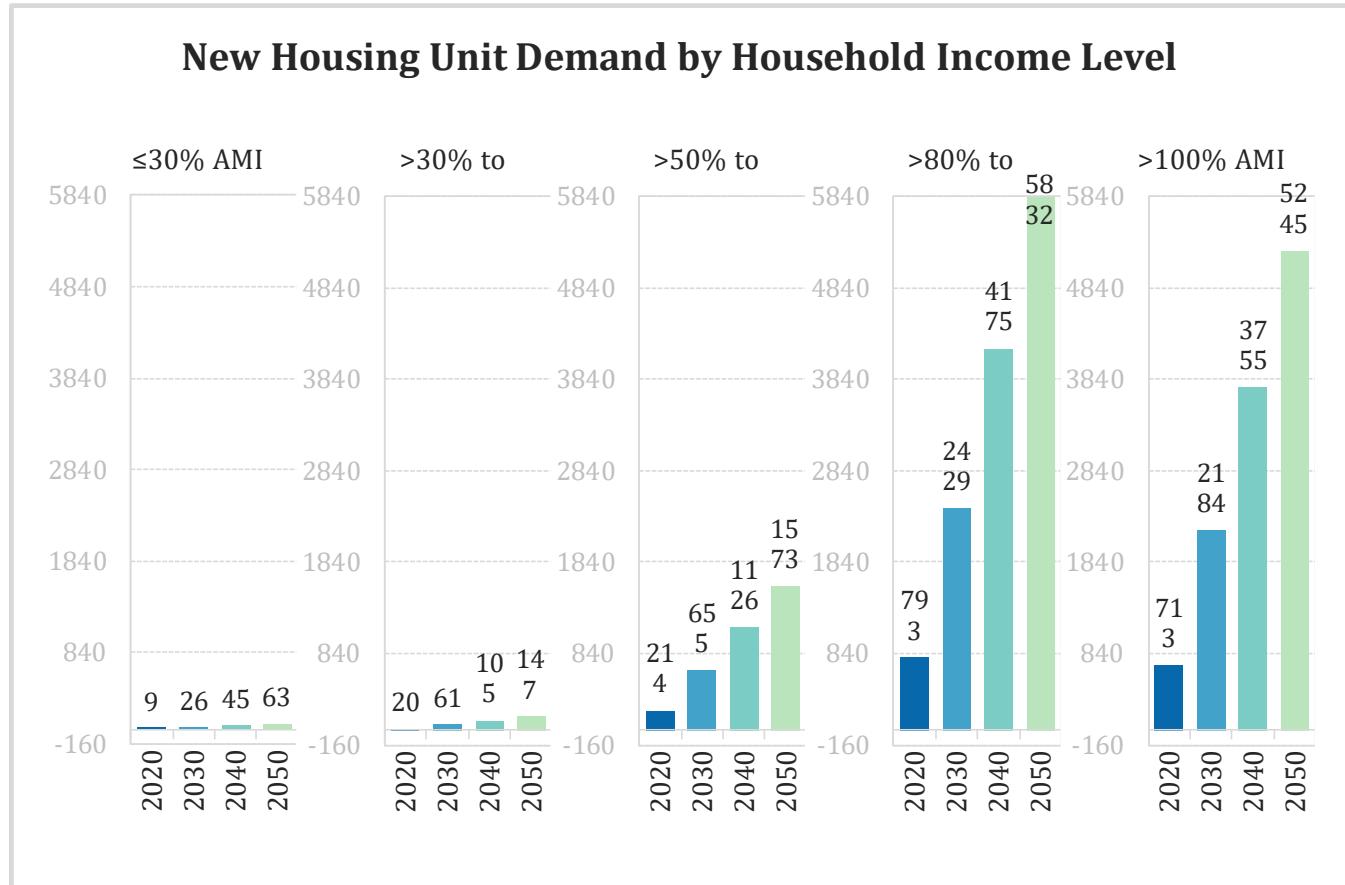
	2010	2016	2020	2025
Population for	*31,605	32,783	39,833	45,539
Projected number new housing units		*512	2,350	1,902
Projected ramp up of residential construction			600	1,250

Estimated Number of New Housing Units Needed

Income group	2020 New Housing Unit Demand	2025 New Housing Unit Demand
<=30% AMI	9	10
>30% to >50% AMI	26	31
>50% to >80% AMI	45	53
>80% to >100% AMI	63	74
Seniors	193	171
Disabled	193	171
Homeless	23	19
Veterans	178	144
Domestic Violence	12	10

Chart 6 is generated by the UAHFT tool for the 2020 through 2050 population projections for each of the 5 targeted income groups. The 2025 projections would be calculated as half of the 2030 number. The numbers are put into a simple table above. Again the special needs groups may overlap.

