

PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting on Wednesday, September 2, 2026 at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.gov, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Shilo Baker, City Recorder at (435) 843-2111 or shilob@tooelecity.gov.

Tooele City public meetings may be recorded and transcribed for documentation and quality assurance purposes. By attending this meeting, you consent to being recorded. If you do not consent, we encourage you to join the City Council meeting electronically by visiting the Tooele City YouTube Channel, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Sewer Bond Discussion**
Presented by Jason Burningham, LRB Public Finance Advisors
 - b. **Discussion on the History of the IS Industrial Service Zoning District and Possible Amendments to the Industrial, Light Industrial and Industrial Service Zoning Districts Regarding Land Uses Permitted Within Each Zone.**
Presented by Andrew Aagard, Community Development Director
 - c. **Discussion on a proposed City Code Text Amendment request by Perry Commercial to Amend Tooele City Code 7-16a-3, Residential Special Districts Eligibility and Size, Regarding the Minimum Land Requirements Necessary to Qualify for a Commercial Special District and Compliance with the Land Use Map of the General Plan.**
Presented by Andrew Aagard, Community Development Director
 - d. **Water Discussion Regarding Interior Depletion**
Presented by Paul Hansen, City Engineer
 - e. **Proposed Broadway RDA**
Presented by John Perez, Economic Development Director
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Shilo Baker, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Shilo Baker, Tooele City Recorder, at (435) 843-2111 or shilob@tooelecity.gov, prior to the meeting.

MEMORANDUM

To: Tooele City Council
Cc: Mayor Maresa Manzione
From: Andrew Aagard, AICP, Director
Date: July 8, 2026
Re: Ordinance Amendments regarding the Industrial, Light Industrial and Industrial Service Zoning Districts.

Update:

As Per the City Council's request, staff has researched past meeting minutes and motions as to why the IS Industrial Service zone was created. The reason is fairly straight forward and simple. The IS zone came about because of a zoning map amendment where an applicant wanted to conduct a land use that was permitted only the I Industrial Service Zone and the applicant's property was zoned LI Light Industrial. The Council at that time was hesitant to change the zoning of the applicant's property and was also hesitant to change the table of commercial uses to permit the land use to occur in the LI zone. During a work session meeting on July 15, 2020 the City Council discussed creating a "medium industrial zone" or a hybrid zoning district that rests in intensity of uses between the Industrial and Light Industrial zones. The IS zone was born. Essentially the IS zone was created to create more flexibility and useability between the I and LI zoning districts.

Subject:

A number of months ago a discussion was held between the City Council and City Staff regarding the Industrial Service (IS) Zoning District and how the IS zone compares to the land uses permitted in the Light Industrial (LI) and the Industrial zoning districts. During that work session discussion staff did not have immediate answers as to why there is an IS zone or what the differences between the IS zone and the other two industrial zones are. It was suggested by one of the City Council members at the time that staff should evaluate and reconsider some of the land uses involved in those districts and create a defined difference between the three zones.

The purposes of each industrial zoning district are provided in the Tooele City Code in Title 7, Chapter 16-2: Purposes and Intent. The following is a brief description of the purpose of each industrial zoning district:

1. Light Industrial. To provide locations for light industrial assembly and manufacturing that produce no appreciable negative impact to adjacent property owners.
2. Industrial Service. To provide locations for more intensive service type uses for the benefit of the community.
3. Industrial. No purpose is provided other than that the zone recognizes existing industrial sites and uses within the City and to establish additional industrial uses.

If a classification were to be assigned to each industrial zoning district the LI zone would be classified as "light," the IS zone would be classified as "medium," and the Industrial zone would be classified as "heavy."

However, when one analyzes the land uses permissible in the three industrial zoning districts there is little difference between the three zones. The ambiguity may lead one to ask why there are three industrial

zoning districts or whether two industrial zoning districts is sufficient for the needs of the City when establishing sites for various levels of industrial activity.

