

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, January 25, 2023** 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.

*We encourage anyone interested to join the Planning Commission meeting electronically through Tooele City's YouTube channel by logging onto www.youtube.com/@tooelecity or searching for our YouTube handle **@tooelecity**. 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 Land Use Map Amendment Request by Craig Mills to Re-Assign the Land Use Designation for Approximately 97 Acres Located at Approximately 1825 South 11th Avenue from Regional Commercial to Industrial.
4. **Public Hearing and Recommendation** on Draft Ordinance 2023-03, An Ordinance of Tooele City Amending Tooele City Code Chapter 7-16 Table 1: Tables of Uses to Remove the "Group Home" Use.
5. **Public Hearing and Recommendation** on a Draft Ordinance 2023-04, An Ordinance of the Tooele City Council Making Technical Revisions to the Amended (2022) Moderate Income Housing Element of the Tooele City General Plan.
6. **City Council Reports**
7. **Review and Approval** of Planning Commission Minutes for the Meeting Held on January 11, 2023.
8. **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

January 25, 2023

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

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, City Planner / Zoning Administrator

Re: AA Trailer Park – Land Use Map Amendment Request

Application No.: P22-1336
Applicant: Craig Mills
Project Location: Approximately 1825 South 11th Avenue
Zoning: RR-1 Residential Zone
Acreage: 97.4 Acres (Approximately 4,241,872 ft²)
Request: Request for approval of a Land Use Map Amendment in the RR-1 Residential zone regarding re-assigning the land use designation for approximately 97 acres to the Industrial land use designation.

BACKGROUND

This application is a request for approval of a Land Use Map Amendment for approximately 97.4 acres located at approximately 1825 South 11th Avenue. The property is currently zoned RR-1 Residential. The applicant is requesting that a Land Use Map Amendment be approved to allow for the development of the currently vacant property as a RV park / campground, self storage facility, vehicle storage facility and a light industrial complex.

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 RR-1 Residential zoning classification, supporting approximately one dwelling unit per acre. The RR-1 Residential zoning designation is not identified by the General Plan as a preferred zoning classification for the Regional Commercial land use designation. Properties to the north of the subject property are zoned OS Open Space. Properties to the west, south and east are located in unincorporated Tooele County as well as the Tooele Army Depot. Mapping pertinent to the subject request can be found in Exhibit “A” to this report.

The applicant is wishing to expand an existing mobile home / RV park. They are also desiring to develop the property as a self storage facility, vehicle storage facility and a light industrial complex. These uses are permissible in the Industrial Service and Industrial zoning districts. However, in order to qualify for one of these two districts the Land Use Map must first be amended to either a Light Industrial or Industrial designation. The applicant has selected the Industrial land use designation which will require the Industrial zoning district.

The current zoning of the property is RR-1 Residential. The RR-1 zoning district is a rural residential zoning district that emphasizes rural type land uses such as large 1 acre lots for single-family homes, the keeping of large animals such as horses, cows and goats and agriculture. In many cases the RR-1 zoning district is used as a holding zone for locations in the City that are not at a point where development can

occur due to lack of utilities and infrastructure. The RR-1 zoning district does not permit recreational vehicle parks and campgrounds and therefore the request by the applicant to change the Land Use Map. The property currently bears the Regional Commercial land use designation. This land use designation is specific to and encourages the RC Regional Commercial and the RD Research and Development zoning districts. These commercial zoning districts are designed for large scale commercial uses that are utilized regionally and not just locally. These zones permit research centers, large scale retail facilities, medical parks, business parks, and so forth. Recreational vehicle parks and campgrounds are not permitted within these zoning districts.

There are two zones that permit RV parks and campgrounds. Those are the Industrial Service and Industrial zone. There are also three residential zones that permit campgrounds, those being the RR-5, RR-2 and the MU-160 zoning districts. Regardless of whether the applicant were to choose the Industrial zones or the Residential zones to facilitate the desired project there would still be a requirement to amend the Land Use Map and the Zoning Map. The process would be identical.

Self storage facilities are permissible in the Light Industrial, Industrial and Industrial Service zones. Vehicle storage yards are permissible only in the Industrial zoning district.

In order to accomplish the Industrial zoning district the land use map would need to be amended to Industrial. The Industrial land use designation incorporates only one zone and that is the Industrial zoning district.

Please keep in mind that a Land Use Map is a future decision guiding document and does not change or alter the zoning map. If the Land Use Map is amended to Industrial, the applicant would still have to apply for a Zoning Map Amendment.

Water. This area is located where water infrastructure is lacking. Currently the Tooele Army Depot provides water to the existing uses located on the property. Tooele City provides a 12” water line to the County Jail. City Staff reached out to Dorinda Ware, Chief, Master Planning / Business Operations and presented the proposal to develop the 97 acres. Staff asked if the Depot would be willing to provide water to new development that will occur on the site. Her response was an emphatic “no” and stated repeatedly that the Depot did not have the water to provide to a new development and would refuse any request to do so. That would then require the applicant to bring new water resources to satisfy the needs of the proposed development in the form of additional water rights, pipes and other infrastructure at significant cost. A letter from Dorinda has been included in this packet explaining the Depot’s position on providing water to any new development in the area.

Criteria For Approval. The criteria for review and potential approval of a Land Use Map Amendment request is found in Section 7-1A-3 of the Tooele City Code. This section depicts the standard of review for such requests as:

- (1) 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 Planning Division has completed their review of the Land Use Map Amendment submission and has issued the following comment regarding this proposal:

1. The Tooele Army Depot will not be providing any water for new development on this property.

Engineering and Public Works 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 amend the Land Use Map 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 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 AA Trailer Park Land Use Map Amendment Request by Craig Mills, for the purpose of reassigning 97.4 acres located at approximately 1825 South 11th Avenue to the Industrial Land Use designation, application number P22-1336, based on the findings and subject to the conditions listed in the Staff Report dated December 6, 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 AA Trailer Park Land Use Map Amendment Request by Craig Mills, for the purpose of reassigning 97.4 acres located at approximately 1825 South 11th Avenue to the Industrial Land Use designation, application number P22-1336, based on the following findings:”

1. List findings...

EXHIBIT A

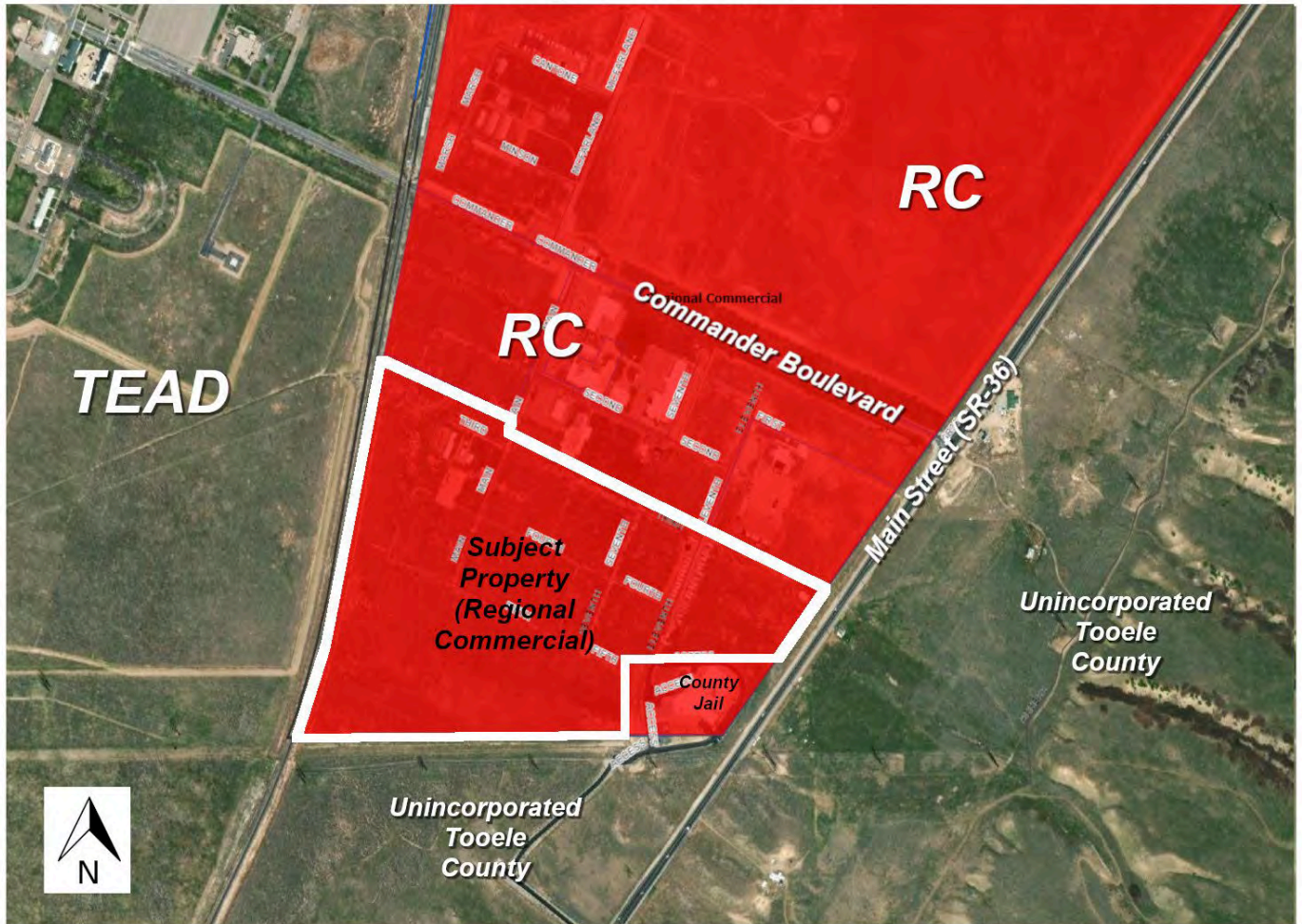
MAPPING PERTINENT TO THE AA TRAILER PARK LAND USE MAP AMENDMENT

AA Trailer Park Land Use Map Amendment



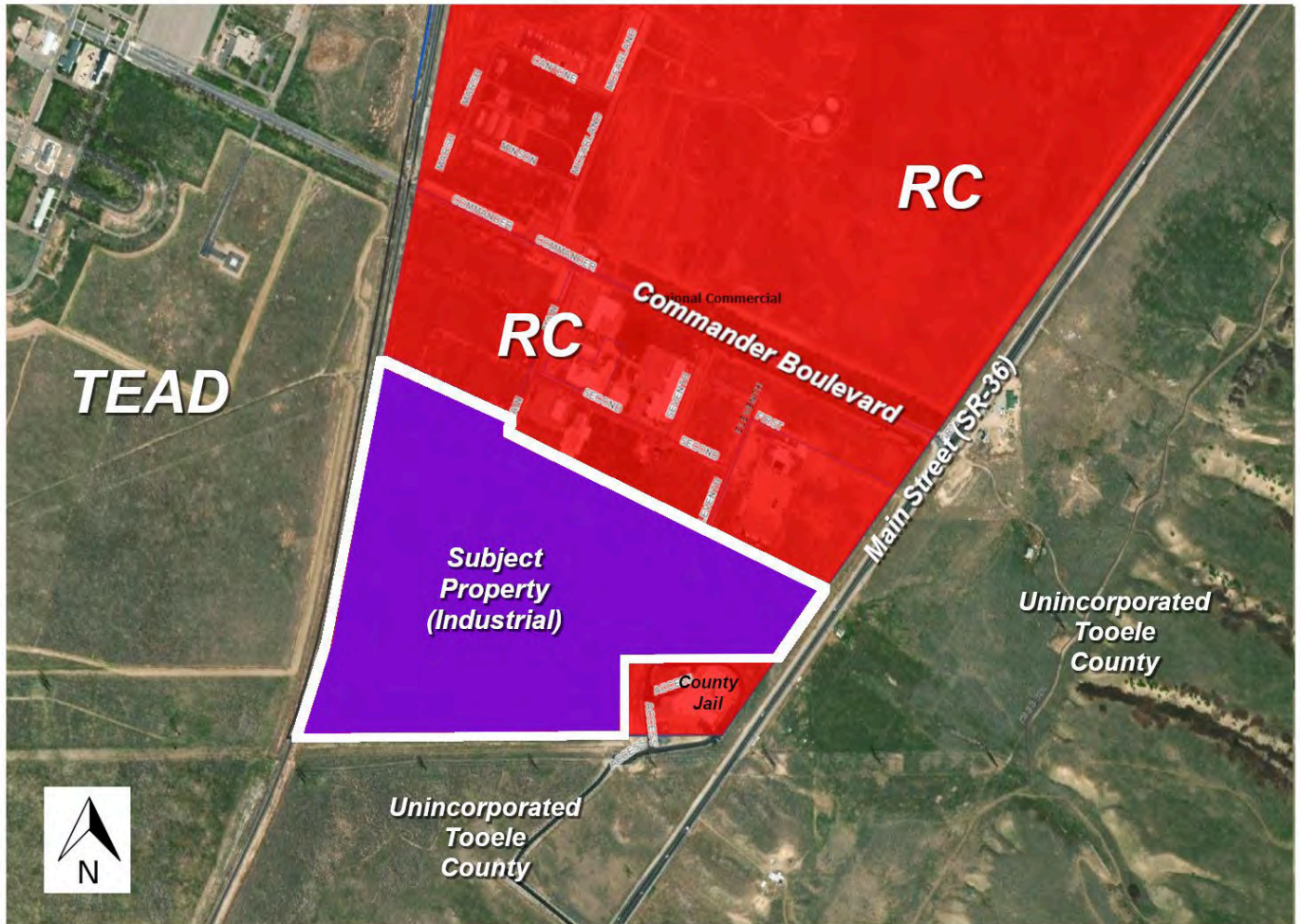
Aerial View

AA Trailer Park Land Use Map Amendment



Current Land Use

AA Trailer Park Land Use Map Amendment



Proposed Land Use



DEPARTMENT OF THE ARMY
TOOELE ARMY DEPOT/HEADQUARTERS
1 TOOELE ARMY DEPOT, BUILDING 1
TOOELE, UT 84074-5003

January 5, 2023

Tooele City Community Development
Planning Division
Andrew Aagard
90 North Main Street
Tooele, UT 84074

Dear Mr. Aagard

This letter is in regards to our conversation concerning the proposed development to the south of Tooele Army Depot and potential water source.