Chart 6



Regulatory Environment

Current Zoning and Affordable Housing

Current Tooele City does not have an ordinance specific to affordable housing. There are no fee or permit waivers or density bonuses for affordable housing. Although there are no proactive policies promoting affordable housing, ordinances or policies that prohibit affordable housing do not exist in the City's code. Manufactured housing is permitted, high density multi-family housing is permitted, and minimum lot sizes for single-family homes are between 7,000 and 8,000 square feet, which helps with affordable housing.

The only City ordinance that may be a barrier to affordable housing or Fair Housing, is the single-family, multi-family residential standards. (Title 7, Chapters 11a & 11b) These ordinances establish minimum standards for covered parking, square footage, minimum masonry percentage and minimum architectural features such as front porches, decorative windows, articulated roof lines and articulated building elevations and others which can increase the cost of a housing unit.

Table 21

ZONING	TOTAL	USED	PERCENT	VACANT	PERCENT
DISTRICT	ACREAGE	ACRES	OF TOTAL	ACRES	OF TOTAL
BISON RIDGE PUD	55.29	0	0.00%	55.29	100.00%
COPPER CANYON PUD	128.74	57.1	44.40%	71.64	55.60%
GLENEAGLES PUD	17.71	6.53	37.00%	11.18	63.10%
General Commercial	988.87	171.71	17.40%	817.16	82.60%
High Density Residential	170.12	82.2	48.30%	87.92	51.70%
Industrial (heavy)	802.26	210.25	26.20%	592.009	73.80%
Light Industrial	385.93	180.94	46.90%	204.99	53.10%
Medium Density Residential	94.74	90.49	95.50%	4.25	4.50%
Mixed Use-160 acres	320.11	34.23	10.70%	285.88	89.30%
Mix Use-Broadway	22.16	18.75	84.60%	3.413	15.40%
Mixed Use-General	101.73	88.169	86.70%	13.563	13.30%
Neighbor Commercial	254.6	2.388	0.90%	252.216	99.10%
Open Space	2,196.33	109.26	5.00%	2087.07	95.00%
OVERLAKE HWY COM	16.45	14.4	87.50%	2.05	12.50%
OVERLAKE MULTI-FAMILY	15	15	100.00%	0	0.00%
OVERLAKE SINGLE FAMILY	149.39	149.39	100.00%	0	0.00%
Peterson Industrial Depo PL	273.63	267.56	97.80%	6.073	2.20%
R1-10	160.06	149.84	93.60%	10.22	6.40%
R1-12	160.58	113.231	70.50%	47.35	29.50%
R1-14	80.37	44.2	55.00%	36.17	45.00%
R1-7	3,726.67	1499	40.20%	2227.665	59.80%
R1-8	306.64	267.119	87.10%	39.52	12.90%
Research and Development	842.1	0	0.00%	842.102	100.00%
Rural Residential – 1 acre	685.81	288.363	42.00%	397.442	58.00%
Rural Residential – 5 acres	827.39	24.38	2.90%	803.01	97.10%
UNKNOWN	54.28	0	0.00%	54.28	100.00%
	12,836.97	3,884.49	30.50%	8,920.69	69.50%

Source: Tooele City Planning and Zoning

Tooele City has annexed vast areas of vacant property in the last 30 years. A total of 20 square miles (Table 19) is zoned for development (not counting roads). Only 6.1 square miles (30.5%) is developed. The potential for future growth is high. The zone most suitable to affordable housing is the HDR High Density Residential zone (16 units per acre) with 89.92 available acres. Also the MDR zone, 4.25 available acres (8 units per acre) is suitable for affordable housing. The R1-7 zone, 2227.66 available acres (5 units per acre) and the R1-8 zone, 39.52 available acres (4.5 units per acre) are the most suitable zones for affordable single-family homes.

Plans to Meet the Affordable Housing Need

Existing Development for Affordable Housing

With housing values declining after the 1999 peak, several approved Tooele City condominium and townhome projects completed their infrastructure but ceased constructing housing units. Builders claimed they could not construct Townhomes or Condominiums that would be substantially more affordable than single-family homes and so sales ground to a halt. With today's median home sales price at over \$210,000, Townhomes and Condominiums should now fill the price range under single-family housing. There are 221 condominium or Townhome units platted with site work completed (Table 22) where the residential buildings were never completed in Tooele City. These types of housing units tend to be more affordable.

Table 22

Tooele City unfinished Condominium and Townhome Projects				
Project Name	Total Units	Remaining Units	Project Start Year	
West Point Meadows Condominium Amd	64	43	1997	
Crescent Court Condominiums Amd	199	133	2001	
Comiskey Park Garden Home Condos	88	8	2000	
Gleneagles PUD	54	37	2001	
Total	405	221		
Source: Tooele City Planning Dept.				

