

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Tooele City Planning Commission will meet in a business meeting scheduled for **Wednesday, May 13, 2026** at the hour of 7:00 p.m. The meeting will be held in the City Council Chambers of Tooele City Hall, located at 90 North Main Street, Tooele, Utah.

*We encourage anyone interested to join the Planning Commission meeting electronically through Tooele City's YouTube channel by logging onto www.youtube.com/@tooelecity or searching for our YouTube handle **@tooelecity**. If you would like to submit a comment for any public hearing item you may email pcpubliccomment@tooelecity.gov any time after the advertisement of this agenda and before the close of the hearing for that item during the meeting. Emails will only be read for public hearing items at the designated points in the meeting.*

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Hearing and Recommendation** on a proposed text amendment to Tooele City Code Title 7 Chapter 4: Off-Street Parking Requirements, regarding the establishment of specific parking and storage standards for automobile related commercial uses.
4. **Public Hearing and Recommendation** 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.
5. **City Council Reports**
6. **Review and Decision** – April 22, 2026 Planning Commission meeting minutes.
7. **Adjourn**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Anna Anglin, Tooele City Planner, prior to the meeting at (435) 843-2132.

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: Off-Street Parking Requirements for Automobile Related Commercial Uses – City Code Text Amendment Request

Applicant: Tooele City
Request: Request for approval of a City Code Text Amendment regarding proposed revisions to Tooele City Code Title 7 Chapter 4: Off-Street Parking Requirements.

BACKGROUND

The Tooele City Planning Commission regularly hears Conditional Use Permits involving automobile sales and rental, automobile repair, and auto parts retail. These uses typically require a public hearing and approval by the Planning Commission. The concerns that are typically raised with these uses are those related to automobile parking and temporary storage of automobiles related directly to the business.

Tooele City Code 7-4-4: Number of Parking Spaces, does not provide any language on the number of parking spaces, the location of parking spaces, the location of vehicle storage, screening of vehicle storage, or paving of vehicle storage areas. The lack of information usually leaves the Planning Commission in a position of having to determine appropriate numbers of parking stalls for customers, vehicles awaiting services, and so forth.

The Tooele City Planning Commission unanimously voted during the February 11, 2026 Planning Commission meeting to direct Staff to consider amending the City code to address some of these proposed uses. Tooele City Code 2-3-3: Duties of Planning Commission, Paragraphs 1 and 2, grant the Planning Commission with the ability to make recommendations for zoning ordinance changes, amendments, additions, deletions and so forth.

ANALYSIS

The Commission provided suggestions for the new ordinance language and that information has been provided in this packet as Exhibit “A” and is attached to this report.

The Community Development Director has also provided edits of the Planning Commission’s proposal. By and large the language is the same except that Staff has re-numbered the ordinance according to the standard ordinance numerical system and has added some clarifying language regarding towing services related to automobile repair services. Staff’s proposal is provided as Exhibit “B” and is attached to this memo.

Ordinances Affected. The following ordinances all have landscaping standards and are proposed for amendments:

1. TCC 7-4: Off Street Parking Requirements.

The proposed amendment will create a new section in the ordinance, that section being 7-4-4a: Automobile Related Commercial Uses. Within that section there will be the following paragraphs:

1. 7-4-4a (1): Purpose. Establishes the purpose for this ordinance and to distinguish ancillary and temporary parking from main parking requirement.
2. 4-4-4a (2): Minimum Off-Street Parking Requirements. Establishes parking requirements for automobile service and repair, auto parts supply and retail and automobile sales and rental businesses.
3. Table 7-4-4a: Duplicates the information in paragraph 2 but in chart form.
4. 7-4-4a (3): Vehicle storage and display areas are not counted towards parking compliance.
5. 7-4-4a (4): Requires a site plan delineating temporary vehicle storage associated with towing services associated with vehicle repair businesses and requires these areas to be paved and screened.

Staff Edits. Staff has proposed two minor edits in the table under the use column adding the words “repair” and “rental” to the listed automobile related uses and removing paragraph 2 in favor of the proposed table.

City Council Work Session. On May 6, 2026, during the City Council Work Session meeting Staff presented the proposed amendments to the City Council for discussion and Council input. The City Council expressed the following concerns about the proposed amendments:

1. Is the ordinance requiring too much parking for auto parts retail businesses?
2. How does auto parts retail differ from standard retail?
3. Does the new ordinance create unnecessary parking burdens for businesses located on existing smaller parcels?
4. Does it serve the City better to provide staff and the Planning Commission with the flexibility necessary to accommodate smaller or non-conforming properties and their parking needs.
5. How are service bays defined? Some service bays may have more than one auto lift or work station?