In accordance with Army Regulation 420-41, Acquisition and Sale of Utilities Services; Para 4-1 Utilities sales policy, the Army policy is to limit sales of utilities and related services to organizations outside the installation; and to not compete unfairly with local commercial utilities providers (including Federal, local, municipal, regional, or private utility distribution companies or suppliers). Preconditions for considerations of sales states the services are not available from the local private or public suppliers.

Tooele City has installed a water line along Hwy 36 providing water to the Utah National Guard and the County Detention Facility therefore making water available from a public provider.

Point of contract for this action is Ms. Dorinda Ware, Deputy Director Base Operations, Tooele Army Depot. Telephone number 435-833-2225 or email y.d.ware.civ@army.mil.

Sincerely,

Erin Trinchitella
Director, Base Operations

EXHIBIT B

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.

Project Information				22-1336	
Date of Submission: Nov 18, 2022		Current Map Designation: RR1, 5, 20, MU160		Proposed Map Designation: I - Industrial	
Project Name: AA TRAILER PARK				Parcel #(s): 17-096-0-0002A	
Project Address: 1825s 11th AVE, TOOEELE, UT, 84074				Acres: 97.383	
Proposed for Amendment: <input checked="" type="checkbox"/> Ordinance <input checked="" type="checkbox"/> General Plan <input checked="" type="checkbox"/> Master Plan: LAND USE ^{MAP} PLAN AMEND					
Brief Project Summary: Rezone to expand existing RV park. Future plans to install one or more of the following: Self-storage, vehicle storage, light industrial complex					
Property Owner(s): Sea Ray Investments			Applicant(s): Craig Mills		
Address: 144 W. Bingham Road, Suite 5			Address: 1825s 11th Ave		
City: St. George	State: UT	Zip: 84790	City: Tooele	State: UT	Zip: 84074
Phone: 435-986-9500			Phone: 801-803-8032		
Contact Person: Craig Mills			Address: 2468e Sundown Ave		
Phone:			City: Cottonwood Heights	State: UT	Zip: 84121
Cellular: 801-803-8032	Fax:		Email: craig.aatp@gmail.com		

*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 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: <i>Hunter</i>	Date Received: <i>11/22/22</i>	Fees: <i>\$6,000.00</i>	App. #: <i>222134A</i>

RF# 521970

General Plan Map

1. What is the present land use designation of the subject property(s)?
 - a. RR1, RR5, RR20, MU160
2. Explain how the proposed land use designation is similar or compatible with the other land use designations in the surrounding area.
 - a. The surrounding area includes a jail, army depot, rail, and county land. Current uses for this plot includes an RV Park, corrals, storage and a rental home.
3. What do you anticipate the land being used for?
 - a. We propose to expand the RV Park providing additional space to service people working on base and surrounding areas. Additional pads will provide a place to stay for snowbirds and those traveling through the state. This additional space will also be used to meet the need of low-income individuals that use this type of a facility as a last resort of residence. We receive an average of 3 calls per day from people looking for a pad to rent. These individuals would work and buy food, gasoline, other goods and service in the Tooele area.
 - b. We propose to use a parcel of the land for self-storage. Many moving to the Tooele area are renting. The addition of self-storage units will provide individuals renting/living in the Tooele area a place for their possessions including boats, RVs and other vehicles. Although there are many self-storage units in the area, even a self-storage complex under construction is already taking reservations.
 - c. We propose to use a parcel of the land for a light industrial park to offer locations for small business owners to store, manufacture, fix, create, and provide other goods and service to the area.
4. Explain how the proposed land use designation would affect property, surrounding properties, and Tooele City.
 - a. The proposed use would increase traffic on the road at the entrance to the Tooele Army Depot and streets leading to the park. Due to the nature of the surrounding properties, they should not be affected by noise or lights.
5. Explain how the proposed land use designation promotes the goals and objectives of Tooele City.
 - a. Rezoning will provide a location for small business to operate, increase Tooele's tax base, diversify Tooele's commercial/industrial business, and transform a deteriorating military facility into a vibrant commercial/industrial park for the purpose of attracting economic development to the Tooele vicinity.

TOOELE CITY CORPORATION

ORDINANCE 2023-01

AN ORDINANCE OF TOOELE CITY ENACTING A TEMPORARY LAND USE REGULATION AMENDING TOOELE CITY CODE CHAPTER 7-16 TABLE 1: TABLES OF USES TO REMOVE THE “GROUP HOME” USE.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah’s charter cities, including Tooele City, “the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law”; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to “pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Utah Code Section 10-9a-504 enables Tooele City to “enact an ordinance establishing a temporary land use regulation,” without prior Planning Commission recommendation or public hearings, upon the City Council finding a “compelling, countervailing public interest” in doing so, with “temporary” meaning not to exceed six months; and,

WHEREAS, the Utah Supreme Court case of *Western Land Equities v. Logan City* (1980) identified and established a common law principle called the Pending Ordinance Rule, which provides that a land use or development “application for a permitted use cannot be refused **unless a prohibiting ordinance is pending at the time of application**”; further, “if a city...has initiated proceedings to amend its zoning ordinances, a landowner who subsequently makes application for a permit is not entitled to rely on the original zoning designation” (emphasis added); and,

WHEREAS, like UCA Section 10-9a-504, the Pending Ordinance Rule requires a legislative finding of a compelling, countervailing public interest; and,

WHEREAS, *Western Land Equities* also established Utah’s vested development rights rule that, except for the Pending Ordinance Rule, a land use application establishes the date on which development rights vest, as well as the set of land use ordinances applicable to the approved land use; and,

WHEREAS, *Western Land Equities* recognizes the unfairness and the threat to the public interest where the announcement of a future zoning ordinance change would trigger a race to file and vest land use applications prior to the municipality’s ability to follow the established lengthy process for amending land use ordinances, thus subverting and undermining the very public policies supporting the need for the zoning ordinance amendment; and,

WHEREAS, on December 21, 2022, the City Council approved Ordinance 2022-40, amending TCC Chapter 7-15 regarding residential facilities for persons with a disability, also commonly known as group homes, and allowing such dwellings as permitted uses “in any zoning district where a dwelling is allowed as a permitted or conditional use, subject to the same development regulations as applied to dwellings” (i.e., conditional use permit); and,

WHEREAS, the use “Group Home” remains in TCC Chapter 7-16 Table 1: Tables of Uses listing the allowed uses in the mixed-use, commercial, and industrial zoning districts, and it should be repealed and removed due to the enactment of Chapter 7-15; and,

WHEREAS, while accessory dwellings are allowed in the commercial and industrial zoning districts, dwellings are otherwise prohibited, and therefore residential facilities for persons with a disability would also be prohibited; and,

WHEREAS, the vestigial presence of the “Group Home” use conflicts with the new TCC Chapter 7-15 and with the other dwelling use designations in Table 1: Table of Uses, and should be repealed and removed; and,

WHEREAS, the term “Group Home” is not defined in TCC Section 7-1-5 (Definitions), in part because the “Group Home” use has been intended to be repealed and removed from Table 1: Table of Uses due to the enactment of Chapter 7-15; and,

WHEREAS, leaving the “Group Home” use in Table 1: Table of Uses would allow group home dwellings as conditional uses in the General Commercial (GC) zoning district, inconsistent with and contrary to the general dwelling prohibition in the GC zone, to Chapter 7-15, and to the legislative policy intentions and enactments of the Tooele City Council; and,

WHEREAS, as a matter of long-standing legislative policy, the City Council has determined that dwellings, with the exception of some accessory dwelling units (ADUs), are contrary to the health, safety, and general welfare of the public when located in commercial and industrial zoning districts, and allowing new group home dwellings in these districts, even by conditional use, would be contrary to the health, safety, and general welfare of the public; and,

WHEREAS, the law of conditional uses requires land use authorities (in Tooele City’s case, the Planning Commission) to approve conditional use permits if reasonable conditions can be imposed to mitigate (not eliminate) the anticipated adverse impacts of the conditional use, whereas the City Council has already enacted legislative policy prohibiting the approval of residential facilities for persons with a disability except in residential zoning districts; and,

WHEREAS, the City Administration recommends that the City Code be amended immediately, or as soon as legally possible, to repeal and remove the “Group Home” use from Table 1: Table Uses in TCC Chapter 7-16, and that no new group home dwellings be permitted in the commercial and industrial zoning districts of Tooele City, excepting in accessory dwellings as already provided in Table 1: Table of Uses; and,

WHEREAS, following approval of this Ordinance and the temporary land use regulation proposed herein, the City Council will have a maximum of six months to comply with the statutory land use regulation amendment process to remove the “Group Home” use from Table 1: Table of Uses, including public hearings before the Planning Commission and City Council:

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

1. This Ordinance 2023-01 is hereby approved; and,
2. The temporary land use regulation enumerated and described in this Ordinance 2023-01 is hereby temporarily enacted, and “Group Home” use is hereby temporarily repealed and removed from TCC Chapter 7-16 Table 1: Tables of Uses; and,
3. This Ordinance 2023-01 and the temporary land use regulation are effectively immediately, as authorized by the Tooele City Charter; and,
4. For the duration of this temporary land use regulation, no new group home dwellings shall be permitted, vested, or otherwise approved or allowed in the commercial and industrial zoning districts of Tooele City, excepting in accessory dwelling units as already provided in Table 1: Table of Uses; and,
5. This Ordinance 2023-01 shall be in effect until a land use regulation is enacted following the regular Planning Commission and City Council public processes required by the Utah Code and the Tooele City Code, but in no event for longer than six months; and,
6. The City Administration, including planning staff, are hereby instructed to prepare draft City Code language on the subject of this Ordinance 2023-01 for consideration by the Planning Commission and City Council; and,
7. Should a new land use regulation governing the “Group Home” use not be enacted within the six-month period referenced above, the existing City Code provisions will govern; and,
8. This Ordinance 2023-01 and its temporary zoning regulation shall have binding application upon all land use applications submitted after the date on which proceedings formally began to amend the City Code regarding the “Group Home” use, that date being December 29, 2022; and,

9. As required by Utah Code Section 10-9a-504 and *Western Land Equities*, the City Council hereby makes a finding of compelling, countervailing public interest in disallowing the “Group Home” use in the commercial and industrial zoning districts of Tooele City; and,
10. Similarly, the City Council hereby finds that in failing to approve this Ordinance 2023-01 and enact this temporary land use ordinance, group home dwellings could be vested and constructed contrary to the legislative policies otherwise enacted in by the Tooele City Council.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is approved by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. UCA 10-3-704(11).)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

TOOELE CITY CORPORATION

ORDINANCE 2023-03

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 7-16 TABLE 1: TABLES OF USES TO REMOVE THE “GROUP HOME” USE.

WHEREAS, on January 4, 2023, the City Council approved Ordinance 2023-01 enacting a temporary land use regulation removing and repealing the “group home” use from Tooele City Code Chapter 7-16 Table 1: Table of Uses (Ordinance 2023-01 is attached hereto and incorporated herein as Exhibit A); and,

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah’s charter cities, including Tooele City, “the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law”; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to “pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, on December 21, 2022, the City Council approved Ordinance 2022-40, amending TCC Chapter 7-15 regarding residential facilities for persons with a disability, also commonly known as group homes, and allowing such dwellings as permitted uses “in any zoning district where a dwelling is allowed as a permitted or conditional use, subject to the same development regulations as applied to dwellings” (i.e., conditional use permit); and,

WHEREAS, the use “Group Home” remains in TCC Chapter 7-16 Table 1: Tables of Uses listing the allowed uses in the mixed-use, commercial, and industrial zoning districts, and it should be repealed and removed due to the enactment of Chapter 7-15; and,

WHEREAS, while accessory dwellings are allowed in the commercial and industrial zoning districts, dwellings are otherwise prohibited, and therefore residential facilities for persons with a disability would also be prohibited; and,

WHEREAS, the vestigial presence of the “Group Home” use conflicts with the new TCC Chapter 7-15 and with the other dwelling use designations in Table 1: Table of Uses, and should be repealed and removed; and,

WHEREAS, the term “Group Home” is not defined in TCC Section 7-1-5 (Definitions), in part because the “Group Home” use has been intended to be repealed and removed from Table 1: Table of Uses due to the enactment of Chapter 7-15; and,

WHEREAS, leaving the “Group Home” use in Table 1: Table of Uses would allow group home dwellings as conditional uses in the General Commercial (GC) zoning district, inconsistent with and contrary to the general dwelling prohibition in the GC zone, to Chapter 7-15, and to the legislative policy intentions and enactments of the Tooele City Council; and,

WHEREAS, as a matter of long-standing legislative policy, the City Council has determined that dwellings, with the exception of some accessory dwelling units (ADUs), are contrary to the health, safety, and general welfare of the public when located in commercial and industrial zoning districts, and allowing new group home dwellings in these districts, even by conditional use, would be contrary to the health, safety, and general welfare of the public; and,

WHEREAS, the law of conditional uses requires land use authorities (in Tooele City’s case, the Planning Commission) to approve conditional use permits if reasonable conditions can be imposed to mitigate (not eliminate) the anticipated adverse impacts of the conditional use, whereas the City Council has already enacted legislative policy prohibiting the approval of residential facilities for persons with a disability except in residential zoning districts; and,

WHEREAS, the City Administration recommends that the City Code be amended to repeal and remove the “Group Home” use from Table 1: Table Uses in TCC Chapter 7-16, and that no new group home dwellings be permitted in the commercial and industrial zoning districts of Tooele City, excepting in accessory dwellings as already provided in Table 1: Table of Uses:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that TCC Chapter 7-16 Table 1: Table of Uses is hereby amended to remove the “group home” use.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is approved by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. UCA 10-3-704(11).)

