

TOOELE CITY CORPORATION

ORDINANCE 2026-20

AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING TOOELE CITY CODE SECTION 7-16a-3, REGARDING COMMERCIAL SPECIAL DISTRICTS' ELIGIBILITY AND SIZE.

WHEREAS, Utah Code §10-8-84 and §10-20-101 authorize cities to enact ordinances, resolutions, and rules and to enter other forms of land use controls they consider necessary or appropriate for the use and development of land within the municipality to provide for the health, safety, welfare, prosperity, peace, and good order, comfort, convenience, and aesthetics of the municipality; and,

WHEREAS, Tooele City Code ("TCC") Chapter 7-16a provides for the establishment of a Commercial Special District ("CSD"), and TCC §7-16a-3 specifically regulates the eligibility and size requirements for CSDs; and,

WHEREAS, TCC §7-16a-3(2) has the following requirements regarding the size of a CSD: (1) a minimum size of 50 acres; and, (2) that all acreage for inclusion in a single CSD be contiguous and developable; and,

WHEREAS, on May 6, 2026, applicant Jake Finlinson (the "Applicant") submitted an ordinance amendment application, attached as Exhibit A, requesting the City to consider an amendment to TCC §7-16a-3(2) that would permit a CSD to include non-contiguous acreage if the aggregate size of the CSD were larger than 125 acres; and,

WHEREAS, on June 24, 2026, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, considered the Staff Report and its exhibits (attached as Exhibit B), and voted to forward its positive recommendation to the City Council, with additional conditions; and,

WHEREAS, prior to the City Council's consideration of the Applicant's original ordinance amendment application, the Applicant requested to amend its Application to include a means by which a Land Use Map amendment may be considered concurrently as part of the same application as a Commercial Special District application; and,

WHEREAS, on August 12, 2026, the Planning Commission convened a duly noticed public hearing on the amended application, accepted written and verbal comment, considered the Staff Report and its exhibits (attached as Exhibit B), and voted to forward its positive recommendation to the City Council, with the following additional conditions: (1) remove the language "includes not more than three parcels; and, (2) all use of the term "parcel" be replaced with the term "geographical tract" or other appropriate terminology as determined by the City Attorney (see the Planning Commission draft minutes attached as Exhibit C); and,

WHEREAS, City Administration has prepared Exhibit D, which incorporates the Planning Commission's recommendation into the Applicant's proposal, as well as grammatical and other corrections recommended by City Administration; and,

WHEREAS, on September 2, 2026, the City Council convened a duly-advertised

public hearing; and,

WHEREAS, the City Council has considered the potential impact that this Ordinance may have on family health, stability, and formation:

NOW, THEREFORE, BE IT ORDAINED BY TOOEELE CITY that Tooele City Code §7-16a-3 is hereby amended to read as shown in Exhibit D. ** As verbally amended to approve the revised version presented during the Council meeting.*

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective 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 2nd day of September, 2026.

TOOELE CITY COUNCIL

(For)

(Against)



Justin Brady

Kevin G. Hume

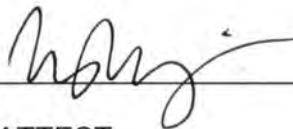
K. McCall

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)



ATTEST:

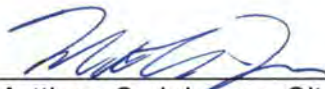


Shilo Baker, City Recorder

SEAL



Approved as to Form:



Matthew C. Johnson, City Attorney

Exhibit A

Proposed Amendments to TCC §7-16a-3

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		City: Murray		State: UT	
		Zip: 84107				Zip: 84107	
Phone: [REDACTED]				Phone: 801-264-8800			
Contact Person: Same as applicant				Address: Same as applicant			
Phone:				City:		State:	
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: [Signature]		Date Received: 5.10.24		Fees: \$2,000.00	
				App. #: 853254	

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.

Exhibit B

Staff Report with its Exhibits

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 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:

- (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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(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



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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: [REDACTED]			City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]
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.

