

## TOOELE CITY PLANNING COMMISSION MINUTES

**Date:** Wednesday, October 9, 2019

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

**Commission Members Present:**

Shauna Bevan  
Melanie Hammer  
Tyson Hamilton  
Chris Sloan  
Tony Graf  
Phil Montano  
Bucky Whitehouse  
Ray Smart

**Commission Members Excused:**

Matt Robinson

**City Employees Present:**

Andrew Aagard, City Planner  
Roger Baker, City Attorney  
Jim Bolser, Community Development Director  
Paul Hansen, City Engineer

**Council Members Present:**

Council Member Gochis

**Council Members Excused:**

Council Member McCall

Minutes prepared by Kelly Odermott

Chairman Graf called the meeting to order at 7:00 pm.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Graf.

2. **Roll Call**

Chris Sloan, Present  
Melanie Hammer, Present  
Shauna Bevan, Present  
Tyson Hamilton, Present  
Tony Graf, Present

Bucky Whitehouse, Present  
Phil Montano, Present  
Ray Smart, Present

**3. Recommendation on Mountain Valley Townhomes Preliminary Plan by Matt Carter at 750 North 100 East, 44 townhome lots, 4.1 acres in the MR-16 Multi-Family Residential zoning District.**

Presented by Andrew Aagard

Mr. Aagard stated that the 4.1-acre parcel proposed for subdivision is located east of the Lucky grocery store and northeast of the intersection of 100 East and 700 North. The property is MR-16 Multi-Family Residential zoning. There is some general commercial zoning to the north that is a nonconforming apartment building which is used as residential and general commercial to the southeast and east. There is also some R1-7 residential zoning to the south. The applicant is proposing a townhome subdivision that will subdivide the four-acre parcel into 44 individual lots ranging in size from 2,000 square feet to 2,500 square feet. These lots are proposed to be 24 to 30 feet wide and incorporate a townhouse unit with some private yard space. Townhouses are permitted in the MR-16 zone without restrictions to lots size or lot width. The subdivision plat also creates parcels A, B, C, D, E, F, and G that will be common open space parcels and will be maintained by the HOA. The streets within the subdivision will be privately owned and privately maintained. Lot 101 is a 1.07-acre parcel that is part of the subdivision plat, but not part of the multi-family home developments. Lot 101 is a remnant parcel that will be maintained by the owner of the property. The creation of lot 101 does not create any nonconformities and the single family home can continue as is on the property. Staff has reviewed the proposed preliminary plan and is recommending approval with standard conditions in the Staff Report.

Chairman Graf asked if there were any comments or questions from the Commission.

Commissioner Bevan asked about a street that T's off at the end; how will the garbage be affected by the dead-end area? Mr. Aagard stated that that streets are private and an arrangement will need to be made with a waste removal company other than the City. It is the City's understanding that the garbage cans will be wheeled out to the street and taken back when they are done. Mr. Aagard stated that this concern has been raised with the owner, but the streets are private and up to the owner.

Commissioner Hammer stated that the information states that the front of the lot will be maintained by the private homeowners, but there are common areas and the HOA will take care of the common areas? Mr. Aagard stated that the HOA will take care of the common areas and the roads.

**Commissioner Hamilton motioned to forward a positive recommendation to the City Council for the Mountain Valley Townhomes Preliminary Plan Request by Matt Carter, for the purpose of creating 44 town house style residential lots and the accommodating open space parcels, application number P19-201, based on the findings and subject to the conditions listed in the Staff Report dated October 1, 2019.** Commissioner Sloan seconded the motion. The vote as

follows: Commissioner Hammer, “Aye,” Commissioner Hamilton, “Aye,” Commissioner, Smart, “Aye,” Commissioner Montano, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Chairman Graf, “Aye.” The motion passes.

**4. Decision on a Site Plan Design Review for Mountain Valley Townhomes by Matt Carter at 750 North 100 East, 44 townhome unit development, 4.1 acres in the MR-16 Multi-Family Residential zoning district.**

Presented by Andrew Aagard

Mr. Aagard stated that this is an application for site plan design review and is proposed for the same property that was discussed under item 3. Mr. Aagard stated that all multi-family site plans are required to have design reviewed by the Planning Commission. The previous application was for the subdivision of the property and will create the lots. This application pertains to the design elements of the site. The Staff Report went into the specifics of the site plan and how they comply with Tooele City Code 7-11a Multi-Family Design Standards

Mr. Aagard stated that the site plan shows the actual footprint of the townhome unit, including driveway and yard space. These areas are privately owned, privately landscaped, and privately maintained. The remaining area is classified as common area and will be landscaped and maintained by the HOA. This development includes amenities to be used by the homeowners in the development including a play structure, a sports court, and picnic tables. The buildings are arranged in a manner that varies the setback as required by the City Code. Building code requires building setback to be 20 to 25 feet from the street. The landscape plan as proposed meets the requirements of 7-11a for shrub beds, trees, and groundcovers. The landscape plan also demonstrates private yard space that will be landscaped by the private lot owner. Landscaping and common area do exceed landscape space for common area, number of trees, and ground cover.