ATTEST:


Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

MEMORANDUM

To: Planning Commission
Tooele City Council

From: Jim Bolser, AICP, Director 

Date: January 19, 2023

Re: Moderate Income Housing Plan Revisions

Subject:

During the 2022 General Legislative Session, the Utah State Legislature adopted House Bill 462 requiring cities throughout the state to make amendments to their Moderate Income Housing Plans, adopt their revised plan, and submit those revised plans to the state for review prior to October 1, 2022. On September 21, 2022, the City Council unanimously approved Ordinance 2022-37 adopted the revised Moderate Income Housing Plan. That revised plan was then submitted to the state prior to the deadline. On November 18, 2022, the City received a Notice of Noncompliance from the state Department of Workforce Services (DWS) indicated that the revised plan adopted by the City Council did not meet the requirements of the state established by HB 462. It has become understood that the receipt of this Notice of Noncompliance was rather prevalent around the state. Although the City's position has been that the revised plan adopted by the City in September 2022 did meet the criteria of the state law, the City worked closely with the state DWS to make revisions to the plan that will make the plan satisfactory prior to the February 16, 2023 deadline to do so. Through that effort, an initial review by the state DWS of the further revised plan has been found to be satisfactory and is now simply in need of re-adoption and formal submission back to the state. The only parts of the plan that have been revised since the September 2022 plan reviewed by the Planning Commission and adopted by the City Council are the Strategies for Implementing the Construction of Moderate Income Housing section. That section begins on page 26 of the document, attached.

As always, should you have any questions or concerns please feel free to contact me at any time.

TOOELE CITY CORPORATION

ORDINANCE 2023-04

AN ORDINANCE OF THE TOOELE CITY COUNCIL MAKING TECHNICAL REVISIONS TO THE AMENDED (2022) MODERATE INCOME HOUSING ELEMENT OF THE TOOELE CITY GENERAL PLAN.

WHEREAS, Utah Code § 10-9a-401, *et seq.*, requires and provides for the adoption of a “comprehensive, long-range plan” (hereinafter the “General Plan”) by each Utah city and town, which General Plan contemplates and provides direction for (a) “present and future needs of the community” and (b) “growth and development of all or any part of the land within the municipality”; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, moderate income housing, and land use. The Tooele City Council adopted the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); and,

WHEREAS, Utah Code Sections 10-9a-401(3) and 10-9a-403(2) require the General Plan of each Utah municipality to include a plan element that provides a realistic opportunity to meet the need for additional moderate income housing; and,

WHEREAS, in preparing the Moderate Income Housing element of the General Plan, Utah Code Section 10-9a-403(2)(b) requires the City to do the following:

- consider the Legislature’s determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing, to meet the needs of people desiring to live in the community, and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and,
- include an analysis of why the means and techniques recommended in the Moderate Income Housing element provide that realistic opportunity within the next five years; and,
- consider means and techniques, such as:
 - rezoning for densities necessary to assure the production of moderate income housing;
 - facilitate and encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - consider general fund subsidies to waive constructed related fees;
 - consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - consider programs offered by the Utah Housing Corporation;
 - consider Department of Workforce Services affordable housing programs; and,
- identify agriculture protection areas.

WHEREAS, Tooele City has actively considered and enacted means and techniques to allow a variety of housing opportunities for Tooele City residents, including moderate income housing, including by doing the following:

- enacting incentives for in-fill development, including less restrictive land use regulations (Ordinance 2015-25);
- creating several areas of HDR zoning that allow residential densities of between 8 and 20 units per acre;
- approving several new apartment and attached single-family developments;

- enacting multi-family design standards to ensure that high-density housing developments include good site and building design for the benefit of residents, which standards recognize the fact that high density requires good design to be successful (Ordinance 2005-05);
- amending the MU-B (Mixed Use-Broadway) zoning district regulations to allow higher density residential developments with less restrictive land use regulations (Ordinance 2018-13);
- enacting a point-based for single-family design standards intended to improve building and site design without significantly increasing costs (Ordinance 2006-22);
- allowing for residential facilities for persons with a disability (Ordinance 2012-17);
- allowing for residential facilities for elderly persons (Ordinance 2012-17); and,
- allowing for housing in the MU-G (Mixed Use-General) zoning district; and,
- allowing for higher density residential uses beyond that previously allowable within Tooele City (Ordinance 2019-08); and,
- allowing for the ability to construct and utilize accessory dwelling units (Ordinance 2019-13) and amending the ADU regulation consistent with new state law requirements (Ordinance 2021-08);
- reducing minimum lot frontage requirements in In-Fill Geographic Areas A and B, and reducing other regulatory requirements and costs (Ordinance 2019-24).

WHEREAS, the Utah State Legislature adopted Utah State House Bill 462 during the 2022 General Legislative Session which, among other things, requires a higher level of accountability for communities regarding moderate income housing plans including plans for implementation of the moderate income housing strategies established by the State Legislature and selected by the City; and,

WHEREAS, the Moderate Income Housing Element prepared and adopted by Tooele City identifies at least nine strategies already in place for encouraging and maintaining moderate income housing units within the community, fully complying with and exceeding the requirements of House Bill 462 (only three are required by state law); and,

WHEREAS, the Moderate Income Housing Element prepared and adopted by Tooele City includes the implementation plan for each of the nine strategies Tooele City is currently executing and complies with the implementation requirements of House Bill 462; and,

WHEREAS, Utah State House Bill 462 requires the adoption of and reporting from its regulations into the Moderate Income Housing plans for communities by October 1, 2022; and,

WHEREAS, the Tooele City Council unanimously adopted a comprehensive review and amendment of the Moderate Income Housing Element to the General Plan on December 5, 2018 as Ordinance 2018-25; and,

WHEREAS, the City proposed and submitted amendments to the Moderate Income Housing Element to reflect compliance with the tenets and requirements of Utah State House Bill 462 (2022) prior to the October 1, 2022 deadline; and,

WHEREAS, on November 18, 2022, Tooele City received a Notice of Noncompliance from the Utah Department of Workforce Services, attached as **Exhibit C**; and,

WHEREAS, the Notice of Noncompliance identified two purported insufficiencies with Tooele City's submitted Moderate Income Housing Plan; and,

WHEREAS, one insufficiency that was identified was the City’s plan document not utilizing exact language from Utah State Code Section 10-9a-403 for the strategies used to encourage moderate income housing within the community; and,

WHEREAS, City Staff-level review of the identified strategies in the Plan shows that eight of the nine strategies Tooele City identified, in excess of the state code requirement of three, contain exact language from Utah State Code Section 10-9a-403, and the ninth differed by a single word; and,

WHEREAS, the second insufficiency was identified as not identifying actionable and specific benchmarks or measures for the implementation plans for each moderate income housing strategy adopted by the City; and,

WHEREAS, City Staff-level review of the identified strategies in the Plan shows that most, if not all, of the identified strategies in the Tooele City Plan discuss an already completed one-time task of establishing and implementing the strategy as well as the City’s actual ongoing implementation of those strategies; and,

WHEREAS, as a means to remain positive partners with the State of Utah and not place certain and specific state funding sources in potential jeopardy (e.g., Road “C” road maintenance funds), Tooele City has made non-substantive revisions to the adopted Moderate Income Housing Plan as requested by the Utah State Department of Workforce Services, including to correct the single-word discrepancy and to identify monitoring metrics for each strategy; and,

WHEREAS, by email dated January 3, 2023, the State of Utah indicated its acceptance of the City’s proposed revisions to the Plan (a copy of email attached as **Exhibit D**); and; and,

WHEREAS, the Moderate Income Housing Element reflects the legislative policy findings of Tooele City’s elected officials regarding the appropriate range, placement, and configuration of housing within the City, including moderate income housing and policy strategies for achieving the same, which findings are based in part upon the recommendations of City staff, public comments, and other relevant considerations; and,

WHEREAS, the Moderate Income Housing Element and the policies contained therein may be amended from time to time by the Tooele City legislative body to reflect the changing policies and values of the elected officials and the public; and,

WHEREAS, Utah Code § 10-9a-403 and § 10-9a-404 provide for the municipal legislature to consider General Plan amendment recommendations given by the Planning Commission, and to approve, revise, or reject proposed General Plan amendments; and,

WHEREAS, the City has proposed amendments to the adopted Moderate Income Housing Element, as shown in the attached **Exhibit A**; and,

WHEREAS, on September 14, 2022, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation regarding the amended Moderate Income Housing Element to the City Council (see Planning Commission minutes attached as **Exhibit B**); and,

WHEREAS, on September 21, 2022, the City Council convened a duly-advertised public hearing regarding the amended Moderate Income Housing Element; and,

WHEREAS, the current proposed revisions to the adopted Moderate Income Housing Plan, that are being readopted as requested by the Utah State Department of Workforce Services, are non-substantive in nature, do not alter or address the Plan’s policies or implementation strategies, the public hearing process outlined in the Utah State Code that was followed for adoption of the Plan for submission prior to the October 1, 2022 deadline was adequate and sufficient for adoption of a Moderate Income Housing Plan, the revisions adopted herein do not affect any data or details of public interest from the Plan, adequate public input has been sought and received on the contents of the Plan, and therefore the public hearing process is not required to be repeated; and

WHEREAS, regardless of necessity, Tooele City constantly strives to establish and maintain an open and public process, particularly with the adoption of its policies and regulations, and therefore conducted a new series of review and public hearings for the re-adoption of the Moderate Income Housing Plan as part of the City’s General Plan to reflect the revisions requested by the State of Utah Department of Workforce Services; and,

WHEREAS, on January 25, 2023, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, and voted to forward its recommendation regarding the amended Moderate Income Housing Element to the City Council (see Planning Commission minutes attached as **Exhibit B**); and,

WHEREAS, on February 1, 2023, the City Council convened a duly-advertised public hearing regarding the amended Moderate Income Housing Element:

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

1. this Ordinance and the Moderate Income Housing element amendments proposed therein are in the best interest of the City in that they will facilitate a reasonable opportunity for a variety of housing to meet the needs of people desiring to live in the community and allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life in Tooele City and are consistent with the General Plan; and,
2. this Ordinance and the Moderate Income Housing element amendments proposed therein are in the best interest of the City in that they fully comply with and exceed the requirements and objectives of Utah State House Bill 462 (2022) AND UCA 10-9a-403 for identifying and implementing strategies and methods through which moderate income housing is encouraged and maintained within the community; and,
3. the Moderate Income Housing Element of the General Plan is hereby amended and adopted as illustrated in **Exhibit A**, attached.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Pitt, City Recorder

S E A L

Approved as to Form:

Roger Baker, City Attorney

EXHIBIT A

MODERATE INCOME HOUSING PLAN



**MODERATE INCOME HOUSING PLAN
TOOELE CITY - 2022**

**PERPARED BY
TOOELE CITY COMMUNITY DEVELOPMENT DEPARTMENT**

Table of Contents

INTRODUCTION	4
House Bill 295	4
City General Plan	4
Regional Planning	4
City Growth Pattern.....	4
Commuting Patterns	6
New Housing Construction.....	6
Community Sentiment	6
Procedures and Definitions	6
Population	7
Current Demographics	7
Households within Targeted Income Groups.....	8
CURRENT HOUSING STOCK	10
Total Housing Units	10
Breakdown of Housing Units demographics	10
Affordability of Existing Housing Stock.....	11
Median Sales Price of Single Family Homes	12
Median Sales Price of a Condominium and Townhomes.....	12
CURRENT AFFORDABLE HOUSING AVAILABLE AND NEED	12
Ethnic and Racial Minority Populations.....	16
SPECIAL NEEDS POPULATION	17
DISABILITY.....	17
Seniors-Elderly.....	18
Homeless	18
Veterans	18
Victims of Domestic Violence	18
Fair Housing Status.....	18
Availability of a Variety of Housing Sizes.....	19
Analysis of Special Needs Housing	19
Population Projections	20
High, Medium and Low Population Projections.....	20
Estimated percentages of Targeted Income groups and Special Needs Groups	20

Forecast of Affordable Housing Need	21
Comparing Population Projections with Expected Housing Construction	21
Estimated Number of New Housing Units Needed	21
Regulatory Environment.....	22
Current Zoning and Affordable Housing.....	22
Plans to Meet the Affordable Housing Need	24
Existing Development for Affordable Housing.....	24
Existing Zoning that Typically allows Affordable Housing	24
Existing and Future Mobile Home Parks	25
Strategy to meet Current and Forecasted Affordable Housing Needs	25
Zoning and Annexations	25
Strategies and Plans for Implementing the Construction of Moderate Income Housing.....	26
Strategy 1 – Rezone for Densities Necessary to Facilitate the Production of Moderate Income Housing.	26
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.	28
Strategy 3 – Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.....	30
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.....	30
Strategy 4 –.....	31
Work with Tooele County Housing Authority	32
Strategy 5 –.....	34
Tooele City should also seek to revise the In-Fill Overlay district area’s incentives to encourage replacing or remodeling	34
Strategy 6 –.....	38
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.	39
Strategy 7 –.....	40
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. ... 40

Chart 7 – Tooele City Infill Areas A and B 44

Index of Tables..... 45

Index of Charts..... 46

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 increase 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.

