

## 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, June 3, 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](http://www.utah.gov), the Tooele City Website [www.tooelecity.gov](http://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](mailto: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. **Fraud Risk Assessment**  
*Presented by Shannan Wimmer, Finance Director*
  - b. **Budget Discussion**  
*Presented by Shannan Wimmer, Finance Director*
  - c. **Discussion on Recently Enacted Utah Code 10-3-702.1: Regulatory Impacts on Families**  
*Presented by Matthew Johnson, City Attorney*
  - d. **Discussion on a Proposed Text Amendment to Tooele City Code 7-11a-17. Design Standards: Walls and Fences, Regarding an Exception to the Current Fencing Requirements when a New Multi-Family Residential Project is Constructed Adjacent to an Existing Single-Family Residential Development Where Fencing Has Already Been Installed**  
*Presented by Anna Anglin, City Planner*
  - e. **Discussion on Proposed Amendments 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**  
*Presented by Anna Anglin, City Planner*

**f. Discussion on a Proposed Text Amendment to Tooele City Code 7-16b-6: Landscaping Standards, Regarding Minimum Landscaping Requirements in the Heavy Industrial Sections of the Tooele City Business Park**

*Presented by Anna Anglin, City Planner*

**6. Closed Meeting**

*~ Litigation, Property Acquisition, and/or Personnel*

**7. Adjourn**

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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](mailto:shilob@tooelecity.gov), prior to the meeting.

# Fraud Risk Assessment

Continued

\*Total Points Earned: \_\_\_/395 \*Risk Level: Very Low Low Moderate High Very High  
 > 355      316-355      276-315      200-275      < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	✓	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	✓	5
b. Procurement?	✓	5
c. Ethical behavior?	✓	5
d. Reporting fraud and abuse?	✓	5
e. Travel?	✓	5
f. Credit/Purchasing cards (where applicable)?	✓	5
g. Personal use of entity assets?	✓	5
h. IT and computer security?	✓	5
i. Cash receipting and deposits?	✓	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20
a. Do any members of the management team have at least a bachelor's degree in accounting?	✓	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	✓	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training ( <a href="http://training.auditor.utah.gov">training.auditor.utah.gov</a> ) within four years of term appointment/election date?	✓	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	✓	20
7. Does the entity have or promote a fraud hotline?	✓	20
8. Does the entity have a formal internal audit function?	✓	20
9. Does the entity have a formal audit committee?		20

\*Entity Name: Towele City Corporation 355

\*Completed for Fiscal Year Ending: 6/30/26 \*Completion Date: 6/3/26

\*CAO Name: Maresa Moncine \*CFO Name: Shannon Winner

\*CAO Signature:  \*CFO Signature: 

\*Required

***Effective 5/6/2026***

**10-3-702.1 Family impact consideration before enacting ordinance.**

- (1) Except for an ordinance enacted in response to an emergency, the governing body shall, before passing an ordinance under Section 10-3-702, consider the impact the proposed ordinance may have on family health, stability, and formation.
- (2) Failure to comply with Subsection (1) does not:
  - (a) invalidate an ordinance enacted by the governing body; or
  - (b) create a cause of action against the municipality or the governing body.

Enacted by Chapter 146, 2026 General Session

**STAFF REPORT**

May 7, 2026

**To:** Tooele City Planning Commission  
Business Date: May 13, 2026

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, Community Development Director

**Re:** Multi-Family Residential Fencing Requirements – City Code Text Amendment Request

**Applicant:** Brett Lovell  
**Request:** Request for approval of a City Code Text Amendment regarding establishing a method to obtaining an exception to the fencing requirements as found in Tooele City Code 7-11a-17. Design Standards: Walls and Fences.

**BACKGROUND**

The applicant has submitted this ordinance amendment application and is requesting that the City consider amending the ordinance to reflect the language provided by the applicant. The applicant represents Ledger Cove located at approximately 400 West 1000 North. Phase 1 is currently under construction and is located immediately west of the Phase 5 of the Providence at Overlake Subdivision, a single-family residential development.