All land uses that are permissible in the three industrial zoning districts are found and listed in TCC 7-16-3: Table 1: Table of Uses. Uses are either listed as “P” for permitted, “C” for Conditional, and if the use is not designated on the table it is therefore not permitted in the zoning district. At first staff began to reassign various land uses, attempting to create a clear, delineated difference between the zoning districts but the task became more difficult than was originally anticipated. It is difficult to justify why an industrial land use that doesn’t generate impacts to surrounding properties should be prohibited in an industrial zone that is created for land uses that do potentially generate an impact to surrounding properties. A good example of this would be the use of Automobile Sales and Rental. If it is permitted in the LI zone, why would it not be permitted in the Industrial? This is the question that was raised with nearly every land use listed in the Table of Uses.

Staff decided to evaluate the differences between each industrial zone and listed the uses that are permissible only in one specific industrial zone. In the Industrial zoning district there are 11 land uses that are not permitted to occur in the other two zoning districts. In the IS zoning district there is 1 land use that is not permitted in the other two zoning districts. In the LI zoning district there is 1 land use that is not permitted in the other two zoning districts. All other industrial land uses are permitted to occur in at least two of the industrial zoning districts.

Staff also evaluated the difference in land uses permitted between the IS zone and the LI zone and found only one land use that is permitted in the LI zone but not permitted in the IS zone and that use is “Light Manufacturing and Assembly.” The purpose for eliminating this use from the IS zone but permitting it in the Industrial and LI zone is not identified and doesn’t make sense given that the IS zone is supposed to involve industrial uses of greater intensity than the LI zone.

Staff also identified the land uses that may occur in both the IS zone and the Industrial zone and found only 3 land uses. Those are a Campground/Travel Trailer Park, an Auto Impound Yard and an Airport.

In conducting this review of all three industrial zoning districts the question must be raised as to the necessity of having the three zones. As is evident in the text above there isn’t a clear delineation between the three zones, the IS and LI zones particularly. The LI and the IS zoning districts are, for all intents and purposes, nearly identical zones save six specific land uses.

A simple solution to this issue would be to eliminate the IS zoning district altogether and then determine which of the LI and Industrial zones would be appropriate, or not appropriate, for the 5 or 6 land uses described above.

Elimination of the IS zoning district would have very little impact on the few properties within the city currently bearing the IS designation. The City could then act to change the zoning of those properties back to the LI zoning district, or, a text amendment could be completed that would add a note to the Table of Uses that states all uses as designated for the LI Zone shall apply to properties bearing the IS zoning district designation.

Land Uses Exclusive to only One of the Three Industrial Zoning Districts

Industrial	Industrial Service	Light Industrial
Outside Storage of Flammable or Hazardous Materials		
	Automobile Service and Repair Accessory to Principal Use	
Food and Beverage Processing		
Hazardous Waste In Transit Facility		
Heavy Industrial Manufacturing and Assembly		
Junkyard / Salvage Yard		
Medical Cannabis Production		
Military Surplus Yard		
		Reception Center (Inside an existing structure)
Recycling Processing Center		
Rock, Sand, Gravel Storage and Distribution		
Sexually Oriented Business		
Vehicle Storage Yard		

****The only difference between the Industrial Service Zone and the Light Industrial Zone is the land use of Light Manufacturing and Assembly is permitted the LI but not permitted in the IS. This use is also permitted in the I zone.***

****Three land uses that may occur in both the IS and I zones are:***

- 1. Campground / Travel Trailer Park.***
- 2. Auto Impound Yard.***
- 3. Airport.***

STAFF REPORT

August 6, 2026

To: Tooele City Planning Commission

Business Date: August 12, 2026

From: Planning Division

Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Commercial Special Districts Minimum Qualifications– City Code Text Amendment Request

Applicant: Jake Finlinson, representing Perry Homes, Inc.

Request: Request for approval of a City Code Text Amendment to Tooele City Code 7-16a-3, Residential Special Districts Eligibility and Size, Regarding the Minimum Land Requirements Necessary to Qualify for a Commercial Special District and compliance with the Land Use Map of the General Plan.