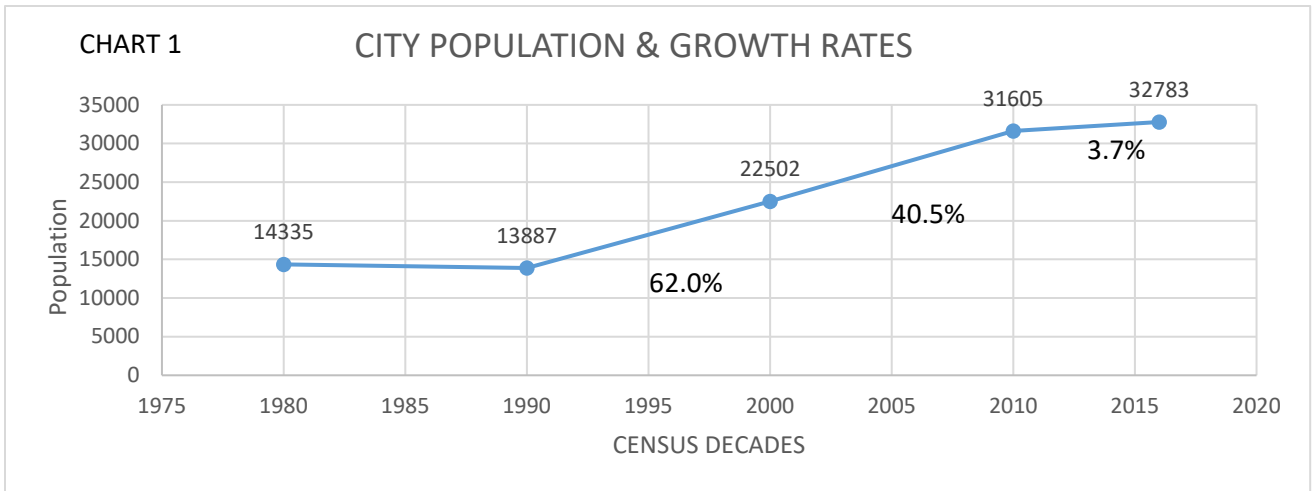
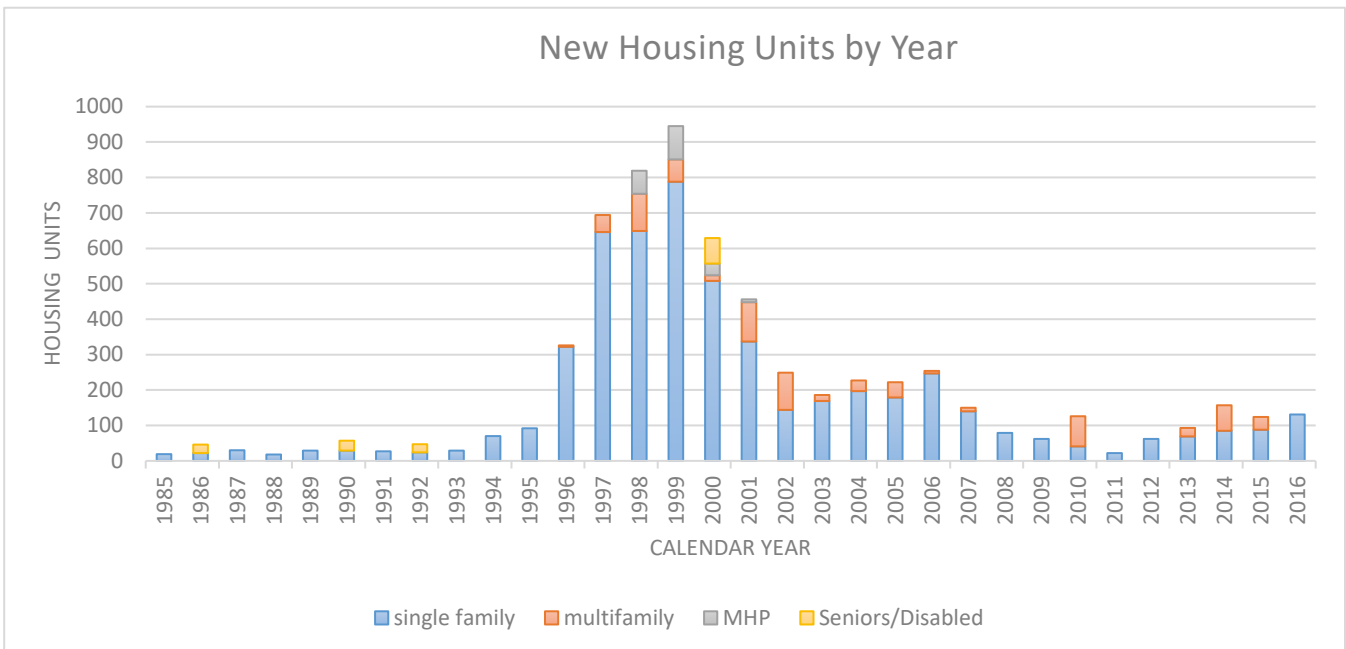


Chart 1 shows housing units constructed each year including new Mobile Home units in Mobile Home Parks, Elderly and Disabled housing units constructed in each year. Single-family detached homes are the preferred housing unit constructed in Tooele City over the last 30 years.

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 2



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

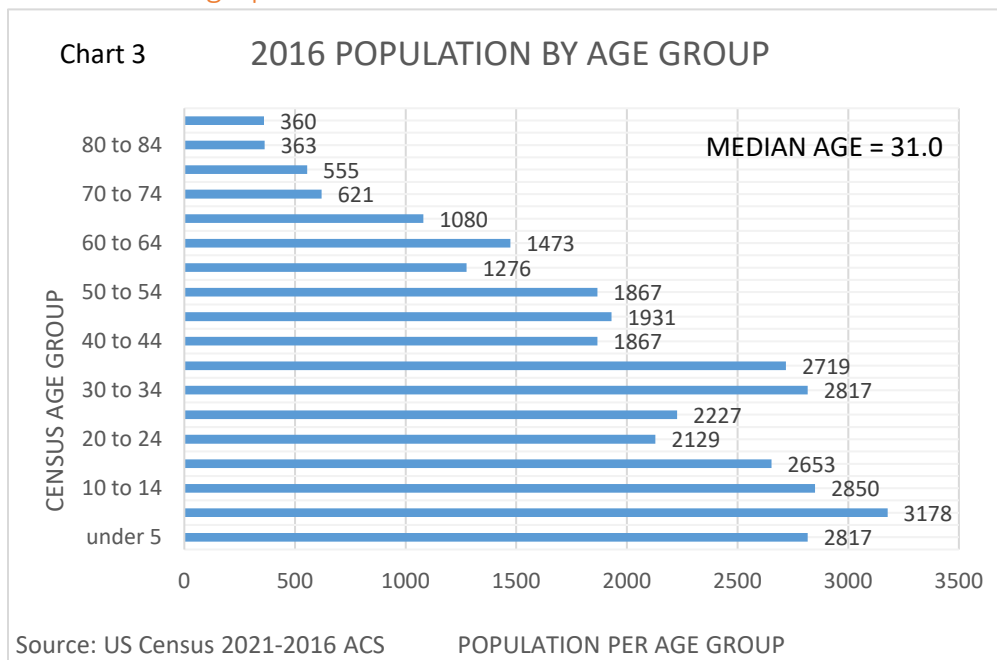


Chart 3 shows Tooele City as having a median age of 31 years. The chart also shows that the young adult age group (20 to 29 years) drops which is probably a result of young adults leaving home for college and additional job opportunities in adjacent counties. The adult age group of 30 years and older 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	Percent of Owners	Owners with Cost	Percent of Owners
Total	burden >=30%	burden >=30%	burden >=50%	burden >=50%
Owners	of Income	of Income	of Income	of Income
7,705	1530	19.9%	380	4.9%
Source: HUD CHAS				
Renters with Cost Burdens in Tooele City, 2015				
	Renters with Cost	Percent of Renters	Renters with Cost	Percent of Renters
Total	Burden >=30%	Burden >=30%	Burden >=50%	Burden >=50%
Renters	of Income	of Income	of Income	of Income
2,585	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 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.

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

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 11

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 12

	Owners and Renters by number w/Cost Burdens					Total
	<=30% AMI	<30% AMI to <=50% AMI	<50% AMI to <=80% AMI	<80% AMI to <=100% AMI	>100% AMI	
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: Utah RealEstate.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: Utah RealEstate.com

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.

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.

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: Utah RealEstate.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: Utah RealEstate.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

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.

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 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 in Poverty	Percent of Race in Poverty	US Census 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%
ambulatory disability	under 18	10581	90	0.20%
	19 to 64	19008	1257	6.60%
	65 - plus	2898	817	28.20%
self-care disability	under 18	10581	142	1.80%
	19 to 64	19008	367	1.90%
	65 - plus	2898	268	9.20%
independent living	19 to 64	19008	729	3.80%
	65 - plus	2898	525	18.1%

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 Workforces 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				

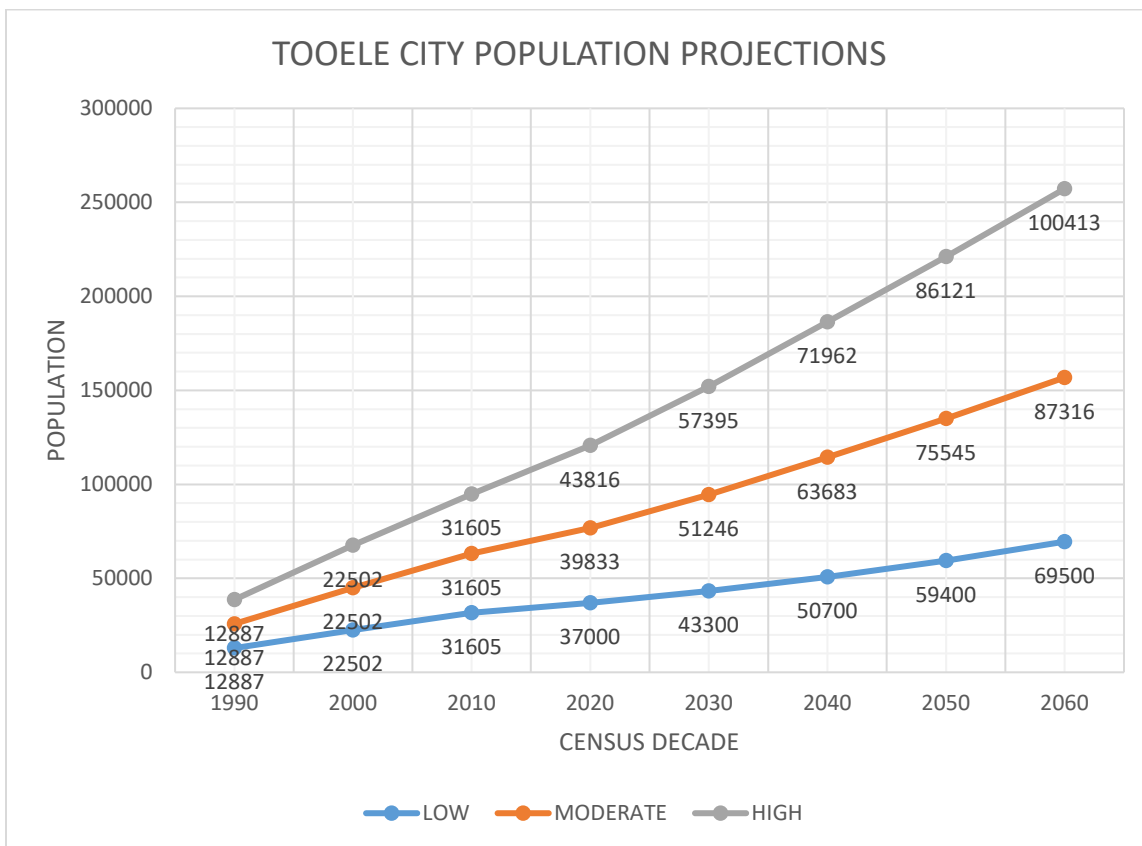
TCHA and Utah Housing Corp administer many affordable housing assistance programs as well as the many Tax Credit and subsidized rental communities. There is a home repair program, weatherization program, down payment assistance program, Security deposit assistance program, rent to own program and Section 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.