When multi-family residential developments occur adjacent to single-family residential developments the ordinance requires that the developer of the multi-family development install 6 foot solid fencing with “columns or piers” spaced at 8’ to 10’ intervals throughout the length of the fencing. Ledger Cove went through the site plan design review process and their plans demonstrated that along the eastern edge of Phase 1 that they would be installing a 6 foot vinyl fence with columns spaced at equidistant locations throughout the length of the fencing.

After construction began the applicant quickly discovered that many property owners in the Providence Phase 5 Subdivision have already installed their own fencing along their rear property lines and are resistant to having their fences removed in favor of the fence required for the development. The ordinance, as it is currently constituted, does not provide any mechanism whereby the City can appropriately address these “fence within a fence” situations that come to light from time to time. The applicant has provided a proposed ordinance amendment to provide a process for a fencing exception or deviation.

**ANALYSIS**

City Staff have analyzed the request of the applicant and do find that the applicant’s reasoning is sound. The ordinance as it is currently constituted would create a “fence within a fence” which results in two fences being close together leaving a space in between that can be very difficult to maintain. Garbage, nuisance trees, weeds and more can collect in between these fences and create a nuisance. The fencing standards as they are currently written may also result in inconsistent design with patches of different fencing materials and doesn’t result in a cohesive uniform design. The ordinance as it is currently written doesn’t provide any language as to how to deal with existing fences when the fencing requirement is triggered by new development.

Ordinances Affected. TCC 7-11a-17. Design Standards: Walls and Fences.

The proposed amendment will add language to Paragraph 4 of the Walls and Fences ordinance section and shall do the following:

1. Provide a method where an exception may be granted by the City Council relieving the applicant of installing the vertical columns or piers.
2. Sets criteria where an exception may be granted involving:
  - a. The subject property line has fencing that has already been installed previously by adjacent property owners.
  - b. The fencing is not visible from major public roadways.
  - c. The proposed fencing is consistent with the City's development standards and the standards of the surrounding development.
  - d. The modification creates a more cohesive and uniform appearance incorporating adjacent fencing.
  - e. Demonstrates that the addition of columns or piers would create conflict with adjacent fencing.
  - f. Approval of such exception shall be by the City Council.

Staff Edits. Staff has made two minor edits to the language proposed by the applicant.

1. Staff would prefer that the Planning Commission be granted the authority to hear and grant the exception rather than the City Council. This is an administrative role that should be born by the Planning Commission.
2. Add "Transportation Master Plan" as the determining authority of what is a major arterial or collector road.

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 ordinance amendment request is sound. We have encountered this issue before with other developments and have resulted in the construction of a fence within a fence. Having a mechanism in

the code to provide an exception if the request meets minimum criteria will be very beneficial.

*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 7-11a-17. Design Standards: Walls and Fences, regarding multi-family residential fencing standards when required adjacent to existing fencing of another development, 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 7-11a-17. Design Standards: Walls and Fences, regarding multi-family residential fencing standards when required adjacent to existing fencing of another development, based on the following findings:”

1. List findings ...

**EXHIBIT A**

**PROPOSED AMENDMENTS**

## Current Ordinance

### 7-11a-17. Design Standards: Walls and Fences.

(1) The Project perimeter property line shall be fenced, except for the portions of the Project that abut a public street.

(2) Perimeter fencing shall utilize colors and design similar to those utilized for buildings.

(3) Allowed fencing materials include natural or cultured stone masonry, brick masonry, split-faced block masonry, decorative pre-cast concrete panel, stucco, vinyl, and other similar materials.

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

(5) Prohibited fencing materials include chain link, barbed wire and other wire materials, wood, and cinder block masonry, except where covered by stucco or brick masonry.

(6) Sight-obscuring privacy fencing shall be provided along Project boundaries abutting properties zoned for or developed with non-multi-family uses. All other Project boundaries, when proposed for fencing, shall be fenced with minimally sight-obscuring fencing, such as split rail fencing, that creates an open and inviting atmosphere with openings that permit access from adjacent streets.

(7) Examples of allowed fencing materials and vertical sections are shown in **Photo Group 10**.

## Proposed Amendments by Applicant (shown in Blue)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.

- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. Approval of such exception shall require formal review and approval by the City Council.