Existing Zoning that Typically allows Affordable Housing

Table 23

Current Zoning which Facilitates Affordable Housing				
Zoning	Density	Vacant	Projected	Projected
	Per Acre	Acres	lots/units	Populations
R1-7	5	2227.0	11,135	33,405
R1-8	4.5	39.5	177	533
Copper Canyon PUD	5	55.3	276	829
Gleneagles PUD	16	2.6	41	123
Crescent Ct Condos	16	7.9	133	399
West Point Meadow Condos	16	2.4	37	111
Medium Density Residential	8	4.3	19	58
High Density Residential	16	87.9	1,400	4,200
Source: Tooele City Planning Department		2426.9	13,218	39,658

Without rezoning more acreage in the future, Tooele City could grow by 13,218 affordable housing units and reach a population of 72,441. Acres set aside for parks, schools, and roads would need to be deducted. Future annexations could offset the deducted acreages. With the thousands of acres of land

surrounding the City, Tooele will continue to annex and grow as City services are increasingly necessary for the expected population growth in Utah.

Existing and Future Mobile Home Parks

Tooele City has 639 mobile home spaces in the existing eight mobile home parks. Mobile homes within a mobile home park can be an affordable housing option. Building pad rents and utilities must be calculated in order to determine the affordability of the housing unit. Tooele City does have an ordinance that would permit new mobile home parks if the need of such housing units was demonstrated to create a balance of housing units and the location satisfied proximity to major roads and commercial centers.

Strategy to meet Current and Forecasted Affordable Housing Needs

Zoning and Annexations

Tooele City does not regularly change zoning on its own, however, the General Plan Land Use Element recommends a balanced and diverse mix of residential housing units and lot sizes and each rezone request should comply with the requirements of the City's Land Use Element.

Tooele City has recently approved several rezones of undeveloped land to MR-8 and MR-16 and one rezone for high density residential uses that provides more options in lot size and residential housing unit styles such as apartments, condominiums and town houses.

- One of those developments is the Lexington Greens Multi-Family residential development. Tooele City amended the zoning map to MR-16 Multi-Family Residential zoning district. This large development includes 86.4 acres and includes 192 single-family residential lots, 276 rental apartments, and 177 multi-family residential town house style units.
- Another development approved by Tooele City that included a zoning map amendment the MR-16 zoning district, a higher density residential zone, is the Western Acres development. This development also includes a PUD overlay that permits reduced distances between buildings, reduced architectural standards for building exteriors and smaller lots sizes in the single-family residential sections. The development will yield at build out, 714 town house style units and 97 single-family residential units.

Tooele City will consider future annexation petitions and has approved one residential annexation as recently as 2015.

Tooele City's current Zoning Map provides sufficient zoning districts to meet the city's affordable housing needs through 2050. More than 2,400 acres of zoning that allows for affordable housing possibilities exists within City boundaries. All zoning change requests are reviewed individually, case by case, as they are submitted.

Tooele City has an in-fill overlay zoning district that provides incentives for residential construction in the older central City area. The incentives include smaller setbacks, reduction of water rights requirements, reduced lot frontage requirements, and increased total lot coverage.

Tooele City also has an effective PUD (Planned Unit Development) ordinance that can be applied to any residential zoning district. The PUD ordinance provides flexibility in development standards such as

setbacks, lot sizes, lot coverages and so forth. Flexibility in these standards can serve to reduce per-lot land costs and help to reduce the overall cost of housing within a development.

Strategies for Implementing the Construction of Moderate Income Housing

The Goals and Strategies should be achievable by the time of the next Moderate Income Affordable Housing Plan update.

Strategy 1 – Rezone for Densities Necessary to Facilitate the Production of Moderate Income Housing.

Tooele City has recently rezoned various properties to the MR-16 Multi-Family Residential zone permitting up to sixteen units per acre and the MR-16 Multi-Family Residential zone permitting up to 16 units per acre. Tooele City has recently created new multi-family residential zones to allow a greater variety of MR densities and products. These new zoning districts are the MR-12 and the MR-20 Multi-Family Residential zones in addition to the existing MR-8 and MR-16 Multi-Family Residential zoning districts.

Tooele City has enacted an ordinance allowing residential special districts (RSD), essentially zoning districts in which the terms are negotiated based on ordinance parameters, developer requests, and City requirements, which may include affordable housing.

Implementation Plan

Tooele City remains prepared and committed to the process of accepting and reviewing Zoning Map Amendment applications for higher density residential zones as they are submitted by property owners, developers, and others in a timely and efficient manner. Tooele City has routinely considered the potential for moderate income housing as a factor in making decisions regarding Zoning Map Amendment requests and anticipates continuing to do so.

