

**TOOELE CITY CORPORATION**

**ORDINANCE 2026-07**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 7-26-3 REGARDING WATER RIGHTS EXACTIONS.**

WHEREAS, on May 6, 1998, the City Council adopted Ordinance 1998-10, which enacted a temporary land use ordinance requiring the conveyance of water rights as part of every land use approval; and,

WHEREAS, on August 8, 1998, the City Council adopted Ordinance 1998-31, which enacted a permanent land use ordinance requiring the conveyance of water rights as part of every land use approval, codified in Tooele City Code (T.C.C.) Chapter 7-26; and,

WHEREAS, on March 4, 2015, the City Council adopted Ordinance 2015-03, which amended T.C.C. Chapter 7-26 in order to clarify water rights conveyance requirements and to make technical changes; and,

WHEREAS, on June 4, 2025, the City Council adopted Ordinance 2025-10, which enacted a temporary land use ordinance, expanding the City's discretion to reject deficient water rights, including water rights not associated with a developed or identified developable water source; and,

WHEREAS, on March 18, 2026, the City Council adopted Ordinance 2026-05, which enacted a temporary land use ordinance, expanding the City's discretion to reject deficient water rights, including water rights not associated with a developed or identified developable water source; and,

WHEREAS, whereas some Utah municipalities include the cost of water rights in the water impact fee, Tooele City has enacted a policy of requiring the conveyance of water rights separately from the water impact fee; and,

WHEREAS, requiring new development to convey water rights sufficient for the development is consistent with the general policy of requiring new development to pay its own way rather than requiring existing residents and businesses to subsidize the new development; and,

WHEREAS, water rights are a critical component of Tooele City's ability to provide culinary water service to the City's residents and businesses; and,

WHEREAS, the City Administration recommends that T.C.C. Section 7-26-3 be amended in the manner shown below, adding the highlighted language, in order to clarify and expand the City's discretion to reject deficient water rights, including water rights not associated with a developed or identified developable water source:

**7-26-3. Type of Water Rights Acceptable for Conveyance.**

(1) Water rights proposed for conveyance to the City shall be municipal or municipal-type water rights. Prior to acceptance of such water rights, the City shall evaluate the rights proposed for conveyance and, **in its discretion**, may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, unsuitable for municipal use, not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer, **not associated with a developed or identified developable water source**, or otherwise deficient. The City's refusal of such rights shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this Chapter. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights, the historic average quantities of water associated with the water rights, **water source sufficiency, water quality**, and other relevant factors. The City will require an approved application for the change of use and change of point of diversion, as applicable, with the State Engineer in order to quantify and verify the water rights.

WHEREAS, providing potable water to its residents and businesses is a core and quintessential municipal service provided by city governments, and Tooele City in particular due to the lack of a regional water district in the Tooele Valley; and,

WHEREAS, the Planning Commission convened a public hearing on March 25, 2026, and voted to recommend approval of this Ordinance to the City Council (see the Planning Commission draft minutes attached as Exhibit A); and,

WHEREAS, the City Council convened a public hearing on April 1, 2026; and,

WHEREAS, this Ordinance and the City Code amendments it proposes are reasonably debatable and, in fact, necessary for the preservation of the peace, health, safety, and welfare of Tooele City:

NOW, THEREFORE, BE IT ORDAINED BY TOOEELE CITY that Tooele City Code §7-26-3 is hereby amended to read as shown above in this Ordinance.

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 1<sup>st</sup> day of April, 2026.

TOOELE CITY COUNCIL

(For)

(Against)

*[Signature]*

\_\_\_\_\_

*Melodi Doolin*

\_\_\_\_\_

*Justin Brady*

\_\_\_\_\_

*[Signature]*

\_\_\_\_\_

*[Signature]*

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

*[Signature]*

\_\_\_\_\_

ATTEST:

*Shilo Baker*  
Shilo Baker, City Recorder

SEAL



Approved as to Form:

*Andrew Stagg, Asst. City Attorney for*

*[Signature]*  
Matthew C. Johnson, City Attorney

## Exhibit A

### Planning Commission Draft Minutes

Tooele City Planning Commission  
Business Meeting Minutes

**Date:** March 25, 2026

**Time:** 7:00 p.m.

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

**Planning Commissioners Present:**

Melanie Hammer

Jon Proctor

Amanda Cordova

Tyson Hamilton

Weston Jensen

Kelley Anderson

Sarah Faircloth, Alternate

**Excused:**

Chris Sloan

Frank Linford, Alternate

**Council Member Liaisons:**

Jon Gossett

Ed Hansen

**Staff Present:**

Andrew Aagard, Community Development Director

Anna Anglin, City Planner

Matt Johnson, City Attorney

Paul Hansen, City Engineer

Minutes Prepared by Teresa Young

1. **Pledge of Allegiance**

Chairman Hamilton called the meeting to order at 7 p.m. and led the Pledge of Allegiance.

2. **Roll Call**

Before Chairman Hamilton conducted a roll call he 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.

Chairman Hamilton then conducted roll call.