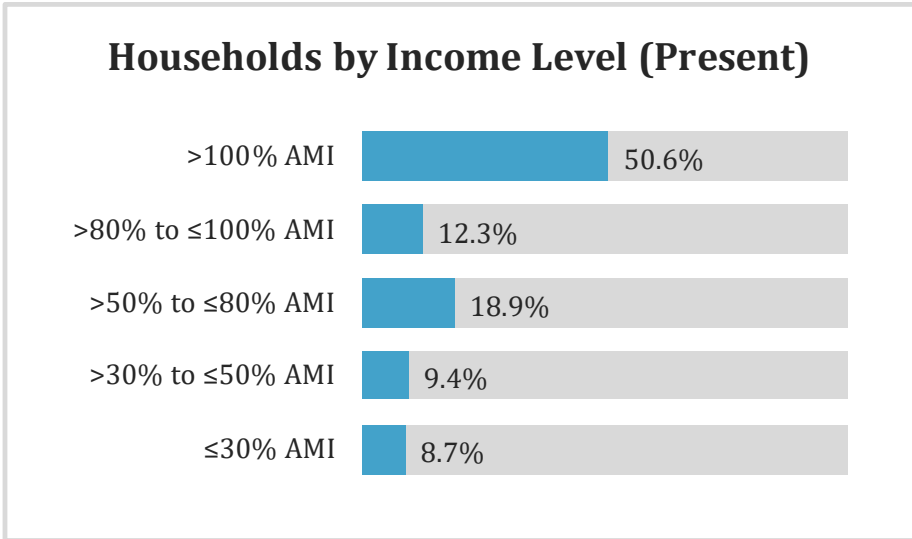
Chart 4



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



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.

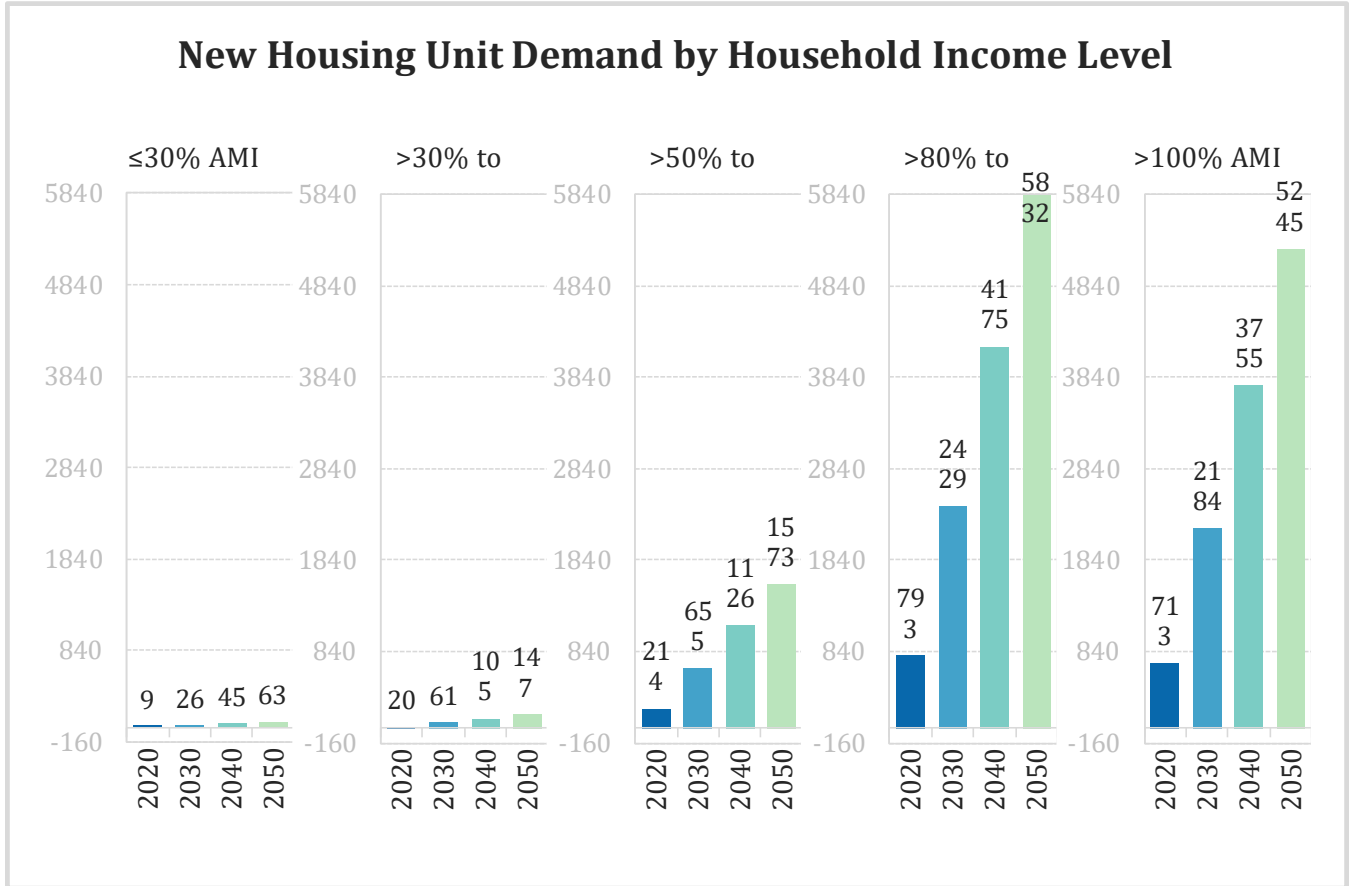
*= actual	2010	2016	2020	2025
Population for	*31,605	32,783	39,833	45,539
Projected number new housing units		*512	2,350	1,902
Projected ramp up of residential construction			600	1,250

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 DISTRICT	TOTAL ACREAGE	USED ACRES	PERCENT OF TOTAL	VACANT ACRES	PERCENT 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 Per Acre	Vacant Acres	Projected lots/units	Projected 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.

This strategy is complete. Tooele City has recently rezoned various properties from non-residential and lower-density zones to higher-density zones, including the MR-16 Multi-Family Residential zone permitting up to up to 16 units per acre, as follows:

- Ordinance 2022-13, approved April 6, 2022, rezoning 38 acres from Rural Residential to R1-7 higher density single-family.
- Ordinance 2022-18, approved May 4, 2022, approving a high-density planned unit development allowing 449 multi-family dwelling units.
- Ordinance 2022-30, approved August 17, 2022, rezoning 8 acres from R1-7 single-family zoning to the MR-12 and MR-16 multi-family zones.
- Ordinance 2022-36, approved September 21, 2022, rezoning 7 acres from neighborhood commercial to MR-12 multi-family.
- Ordinance 2021-16, approved March 2, 2022, amending the land use plan for 7 acres from medium-density zones to high-density zones.
- Ordinance 2021-19, approved March 2, 2022, rezoning 14 acres from general commercial to MR-16 multi-family.
- Ordinance 2021-21, approved March 2, 2022, rezoning 4 acres from MR-8 to MR-16 multi-family.
- Ordinance 2021-25, approved July 21, 2021, amending the land use plan for 24 acres from medium-density zones to high-density zones.
- Ordinance 2020-50, approved December 16, 2020, rezoning 87 acres from rural residential and industrial zones to the MR-16 zone, allowing for 800 townhomes.

Also, Tooele City has recently created new multi-family residential zones to allow a greater variety of MR densities and products (see Ordinance 2022-22, approved July 6, 2022). 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 flexible high-density arrangements and affordable housing (see Ordinance 2021-27, approved July 21, 2021).

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(A) which states:

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
 - (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
 - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
 - (C) includes an implementation plan as provided in Subsection (2)(c);
 - (b) In drafting the moderate income housing element, the planning commission:
 - (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
 - (A) rezone for densities necessary to facilitate the production of moderate income housing;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Implementation of this strategy is ongoing. 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. Over the past few years Tooele City has approved numerous Land Use Map and Zoning Map Amendment requests that resulted in changes to higher density single-family residential and multi-family residential assignments (see the ordinances cited above). A regular part of these approvals was discussion regarding the possibility or intentions of the applicants to seek or provide affordable, attainable, and moderate income housing. Some of those properties have in fact been developed and others remain awaiting development of housing.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

The Planning Commission will review annually typically in the first half of each calendar year, the Land Use Map and Zoning Map, in the context of the rezones and developments approved the previous year, to evaluate whether additional areas should be rezoned for higher densities, even though the development market has not yet requested such rezones, and make recommendations to be discussed and acted upon by the City Council through the preparations of ordinances, policies, plans, and map amendments. The results of each annual review will be included in State-required moderate income housing reports and updates.

We recognize, however, that municipalities cannot compel property owners or applicants to request amendments to land use or zoning assignments, or to construct affordable housing once the rezones are approved. The City also recognizes that for housing to be considered affordable, under the model implemented by the State of Utah, it does not need to be multi-family and single-family housing can qualify as affordable. Further, the City recognizes that, despite rezones and zoning assignments, the City has little to no role in the establishment and construction of affordable housing. For housing to be affordable, it's a calculation based on the rents or mortgages charged which places the development and construction community in a significantly advantaged position, if not the sole determining factor, over cities to determine whether or not housing constructed will be affordable to the eventual residents. Still, the City expresses an *ongoing* commitment that over the course of the next five years as Land Use Map and Zoning Map Amendment applications come forward an analysis will be performed on each application as to the impact or potential moderate income housing to result from the request.

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.

This strategy is complete. 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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(F) which states:

10-9a-403. General plan preparation.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

- (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
- (C) includes an implementation plan as provided in Subsection (2)(c);
- (b) In drafting the moderate income housing element, the planning commission:
 - (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
 - (F) 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;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community’s Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Implementation of this strategy is ongoing. 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.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

The Planning Commission will review annually, typically in the first half of the calendar year, the Land Use Map and Zoning Map, in the context of existing and proposed transportation upgrades, in addition to the rezones and developments approved the previous year, to evaluate whether additional areas should be rezoned for higher densities near transportation corridors, even though the development market has not yet requested such rezones, and make recommendations to be discussed and acted upon by the City Council through the preparations of ordinances, policies, plans, agreements, and map amendments. The results of each annual review will be included in State-required moderate income housing reports and updates.

We recognize however, that municipalities cannot compel property owners or applicants to request amendments to land use or zoning assignments for development in specific areas of the community, such as along transportation corridors. The City also recognizes that for housing to be considered affordable, under the model implemented by the State of Utah, it does not need to be multi-family and single-family housing can qualify as affordable. Further, the City recognizes that, despite rezones and zoning assignments, the City has little to no role in the establishment and construction of affordable housing. For housing to be affordable, it's a calculation based on the rents or mortgages charged which places the development and construction community in a significantly advantaged position, if not the sole determining factor, over cities to determine whether or not housing constructed will be affordable to the eventual residents. Still, the City expresses an *ongoing* commitment that over the course of the next five years as Land Use Map and Zoning Map Amendment applications come forward along transportation corridors an analysis will be performed on each application as to the impact or potential moderate income housing to result from the request.

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

This strategy is complete. 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 (see Ordinance 2021-08, approved May 5, 2021). 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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(E) which states:

10-9a-403. General plan preparation.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

- (C) includes an implementation plan as provided in Subsection (2)(c);
- (b) In drafting the moderate income housing element, the planning commission:
 - (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
 - (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community’s Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Implementation of this strategy is ongoing. 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.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

Tooele City will stay attuned to changes in state law regarding Accessory Dwelling Units, by annually conducting a review, typically in the second quarter of each calendar year, of all enacted legislation from the Utah State Legislature regarding Accessory Dwelling Unit regulations and requirements. The Planning Commission will offer recommendation, based on this review, to the City Council to update the Tooele City Code to conform Tooele City’s Accessory Dwelling Unit regulation to newly enacted state legislation. Also, typically in the first quarter of each year, the Community Development Department will catalog all Accessory Dwelling Units approved by building permit, and report this data to the Planning Commission and City Council, in addition to discussing strategies for making Accessory Dwelling Unit use more common.

The City maintains an *ongoing* commitment that over the course of the next five years to implement the allowances for and approval of internal and external accessory dwelling units throughout the community.

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 or preservation of moderate income housing.

This strategy is partially complete and implementation is ongoing. Tooele City will 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 2019-2022, 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 (see Ordinance 2019-30, approved November 20, 2019). 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 mechanisms and eligibility requirements include AMI determinations and the recordation of restrictive covenants developed in cooperation with the Utah Housing Corporation (see Tooele City Code 4-15-5). The City has approved impact fee waivers for these Housing Authority projects. These projects include the following:

- Buffalo Pass Subdivision - June 3, 2020, waiving \$7,000 per dwelling unit
- Bison Ridge Subdivision - June 3, 2020, waiving \$7,000 per dwelling unit
- Murdock Subdivision - Resolution 2022-60, approved July 6, 2022, waiving \$13,761.80 per dwelling unit
- Harris Community Village project - Resolution 2022-61, approved July 6, 2022, waiving \$12,756.80 per dwelling unit

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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(O) which states:

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
 - (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
 - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
 - (C) includes an implementation plan as provided in Subsection (2)(c);
 - (b) In drafting the moderate income housing element, the planning commission:
 - (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
 - (O) 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 association of governments established 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 or preservation of moderate income housing;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

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.