## **Proposed Amendments Including Staff Suggestions (Shown in Green)**

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

a. Exception for Existing Adjacent Fencing. In limited and specific circumstances, the City Council **Planning Commission** may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

- I. The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the project.
- II. The proposed fencing is not visible from major arterial or collector roadways, as determined by the City's **Transportation Master Plan**.
- III. The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and compatible with surrounding development.
- IV. The modification results in a cohesive and compatible appearance with the existing adjacent fencing.
- V. The applicant demonstrates that the installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing.
- VI. Approval of such exception shall require formal review and approval by the City Council **Planning Commission**.

**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](http://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.

<b>Project Information</b>			2026033		
Date of Submission: 4.24.26					
Project Name: Ledger Cove Apartments					
Project Address: 1124 N Franks Drive, Tooele UT 84074					
Ordinance(s) Proposed for Amendments: 7-11a-17(4)					
Proposed Language (What do you want the Ordinance to say):  See below for full Proposed Language					
Property Owner(s): Ledger Cove LLC			Applicant(s): Brett Lovell		
Address: PO Box 95410			Address: 13697 S. 3825 West		
City: South Jordan	State: UT	Zip: 84095	City: Riverton	State: UT	Zip: 84065
Phone: (801) 706-4693			Phone: (801) 706-4693		
Contact Person: Brett Lovell			Address: 13697 S. 3825 West		
Phone: (801) 706-4693			City: Riverton	State: UT	Zip: 84065
Cellular:	Fax:	Email: lovelldevelopmentgroup@gmail.com			

\*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann. § 63-2-302.5*, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

### Note to Applicant:

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.

<b>For Office Use Only</b>				2260122	
Received By: AA	Date Received: 4.28.26	Fees: 2,000.00	App. #: 800804		

## Proposed Amendment to Section 7-11a-17(4)

(4) All perimeter fences shall have vertical sections, such as columns or piers, spaced at regular intervals (i.e., between eight and ten feet apart).

**(a) Exception for Existing Adjacent Fencing.** In limited and specific circumstances, the City Council may approve a deviation from, including the modification or elimination of, the required vertical sections (columns or piers) where all of the following conditions are met:

(i) The subject property line is adjacent to a parcel where fencing has already been installed by the adjacent property owner prior to development of the Project;

(ii) The proposed fencing is not visible from major arterial or collector roadways, as determined by the City;

(iii) The proposed fencing material, color, and overall design are consistent with the standards outlined in this section and are compatible with surrounding development;

(iv) The modification results in a cohesive and compatible appearance with the existing adjacent fencing;

(v) The applicant demonstrates that installation of required columns or piers would create unnecessary redundancy or conflict with the existing adjacent fencing;

(vi) Approval of such exception shall require formal review and approval by the City Council.

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# Tooele City Ordinance Text Amendment Application

## Ledger Cove Apartments

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### **Justification for the Ordinance Amendment (required questions)**

#### **1. Why is the ordinance amendment necessary.**

The amendment is necessary to provide flexibility in situations where adjacent properties already contain existing fencing that does not meet the current requirement for vertical sections. Strict application of the current code in these scenarios can result in unnecessary demolition, increased costs, and inconsistent design between neighboring properties.

Additionally, requiring two separate fences or vertical elements back to back can create narrow, inaccessible gaps that are difficult to maintain. These areas often lead to weed overgrowth, debris accumulation, and dry vegetation buildup, which can increase fire risk and create ongoing maintenance and code enforcement challenges. This amendment allows the City to evaluate these unique conditions and approve logical, well-controlled exceptions where appropriate.

#### **2. How does this proposed ordinance amendment benefit Tooele City as a whole.**

The proposed amendment benefits Tooele City by promoting cohesive development patterns and reducing unnecessary construction, material waste, and long-term maintenance issues. It ensures that development remains high quality while allowing practical flexibility in edge conditions where strict compliance may create unintended consequences.

By preventing the creation of narrow, unmanaged spaces between duplicate fence lines, the amendment also helps reduce weed growth, debris accumulation, and potential fire hazards, ultimately lowering maintenance burdens for property owners and reducing code enforcement demands on the City.