The City Council raised an interesting point and used the recently approved automobile repair business at 400 North Main Street as an example. Under the proposed ordinance that business would have been required to provide at a minimum, 9 designated parking stalls, not including the vehicle storage yard. If there was an area of parts retail that would increase the parking requirement to at least 12 parking stalls. These parking requirements may have rendered that location unsuitable for an auto repair business, where, with the current flexibility in the code the Planning Commission was able to approve the Conditional Use Permit with specific parking conditions related directly to the site itself. There are some advantages to not having a rigid code in favor of the ability to look at a site on a case by case basis.

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. We should seriously consider if this ordinance is necessary or if the flexibility of reviewing these uses on a case by case basis will be of a greater benefit 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 Title 7 Chapter 4 regarding off-street parking requirements for automobile related commercial uses 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 Title 7 Chapter 4 regarding off-street parking requirements for automobile related commercial uses based based on the following findings:”

1. List findings ...

EXHIBIT A

PROPOSED AMENDMENTS (PC EDITS)

Proposed Amendment – §7-4-4 Off-Street Parking

Prepared for: Tooele City Planning Commission

Purpose:

This document proposes a text amendment to Tooele City Code Title 7, Chapter 4, Section 7-4-4 (Number of Parking Spaces) to establish clear, use-specific off-street parking standards for automobile-related commercial uses. The amendment is intended to improve clarity, consistency, and enforceability while preserving existing Planning Commission discretion under Conditional Use Permit authority.

Prepared by:

Frank Linford, Planning Commissioner

Date: January 2026

Draft Ordinance Language

AN ORDINANCE AMENDING TITLE 7, CHAPTER 4, SECTION 7-4-4 OF THE TOOELE CITY CODE TO ESTABLISH USE-SPECIFIC OFF-STREET PARKING REQUIREMENTS FOR AUTOMOBILE-RELATED COMMERCIAL USES.

BE IT ORDAINED by the City Council of Tooele City, Utah:

Section 1. Title 7, Chapter 4, Section 7-4-4 of the Tooele City Code is hereby amended by adding a new subsection (H) as follows:

§7-4-4(H) Automobile-Related Commercial Uses.

(1) Purpose. To establish objective off-street parking requirements for automobile service, repair, parts, and sales uses, and to distinguish required parking from temporary or ancillary vehicle storage.

(2) Minimum Off-Street Parking Requirements.

Automobile Service and Automobile Parts and Supply Stores: Three (3) parking spaces for each service bay, plus three (3) parking spaces for every 1,000 square feet of indoor retail sales area.

Automobile Sales: One (1) customer parking space per 400 square feet of gross indoor sales area, or five (5) parking spaces, whichever is greater.

(3) Required parking spaces shall be provided in compliance with all applicable design, dimensional, and accessibility standards of this Chapter and shall not include areas used for vehicle display, storage, or repair.

(4) Temporary Vehicle Storage. Where towing services are provided and related strictly to automobile repair services, a site plan shall be provided designating an area for temporary vehicle storage. Such areas shall be paved, screened, and approved through site plan or conditional use review, and shall not count toward required off-street parking.

Use	Minimum off- street Parking requirement	Maximum % compact spaces allowed	Notes and Other Requirements
Automobile Service and Automobile Parts and Supply Stores	Three (3) parking spaces for each service bay, plus three (3) parking spaces for every 1,000 square feet of retail sales area	25%	If towing service is provided, sufficient area shall be located on site for temporary storage of vehicles awaiting repair and the tow truck
Automobile Sales	One (1) customer parking space per 400 square feet of gross floor area in the automobile sales area, or five (5) parking spaces, whichever is greater	25%	

Redline – §7-4-4 Number of Parking Spaces (Excerpt)

Existing Code (Excerpt):

§7-4-4. Number of Parking Spaces.

The number of required off-street parking spaces shall be calculated according to Table 7-4-1, subject to Section 7-4-5 herein.

Proposed Addition (Underline indicates new text):

§7-4-4(H) Automobile-Related Commercial Uses.

Off-street parking requirements for automobile-related commercial uses shall be calculated as follows: [See Draft Ordinance Language Section].

Related Code Excerpts (Reference Only)

§7-4-3 Parking Calculation: Provides Director and Planning Commission authority to determine parking for unlisted uses and requires use of Table 7-4-1 as the baseline calculation.

§7-4-5 Parking Calculation Ranges: Allows non-residential parking requirements to be adjusted within defined ranges administratively or through Planning Commission approval.