Strategy 2 – Zone or Rezone for Higher Density or Moderate Income Residential Development in Commercial or Mixed-Use Zones near Major Transit Investment Corridors, Commercial Centers or Employment Centers.

In December 2020, Tooele City adopted a revised General Plan. Included in this revision are the Land Use and Transportation Elements. These elements will be reviewed and locations within the City near major transportation corridors, mass transit stops, future mass transit corridors and so forth will be identified and considered for medium and higher density residential zoning districts where various housing types may be constructed.

Implementation Plan

As development occurs and the inevitable expansion and evolution of the transportation system that accompanies development within Tooele City, the City continues to evaluate the Land Use Element of the Tooele City General Plan and amend the Land Use Map accordingly. Additionally, when considering Zoning Map Amendment applications, particularly when those considerations include the possibility of Moderate Income Housing, access and proximity to the transportation facilities routinely plays an important role in those considerations. Conversely, when consideration of new or expanded

transportation facilities falls to the City exclusive of development, the land uses surrounding those facilities and the joint benefit each provides to the other also plays an important role. It is not anticipated that these roles will change as development and the expansion of transportation system continues to occur.

Strategy 3 – Create or Allow for, and Reduce Regulations Related to, Internal or Detached Accessory Dwelling Units in Residential Zones.

On August 21, 2019, the Tooele City Council approved an ordinance enacting Chapter 7-14a addressing accessory dwelling units. This ordinance permits detached, attached and interior accessory dwelling units for properties that meet certain qualifications of lot size, setbacks, parking and so forth. Having the Accessory Dwelling Unit ordinance complete, Tooele City will now begin implementing this ordinance through the building permit process. In 2020, 2021 and 2022, the State Legislature mandated the removal of restrictions on ADU, and the Tooele City's ADU ordinance already complied with the mandates, except for reducing the minimum lot size for qualifying ADU lot to 6,000 square feet, which Tooele city did by ordinance amendment. The City's ADU ordinance aims to strike a public policy balance of allowing, even encouraging, ADUs without costly or overly burdensome regulations but also without unduly shifting economic burdens to the general populace.

Implementation Plan

Tooele City implemented a program and code allowance for accessory dwelling units even before the state legislature's recent actions or encouragement and mandate for cities. That program included, and continues to include, relaxed regulation to encourage the utilization of the allowance of accessory dwelling units in residential areas. Tooele City continues and will continue to support the permitting of Accessory Dwelling Units in residential areas.

Strategy 4 – Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing or any other entity that applies for programs or services that promote the construction of preservation of moderate income housing.

Work with Tooele County Housing Authority and have a City representative attend the quarterly meetings. Tooele City has the largest population in Tooele County and has the most to gain from partnering with the Housing Authority to construct more moderate income housing.

Tooele City is also working with the Utah Housing Authority, directing them to new developments where lots can be purchased and developed as moderate income housing with the assistance of subsidies and City reduction of impact fees as permitted by Tooele City Code.

In 2019-20, Tooele City worked with the Housing Authority for the approval of three subdivisions for affordable single-family detached housing: Bison Ridge, Buffalo Ridge, and Murdock. At the same time, the

City worked with the Utah Housing Corporation to pass an ordinance to waive impact fees for affordable housing. The ordinance has mechanisms in place to assure that savings generated from decreased or eliminated impact fees do not fatten the developer bottom line but are passed along to the affordable housing purchasers. The ordinance contains carefully articulated eligibility requirements and deed restriction language to achieve this beneficial public policy result. The City has approved impact fee waivers for these Housing Authority projects.

Tooele City conveyed property to the Housing Authority for the development of its Whistle Stop affordable housing project, which has been built and is successful.

Tooele City has provided regulatory and process facilitation and encouragement for the Housing Authority's joint venture with Switch Point for a new transitional housing facility for homeless persons, together with on-site support services.

Tooele City has retained outside legal counsel to assist in the development of a new ordinance on housing for the disabled compliant with the changing nuances of the Fair Housing Act.

Implementation Plan

Tooele City has codified allowed reductions and waivers of impact fees for developments that utilize state or federal funds or tax incentives to promote the construction of moderate income housing, among other methods of providing moderate income housing. Tooele City recently expanded that provision to increase the amount of reduction or waiver possible for such projects as well to more greatly expand and support the possibilities of providing moderate income housing. Tooele City also continues working with agencies to explore ways to provide the Tooele County Housing Authority and other agencies dedicated to providing moderate income housing priority access to a limited supply of water rights in order to further their affordable housing projects.

Strategy 5 – Demonstrate Investment in the Rehabilitation or Expansion of Infrastructure that Facilitates the Construction of Moderate Income Housing.