BACKGROUND

LH Perry Investments has submitted this Ordinance Text Amendment application requesting a specific amendment to Tooele City Code Title 7 Chapter 16a, CSD Commercial Special Districts. Particularly, TCC 7-16a-3, Residential Special Districts Eligibility and Size. No, that is not a typo, the CSD ordinance actually reads “Residential” and will need to be changed. The applicant is the owner of three large but geographically separate parcels. There is about 60 acres at 3100 North Main Street, about 36 acres at 600 West 1000 North and another 51 acres north of the Overlake Golf Course east of the City’s waste water treatment facility. Two of these parcels qualify for a CSD due the parcels being larger than 50 acres. The parcel at 600 West 1000 North does not qualify for a CSD as it is less than the required 50 acres.

The ordinance requires that in order to qualify for a CSD a property must be at least 50 acres and that the property must be “contiguous and developable.” The requirement that the properties be contiguous was intentionally included in the language of the code to prevent random pockets of CSD development from popping up throughout the City on properties of varying sizes and configurations.

The applicant has approximately 147 acres when all three parcels are considered and the text amendment they are proposing would permit a CSD to occur on non-contiguous properties if the aggregate size of the CSD is larger than 125 acres. The proposed amendment would then permit the applicant to propose a CSD for all three of their properties as one development under the same CSD standards. Otherwise they would be required to do separate CSDs for the two properties that qualify and would be prohibited from doing a CSD on the 36 acre property at 600 West 1000 North.

This item was heard by the Planning Commission during the June 24, 2026 meeting. At that meeting the Planning Commission voted to recommend in favor of the proposed text amendment along with some edits of their own. Since that meeting the applicant has chosen to amend their application and propose additional changes to the ordinance regarding CSD qualifications. Those new amendments are directed at compliance with the Land Use Map of the General Plan in order to qualify for a CSD.

ANALYSIS

If this amendment were to be adopted it would then permit the applicant to write a new and more inclusive zoning code for all three properties at once. That would essentially be the biggest change from the code as it is

written today. Are there any detrimental or positive impacts from this? None that City Staff can readily identify. Even if the properties were to develop under the same CSD zoning standards they would still be subject to the same level of review and scrutiny they would have received if they each had their own CSD.

One point to consider. There aren't that many commercial properties left in the City that would qualify for non-contiguous development remaining in the City of 125 acres or more. There might be some properties large enough in the Tooele City Business Park (TCBP) but these properties are zoned Industrial and Industrial zones don't qualify for a CSD.

It should also be noted that the 51 acre parcel east of the City's wastewater treatment facility and north of the Overlake Golf Course is not zoned Commercial at this time and is included in the Compass Point RSD. In order for a CSD to qualify on this property the Land Use Map would first need to be amended to a commercial designation and then the RSD changed to include the CSD as part of a Zoning Map Amendment application. These would need to happen before a CSD can be considered on this property.

Another qualification of a CSD is compliance with the Land Use Map of the Tooele City General Plan. The properties being considered for a CSD shall first be designated on the Land Use Map as a commercial land use. The applicant has amended this ordinance amendment application to essentially combine a Land Use Map Amendment application into the same application as the CSD.

Ordinances Affected. TCC 7-16a-3. Residential Special Districts Eligibility and Size.

The proposed amendment will change language in the heading of the ordinance section and shall change the word "Residential" to "Commercial" as this ordinance is applicable only to commercially designated properties. This may be been a simple typo or overlook when the original ordinance was drafted but needs to be corrected.

The proposed amendment will add the following language to paragraph 1 of 7-16a-3.

1. The land use designation of the subject properties being considered for a CSD shall be reviewed as part of the CSD application. If the CSD is approved the Land Use Map designation of the subject properties shall be changed to Regional Commercial.

The proposed amendment will add the following language to paragraph 2 of 7-16a-3.

1. In the event the proposed size of the CSD is over 125 acres, the CSD does not need to be contiguous properties.
2. Makes necessary grammatical changes.

Staff Edits. Staff has not proposed any edits to the applicants proposed text.

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

- (1) No amendment to the Zoning Ordinance or Zoning Districts Map may be recommended by the Planning Commission or approved by the City Council unless such amendment or conditions thereto are consistent with the General Plan. In considering a Zoning Ordinance or Zoning Districts Map amendment, the applicant shall identify, and the City Staff, Planning Commission, and City Council may consider, the following factors, among others:
 - (a) The effect of the proposed amendment on the character of the surrounding area.
 - (b) Consistency with the goals and policies of the General Plan and the General Plan Land Use Map.