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For Office Use Only				2260124	
Received By: [Signature]	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.

Exhibit C

Planning Commission Draft Minutes

**Tooele City Planning Commission
Business Meeting Minutes**

Date: August 12, 2026

Time: 7:00 p.m.

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

Planning Commissioners Present:

Melanie Hammer

Chris Sloan

Jon Proctor

Tyson Hamilton

Weston Jensen

Kelley Anderson

Sarah Faircloth, Alternate

Frank Linford, Alternate

Excused:

Amanda Cordova

Council Member Liaisons:

Ed Hansen

Jon Gossett, Excused

Staff Present:

Andrew Aagard, Community Development Director

Anna Anglin, City Planner

Matt Johnson, City Attorney

Paul Hansen, City Engineer

Teresa Young, Clerk/Minute Composition

Minutes Prepared by Teresa Young

1. **Pledge of Allegiance**

Chairman Hamilton opened the meeting at 7:00 p.m. and led the Pledge of Allegiance.

Chairman Hamilton provided a quick announcement for applicants, the public, and everyone involved: "There has been a significant increase in fraudulent phishing requests using information from public notices related to Planning Commission meetings. Please be aware that Tooele City only collects fees at the time of application submittal and will never request additional payments via wire transfer. All official emails from Tooele City will end in @tooelecity.gov. If you receive a payment request from any other email after submitting your application, it is fraudulent. Do not send money, and please contact the Tooele City Community Development Department immediately to report it. Stay vigilant and protect your information and assets."

2. **Roll Call**

Melanie Hammer, Present

Chris Sloan, Present
Sarah Faircloth, Present
Weston Jensen, Present
Kelley Anderson, Present
Jon Proctor, Present

3. **Public Hearing To consider a Conditional Use Permit request by Matthew Clawson to authorize a detached accessory structure that exceeds the 8% maximum lot coverage restriction in the R1-7 zoning district, located at approximately 346 East 200 South**

Ms. Anglin presented a request for a Conditional Use Permit for a detached accessory structure at 346 East 200 South in the R17 Residential Zone. The proposed structure would increase the combined detached accessory structure coverage to 17.2% of the lot, exceeding the 8% limitation; however, total lot coverage would remain below the 35% maximum allowed in the R17 zone. The proposal would remove an existing non-complying shed and replace it with a structure that meets all applicable setbacks, separation, and utility easement requirements. Planning Staff noted that detached garages and accessory structures of varying sizes are common in the older neighborhood and did not anticipate significant adverse impacts to surrounding properties. Planning Staff recommended approval, subject to limiting the detached accessory structure coverage to the approved 17.2% and requiring all applicable building permits and inspections.

Chairman Hamilton opened the public hearing at 7:05 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7:06 p.m.

Motion: Commissioner Linford moved to approve the Conditional Use Permit Request by Matthew Clawson, for the purpose of permitting a detached accessory structure to exceed the 8% total lot coverage restrictions, application number 2026054, based on the findings and subject to the conditions listed in the Staff Report dated August 5, 2026. Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Sloan, "Aye"; Commissioner Proctor, "Aye"; Commissioner Linford, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; and Chairman Hamilton, "Aye". The motion passed 7-0.

Commissioner Sloan suggested that the Planning Commission consider revisiting the 8% limitation on detached accessory structures while maintaining the existing 35% maximum total lot coverage. He noted that allowing greater accessory structure coverage could provide property owners more flexibility and reduce the need for extensive landscaping, while still maintaining the overall lot coverage restriction. Planning Staff indicated they could research how other cities regulate accessory structures and bring the information back for the Commission's consideration.