#### **3. How does the ordinance as it is currently written not accomplish what you are desiring to accomplish.**

The current ordinance requires vertical fence elements in all cases without consideration for existing adjacent conditions. This can create situations where new development must

install fencing that visually conflicts with neighboring properties or requires removal and replacement of existing fencing.

Additionally, the ordinance does not account for the unintended consequences of installing duplicate fence lines or vertical elements in close proximity, which can create inaccessible gaps that lead to weed overgrowth, debris buildup, and increased fire risk. The ordinance does not currently allow for discretion in these limited scenarios, resulting in inefficient and potentially problematic outcomes.

**4. Does this ordinance improve or otherwise impact the health, safety and welfare of Tooele City and its residents.**

Yes, the amendment supports the health, safety, and welfare of the community by maintaining design standards while allowing flexibility where appropriate. By reducing the likelihood of creating confined, unmaintained spaces between fence lines, the amendment helps prevent weed overgrowth, accumulation of dry vegetation, and associated fire risks.

It also reduces unnecessary construction activity and associated disruptions, while ensuring that all fencing remains safe, visually consistent, and subject to City review and approval. This balanced approach protects both the built environment and the community.

**5. Any other pertinent information that will support the ordinance amendment request.**

This amendment is narrowly tailored and does not eliminate the existing requirement, but instead introduces a controlled, case by case exception process. It is specifically intended to address situations where existing adjacent fencing creates practical limitations or unintended consequences under the current code.

The amendment helps prevent long-term maintenance issues such as weed overgrowth, debris accumulation, and fire hazards that can result from duplicate fence lines. By requiring Planning Commission review and City Council approval, the City retains full control over when and how the exception is applied, ensuring that all decisions align with the City's development standards and long-term interests

## MEMORANDUM

**To:** Tooele City Council  
**Cc:** Mayor Maresa Manzione  
**From:** Andrew Aagard, AICP, Director  
**Date:** May 13, 2026  
**Re:** Ordinance Amendments regarding the minimum qualifications for a CSD.

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### **Subject:**

LH Perry Investments has submitted this Ordinance Text Amendment application requesting some specific amendments 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.

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 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.

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

**Exhibit "A"**  
**Proposed Text Amendment Language**

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

(1) Land Use. 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 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 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.

**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](http://www.tooelecity.gov)



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Project Information				2026036		
Date of Submission: <del>4/15/2026</del> 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: 801-264-8800			Phone: 801-264-8800			
Contact Person: Same as applicant			Address: Same as applicant			
Phone:			City:	State:	Zip:	
Cellular: 801-680-7030	Fax: NA		Email: jfinlinson@perrycommercial.net			

\*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: <i>AK</i>	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.

## MEMORANDUM

**To:** Tooele City Council

**Cc:** Mayor Maresa Manzione

**From:** Andrew Aagard, AICP, Director

**Date:** May 13, 2026

**Re:** Ordinance Amendments regarding landscaping requirements in the heavy industrial portions of the Tooele City Business Park (TCBP).

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### Subject:

In October of 2024 Tooele City Staff, under the direction of the City Council at the time, began the process of amending the landscaping requirements for the City's Industrial zoning district. The Industrial zone is classified as heavy industrial and is an area where businesses that generate notable impacts in the form of noise, dust, odors, glare, truck traffic and so forth are permitted to operate. Currently Tooele City has two areas where the Industrial zoning is prevalent. Those areas are the PID Peterson Industrial Depot, west of the Union Pacific rail road corridor and south of Utah Avenue and the area surrounding the Bolinder properties north of 1000 North and east of SR-112.

The ordinance amendment to the Industrial zone in 2024 removed landscaping requirements for parking lots and eliminated the required 15 front yard landscaping requirement. The amendment also eliminated the requirement to landscape the park strip. In lieu of installing landscaping the ordinance amendment required the new developments to provide a disturbed area reclamation plan for all areas disturbed during the construction process. This is necessary to mitigate storm water erosion as well as wind erosion and to prevent the proliferation of noxious weeds such as Russian Thistle and Goat Heads that will heavily germinate if the native soils are disturbed. This reclamation plan shall include a seed mixture list and an establishment plan that will detail how the seed mixture will be applied and how it will be cared for until it is established and able to thrive.