It is difficult to set benchmarks for impact fee waivers when they are dependent upon the submittal and approval of eligible affordable housing projects. However, whenever an eligible project has requested a waiver, the waiver has been granted (waivers are discretionary, not mandatory). However, in January of each year, the Community Development Department will catalog all impact fees waived during the preceding calendar year and report this data to the Planning Commission and City Council. The City maintains an *ongoing* commitment that over the course of the next five years to continue working with the Tooele County Housing Authority and other agencies dedicated to providing moderate income housing to establish and preserve moderate income housing opportunities within the community through utilization of the codified reductions and waivers of fees and priority access to scarce water rights.

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

This strategy is partially complete and implementation is ongoing. 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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(B) which states:

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
- (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
- (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
 - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
 - (C) includes an implementation plan as provided in Subsection (2)(c);
- (b) In drafting the moderate income housing element, the planning commission:
- (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
- (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

Development that occurs within the In-Fill Overlay District will continue to reduce or eliminate requirements for transportation infrastructure improvements. Starting in 2015, Tooele City established a program for reduced regulation for infill development, and redevelopment, in the heart of the community and has continued adding more reductions into the program. The efforts to establish and expand this program include the following:

- Ordinance 2015-25, approved December 16, 2015, creating the In-Fill districts and enacting regulatory standards within those districts.
- Ordinance 2019-08, approved March 20, 2019, making technical improvements to the regulatory standards within the In-Fill districts.
- Ordinance 2019-24, approved October 2, 2019, creating additional reductions to the regulatory standards within the In-Fill districts.
- Ordinance 2020-38, approved October 7, 2020, creating additional reductions related to water rights conveyance requirements within the In-Fill districts.

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. On June 1, 2022, the Tooele City Council approved Resolution 2022-51, 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. This contract establishes a completion date for the Master Planning effort for June 30, 2023. During the second half of the 2023 calendar year, Tooele City will be establishing priorities, goals, and timelines resulting from that Master Planning effort for continued and further implementation.

It is difficult to set benchmarks for implementing reduced regulations when they are dependent upon the submittal and approval of eligible projects. However, whenever an eligible project has requested a reduction in regulation, the reduction has been automatically granted as allowed in the City Code. However, in January of each year, the Community Development Department will catalog all eligible projects utilizing the reduced regulation during the preceding calendar year and report this data to the Planning Commission and City Council. Regardless, the City maintains an *ongoing* commitment that over the course of the next five years to continue utilizing the reduced regulation for in-fill development to encourage moderate income housing opportunities within the community. Additionally, where the City has already begun the master planning of a specific area of the community that provides a high potential for additional moderate income housing, over the next five years the Tooele City will be completing that effort and using that master planning effort as basis for planning infrastructure needs determinations and investments that encourage moderate income housing. Where the outcome of that master planning effort remains unknown, the City maintains the flexibility to adjust infrastructure planning, investment, and construction timelines and benchmarks within the master plan area pending the outcome of that master planning effort.

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

This strategy is partially complete, and implementation is ongoing. 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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(L) which states:

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
- (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
- (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
 - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
 - (C) includes an implementation plan as provided in Subsection (2)(c);
- (b) In drafting the moderate income housing element, the planning commission:
- (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

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. Starting as early as 1996, the Tooele City Council approved ordinances establishing a program for reducing or waiving development related impact fees for eligible affordable housing units. The efforts to establish and expand this program include the following:

- Ordinance 96-15, approved June 5, 1996, enacted an impact fee structure for Tooele City for charging such fees as allowed by Senate Bill 4 (1995 Special Session of the Utah State Legislature) which also included a provision for waiving impact fees up to \$5,000 per unit for affordable housing.
- Ordinance 2001-35, approved January 23, 2001, revising the impact fees allowable for possible waiver with the adoption of new impact fee studies and fees.

- Ordinance 2001-36, approved January 23, 2001, revising the impact fees allowable for possible waiver with the adoption of new impact fee studies and fees.
- Ordinance 2010-04, approved February 17, 2010, revising the impact fees allowable for possible waiver with the adoption of new impact fee studies and fees.
- Ordinance 2019-30, approved November 20, 2019, increasing the maximum allowable amount of impact fee waiver possible.

It is difficult to set benchmarks for implementing reduced regulations when they are dependent upon the submittal and approval of eligible projects. However, whenever an eligible project has requested a reduction or waiver of impact fees for affordable housing, the reduction or waiver has been granted. During the time from 2020 to 2022 alone, the following impact fee reductions and waivers have been approved:

- Buffalo Pass Subdivision, a 6-lot single-family residential subdivision approved on June 3, 2020 for impact fee waivers in the amount of \$7,000 per lot for affordable housing, totaling waivers of \$42,000 for the development.
- Buffalo Ridge Subdivision, a 6-lot single-family residential subdivision approved on June 3, 2020 for impact fee waivers in the amount of \$7,000 per lot for affordable housing, totaling waivers of \$42,000 for the development.
- Murdock Subdivision, Phases 1 and 2, a combined 23-lot single-family residential subdivision, specifically for affordable housing units, was approved on July 6, 2022, for a waiver of \$6,000 per dwelling unit outright, a waiver of an additional \$4,000 per dwelling unit with reimbursement to the City from other dedicated City funds, and the City would pay another \$3,761.80 per dwelling unit out of other dedicated City funds, totaling waivers of \$13,761.80 per lot and \$316,521.40 for the development.
- Harris Community Village, a 66-unit multi-family residential development, specifically for affordable housing units, was approved on July 6, 2022, for a waiver of \$6,000 per dwelling unit outright, a waiver of an additional \$4,000 per dwelling unit with reimbursement to the City from other dedicated City funds, and the City would pay another \$2,756.80 per dwelling unit out of other dedicated City funds, totaling waivers of \$12,756.80 per unit and \$841,948.80 for the development.

In January of each year, the Community Development Department will catalog all eligible projects utilizing the reduced regulation during the preceding calendar year and report this data to the Planning Commission and City Council. Regardless, the City maintains an *ongoing* commitment that over the course of the next five years to continue working with the Tooele County Housing Authority and other agencies dedicated to providing moderate income housing to utilize the codified reductions and waivers of impact fees related to moderate income housing.

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

This strategy is partially complete and implementation is ongoing. Tooele City Code already permits General Fund subsidies and the Tooele City Council has considered 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. The efforts to review the level of subsidies allowed and increase revise those levels include the following:

- Ordinance 96-15, approved June 5, 1996, enacted an impact fee structure for Tooele City for charging such fees as allowed by Senate Bill 4 (1995 Special Session of the Utah State Legislature) which also included a provision for waiving impact fees up to \$5,000 per unit for affordable housing.
- Ordinance 2001-35, approved January 23, 2001, revising the impact fees allowable for possible waiver with the adoption of new impact fee studies and fees.
- Ordinance 2001-36, approved January 23, 2001, revising the impact fees allowable for possible waiver with the adoption of new impact fee studies and fees.
- Ordinance 2010-04, approved February 17, 2010, revising the impact fees allowable for possible waiver with the adoption of new impact fee studies and fees.
- Ordinance 2019-30, approved November 20, 2019, increasing the maximum allowable amount of impact fee waiver possible.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(D) which states:

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
- (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
- (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
 - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
 - (C) includes an implementation plan as provided in Subsection (2)(c);
- (b) In drafting the moderate income housing element, the planning commission:
- (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
 - (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

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.

It is difficult to set benchmarks for implementing subsidies for affordable housing projects related to construction fees when they are dependent upon the submittal and approval of eligible projects. During 2022, the following construction related fees were subsidized the City using General Fund money or other funding sources:

- Harris Community Village, a 66-unit multi-family residential development, specifically for affordable housing units, was approved on July 6, 2022, for a subsidy of construction related fees using dedicated City funds totaling \$292,250.00 for the development.

In January of each year, the Community Development Department will catalog all eligible projects utilizing the reduced regulation during the preceding calendar year and report this data to the Planning Commission and City Council. Regardless, the City maintains an *ongoing* commitment that over the course of the next five years to continue working with the applicants for moderate income housing projects to utilize the general fund and other sources of revenue to waive construction related fees for moderate income housing as permissible and appropriate.

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.

This strategy is partially complete and implementation is ongoing. 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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(K) which states:

10-9a-403. General plan preparation.

(2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:

(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;

(B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and

(C) includes an implementation plan as provided in Subsection (2)(c);

(b) In drafting the moderate income housing element, the planning commission:

(iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:

(K) 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, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

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. Starting as early as 1995, the Tooele City Council approved ordinances establishing the right of continuation for legally non-conforming uses and noncomplying structures to be continued in their existing state. These allowances included legally non-conforming affordable housing units that existed at the time. The efforts to establish and expand this program include the following:

- Ordinance 95-16, approved August 19, 1995, enacted a program for legally non-conforming uses and noncomplying structures.
- Ordinance 2006-25, approved January 3, 2007, expanded and clarified the program for legally non-conforming uses and noncomplying structures to remain current and compliant with changes in state statute.

Over the course of the next year, the Community Development Department will work to catalog legally nonconforming duplexes, multi-family residential structures, and accessory dwelling units and report this data to the Planning Commission and City Council. As such, where the opportunity to preserve existing and new moderate income housing is already codified within the Tooele City Code. Regardless, the City maintains an *ongoing* commitment that over the course of the next five years to continue working with the owners of existing moderate income housing and property owners to preserve existing and new moderate income housing.

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.

This strategy is partially complete and implementation is ongoing. 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.

Utah State Code Reference

The basis for this strategy comes from Section 10-9a-403(2)(B)(iii)(R) which states:

10-9a-403. General plan preparation.

- (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element that:
 - (A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
 - (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(iii) for implementation, including one additional moderate income housing strategy as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public transit station; and
 - (C) includes an implementation plan as provided in Subsection (2)(c);
 - (b) In drafting the moderate income housing element, the planning commission:
 - (iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following moderate income housing strategies:
 - (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

Implementation Plan

Section 10-9a-403(2)(a)(iii)(A) specifies that a community's Moderate Income Housing Element to the General Plan is to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years. Further, Section 10-9a-403(2)(c) of the Utah State Code notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, whether one-time or ongoing, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed.

Measures and Timeline for Monitoring, Reviewing, and Continuing to Implement This Strategy

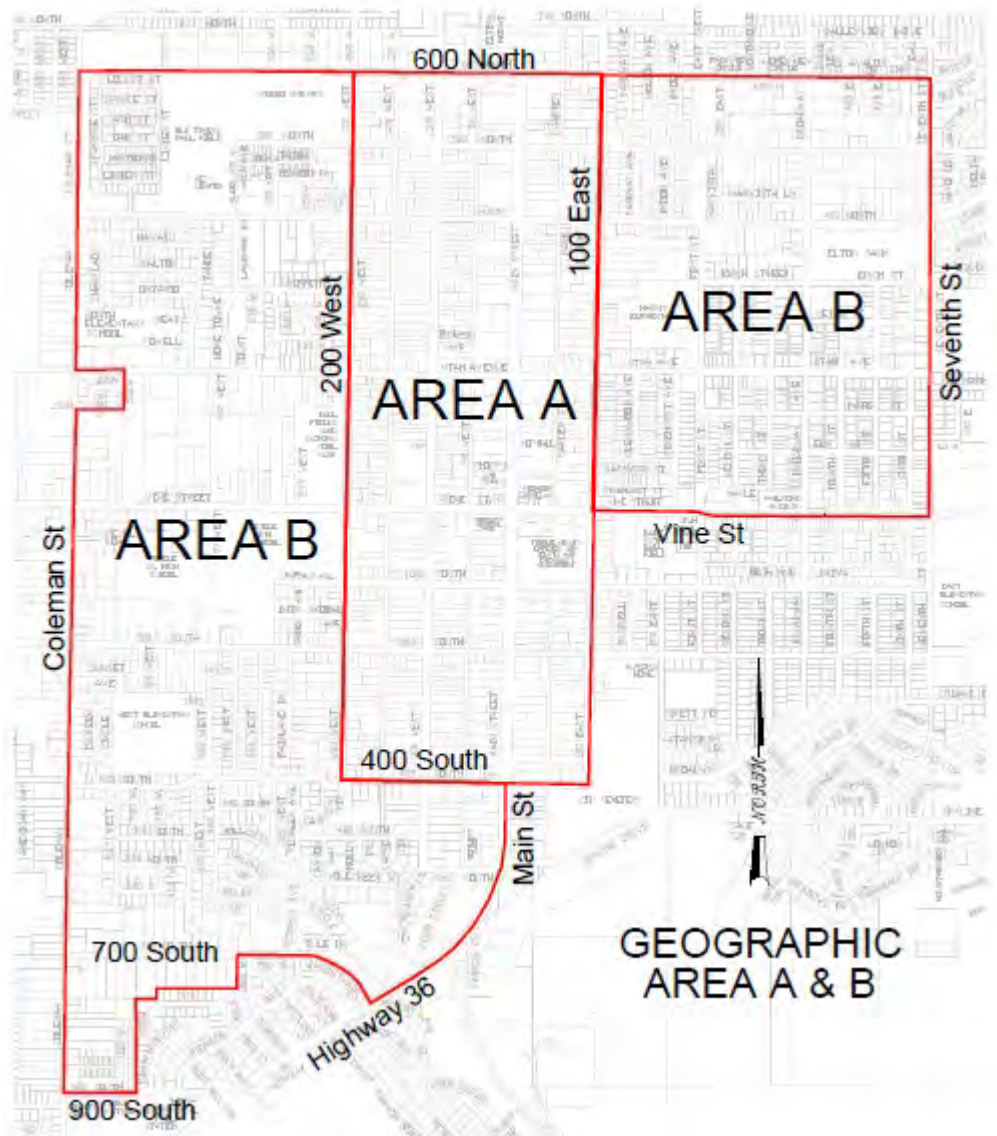
Tooele City continues to maintain codified provisions for the waiver of impact fees as a part of the City's accessory dwelling unit ordinances regardless of the nature of the unit. This provides expanded opportunities for property owners to seek and be provided relief and encourage the construction of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

Tooele City first adopted ordinances to allow accessory dwelling units in 2019, even before the Legislature for the State of Utah passed legislation compelling cities to establish regulations to allow accessory dwelling units. The effort to establish this program include the following:

- Ordinance 2019-13, approved August 21, 2019, creating and enacting the allowance for accessory dwelling units and the regulatory standards for locating and constructing accessory dwelling units, both internal and external, and the reduction or elimination of impact fees for those units.