Mr. Aagard stated that staff has worked closely with the applicant and architect to ensure the proposed building exteriors meet the minimum exterior requirements for roof line, horizontal relief and façades. The development incorporates six unit buildings, five unit buildings and three unit buildings. The exterior materials are brick stone veneer, hardy board siding, stucco and other sidings. The side elevation is the same for each type of building.

Mr. Aagard stated that there was a slight issue with parking that was missed by staff in the review process. Tooele City Ordinances require that guest parking be one stall for every four units. At 44 units the development requires eleven parking stalls, but only has nine. Staff has added the condition that two additional parking stalls be added to the eastern end of 739 North adjacent to parcel E. With the addition the proposed site plan meets the minimum parking requirements. The development will be fenced by a six foot vinyl fence with masonry columns every eight to ten feet. There will be a storm water retention basin at the northeast of the property and will be maintained by the HOA.

Mr. Aagard stated that staff has added one other condition to the project regarding approval of the owner of the lot 101, place the development monument signs on their property. A letter

has been sent to the owner, but it hasn't been received back by the City. Staff concludes that the property meets or exceeds the requirements of Tooele City Code 7-11a and is recommending approval with the four basic conditions and the two additional conditions.

Chairman Graf asked if there were any further comments or questions.

Commissioner Smart asked about the future of road development further east of this property and the rights of Tooele City to put in a road. Mr. Aagard stated that with this development there was the proposal of a stub street on the east end to provide connectivity. These are private streets and it is not something that the City could require. If the streets were public streets there would have been a stub street. The City does try to encourage and provide connectivity wherever possible, but because of the private nature of this property it was not possible.

Mr. Bolser added that in the apartment complex going in north of this property, the City did require a stub street on the north end that would provide access to properties to the east. There are avenues and times where that is appropriate. When it comes to development it would have to be something that was specific to the code, for example if it was a road that was identified in the Master Transportation Plan, then the stub could be required.

Mr. Hansen stated that the stub road was considered. Mr. Hansen stated that he had actually recommended that the development not be connected to a public road. The driveways are very close and the density is high and it might not be safe to introduce a lot of public traffic to the development. It has been looked at as to how to accommodate the property to the east. There was a safety aspect as well as the other issues mentions.

**Commissioner Sloan motioned to approve the Site Plan Design Review Request by Matt Carter for the Mountain Valley Townhomes located at 750 North 100 East, application P19-202, based on the findings and subject to the conditions listed in the Staff Report dated October 1, 2019 with emphasis on conditions five and six.** Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner, "Hamilton," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

**5. Public Hearing and Recommendation on an update to the Moderate Income Housing Plan, an element of the Tooele City General Plan.**

Mr. Aagard stated the staff is proposing an update to the Tooele City Moderate Income Housing Plan and the General Plan to ensure that the City meets the legislative requirements of Senate Bill 34. The update requires city to meet the following criteria.

- Having a plan for residents of all income levels and coordinate that housing with transportation access and employment centers.
- All Cities must choose from a list of 23 moderate income housing planning strategies and implement at least three.
- Requires 82 City's adopt a Moderate Income Housing Plan.
- Requires an annual report on plan implementation in 2020.

- Changes reporting deadlines for City's, not applicable to Tooele City.

Mr. Aagard stated that the first item is being addressed by the City. Number two requires that the City choose at least three strategies out of the 23 provided. The City's Moderate income Plan is being amended to incorporate seven strategies in the plan that the City is already doing. Those seven strategies are;

- Rezone for densities necessary to ensure the production of moderate income housing.
- Encourage higher density or moderate income housing development near major transit or investment corridors.
- Create or allow for reduced regulations for accessory dwelling units in residential zones.
- Apply for or partner with an entity that applies for State or Federal Funds for tax incentives to promote the creation of moderate income housing.
- Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
- Consider general fund subsidies or other sources of revenue to waive construction fees.
- Reduce impact fees related to low or moderate income housing.