Since that time it has come to City Staff's attention that there is there is one other location in the City where heavy industrial uses can occur. The Tooele City Business Park, for which a new zoning code was written in late 2023, also has some heavy industrial zoning limited to the properties immediately adjacent to the Union Pacific rail corridor.

The TCBP zone has three distinct "sections." Section "A" is adjacent to the residential zones to the east of the business park. Section "A" is limited to commercial uses and has language requiring landscaping and architecture to buffer those adjacent residential uses. Section "B" is located at the central of the business park and is considered more of a lighter industrial area. Staff would like to leave the landscaping requirements intact for Section s "A" and "B". Section "C" is the property located immediately adjacent to the railroad corridor and it is in this district that heavy industrial uses may occur.

The changes to the TCBP zoning district are fairly simple. Staff is proposing to add a new paragraph to TCC 7-16b-6. Landscaping Standards. The new paragraph, paragraph 3 will state that lots in Section "C" are exempt from landscaping requirements and are required to provide a disturbed area reclamation plan with their site plan approval. These proposed amendments are very similar to that which has already been done for the standard Industrial zoning district.

**Exhibit "A"**  
**Proposed Amendments**

## 7-16b-6. Landscaping Standards.

### (1) Section A (Commercial) Landscaping.

(a) Lots in Section A shall include landscaping on at least 10% of the lot.

(b) For other landscaping standards applicable to Section A, see Chapter 7-16, Table 2, Note F1.

### (2) Sections B and C (Lighter Industrial) Landscaping.

(a) Lots in Sections B and C shall include landscaping on at least 1% of the lot.

(b) For other landscaping standards applicable to Sections B and C, see Chapter 7-16, Table 2, Note 2.

### (3) Section C (Heavier Industrial) Landscaping.

(a) Lots in Section C shall be exempt from all landscaping requirements.

(b) Areas disturbed during the construction process shall complete the following:

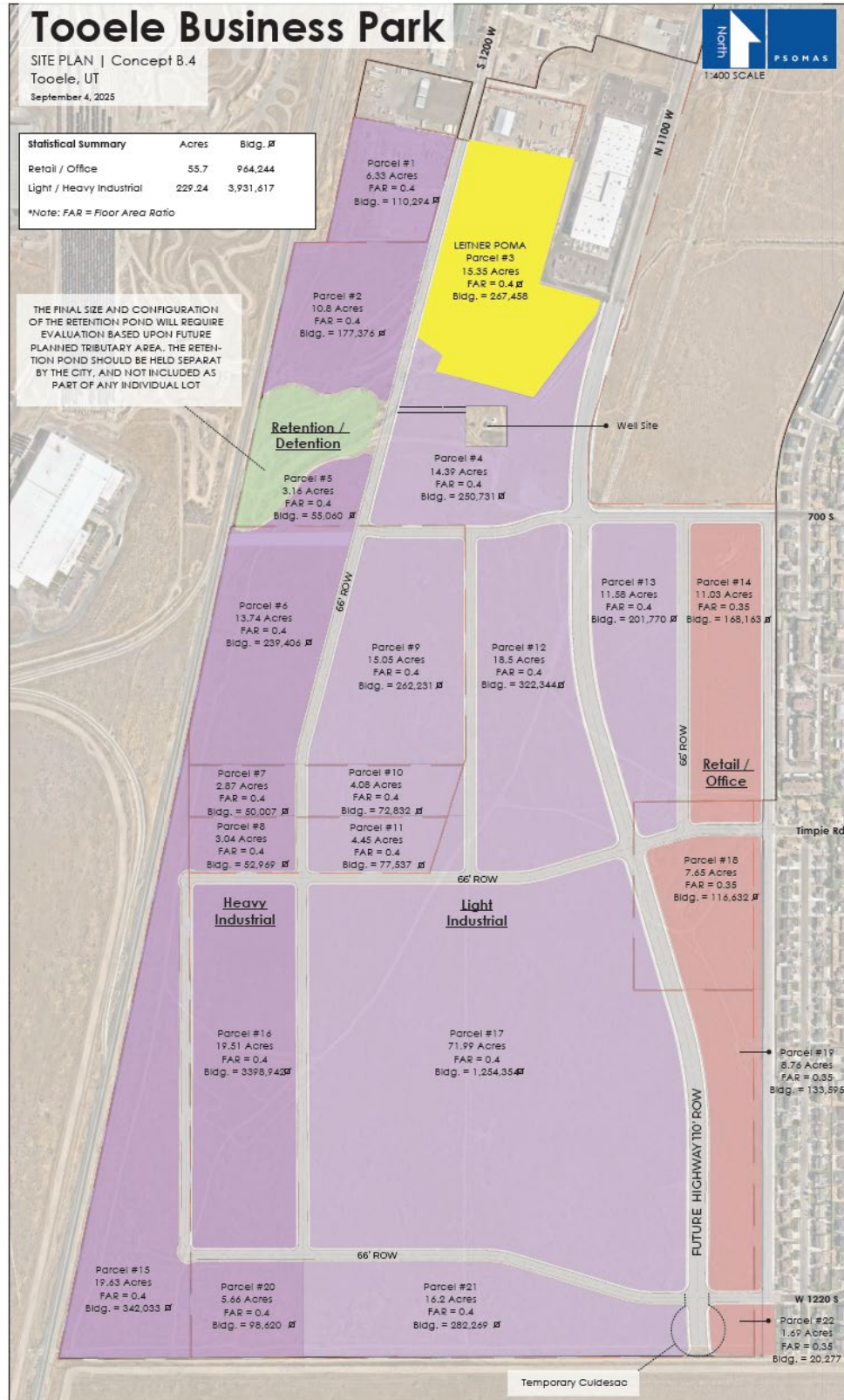
- i. All areas disturbed by construction shall be reclaimed with a seed mixture of composed of native Utah grasses and shrubs.
- ii. A disturbed area reclamation plan shall be provided in lieu of a landscape and irrigation plan during the site plan review process.