Tooele City has created In-Fill Overlay Districts applicable to older portions of the City where existing housing stock is increasingly aging and in need of renovation. The In-Fill Overlay zoning district is formulated to appropriately encourage residential development and redevelopment on lots and parcels of record that may be nonconforming or surrounded by developed land in order to more efficiently utilize residential land, existing public infrastructure, and public services.

Tooele City is always seeking ways to improve the In-Fill Overlay districts to utilize or rehabilitate existing infrastructure and make development more feasible. The City is currently considering amendments to lot width and frontage requirements that would assist subdivision of existing narrow lots into lots able to be developed with smaller and more affordable homes.

Tooele City should also seek to revise the In-Fill Overlay district area's incentives to encourage replacing or remodeling a dilapidated housing unit that may become a more affordable housing unit than new construction.

In certain portions of the City's in-fill geographic areas, requirements for transportation infrastructure construction (e.g., sidewalk) have been reduced or eliminated.

Tooele City provided a regulatory facilitation role in obtaining EPA remediation of a burned out and demolished hotel, paving the way for a new affordable housing project on Broadway Street in the City's Newtown district.

Implementation Plan

Development that occurs within the In-Fill Overlay District will continue to reduce or eliminate requirements for transportation infrastructure improvements. Tooele City has established reduced regulations for infill development, and redevelopment, in the heart of the community. Tooele City has approved a contract in the amount of \$50,000 for the preparation of a Broadway Area Master Plan, in part, to explore affordable housing opportunities in this community reinvestment area. Investment in these areas, both planning and reduction of costs to the provision of housing opportunities, is ongoing and represents an ongoing commitment on the part of the City towards meeting moderate income housing needs.

Strategy 6 – Reduce, Waive, or Eliminate Impact Fees Related to Moderate Income Housing.

Tooele City's accessory dwelling unit ordinance provides 50% reductions in impact fees for all attached and detached units. Impact fee reductions include culinary water, sanitary sewer, public safety and parks and recreation fees. Interior accessory dwelling units are exempt from payment of any impact fees; thus, the City ordinance was already in compliance with state legislation to follow the ordinance enactment

Tooele City's In-Fill Overlay districts also reduce culinary water fees by 50% which serves to encourage development of smaller less expensive lots within the City. This serves to make lots more affordable in the In-Fill areas and facilitates more affordable housing.

Tooele City ordinances permit the City Council to reduce impact fees for affordable housing units and the City should plan to partner with State organizations such as the Utah Housing Authority to encourage the construction of moderate income housing.

Implementation Plan

Tooele City has codified and implemented a reduction and waiver program for impact fees as a part of constructing attached and detached accessory dwelling units. Tooele City maintains and continues to the encouragement of development and redevelopment for properties within the In-Fill Overlay Districts. The Tooele City Council continues to consider reductions in impact fees for affordable housing units when the City partners with State, County, and other appropriate housing organizations.

Strategy 7 – Consider and Utilize General Fund Subsidies or Other Sources of Revenue to Waive Construction Related Fees that are Otherwise General Imposed by the City for the Construction or Rehabilitation of Moderate Income Housing.

Tooele City Code already permits General Fund subsidies and the Tooele City Council is considering increasing these for moderate income housing. Any time impact fees are waived there is a requirement that the fee is made up for through General Fund subsidies.

Implementation Plan

The Tooele City Council continues to evaluate moderate income housing developments and General Fund subsidies as these developments occur. This includes the supplementation of waived fees and water rights requirements to meet the full need of developments dedicated to the provision of moderate income housing beyond that allowed for waiver under adopted City Code provisions.

Strategy 8 – Preserve Existing and New Moderate Income Housing and Subsidized Units by Utilizing a Landlord Incentive Program, Providing for Deed Restricted Units Through a Grant Program or Establishing a Housing Loss Mitigation Fund.

In many older areas of Tooele City there are some legally non-conforming duplexes, apartment buildings and other housing units that were constructed prior to existing zoning codes. These non-conforming units are protected by Tooele City Code Chapter 7-3; Non-Conforming Uses. This ordinance permits non-conforming buildings and land uses to persist in perpetuity as long as there is not a cessation of use greater than one year and also permits the re-construction of non-conforming buildings if destroyed by fire or other calamity. There are no plans to change or otherwise amend this ordinance and these non-conforming, potentially moderate income housing units will continue without challenge by Tooele City.

Implementation Plan

Tooele City continues to permit legally non-conforming duplexes, multi-family residential structures, and accessory dwelling units to continue the use and maintain the opportunity for preservation of moderate income housing in perpetuity.

Strategy 9 – Eliminate Impact Fees for Any Accessory Dwelling Unit that is not an Internal Accessory Dwelling Unit as Defined in Section 10-9a-530.

Tooele City's Accessory Dwelling Unit ordinance currently eliminates an ADU from conveying water rights to the City and from paying street light utility fees and storm water utility fees.