Melanie Hammer, Present

Sarah Faircloth, Present

Jon Proctor, Present  
Amanda Cordova, Present  
Weston Jensen, Present  
Kelley Anderson, Present  
Tyson Hamilton, Present

3. **Public Hearing and Recommendation on a proposed text amendment to Tooele City Code 7-26-3; Types of Water Rights Acceptable for Conveyance, regarding water rights exactions.**

Mr. Hansen advised the Planning Commission this ordinance, originally adopted in 1998, requires developers to provide water rights for new development. The proposed amendment does not change that requirement but allows the City more discretion in evaluating those water rights. Specifically, it would allow the City to refuse rights that are not supported by a reliable or developable water source, or that raise concerns about efficiency or quality. The goal is to ensure the City accepts water rights that are viable and sustainable as development continues.

Commissioner Proctor stated that he had watched the presentation during the Tooele City Council meeting, noted it was straightforward, and expressed that the proposal protects the city.

Chairman Hamilton opened the public hearing at 7:04 p.m. he invited members of the audience, including those watching on YouTube, to participate, and, seeing no one from the public coming forward Chairman Hamilton closed the public hearing at 7:05 p.m.

**Motion: Commissioner Proctor motioned to make a positive recommendation to the City Council for the proposed language as presented.** Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Faircloth, “Aye”; Commissioner Proctor, “Aye”; Commissioner Cordova, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 7-0.

4. **Public Hearing and Recommendation on a proposed text amendment to Tooele City Code 7-4-7; Parking Location, regarding the parking of operable motorized vehicles in the front and side yards of residential properties in single-family residential zoning districts.**

Mr. Aagard presented a proposed ordinance amendment regulating residential front yard parking, developed at the direction of the Tooele City Council after concerns about properties being converted into parking areas. The amendment would limit where vehicles may be parked, require parking areas to be paved or covered with approved materials, and prohibit parking in certain front yard areas. Mr. Aagard explained that the intent is to provide an enforcement mechanism for extreme situations, help maintain neighborhood appearance, and protect groundwater, while balancing private property rights. Potential challenges include creating nonconforming situations, additional enforcement workload, and concerns about property rights.

The Planning Commissioners asked questions regarding paving materials, enforcement procedures, groundwater protection, and screening requirements. Mr. Aagard clarified that gravel is allowed as a cost-effective option, enforcement would be complaint-driven and focused on long-term issues, and existing nuisance procedures would apply if vehicle removal became necessary. The Planning Commissioners acknowledged the difficulty of balancing property rights with community standards and expressed appreciation for the work completed, noting the proposal represents a reasonable compromise.

Chairman Hamilton opened the public hearing at 7:31 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7: 31 p.m.

**Motion: Commissioner Jensen motioned to make a positive recommendation to the Tooele City Council for the parking and residential zone text amendment requested by Tooele City for the purpose of amending the Tooele City Code regarding the parking of motor vehicles in front and side yards of residential properties as found in Tooele City Code 7-4-7 and to include figure 7-4-7 in the ordinance.** Commissioner Proctor seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Faircloth, “Aye”; Commissioner Proctor, “Aye”, Commissioner Cordova, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 7-0.

- 5. Public Hearing and Decision on a Conditional Use Permit request by Trevor Jensen, representing Bit-N-Spur Riding Club and Rodeo, to authorize the continued use of an “open-air theaters and meeting places”, located approximately at 240 West 500 North within the Open Space (OS) zoning district and encompasses approximately 15-acres.**

Ms. Anglin explained that the request involves the existing Tooele rodeo grounds, which have operated since 1945. The applicant requested to construct a shed for tractor storage; however, because no record of a conditional use permit could be found, the property is considered nonconforming. Ms. Anglin advised that planning staff recommended approving a conditional use permit to bring the property into compliance, allowing the shed to be constructed and preventing future complications.

The Planning Commissioners asked questions regarding why the permit is needed and whether it applied to the building or the property. Ms. Anglin clarified that the conditional use permit would apply to the property’s use, making it conforming and allowing future improvements without additional approvals, while the shed itself would still require a building permit. Ms. Anglin noted the action is primarily housekeeping to formalize the long-standing use and improve recordkeeping.

Chairman Hamilton opened the public hearing at 7:37 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7:37 p.m.

**Motion: Commissioner Proctor moved to approve the conditional use permit requested by Trever and Christina Jensen to authorize the use of open-air theatres and meeting places to be conducted on property located at 240 West 500 North, application number 2026018, based on findings listed in the staff report dated March 20, 2026.** Commissioner Hammer seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Faircloth, “Aye”; Commissioner Proctor, “Aye”, Commissioner Cordova, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 7-0.

- 6. City Council Reports**

Councilman Hanson expressed his gratitude to the Planning Commission for their dedication and participation, noting that their discussions reflect many of the same topics the City Council has addressed. He concluded by sincerely thanking both the Commission and city staff for their ongoing efforts.

- 7. Review and Decision – March 11, 2026 Planning Commission Meeting Minutes.**

The Planning Commission had no corrections to the minutes.

**Motion: Commissioner Hammer moved to approve the March 11, 2026 Planning Commission Meeting Minutes.** Commissioner Anderson seconded the motion. The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Faircloth, “Aye”; Commissioner Proctor, “Aye”, Commissioner Cordova, “Aye”; Commissioner Jensen, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 7-0.

8. **Adjourn**

Chairman Hamilton adjourned the meeting at 7:41 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 April, 2026

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Tyson Hamilton, Tooele City Planning Commission Chair