~~(3)~~ 4) Public right-of-way park strip landscaping and on-site parking lot landscaping may be included in determining compliance with the requirements of this Section.

~~(4)~~ 5) Landscaping shall be water-wise in nature and shall not include sod or turf grass. All landscaping shall be irrigated, and all irrigation shall utilize drip or similar bubbler systems.

~~(5)~~ 6) Public right-of-way landscaping in Sections A-~~C~~ B shall include trees as required in Chapter 7-16, Table 2, Note F1, and shall consist of trees approved by the City's street tree selection guide.

# Exhibit "B"



**STAFF REPORT**

May 20, 2026

**To:** Tooele City Planning Commission  
Business Date: May 27, 2026

**From:** Planning Division  
Community Development Department

**Prepared By:** Andrew Aagard, Community Development Director

**Re:** Tooele City Business Park (TCBP) Heavy Industrial Landscaping Requirements – City Code Text Amendment Request

**Applicant:** Tooele City  
**Request:** Request for approval of a City Code Text Amendment regarding the required landscaping for Section “C” or the “Heavy Industrial” section of the Tooele City Business Park as found in Tooele City Code 7-16b-6. Landscaping Standards.

**BACKGROUND**

In October of 2024 Tooele City Staff, under the direction of the City Council at the time, began the process of amending the landscaping requirements for the City’s Industrial zoning district. The Industrial zone is classified as heavy industrial and is an area where businesses that generate notable impacts in the form of noise, dust, odors, glare, truck traffic and so forth are permitted to operate. Currently Tooele City has two areas where the Industrial zoning is prevalent. Those areas are the PID Peterson Industrial Depot, west of the Union Pacific rail road corridor and south of Utah Avenue and the area surrounding the Bolinder properties north of 1000 North and east of SR-112.

The ordinance amendment to the Industrial zone in 2024 removed landscaping requirements for parking lots and eliminated the required 15 front yard landscaping requirement. The amendment also eliminated the requirement to landscape the park strip. In lieu of installing landscaping the ordinance amendment required the new developments to provide a disturbed area reclamation plan for all areas disturbed during the construction process. This is necessary to mitigate storm water erosion as well as wind erosion and to prevent the proliferation of noxious weeds such as Russian Thistle and Goat Heads that will heavily germinate if the native soils are disturbed. This reclamation plan shall include a seed mixture list and an establishment plan that will detail how the seed mixture will be applied and how it will be cared for until it is established and able to thrive.