Implementation Plan

Tooele City continues to maintain codified provisions for the waiver of impact fees as a part of the City's accessory dwelling unit ordinances regardless of the nature of the unit. This provides expanded opportunities for property owners to seek and be provided relief and encourage the construction of accessory dwelling units to support the provision of moderate income housing units.

Chart 7 – Tooele City Infill Areas A and B

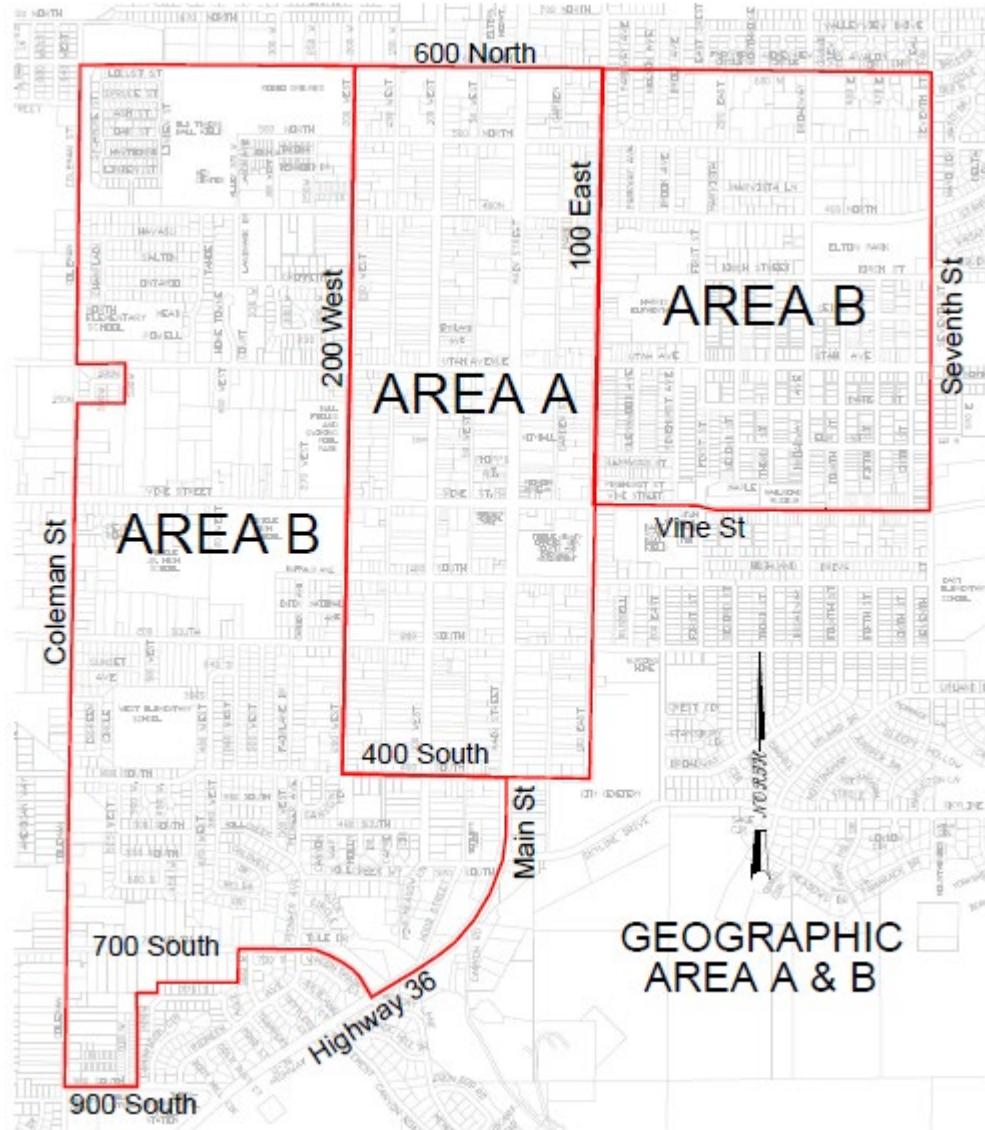


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Tooele City Planning Commission Business Meeting Minutes

Date: Wednesday, August 24, 2022

Time: 7:00 p.m.

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

Commission Members Present:

Melanie Hammer

Matt Robinson

Tyson Hamilton

Weston Jensen

Melodi Gochis

Chris Sloan

Commission Members Excused:

Paul Smith

Alison Dunn

City Council Members Present:

Ed Hansen

Maresa Manzione

City Employees Present:

Andrew Aagard, City Planner

Jim Bolser, Community Development Director

Paul Hansen, Tooele Engineer

Roger Baker, Tooele City Attorney

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Robinson.