4. **Public Hearing and Recommendation on a proposed text amendment request by Perry Homes, and LH Perry Investments to Tooele City Code Title 7 Chapter 16a-3, Residential Special Districts Eligibility and Size, regarding the contiguity requirement qualification of proposed Commercial Special Districts and initial compliance with the City's Land Use Map of the General Plan**

Mr. Aagard and the Planning Commission discussed the applicant's proposed text amendment to the Commercial Special District (CSD) ordinance. Mr. Aagard explained that the applicant had revised the proposal since the Planning Commission's previous review, including a request to allow the land use map amendment to be considered as part of the CSD application. The applicant, Jake Finlinson with

Perry Commercial, explained that the proposed changes would allow several areas to be included within one CSD and would help plan for a potential future transportation corridor.

The primary discussion centered on the proposed limitation of no more than three parcels. The applicant explained that this restriction would require multiple CSD applications and would be more cumbersome. Planning Commissioners discussed the distinction between individual parcels and larger continuous tracts of land and agreed that the wording could create confusion. The Planning Commission generally supported removing the three-parcel limitation while maintaining a 30-acre minimum and using clearer terminology such as “tract of land” or “geographical area.” Planning Staff was asked to wordsmith the amendment to clearly reflect the Planning Commission’s intent.

The applicant also explained that combining the land use map amendment with the CSD application would make the process more consistent with the residential special district process and eliminate an additional application and waiting period.

The discussion concluded with the Planning Commission generally supportive of the proposed changes, with staff to clarify the language before the item proceeds to the City Council.

Chairman Hamilton opened the public hearing at 7:25 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7:25 p.m.

Motion: Commissioner Sloan motion to move 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 requirement to qualify for a Commercial Special District. To include the staff-recommended changes to remove the language “includes not more than three parcels” and to replace the term “parcel” with “geographical tract” or other appropriate terminology as determined by the City Attorney. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Sloan, “Aye”; Commissioner Proctor, “Aye”; Commissioner Linford, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 7-0.

5. **Public Hearing and Recommendation on a proposed partial street vacation of a twenty (20) foot strip of public right-of-way along the southern portion of Utah Avenue, extending approximately 738 linear feet between the railroad crossing to the west and the 1100 west Intersection to the east, which would reduce the existing right-of-way width of Utah Ave from approximately 109 feet to approximately 89 feet**

Ms. Anglin presented a request to vacate a 20-foot strip of excess right-of-way along the south side of Utah Avenue. The City supports the vacation because the railroad crossing to the west is not expected to be expanded, so the additional right-of-way is not anticipated to be needed for future roadway improvements. The vacated area would be joined with the property to the south.

The primary concern raised during the noticing process involved an existing gas line and the associated utility easement. The proposed ordinance reserves a perpetual public utility easement over the vacated area, protecting existing and future utilities. Planning Staff found no anticipated impacts to transportation, emergency access, or other public functions and determined that the statutory criteria for

the vacation were met. Planning Staff recommended approval of the ordinance by the Planning Commission and City Council.

Chairman Hamilton opened the public hearing at 7:30 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7:30 p.m.

Motion: Commissioner Jensen move that the Planning Commission forward a recommendation to the City Council for approval of Ordinance No. 2026-22, vacating a 20-foot portion of the Utah Avenue public right-of-way extending approximately 738 linear feet between 1100 West and the railroad tracks, application number 2026052, based on the finding contained in the Staff Report dated August 5, 2026. Commissioner Linford seconded the motion. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Sloan, "Aye"; Commissioner Proctor, "Aye"; Commissioner Linford, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; and Chairman Hamilton, "Aye". The motion passed 7-0.

6. **Public Hearing and Recommendation on proposed amendments to Tooele City Code Title 7, Uniform Zoning Code of Tooele City, by adopting Chapter 11c Design Standards: Commercial, establishing architectural standards for commercial development in Tooele City's commercial, industrial and mixed-use zoning districts**

Mr. Aagard presented proposed amendments to Title 7, Chapter 11C establishing architectural design standards for commercial development. The proposed standards are intended to maintain the quality and appearance of commercial development already occurring in the City rather than create unnecessary burdens for developers. The standards address building facades, roofline variation, exterior materials, mechanical equipment screening, dumpster enclosures, drive-through screening, commercial accessory structures, and shipping containers.