It is difficult to set benchmarks for implementing reduced or eliminated impact fees when they are dependent upon the submittal and approval of eligible applications. However, whenever an eligible application has been submitted, the reduction or elimination has been automatically granted as allowed in the City Code. However, in January of each year, the Community Development Department will catalog all eligible applications utilizing the reduced or eliminated impact fees for accessory dwelling units during the preceding calendar year and report this data to the Planning Commission and City Council. Regardless, the City maintains an *ongoing* commitment that over the course of the next five years to implement the codified provisions of the City Code that eliminates impact fees for the approval of internal and external accessory dwelling units throughout the community.

Chart 7 – Tooele City Infill Areas A and B



Index of Tables

	PAGE
Table 1	HUD CHAS 2015 – Home Owners & Renters Cost Burden >30% and >50%8
Table 2	HUD CHAS 2015 – Number & Percentage Home Owners & Renters with Cost Burdens . . . 9
Table 3	Affordable Housing Costs by Income, Tenure, Race and Age, ACS 2016 9
Table 4	Current Housing Units by Tenure, ACS 2016 10
Table 5	Current Housing Units by Number of Units in Structure, ACS 2016 10
Table 6	Current Housing Units by year Structure was Built, ACS 2016 11
Table 7	Current Housing Units by Number of Bedrooms, ACS 2016 11
Table 8	Current Housing Units by Housing Problems, ACS 2016 11
Table 9	Median Sales Price of a Single Family Home in Tooele City – 2000 thru 201712
Table 10	Median Sales Price of a Condominium – Townhome in Tooele City, 2000 - 201712
Table 11	Affordable Housing Costs by Tenure, Race and Age13
Table 12	Owners and Renters by number and w/Cost Burdens13
Table 13	Percent Homes/Condos Sold Affordable at Tooele City AMI, 2012-2016 14
Table 14	Percent Homes/Condos Sold Affordable at Tooele City 80% AMI, 2012-2016. 14
Table 15	Percent Homes Sold Affordable at Tooele City 50% AMI, 2012-2016 15
Table 16	Percent Homes Sold Affordable at Tooele City 30% AMI, 2012-2016 15
Table 17	Percent Share of Tooele City Population by Race, ACS 2016 16
Table 18	Number and Percent of Tooele City Population in Poverty by Race, ACS 2016 16
Table 19	Tooele City Population with Disabilities, ACS 201617
Table 20	Low Income Tax Credit and Subsidized Rental Communities in Tooele 19
Table 21	Current Tooele City Zoning Areas with acres, percentages of Used and Vacant land 23
Table 22	Tooele City Condominium & Townhome Projects w/Vacant Building Pads24
Table 23	Tooele City Current Zoning that Facilitates Affordable Housing24

Index of Charts

PAGE

Chart 1	Recent Tooele City population growth rates 1980 – 2016	5
Chart 2	New housing units constructed in Tooele City from 1995 to 2016	5
Chart 3	Tooele City Population by age in 2016	7
Chart 4	Tooele City Population projections 2020 to 2060	20
Chart 5	Households by Income Level (Present)	21
Chart 6	New Housing Unit Demand by Household Income Level	22
Chart 7	Tooele City Infill Areas A and B	44

EXHIBIT B

PLANNING COMMISSION AND CITY COUNCIL MINUTES

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, September 14, 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

Alison Dunn

Chris Sloan

Paul Smith

Melodi Gochis

Commission Members Excused:

Jon Proctor

City Council Members Present:

Ed Hansen

Maresa Manzione

City Employees Present:

Andrew Aagard, City Planner

Jim Bolser, Community Development Director

Paul Hansen, Tooele Engineer

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

Paul Smith, Present

Chris Sloan, Present

Alison Dunn, Present

Commissioner Sloan motioned to table item until the next planning commission meeting and leave the public hearing opened. Commissioner Smith seconded. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Gochis, “Aye”, Commissioner Sloan, “Aye” Chairman Robinson, “Aye” Commissioner Hamilton, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

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.

Mr. Aagard presented information on a subdivision preliminary plan request for the Lexington Townhomes subdivision. It is zoned MR-16. The plan proposes to subdivide the 6.39 acres into townhomes. They have chosen to do phase 2 and phase 3 at the same time. This is not a site plan review, but does tie into the lot boundaries. The applicant does need to submit a site review application. Each lot is 25-feet wide with a creation of driveways, common areas including road ways, storm drains, and leisure area in surrounding areas. Staff is recommending approval with the conditions listed in the staff report.

Commissioner Jensen motioned to forward a positive 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 based on the findings and conditions listed in the staff report. 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”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Nay”. The motion passed.

8. Public Hearing and Recommendation on an Update to the Moderate-Income Housing Plan Element of the Tooele City General Plan.

Mr. Aagard presented an update to the Moderate-Income Housing plan based off recent House Bill 462 being passed. The changes include clarifying MIH requirement and timing to amend the General Plan. Tooele City is in great shape for compliance and has already been doing that with additional strategies. Once the plan is adopted by the City Council, the report will be sent into the State and be posted on the City website.

The Planning Commission had the following questions:
When the City updates the report, are they required to use the census?

Mr. Aagard addressed the Planning Commission. They are not required to use the census, but it is a great resource.

Mr. Bolser addressed the Commission. The scope the state requires, the census leads to answers everything the City needs to comply.

The public hearing was opened.

Kalani Mascherino shared her excitement that Tooele is in good shape.

The public hearing was closed.

Commissioner Sloan motioned to forward a positive recommendation to amend and update the Moderate-Income Housing Plan Element of the Tooele City General Plan.

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”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

9. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting:

There was a public hearing on the annexation with no decision yet. There was a public hearing and an approval for the amendment of the zoning map for 800 East due to non-conforming. They approved a few subdivisions.

10. Review and Approval of Planning Commission Minutes for the Business Meeting Held on August 24, 2022.

There are no changes to the minutes.

Chairman Robinson motioned to approve the minutes for August 24th, 2022. 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”, Commissioner Jensen, “Aye”, and Commissioner Smith, “Aye”. The motion passed.

11. Adjourn

Chairman Robinson adjourned the meeting at 8:15 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

Tooele City Council Business Meeting Minutes

Date: Wednesday, September 21, 2022

Time: 7:00 p.m.

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

City Council Members Present:

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

Dave McCall

City Employees Present:

Mayor Debbie Winn

Jim Bolser, Community Development Director

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Darwin Cook, Parks and Recreation Director

Jami Grandpre, Public Works Director

Holly Potter, Deputy City Recorder

City Employees Excused:

Michelle Pitt, City Recorder

Shannon Wimmer, Finance Director

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Jim Bolser, Community Develop Director.

2. Roll Call

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

Dave McCall, Present

Tony Graf, Present via phone

3. Youth Advocate of the Year

Presented by Jamie Slade, Prevention Specialist & Sandy Medina, Communities that Care

Council Member Hansen motioned to approve Ordinance 2022-36 an Ordinance of Tooele City Reassigning the Zoning for Approximately 7.36 Acres Located at 602 & 603 South 3 O' Clock Drive from NC Neighborhood Commercial to the MR-12 Multi-Family Residential Zoning District with the condition of 10-units per acre max.

Council Member Manzione seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

8. Public Hearing and Motion on Ordinance 2022-37 an Ordinance of the Tooele City Council Amending the Moderate-Income Housing Element of the Tooele City General Plan

Presented by Jim Bolser, Community Development Director

Mr. Bolser presented an update to the Moderate-Income Housing Plan based off recent House Bill 462 being passed. The changes include clarifying the MIH implementation strategy requirements and the timing to amend the General Plan. Tooele City is in great shape for compliance and has already been doing that with additional strategies. Once the plan is adopted by the City Council, the report will be sent into the State and be posted on the City website. The next step is to update the data and strategies within the plan. The Planning Commission has forwarded a unanimous positive recommendation.

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

Council Member Manzione motioned to approve Ordinance 2022-37 an Ordinance of the Tooele City Council Amending the Moderate-Income Housing Element of the Tooele City General Plan. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

9. Preliminary Plan Request for the Lexington Townhomes Subdivision, Phases 2 & 3 to Create 53 Townhome Residential Lots Located at Approximately 620 West Carole's Way

Presented by Jim Bolser, Community Development Director

Mr. Bolser presented a preliminary plan request for the Lexington Townhomes Subdivision. The multi-family portion of the Lexington Greens project has been split into eight master lots. The property is zoned MR-16, Multi-Family Residential. The application is to subdivide phases 2 and 3. The Planning Commission has forwarded a positive recommendation.

Council Member Hansen motioned to approve Preliminary Plan Request for the Lexington Townhomes Subdivision, Phases 2 & 3 to Create 53 Townhome Residential Lots Located at Approximately 620 West Carole's Way. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Council Member Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

EXHIBIT C

NOVEMBER 18, 2022 NOTICE OF NONCOMPLIANCE



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Workforce Services

CASEY R. CAMERON
Executive Director

GREG PARAS
Deputy Director

NATE MCDONALD
Deputy Director

KEVIN BURT
Deputy Director

November 18, 2022

To: Mayor and City Council
Tooele City

From: Department of Workforce Services
Housing and Community Development Division

Re: Moderate Income Housing Report 2022—Notice of Non-Compliance

Dear Tooele City Mayor and City Council,

Thank you for submitting the Annual Moderate Income Housing Report. Following review of the submitted plan and report, the Housing and Community Development Division has determined that the submission does not fulfill the requirements set forth in State Code section 10-9a-408. Please see the below description of deficiencies and actions the city must take to comply with the Code.

The Moderate-Income Housing Report requires a copy of the adoption ordinance for the general plan updates made in 2022. The Tooele City submission did not include a copy of the adoption ordinance or a link to the updated general plan. Please include a signed copy of the 2022 ordinance and a link to the updated general plan when the city resubmits.

Section 10-9a-403(2)(b)(iii) notes that cities shall include a recommendation to implement three or more of the moderate-income housing strategies. HB 462, passed in 2022, included notable changes to the strategies and requires communities to update their general plans with the new language. Strategies four, seven, and eight described in the attached 2022 Moderate Income Housing Plan do not reflect the State Code language for strategies O, D, and K. There is also a discrepancy between the strategies included in the plan submitted by the city, which include strategies A, B, F, E, O, L, D, and K, and the strategies identified in the online report, which include strategies A, C, D, E, F, K, L, and O.

Deficiency Corrective Action: Update the moderate income housing element of the general plan to include the exact language from the code 10-9a-403(2)(b)(iii) for the strategies the City has adopted into the general plan. Please ensure that the strategies in the general plan match those identified in the moderate-income housing annual report submission for the City.



**WORKFORCE
SERVICES**
HOUSING & COMMUNITY
DEVELOPMENT

140 East 300 South, Salt Lake City, Utah 84111
Relay Utah 711 • Spanish Relay Utah 1-888-346-3162
jobs.utah.gov • Equal Opportunity Employer/Programs

A proud partner of the  **americanjobcenter** network

Section 10-9a-403(2)(c) notes that the City shall draft implementation plans that establish a timeline for implementing selected strategies, identify specific measures and benchmarks for implementing each selected strategy, and provide flexibility for the municipality to adjust as needed. Additionally, section 10-9a-408(2)(c) requires each municipality's report starting in 2023 to describe action taken by the municipality towards implementation of the selected strategies, including how each land use decision or regulation supports the implementation of the moderate income housing strategies, barriers encountered, accessory dwelling unit information, the market's response to the strategies and implementation plans, and recommendations to the State regarding how the State can support the municipality in implementing strategies. Thus, implementation plans in the 2022 reporting year must be of a sufficient quality to show specific details on actionable tasks, timelines for implementation, measures used to demonstrate progress, and what resources the municipality will use to achieve the strategies selected.

The City's submission does not include the required implementation plan, which must include benchmarks or measures and a timeline for the strategy to measure success. The Strategies currently include detail about what the City has recently done or should do. The implementation plan must include detail about future actions or benchmarks that the City will engage in. If a strategy has been implemented, is complete, or is ongoing, measures and a specific timeline for program monitoring, review, or continued implementation must be included.