- (c) Consistency and compatibility with the General Plan Land Use Map for adjoining and nearby properties.
- (d) The suitability of the properties for the uses proposed viz. a. viz. the suitability of the properties for the uses identified by the General Plan.
- (e) Whether a change in the uses allowed for the affected properties will unduly affect the uses or proposed uses for adjoining and nearby properties.
- (f) The overall community benefit of the proposed amendment.

REVIEWS

Planning Division Review. The Tooele City Planning Division has completed their review of the City Code Text Amendment request and has issued the following comment:

1. This proposed ordinance amendment request is sound. Staff cannot identify any detrimental impacts that will result from this amendment and the number of these CSD's in Tooele City will be very limited due to the lack of available commercial parcels large enough to qualify for a CSD.
2. Staff cannot readily identify any positive or detrimental impacts to the City from combining a Land Use Map amendment application and a CSD application into one application as described in this proposal. However, the request to combine does benefit the applicant by reducing the number of public hearings they have to do, reduces the number of applications that are submitted and reduces the amount of fees paid to the City.

Engineering and Public Works Review. The Tooele City Engineering Division and Public Works Department has completed their review of the City Code Text Amendment request and has issued the following comment:

1. No comments from the City Engineer or the Public Works Department.

Noticing. The City staff have issued appropriate public notice as required in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends the Planning Commission carefully weigh this request for a City Code Text 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 the text amendment may have on potential applications regarding the character of the surrounding areas.
2. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of any applicable master plan.
3. The degree to which the proposed text amendment may effect a potential application's consistency with the intent, goals, and objectives of the Tooele City General Plan.
4. The degree to which the proposed text amendment is consistent with the requirements and provisions of the Tooele City Code.
5. The suitability of the proposed text amendment on properties which may utilize its provisions for potential development applications.
6. The degree to which the proposed text amendment may effect an application's impact on the health, safety, and general welfare of the general public or the residents of adjacent properties.
7. The degree to which the proposed text amendment may effect an application's impact on the general aesthetic and physical development of the area.
8. The degree to which the proposed text amendment may effect the uses or potential uses for

- adjoining and nearby properties.
9. The overall community benefit of the proposed amendment.
10. 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 proposed ordinance amendments to Tooele City Code 7-16a-3. Residential Special Districts Eligibility and Size, regarding minimum land requirements to qualify for a Commercial Special District, based on the following findings:”

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the proposed ordinance amendments to Tooele City Code 7-16a-3. Residential Special Districts Eligibility and Size, regarding minimum land requirements to qualify for a Commercial Special District, based on the following findings:”

1. List findings ...

EXHIBIT A

PROPOSED AMENDMENTS WITH EDITS AND A CLEANED VERSION

7-16a-3. Residential Commercial Special Districts Eligibility and Size.

(1) Land Use. The Land Use Designation of the subject properties involved in an application shall be reviewed as part of the process to consider and adopt a CSD. If the CSD is adopted by the City Council, after recommendation by the Planning Commission, the Land Use Map shall automatically be amended to a Regional Commercial Land Use designation. ~~Properties identified within an application for a Commercial Special District shall first be identified on the Land Use Map of the General Plan and assigned to a commercial land use designation.~~ Mixed-use, special use, and industrial land uses shall not be considered a commercial land use for the purpose of considering eligibility for an CSD.

(2) Size. The minimum size for any application for a Commercial Special District shall be 50 acres. All acreage identified for inclusion in an CSD shall be contiguous and developable. In the event the proposed size of the CSD is over 125 acres, includes not more than 3 parcels and each parcel being larger than 30 acres, the CSD does not need to be contiguous. If the proposed CSD does not meet these three criteria the CSD must comply with standard CSD qualification requirements Land identified as having any of the following conditions may be included within an CSD but shall not be included in the calculation of minimum acreage for CSD eligibility:

- (a) slopes prohibiting development;
 - (b) environmentally sensitive conditions, such as but not limited to drainage channels, lakes, or ponds;
 - (c) preservation designations, such as conservation easements;
 - (d) publicly owned lands; or
 - (e) properties previously approved for development under a land use application or building permit.
- (3) Eligibility. Any application for a Commercial Special District that does not fully comply with the requirements of this section shall be considered ineligible for consideration as an CSD and denied.