The Planning Commission discussed several concerns and potential revisions, including how the standards would apply to the downtown overlay and historic buildings, clarification of the language for drive-through screening, the 75% limitation on a single building material or color, and how the standards would apply to visible versus less-visible building facades. Planning Commissioners also discussed the treatment of existing buildings and major renovations and whether older structures should receive an exemption or be treated differently.

The Planning Commission generally supported the concept of having architectural standards but expressed concern about unintended consequences and the possibility of overly restrictive or subjective requirements in the future. Planning Commissioners discussed using the appeal process as a way to address unique buildings, corporate branding, historic structures, or other circumstances that do not fit the standard requirements.

The Planning Commission ultimately identified several items for Planning staff to review and clarify before moving forward, including a possible downtown overlay or historic-building exemption, revised drive-through screening language, clarification of the 75% material requirement, identification of which building facades are subject to the standards, and consideration of a date-based exemption for existing structures. The item was discussed as a potential candidate to be tabled while Planning staff makes the requested revisions.

Chairman Hamilton opened the public hearing at 8:11 p.m.

Dave Staple, who identified himself as being involved with the Tooele Flexplex, spoke in support of considering the zoning context when applying the proposed architectural standards. He explained that in some industrial areas, particularly those zoned L1, metal buildings are common because they are often necessary to make projects financially feasible. He expressed concern that requiring extensive architectural features such as columns, arches, or enhanced facades in an area already dominated by metal industrial buildings could make a new building look out of place and inconsistent with the surrounding development.

At the same time, Mr. Staple acknowledged the value of architectural standards in areas where the surrounding development has a different character. He agreed that a metal building placed in an area where more attractive or traditional architectural features are expected may appropriately require a facade treatment or other design elements.

Mr. Staple suggested that the City take a closer look at which zoning districts and areas the proposed architectural standards would apply to, rather than applying the same requirements uniformly. He specifically noted that imposing requirements designed for more commercial or visually prominent areas on industrial areas such as the Depot could result in buildings that do not fit the existing character of the area and could create unnecessary costs. He encouraged the Planning Commission to consider the existing development and character of each area when determining the appropriate architectural standards.

Seeing no other members of the public, Chairman Hamilton closed the public hearing at 8:12 p.m.

Motion: Commissioner Linford moved to forward a positive recommendation to the City Council to adopt the proposed Tooele City Code Title 7, Chapter 11C, Design Standards for Commercial Ordinance, as included in Exhibit A of the report. The motion included recommendations to revise the wording regarding “screening” and to clarify the definition of the building sides/facades subject to the standards. Commissioner Linford stated that the remaining concerns could be addressed through the ordinance’s existing appeal process. Commissioner Hammer seconded the motion.

Planning Commissioners, Councilman Hansen, and Mr. Aagard discussed the proposed commercial architectural standards and how they should apply to different areas of the City. Councilman Hansen raised concerns about applying the standards to industrial areas where metal buildings may be necessary to make projects financially feasible. The discussion focused on whether the standards should be modified or limited in industrial zones while still addressing the appearance of buildings that are highly visible from public rights-of-way and major City gateways.

The group generally agreed that the intent of the ordinance is to improve the appearance of development as viewed from public areas rather than unnecessarily restrict businesses or dictate how they design their buildings. Councilman Hansen emphasized the importance of balancing property rights and development costs with the City's goal of maintaining attractive gateways. The discussion also addressed established corporate branding, with IKEA used as an example, and whether the ordinance's corporate-branding provision would allow distinctive designs without requiring an appeal.

The Planning Commissioners and Councilman Hansen also discussed how the standards could affect older and existing buildings when structural renovations are made. Concern was expressed that requiring older buildings to meet new architectural standards could create significant financial burdens

for property owners. The possibility of grandfathering provisions or other language to address existing buildings was discussed.