2. Roll Call

Melanie Hammer, Present

Matt Robinson, Present

Tyson Hamilton, Present

Weston Jensen, Present

Chris Sloan, Present

Melodi Gochis, Present

Alison Dunn, Excused
Paul Smith, Excused

3. Public Hearing and Decision on a Conditional Use Permit Request by Sarah Bennett to Operate a Home-Based Day Care Business Involving the Care of 8 to 16 Children at 146 West 2100 North on 0.22 Acres in the R1-8 Residential Zoning District.

Mr. Aagard presented information for the property located near 146 west 2100 north. It is zoned R1- residential to operate a child preschool business with 8-16 children. The largest concern is traffic, though a traffic plan must be provided. Staff has added a condition to mark off the 40-foot zone as the property is a corner lot. Notices have been sent within 200 feet.

The Planning Commission had the following questions and concerns.
The traffic study was sufficient. Does it include the expansion of having 16 children?
Does she need to abide by all child laws?
Is the property secured with fencing?

Mr. Aagard addressed the Planning Commission's questions. The applicant could expand up to 16 students if she decides to expand. Through her business license, she will have to abide by all laws and regulations.

The public hearing was open.

Lauren Allen sent an email in favor of the preschool.

Ms. Bennett addressed the Commission with her excitement. The backyard of the property is completely fenced.

The public hearing was closed.

Commissioner Hamilton motioned to approve a Conditional Use Permit Request by Sarah Bennett to Operate a Home-Based Day Care Business Involving the Care of 8 to 16 Children at 146 West 2100 North on 0.22 Acres in the R1-8 Residential Zoning District based on the findings subject to the conditions in the staff report. As well as the business follow all State and City code involving daycare/preschool facilities. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Gochis, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", and Commissioner Jensen, "Aye". The motion passed.

4. Public Hearing and Decision on a Conditional Use Permit Request by Kris Pasker of PGAW Architects to Permit the "Cultural Activities and Uses" and "Private Educational Facility" Uses in an Existing Structure Located at 310 South Main Street in the MU-G Mixed Use General Zoning District on 0.62 Acres.

Mr. Aagard presented information on a Conditional Use Permit located west of Main Street. The property is MU-G, Mixed Use General. The Boys and Girls Club is asking for the permit to gather youth for activities and other uses. The applicant did provide a site plan, with no expansions to the buildings. There are 36 parking spaces. Notices were sent to property owners within 200-feet of the property. Staff is recommending approval.

The public hearing was opened.

Amanda Hues addressed the Commission with their excitement and positive changes to make it a permanent location for the club.

The public shared their excitement for the expansion and what the program does for the kids.

The public hearing was closed.

The Planning Commission had the following questions and concerns.

Will this building house all programs?

What are the designs?

Amanda Hues addressed the Commission. A lot of the building is being utilized and build up classroom and kitchens space. As well as house all programs.

Commissioner Sloan motioned moved to approve the conditional use permit a Conditional Use Permit Request by Kris Pasker of PGAW Architects to Permit the “Cultural Activities and Uses” and “Private Educational Facility” Uses in an Existing Structure Located at 310 South Main Street in the MU-G Mixed Use General Zoning District on 0.62 Acres based on the findings subject to the conditions in the staff report. Chairman Robinson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, and Commissioner Jensen, “Aye”. The motion passed.

5. Public Hearing and Recommendation on a Zoning Map Amendment Request by Tooele City to Reassign Approximately 9.12 Acres of Land From the MR-25 Multi-Family Residential Zoning District to the MR-20 Multi-Family Residential Zoning District Located at Approximately 800 North 100 East.

Mr. Bolser presented information on a City generated application for a Zoning Map Amendment located at the Legacy Apartments. The Land Use is assigned to the High Density Residential. Currently, this is the only project assigned to the MR-25. There are 12 apartment buildings and a clubhouse building. The project will be in compliance as MR-20.

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

Commissioner Hamilton motioned to forward a positive Recommendation on a Zoning Map Amendment Request by Tooele City to Reassign Approximately 9.12 Acres of Land

From the MR-25 Multi-Family Residential Zoning District to the MR-20 Multi-Family Residential Zoning District Located at Approximately 800 North 100 East based on the findings subject to the conditions in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Gochis, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", and Commissioner Jensen, "Aye". The motion passed.

6. Recommendation on the W & R Minor Subdivision Request by W & R Enterprises, LC, to Subdivide Approximately 8.6 Acres Located at the Northeast Corner of 400 East 2400 North into 6 Commercial Lots in the GC General Commercial Zoning District.

Mr. Aagard presented information on a subdivision request involving the undeveloped property located 400 East 2400 North. It is zoned GC, General Commercial. The subdivision proposes to split the property into six commercial lots. There will be frontage improvements. Some of those improvements will be put in when the commercial lots become occupied.