§7-4-9 Parking Lots: Establishes paving, screening, landscaping, and lighting requirements for off-street parking, including buffering when adjacent to residential zones.

Staff Memo Outline (For Review and Analysis)

1. Request: Planning Commission referral to staff to analyze proposed amendment to §7-4-4.
2. Background: Automobile-related commercial uses are not currently listed in Table 7-4-1, resulting in reliance on Director determinations and CUP conditions.
3. Proposed Amendment: Add a use-specific parking table for automobile service, parts, and sales uses.
4. Policy Rationale: Improve clarity, consistency, and enforcement; distinguish parking from vehicle storage; align with regional municipal practices.
5. Impacts: No change to permitted uses; provides clearer baseline standards; retains Commission discretion.
6. Recommendation: Forward to City Council for consideration following staff and legal review.

EXHIBIT B

PROPOSED AMENDMENTS (STAFF EDITS)

7-4-4a. Automobile Related Commercial Uses

1. Purpose. To establish objective off-street parking requirements for automobile service, repair, parts, and sales uses, and to distinguish required parking from temporary or ancillary vehicle storage.
2. Minimum Off-Street Parking Requirements:

<u>Use</u>	<u>Minimum off- street Parking requirement</u>	<u>Maximum % compact spaces allowed</u>	<u>Notes and Other Requirements</u>
<u>Automobile Service and Repair and Automobile Parts and Supply Retail</u>	<u>Three (3) parking spaces for each service bay, plus three (3) parking spaces for every 1,000 square feet of retail sales area</u>	<u>25%</u>	<u>If towing service is provided, sufficient area shall be located on site for temporary storage of vehicles awaiting repair and the tow truck</u>
<u>Automobile Sales & Rental</u>	<u>One (1) customer parking space per 400 square feet of gross floor area in the automobile sales area, or five (5) parking spaces, whichever is greater</u>	<u>25%</u>	

Table 7-4-4a

3. Required parking spaces shall be provided in compliance with all applicable design, dimensional, and accessibility standards of this Chapter and shall not include areas used for vehicle display, storage, or repair.
4. Temporary Vehicle Storage. Where towing services are provided and related strictly to automobile repair services, a site plan shall be provided designating an area for temporary vehicle storage. Such areas shall be paved, screened, and approved through site plan or conditional use review, and shall not count toward required off-street parking.

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



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			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.

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

Tooele City Ordinance Text Amendment Application

Ledger Cove Apartments

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

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.

**Tooele City Planning Commission
Business Meeting Minutes**

Date: April 22, 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

Tyson Hamilton

Kelley Anderson

Sarah Faircloth, Alternate

Frank Linford, Alternate

Excused

Chris Sloan

Amanda Cordova

Weston Jensen

Council Member Liaisons

Ed Hansen

Jon Gossett

Staff Present

Andrew Aagard, Community Development Director

Anna Anglin, City Planner

Matt Johnson, City Attorney

Minutes Prepared by Teresa Young

1. **Pledge of Allegiance**

Chairman Hamilton opened the public hearing at 7:00 p.m.

Before Chairman Hamilton led the Pledge of Allegiance 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.

2. **Roll Call**

Melanie Hammer, Present

Jon Proctor, Present
Sarah Faircloth, Present
Frank Linford, Present
Kelley Anderson, Present
Tyson Hamilton, Present
Chris Sloan, Excused
Amanda Cordova, Excused
Weston Jensen, Excused

3. **Public Hearing and Decision on a Conditional Use Permit request by Jessica Howard to authorize the use of a “Child Care and Preschool involving 8 to 16 Children” to occur at the property located at 1664 N Ashlin Court in the R1-7 Single Family Residential zoning district on .17 acres.**

Ms. Anglin presented a request for a conditional use permit for a home daycare located within a residentially zoned neighborhood, surrounded by residential uses. The site plan includes a fenced outdoor play area and designated layout for daycare operations.

Although the application qualified as an administrative approval, it was brought before the Planning Commission due to concerns raised by a neighboring resident regarding potential traffic congestion, on-street parking, and the number of occupants at the home. Ms. Anglin advised she worked with the applicant to resolve a zoning violation related to renting part of the home to an additional household, allowing the application to move forward.

Ms. Anglin outlined applicable home daycare requirements, including limits on the number of children (including the provider’s own), allowance for one non-resident employee, compliance with state licensing, and provisions for a fenced outdoor play area. She advised that the applicant indicated the daycare will operate as a daycare only at this time, with potential for preschool sessions in the future.