Mr. Aagard and the Planning Commission also considered whether additional revisions were needed regarding industrial zones, visibility from public rights-of-way, corporate branding, existing buildings, and the overall purpose and scope of the ordinance. The discussion recognized that the proposed standards are new and may need to be adjusted over time as the City gains experience applying them. Councilman Hansen indicated that he was comfortable with the Planning Commission forwarding its recommendation to the City Council, where the Council could further review and revise the ordinance as needed.

The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Sloan, "Aye"; Commissioner Proctor, "Nay"; Commissioner Linford, "Aye"; Commissioner Jensen, "Nay"; Commissioner Anderson, "Nay"; and Chairman Hamilton, "Nay". Motion was 2-5. Motion did not pass.

Motion: Commissioner Sloan moved to table the proposed commercial architectural standards ordinance to allow Mr. Aagard additional time to review the Planning Commission's comments and refine the proposed ordinance. The motion was intended to allow staff to further develop the proposal rather than send it to the City Council before the Commission was comfortable with the language. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Sloan, "Aye"; Commissioner Proctor, "Aye"; Commissioner Linford, "Aye"; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; and Chairman Hamilton, "Aye". The motion passed to table 7-0.

7. **Decision on a Site Plan Review approval requested by Larry Jacobson, representing SandRock Development, for the Millennial Park Phase 2 Townhomes Subdivision, a proposed 24-unit townhome development on approximately 1.5 acres located at the northeast corner of 400 North and 300 West in the MR-16 Multi-Family Residential zoning district**

Ms. Anglin presented a request to reapprove the Millennial Park Phase Two Site Plan. The Planning Commission originally approved the project in December 2023, but that approval has since expired. The proposed development includes 24 individual townhome lots, common landscaped areas, a children's play area, and required parking. Due to the proximity of the northern private drive to Henwood Drive, the applicant has agreed to restrict the connection to one-way ingress and emergency access only.

Planning Staff determined that the proposed development meets or exceeds the City's multifamily design standards and recommended approval, subject to outstanding Engineering and Public Works comments being addressed as a condition of approval. During the discussion, Commissioner Linford declared a conflict of interest and requested an ex parte exclusion from the dais. He stated that he would abstain from voting on the item.

Motion: Commissioner Proctor moved to approve the Site Plan Design Review request by Larry Jacobson, representing SandRock Development for Millennial Park Phase 2, application number 2025101, based on the findings and subject to the conditions listed in the Staff Report dated June 17, 2026. Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Sloan, "Aye"; Commissioner Proctor, "Aye"; Commissioner Linford abstained due to conflict of interest; Commissioner Jensen, "Aye"; Commissioner Anderson, "Aye"; and

Chairman Hamilton, "Aye". The motion passed 6-0.

8. **City Council Reports**

Councilman Hansen provided an update on the recent City Council discussion regarding data centers. He noted that the City Council recently voted not to allow data centers at this time, while allowing the City to evaluate the issue in the future as more information becomes available.

He also reported that the long-discussed property between the Masonic Temple and the Depot has changed direction. The previously anticipated development will no longer move forward following the City Council's approval of changes involving the property donation to the City. The City will now retain the property, providing an opportunity for a future public use, potentially including a park.

9. **Decision Review and Decision – July 22, 2026 Planning Commission meeting minutes**

There were not corrections to the minutes.

Motion: Commissioner Anderson moved to approve the July 22, 2026 Planning Commission Meeting Minutes. Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Sloan, "Aye"; Commissioner Proctor, "Aye"; Commissioner Linford, "Aye"; Commissioner Jensen, "Aye"; and Commissioner Anderson, "Aye." Chairman Hamilton was absent from the July 22, 2026 meeting and did not participate in the vote. The motion passed 6-0.

10. **Adjourn**

Chairman Hamilton adjourned the meeting at 8:35 p.m.

***Note:** The content of the minutes is not intended, nor submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this _____ day of August, 2026

Tyson Hamilton, Tooele City Planning Commission Chair

Exhibit D

Proposed Amended TCC § 7-16a-3
as Recommended by Planning Commission

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 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 and each individual tract of land 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:

- (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.

** Revised version presented and approved at City Council on 09.02.2026*

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

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(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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