Commissioner Sloan motioned to forward a positive recommendation on the W & R Minor Subdivision Request by W & R Enterprises, LC, to Subdivide Approximately 8.6 Acres Located at the Northeast Corner of 400 East 2400 North into 6 Commercial Lots in the GC General Commercial Zoning District. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Gochis, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", and Commissioner Jensen, "Aye". The motion passed.

7. Recommendation on the Lexington Greens Lot 107 Preliminary Subdivision Plan Request by Lex Townhomes, LLC, to Subdivide 1.27 Acres Located at the Northeast Corner of 680 West 1200 North into 18 Townhome Lots in the MR-16 Multi-Family Residential Zoning District.

Mr. Aagard presented a preliminary subdivision plan for the long narrow parcel located northeast of 650 west. The site plan review design has been approved. The property is zoned MR-16. The plan proposes to subdivide the land into 18-lots. Each lot is the footprint of townhomes. The plat proposes limited common areas. It will be owned and maintained by the HOA. Staff is recommending the approval of the plan.

Commissioner Gochis asked the following questions:

Is this a part of the settlement agreement and add to the total cap?

What are the requirements for water and sewer?

Has a traffic impact study been done and submitted?

When is the light at Franks Drive going to come in?

Mr. Aagard addressed the Commission. A payment has been made in regards to the water and sewer, but depending on the company they choose will depend on how quick it gets done. The traffic study has been done when Lexington Green was first brought forward.

Paul Hansen addressed the Commission. UDOT has retained an engineer consultant. They are still in the beginning phases.

Commissioner Jensen motioned to forward a positive recommendation on the Lexington Greens Lot 107 Preliminary Subdivision Plan Request by Lex Townhomes, LLC, to Subdivide 1.27 Acres Located at the Northeast Corner of 680 West 1200 North into 18 Townhome Lots in the MR-16 Multi-Family Residential Zoning District.

Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Gochis, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", and Commissioner Jensen, "Aye". The motion passed.

8. Decision on the Lex Apartments Series 102B Site Plan Design Review Request by Ensign Engineering for 10.6 Acres Located at Approximately 1202 North Franks Drive in the MR-16 Multi-Family Residential Zoning District.

Mr. Aagard presented a site plan review involving the 10-acre parcel near Lexington Green. The property is zoned MR-16. The site plan proposes an additional two 30-unit buildings added. Access will be gained from 1300 North and Carrel Way. The application meets or exceed all ordinance and code requirements. Staff is recommending approval with the basic conditions listed in staff report.

Mr. Bolser addressed the unit counts for the Overlake Settlement Agreement, with approximately 1000 units occupied.

Commissioner Sloan motioned to approve the Lex Apartments Series 102B Site Plan Design Review Request by Ensign Engineering for 10.6 Acres Located at Approximately 1202 North Franks Drive in the MR-16 Multi-Family Residential Zoning District.

Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Gochis, "Aye", Commissioner Sloan, "Aye" Chairman Robinson, "Aye" Commissioner Hamilton, "Aye", and Commissioner Jensen, "Aye". The motion passed.

9. Recommendation on the Tooele City Wastewater Collection System Master Plan

Mr. Hansen presented the Sewer Master Plan. The City has been working on an updated sanitary collections system. The master plan addressed the existing collection system, flow monitoring, flow characterization, inflow, existing flow summary and modeling application, projections, existing and future deficiencies. Tooele City has 175 miles of pipeline with more than 3,300 manholes. The average daily inflow is approximately 2.3 million gallons a day. The plant is designed for a capacity of 3.4 MGD. The plan looks at a planning period of 40 years. This will be presented to the City Council at their next business meeting. A draft copy has been sent to a financial consultant for fee adjustments.

The Planning Commission asked the following questions:

What is the City doing to fix the existing deficiencies?

Are they able to factor in the future of annexation?

Mr. Hansen addressed the Commission. Storm drains are a different document, but they are working to make improvements and address the projects. When an annexation happens, the developer hires the City consultant to look at the impact. The information will be adopted and updated as the annexations are being brought in. They do their best to plan with what they know.

Chairman Robinson motioned to forward a positive recommendation to the City Council. Commissioner Hamilton seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, and Commissioner Jensen, “Aye”. The motion passed.

10. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: They approved the zoning request for the property at 600 east and 2500 north. They adopted the tax rate and final budget.

Commissioner Hammer motioned to move item 11, Planning Commission training to the end of the meeting. Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, and Commissioner Jensen, “Aye”. The motion passed.

12. Review and Approval of Planning Commission Minutes for the Business Meeting Held on August 10, 2022.

There are no changes to the minutes.

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

13. Adjourn

Chairman Robinson adjourned the meeting at 8:02 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 ____ day of September, 2022

Matt Robinson, Tooele City Planning Commission Chair