Since that time it has come to City Staff’s attention that there is there is one other location in the City where heavy industrial uses can occur. The Tooele City Business Park, for which a new zoning code was written in late 2023, also has some heavy industrial zoning limited to the properties immediately adjacent to the Union Pacific rail corridor.

The TCBP zone has three distinct “sections.” Section “A” is adjacent to the residential zones to the east of the business park. Section “A” is limited to commercial uses and has language requiring landscaping and architecture to buffer those adjacent residential uses. Section “B” is located at the central of the business park and is considered more of a lighter industrial area. Staff would like to leave the landscaping requirements intact for Section s “A” and “B”. Section “C” is the property located immediately adjacent to the railroad corridor and it is in this district that heavy industrial uses may occur.

## ANALYSIS

The changes to the TCBP zoning district are fairly simple. Staff is proposing to add a new paragraph to TCC 7-16b-6. Landscaping Standards. The new paragraph, paragraph 3 will state that lots in Section “C” are exempt from landscaping requirements and are required to provide a disturbed area reclamation plan with their site plan approval. These proposed amendments are very similar to that which has already been done for the standard Industrial zoning district.

*Ordinances Affected.* TCC 7-16b-6. Landscaping Standards.

The proposed amendment will add additional language to the Landscaping Standards section of the code. A brief synopsis of those changes is described below. The actual code language is included in the exhibits section after this report.

1. Identify Section “A” as “Commercial.”
2. Separates Section “C” from Section “B” and identifies Section “B” as “Lighter Industrial.”
3. Remove Section “C” from the 1% lot landscaping requirement as well as the reference to Table 2 of TCC 7-16 where industrial landscaping requirements are defined.
4. Creates Paragraph 3 which exempts Section “C” from any landscaping requirements.
5. Requires all areas disturbed by construction in Section “C” to provide, at the time of site plan review, a disturbed area vegetation reclamation and establishment plan.
6. Re-numbering the ordinance according to the amendments.
7. Eliminates Section “C” from tree planting requirement but maintains the tree planting requirement for Sections “A” and “B.”

*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 is nearly identical to that which has already been completed for other heavy industrial locations, namely, the industrial depot west of the Union Pacific rail corridor and the heavy industrial areas north of 1000 North around the Bolinder properties.

*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 7-16b-6: Landscaping Standards, regarding landscaping requirements for Section “C” of the Tooele City Business Park (TCBP) zoning 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 7-16b-6: Landscaping Standards, regarding landscaping requirements for Section “C” of the Tooele City Business Park (TCBP) zoning district, based on the following findings:”

1. List findings ...

**EXHIBIT A**

**PROPOSED AMENDMENTS**

## 7-16b-6. Landscaping Standards.

### (1) Section A (Commercial) Landscaping.

(a) Lots in Section A shall include landscaping on at least 10% of the lot.

(b) For other landscaping standards applicable to Section A, see Chapter 7-16, Table 2, Note F1.

### (2) Sections B and C (Lighter Industrial) Landscaping.

(a) Lots in Sections B and C shall include landscaping on at least 1% of the lot.

(b) For other landscaping standards applicable to Sections B and C, see Chapter 7-16, Table 2, Note 2.

### (3) Section C (Heavier Industrial) Landscaping.

(a) Lots in Section C shall be exempt from all landscaping requirements.

(b) Areas disturbed during the construction process shall complete the following:

- i. All areas disturbed by construction shall be reclaimed with a seed mixture of composed of native Utah grasses and shrubs.
- ii. A disturbed area reclamation plan shall be provided in lieu of a landscape and irrigation plan during the site plan review process.

(~~3~~ 4) Public right-of-way park strip landscaping and on-site parking lot landscaping may be included in determining compliance with the requirements of this Section.

(4 5) Landscaping shall be water-wise in nature and shall not include sod or turf grass. All landscaping shall be irrigated, and all irrigation shall utilize drip or similar bubbler systems.

(~~5~~ 6) Public right-of-way landscaping in Sections A-C B shall include trees as required in Chapter 7-16, Table 2, Note F1, and shall consist of trees approved by the City's street tree selection guide.

# Exhibit "B"