Deficiency Corrective Action: The City must update the moderate income housing element of the general plan to identify actionable and specific benchmarks or measures for all moderate-income housing strategies adopted by the City. Strategies which have been implemented, complete, ongoing, or current should identify measures and a timeline for monitoring, review, or continued implementation of the Strategy.

Please review the State Code sections referenced and submit your report using the form found here: <https://jobs.utah.gov/housing/affordable/moderate/reporting/>.

Section 10-9a-408(6) allows for each community 90 days from the date after this notice is sent to come into compliance with State Code. Per section 10-9a-408(7)(b), **failure to cure the described deficiencies in your municipality's report by February 16, 2023, will make Tooele City ineligible for Utah Department of Transportation (UDOT) Transportation Investment Fund of 2005, including the Transit Transportation Investment funding and the Governor's Office of Planning and Budget (GOPB) Covid-19 Local Assistance Matching Grant for the 2024 fiscal year.**

The Housing and Community Development Division is available to help you work through the noted deficiencies. We want to work with you to meet the requirements of the Code. If you have any questions or concerns, please contact Alyssa Gamble at angamble@utah.gov.

Sincerely,

Alyssa Gamble
Program Manager – Moderate Income Housing Database
Housing and Community Development
Department of Workforce Services

EXHIBIT D

**STATE OF UTAH CORRESPONDENCE ACCEPTING
TOOELE CITY'S MODERATE INCOME HOUSING PLAN REVISIONS**

Jim Bolser

From: Alyssa Gamble <angamble@utah.gov>
Sent: Tuesday, January 3, 2023 2:02 PM
To: Jim Bolser
Cc: Christina Oliver; Andrew Aagard; Roger Baker
Subject: Re: Tooele City Moderate Income Housing Plan

Dear Jim,

I have completed the review of the moderate income housing element draft for Tooele City. As the draft is currently written, eight of the nine strategies included meet the requirements for compliance. The strategy language matches state code and each of the eight strategies include an implementation plan with benchmarks and timelines.

Strategy 7 (D) does not match state statute language and it does not include an implementation plan. The strategy in 10-9a-403 starts with "identify" not "consider". While an implementation plan is not included, it looks like there may be some opportunity to add an implementation plan. In the first paragraph of the strategy description, it states that "the Tooele City Council is considering increasing these for moderate income housing." If the Council is looking to identify general fund subsidies for moderate income housing, the City could reword the sentence to create a specific benchmark and add a timeline on adoption to create an implementation plan.

Whether the City moves forward with the eight compliant strategies or updates Strategy 7 to include nine compliant strategies, the current draft meets the strategy and implementation plan requirements described in the statute. If further edits are made during the update process, you are welcome to send those to me for review prior to adoption of the plan. When you are ready to resubmit the report, please do so using [this link](#).

Thank you for your work on the draft. Let me and Christina know if you have any questions, comments, or concerns.

I hope you had a Happy New Year!

Sincerely,
ALYSSA GAMBLE, AICP
MODERATE INCOME HOUSING PROGRAM MANAGER

P: 385-249-4808

E: angamble@utah.gov



On Thu, Dec 29, 2022 at 6:45 AM Christina Oliver <coliver@utah.gov> wrote:

Good Morning,

This has been received.

Review will be completed after the holiday weekend when our planner returns from vacation.

Have a great day!

Christina Oliver

**Tooele City Planning Commission
Business Meeting Minutes**

Date: Wednesday, January 11, 2023

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

Chris Sloan

Alison Dunn

Jon Proctor

Commission Members Excused:

Melodi Gochis

City Council Members Present:

Ed Hansen

Maresa Manzione

City Employees Present:

Andrew Agard, City Planner

Jim Bolser, Community Development Director

Roger Baker, City Attorney

Minutes prepared by Katherin Yei

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hamilton.

2. Roll Call

Melanie Hammer, Present

Matt Robinson, Present

Tyson Hamilton, Present

Weston Jensen, Present

Chris Sloan, Present

Alison Dunn, Present

Jon Proctor, Present

Melodi Gochis, Excused

3. Public Hearing and Decision on a Conditional Use Permit Request by Zach Spencer to Authorize a “Personal Storage Facility (Mini-Storage)” Use on 2.83 Acres of Property Located at 1121 Utah Avenue in the LI Light Industrial Zoning District.

Mr. Aagard presented a conditional use permit for the property located at 1121 Utah Avenue. The vacant, undeveloped land is zoned LI, Light Industrial. The applicant’s previously approved Conditional Use Permit has expired. The permit is for personal storage units. Staff is recommending approval with the conditions listed in the staff report.

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

Commissioner Robinson motioned to approve a Conditional Use Permit Request by Zach Spencer to Authorize a “Personal Storage Facility (Mini-Storage)” Use on 2.83 Acres of Property Located at 1121 Utah Avenue in the LI Light Industrial Zoning District based on the findings and conditions listen in the staff report. Commissioner Jensen seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye” Commissioner Robinson, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Dunn, “Aye”. The motion passed.

4. Public Hearing and Recommendation on a Zoning Map Amendment Request by Mike Davey to Reassign the Zoning for Approximately 1.0 Acres of Property Located at the Northwest Corner of the 2200 North Berra Boulevard Intersection from the RR-5 Rural Residential Zoning District to the R1-8 Residential Zoning District.

Mr. Aagard presented a zoning map amendment for the property located near the new High School. The applicant would like to build a seminary building. The property is currently zoned RR-5, which requires 5 acre lots and a 20-foot setback. They would like it rezoned to R1-8 to reduce setbacks. The r1-8 zone would comply with the City use in the General Plan.

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

Commissioner Jensen forwarded a positive recommendation on a Zoning Map Amendment Request by Mike Davey to Reassign the Zoning for Approximately 1.0 Acres of Property Located at the Northwest Corner of the 2200 North Berra Boulevard Intersection from the RR-5 Rural Residential Zoning District to the R1-8 Residential Zoning District based on the findings and conditions listen in the staff report. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”, Commissioner Proctor, “Aye”, Commissioner Sloan, “Aye” Chairman Hamilton, “Aye” Commissioner Robinson, “Aye”, Commissioner Jensen, “Aye”, and Commissioner Dunn, “Aye”. The motion passed.

5. Public Hearing and Recommendation on a Zoning Map Amendment Request by DR Horton to Amend the Terms of the PUD (Planned Unit Development) Zoning Overlay Assigned to the Western Acres Development on 85.4 Acres Located at Approximately 2000 North Copper Canyon Drive in the MR-16 PUD Zoning District.

Mr. Aagard presented a Zoning Map PUD amendment for the property South of Pine Canyon. The current zoning is MR-16. DR Horton is currently constructing on site for their first two phases. The amendment to the current PUD would add vinyl to the list without percentage requirements. As well as, eliminating the requirement for one covered parking stall per multi-family residents.

The Planning Commission asked the following questions:

Would this be retroactive?

How many spaces does the covered parking effect?

Mr. Aagard addressed the Commission. Staff does not recommend it be retroactive. The amendment would affect about 18 spaces.

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

Mr. DeCarlo addressed the Commission. DR Horton is focused on making the housing more affordable for families. The vinyl allows for a different view, cost saving, and a life-time warranty.

The Planning Commission asked the following questions:

How new is the vinyl?

They asked for clarification on the parking situation.

Mr. DeCarlo addressed the Commission's questions. The vinyl is newer within the last couple of years. It allows them to make the housing more affordable and creates consistency. They would like to see this retroactive.

Commissioner Robinson motioned to forward a negative recommendation on a Zoning Map Amendment Request by DR Horton. Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, "Aye", Commissioner Proctor, "Aye", Commissioner Sloan, "Aye" Chairman Hamilton, "Nay" Commissioner Robinson, "Aye", Commissioner Jensen, "Aye", and Commissioner Dunn, "Aye". The motion passed.

Mr. Bolser addressed the Commission and the public. This step is only a recommendation. It will get its final vote at the City Council meeting.

6. Decision on a Conditional Use Permit Request by Cristian Martinez for a "Dwelling, Multi-Family" Use at 432 South Main Street in the MU-G Mixed Use General Zoning District on 1.33 Acres (Tabled from the October 26, 2022 Planning Commission Meeting).

Mr. Aagard presented a Conditional Use Permit on the proposed apartment buildings located at 432 South Main Street. It is zoned MU-G, Mixed Use General. This item was tabled from a Planning Commission meeting held in October 2022. The Commission asked for a traffic impact study to be done. In order to accommodate fire trucks, 50 West will need to be widened with

asphalt to 400 South. Staff is recommending approval with the condition the applicant widens the frontage to 30 feet on 50 West.

The Planning Commission asked the following questions:

Has the applicant received UDOT approval to SR-36?

Would they need to widen on 400 South?

Mr. Aagard addressed the Commission's questions. An application has been submitted to UDOT. The applicant would only be required to do the frontage.

Mr. Baker addressed the Commission. As shown in the staff report, the law requires two things. There needs to be a connection that shows the developer is creating an impact on the City and a nexus between that impact and the exaction or condition. There also needs to be a proportional or equivalent value of the exaction to the impact. A small amount of improvements is probably proportionate. If the Commission imposes a condition, they need first to make a finding regarding anticipated detrimental effects and only then discuss conditions that will mitigate the impact. Mr. Baker addressed the difficulty of analyzing the proportionality of requiring road improvements from the project site all the way to 400 South.

Although a public hearing was opened and closed at a prior Commission meeting, the Chairman allowed additional public comment, and a public hearing was opened at the discretion of the Chairman.

Members of the public shared concerns of units going in, traffic on 50 West, water drainage, privacy, and snow removal.

Doug Newell is in favor of smart growth and affordable housing in Tooele.

Mr. Baker wondered whether the project needed to be built up above existing grade next to the neighbors, and whether a reasonable mitigating condition might be to require the northern end of the project to be at-grade and to require the southern end of the project to excavate and retain.

Isaac Riches, the engineer for the applicant, addressed the Council. He has carefully examined site elevations and grading, and designed the site optimally for the project owners and the neighbors. They have begun the process with UDOT. They need to do additional calculations for the site triangles. The right-of-way at 50 West is 33 feet already. To make the structure work, they are trying to balance and manage the property without increasing the retaining wall to the maximum.

The public hearing was closed.

The Planning Commission had the following concerns and questions:

Will the utility poles be in the way of expanding on 50 West?

They discussed concerns of the road only having a small portion being widened, creating a possible traffic concern as the road narrows again. Traffic and on-street parking with additional

tenants present a potential issue. A condition could be placed to red-curb the area to help mitigate the parking issue. Water run-off and flooding down 50 West present an issue without having curb and gutter down the entire road.

Mr. Aagard addressed the Commission's questions and concerns. There is sufficient width to accommodate asphalt with the poles remaining. Parking could be an issue. The Council could add a red curb or parking requirements to help mitigate the parking issue. The civil engineer looks at the process for run off and is approved through the process with the staff.

Mr. Baker addressed the Commission. There are two types of surface storm water. The first type of historic storm water that current enters and exits the property, and the developer will have the obligation to safely route it through the project. The City Engineer will review it. The second type of surface storm water is the storm water generated on site and will have to be designed to be retained, or detained, on the property, and if detained slowly drained from where it is located. The City Engineer will also review this with the site plan. Storm water can be an anticipated determinantal effect identified by the Commission. They can find a condition to mitigate it.

Mr. Bolser addressed the Commission. One of the standard reviews for site plan consideration is the storm water managements. The consideration includes the water coming too or through a site and leaving the property.

The concerns of the Conditional Use Permit were listed as following: Water run-off, safety of traffic, parking, and privacy issues.

Mr. Rich addressed the Commission. Striping the road should help the traffic flow and safety. To maintain the 30 feet of asphalt, they will do curb and gutter but not sidewalk. With curb and gutter, it will be 31 feet from back of curb to back of curb. Drainage wells can be produced to help mitigate any storm water.

Mr. Baker reminded the Commission the law allows them to impose reasonable conditions to mitigate but not eliminate anticipated detrimental effects, and to design their conditions accordingly.

Commissioner Sloan motioned to approve a Conditional Use Permit Request by Cristian Martinez for a "Dwelling, Multi-Family" based on the conditions and findings listed in the staff report; including adding striping on the road, and parking be prohibited in the area of the frontage for fire and general safety. Commissioner Robinson seconded the motion. The vote was as follows: Commissioner Hammer, "Nay", Commissioner Proctor, "Nay", Commissioner Sloan, "Aye" Chairman Hamilton, "Aye" Commissioner Robinson, "Aye", Commissioner Jensen, "Aye", and Commissioner Dunn, "Nay". The motion passed.

7. City Council Reports

Council Member Manzione shared the following information from the City Council Meeting: Kept same assignments from the previous year.

The approved the renaming of the competitive lane and lap pool after Mel Roberts.

They Approved a temporary ordinance to remove “group home” from general-commercial verbiage.

Mayor Winn has made an appointment for the alternate Planning Commission member. They will approve it next meeting.

8. Review and Approval of Planning Commission Minutes for the Business Meeting Held on December 14, 2023.

There are no changes to the minutes.

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

Mr. Bolser addressed the Planning Commission. January training will be done online this month as the yearly required powers and duties training.

Chairman Hamilton asked for Conditional Use Permit review for a future training.

9. Adjourn

Chairman Hamilton adjourned the meeting at 8:32 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 January, 2023

Tyson Hamilton, Tooele City Planning Commission Chair