7-16a-3. Commercial Special Districts Eligibility and Size.

(1) Land Use. The Land Use Designation of the subject properties involved in an application shall be reviewed as part of the process to consider and adopt a CSD. If the CSD is adopted by the City Council, after recommendation by the Planning Commission, the Land Use Map shall automatically be amended to a Regional Commercial Land Use designation. Mixed-use, special use, and industrial land uses shall not be considered a commercial land use for the purpose of considering eligibility for a CSD.

(2) Size. The minimum size for any application for a Commercial Special District shall be 50 acres. All acreage identified for inclusion in a CSD shall be contiguous and developable. In the event the proposed size of the CSD is over 125 acres, includes not more than 3 parcels and each parcel being larger than 30 acres, the CSD does not need to be contiguous. If the proposed CSD does not meet these three criteria the CSD must comply with standard CSD qualification requirements. Land identified as having any of the following conditions may be included within a CSD but shall not be included in the calculation of minimum acreage for CSD eligibility:

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- (c) preservation designations, such as conservation easements;
- (d) publicly owned lands; or
- (e) properties previously approved for development under a land use application or building permit.

(3) Eligibility. Any application for a Commercial Special District that does not fully comply with the requirements of this section shall be considered ineligible for consideration as an CSD and denied.

EXHIBIT B

APPLICANT SUBMITTED INFORMATION

Ordinance Amendment Application

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



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				2026036	
Date of Submission: 4/15/2026 5/6/2026					
Project Name: CSD Text Amendment					
Project Address: Various					
Ordinance(s) Proposed for Amendments: 7-16a-3. (2)					
Proposed Language (What do you want the Ordinance to say): Paragraph 2 of 7-16a-3 shall be replaced with the following: (2) Size. The minimum size for any application for a Commercial Special District shall be 50 acres. All acreage identified for inclusion in a CSD shall be contiguous and developable. In the event the proposed size of the CSD is over 125 acres, the CSD does not need to be contiguous. Land identified as having any of the following conditions may be included within an CSD but shall not be included in the calculation of minimum acreage for CSD eligibility:					
Property Owner(s): Perry Homes, Inc LH Perry Investments, LLC			Applicant(s): Jake Finlinson		
Address: 17 E Winchester St			Address: 17 E Winchester St		
City: Murray	State: UT	Zip: 84107	City: Murray	State: UT	Zip: 84107
Phone: [REDACTED]		Phone: 801-264-8800			
Contact Person: Same as applicant			Address: Same as applicant		
Phone:			City:	State:	Zip:
Cellular: [REDACTED]	Fax: NA		Email: [REDACTED]		

*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:

Ordinance Amendments are made by ordinance. Any change of the City ordinance shall follow all procedures that are established by city and state law. Since the procedures must be followed precisely, the time for amending the ordinance 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				2260124
Received By:	Date Received: 5.6.24	Fees: \$2,000.00	App. #:	853259

1. Why is the ordinance amendment necessary. This amendment will allow for multiple commercial hubs within a large master planned community. This ensures that these hubs have the same design standards to be a cohesive part of the community.
2. How does this proposed ordinance amendment benefit Tooele City as a whole. It ensures consistent design standards across multiple commercial hubs within a master planned community.
3. How does the ordinance as it is currently written not accomplish what you are desiring to accomplish. The ordinance currently has a cap of 50 acres and a contiguous clause.
4. Does this ordinance improve or otherwise impact the health, safety and welfare of Tooele City and its residents. This doesn't negatively impact Tooele City or its residents. It will provide a cohesive design standard across various commercial hubs within a community.
5. Any other pertinent information that will support the ordinance amendment request. This ordinance amendment request is connected to the previous CSD applications that have been submitted by the applicant.