Mr. Aagard stated that the updates to the plan only occur in the Table of Contents and the strategies section of the document of how the City is implementing or will implement these strategies. The rest of the plan will remain unchanged and will be updated as results of the 2020 census and other data become available. Once the Moderate Income Housing Plan is approved and the General Plan amended the plan will be sent to Utah's Workforce Services detailing the compliance with Senate Bill 34. The plan will be posted on the City's website.

Chairman Graf asked if there were any further comments or questions.

Commissioner Sloan asked about items six and seven that are being addressed in the plan in regards to impact fees. Impact fees state wide are under the microscope by the legislature. State Bill 34 was designed for Cities and Municipalities that are not encouraging Moderate Income Housing. Items six and seven were introduced as ways to reduce impact fees and his concern is will this create a shift of the fees to the properties that do not fall under Moderate Income. The entities still need to recover the same amount of tax dollars and will those be shifted. Mr. Aagard stated that the City has an ordinance that allows for impact fees to be made and requires the general fund to make up those fees that are waived.

Mr. Baker stated that the short answer is yes. Tooele City Ordinance requires that impact fee waivers be made up by the General Fund, which places a greater strain on the General Fund and trickles down to tax payers. Even if the fees are not made up from the General Fund, that is less impact fee revenue to spend on impact fee projects. What isn't covered by impact fees for impact fee projects would need to come from water and sewer rates, the General Fund or scale back on projects. In any event there is an effect from all waivers because it is taking from some fund in the City. Tooele Ordinance today does require the General Fund reimbursement to the impact fee fund for the fees waived. Mr. Baker stated that in a conference he attended the week before this question was asked. Salt Lake City responded that they do not require the impact fees to be reimbursed by the General Fund, but either way a fund is missing the fees waived.

Commissioner Sloan stated that he was in the room when State Bill 34 was written, it wasn't the low and moderate housing that the bill was supposed to fix; it is a whole housing affordability problem. The stats that the legislature had states that 25 to 33% of single family housing cost is regulatory in nature and the majority of that being impact fees. He stated that he would hate to have the City run into trouble with waiving impact fees. He commended the staff for taking the effort and implementing seven of the strategies.

Mr. Baker stated that the policy that is in place now for waivers and the amount waived is made up from the General Fund. Is a policy that is to hold the impact fee fund harmless to maximize the impact fee projects built. The flip side of that is to dilute the amount of the subsidy across the general population. It is shifting the impact of growth to existing resident and taxpayers in very small amounts.

Chairman Graf asked about impact fees for residential and the cost being about \$9,000 to \$10,000. Mr. Aagard stated that is a ballpark figure. Chairman Graf asked that what is being proposed are just options. Mr. Aagard stated that one of the options is the Infill Overlay area, there is reduction in the water impact fee. Or the creation of an accessory dwelling unit there is a reduction in the impact fee. Standard homes would pay the full impact fee, but in specific areas, or circumstances the impact fee can be reduced. The City has partnered with the Utah Housing Authority for lots and will be looking at reducing impact fees for those specific lots.

Mr. Baker stated that the current impact fees is around \$10,000 and the current waiver (for affordable housing) limits the reduction to \$5,000 per unit. That is a policy matter that is being reviewed.

Commissioner Montano made some opinion statements about impact fees, state mandates, and impact fee policy. He stated that some of this is over the top that the city has to provide the same service and only collect half the money. This is mandated by the state. The city has to provide the same service and collect half the money and he doesn't know how all that works.

Chairman Graf opened the public hearing, there were no comments. Chairman Graf closed the public hearing.

Commissioner Sloan commended the staff on their work with the Moderate Income Housing Plan.

Chairman Graf echoed Commissioner Sloan's comments about the work done on the Plan. It is important to be proactive in the plan.

**Commissioner Sloan motioned to forward a positive recommendation to the City Council to amend the Moderate Income Housing Element of the General Plan and adopt the draft Tooele City Moderate Income Housing Plan, 2019, based upon the findings listed in the staff report dated October 1, 2019** Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

6. **Review and Approval of Planning Commission minutes for meeting held September 25, 2019.**

Chairman Graf asked the Commission if there were any comments or questions.

**Commissioner Hammer moved to approve minutes from the meeting held on September 25, 2019.** Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hammer, "Aye," Commissioner Hamilton, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Smart, "Aye," Commissioner Montano, Aye," Chairman Graf, "Aye." The motion passes.

7. **Adjourn**

Commissioner Hamilton moved to adjourn. Chairman Graf declared the meeting adjourned at 7:34p.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 13th day of November, 2019

---

Tony Graf, Chairman, Tooele City Planning Commission