Ms. Anglin is recommending approval of the conditional use permit with the condition that all drop-off and pick-up activities occur within the driveway or directly in front of the residence to minimize neighborhood impacts.

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.

The applicant, Ms. Howard addressed the Planning Commission, providing background on her experience as a former assistant director at a childcare facility and noting she is currently pursuing a degree in early childhood education. She explained that her daycare primarily serves two- and three-year-old children.

In response to concerns about traffic and congestion, Ms. Howard stated she has coordinated with parents to ensure all drop-off and pick-up activities occur in the driveway or directly in front of the home. She also removed additional vehicles from the property and placed them in storage to increase available space.

Planning Commission members complimented the quality of the outdoor play area and acknowledged the applicant’s efforts. Clarification was provided that a previously noted camper is no longer on the property, and that a prior issue involving an additional household in the basement has been resolved.

Staff also noted that certain matters, such as smoking regulations, fall under state licensing rather than local zoning authority.

Motion: Commissioner Proctor moved to approve the conditional use permit request by Jessica Howard to authorize the use of a “Child Care and Preschool involving 8-16 Children” to occur at 1664 N. Ashlin Court application number 2026019 based on the finding and subject to the condition listed in the Staff Report dated April 16, 2026. Commissioner Hammer seconded the motion.

Commissioner Anderson confirmed that all concerns raised had been satisfactorily addressed, and the Planning Commission concurred.

The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Proctor, “Aye”; Commissioner Faircloth, “Aye”, Commissioner Linford, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 6-0.

4. **Public Hearing and Recommendation on a proposed text amendment to Tooele City Code 7-14-11: Landscaping and Water Conservation with New Development, regarding the use of sod in residential landscaping and the use of irrigation systems associated with residential landscaping**

Mr. Aagard presented a proposed ordinance amendment related to residential landscaping and irrigation requirements, describing it as a housekeeping update intended to simplify and clarify existing code governing water conservation in new developments.

The ordinance applies to subdivisions approved after April 1, 2023, and staff outlined several proposed changes, including removing conflicting or unnecessary provisions, clarifying limits on natural lawn and artificial turf, and reinforcing the use of drip irrigation for non-lawn areas. The overall intent of reducing water use remains unchanged, while making the code easier to understand and apply.

Planning Commissioners generally supported the simplification but engaged in discussion regarding the 50% limitation on artificial turf, noting its potential benefits for water conservation. Additional concerns were raised about enforcement challenges, particularly after homes are transferred to individual homeowners. Mr. Aagard acknowledged limited enforcement capacity and explained that compliance is primarily addressed during the building permit process and through complaint-based enforcement, though additional resources and future code amendments may improve oversight.

The Planning Commission also discussed clarifying language to ensure the ordinance clearly applies only to new development and does not impact existing properties. Overall, the Planning Commission expressed support for the proposed revisions while noting potential recommendations for further refinement.

Chairman Hamilton opened the public hearing at 7:29 p.m. Seeing no members of the public coming forward, Chairman Hamilton closed the public hearing at 7:29 p.m.

Motion: Commissioner Anderson moved to forward a positive recommendation to the City Council for the proposed amendments to Tooele City Code 7-14-11: Landscaping and Water Conservation with New Developments in accordance with the staff report with the following changes for approvals occurring after April 1, 2023 bold in the title and everything after artificial

turf may be used stricken and that irrigation needed for plantings outside land areas shall be drip style irrigation system.

Commissioner Linford seconded the motion.

Commissioner Hammer shared concerns regarding the proposed 50% limitation on artificial turf, noting that in other communities' higher percentages of turf are common while still incorporating some landscaping elements. Commissioner Linford indicated that the restriction may be unnecessary and expressed support for reconsidering or removing the limitation.

The vote was as follows: Commissioner Hammer, "Nay"; Commissioner Proctor, "Aye"; Commissioner Faircloth, "Aye", Commissioner Linford, "Aye"; Commissioner Anderson, "Aye"; and Chairman Hamilton, "Aye". The motion passed 5-1.

5. **Discussion and Decision on Resolution 2026-01 Public Comment Policy Amendments and Open Meetings**

Mr. Johnson presented proposed updates to the Planning Commission's public comment policy, aligned with recent changes adopted by the City Council. The revisions aim to clarify procedures for both verbal and written public comments, including timelines for submission, applicability of decorum standards, and the Chair's discretion to disregard anonymous, late, or inappropriate comments.

As part of the presentation, Mr. Johnson also provided annual training on the Open and Public Meetings Act, emphasizing requirements for transparency, proper noticing, public access, and recordkeeping. Particular attention was given to avoiding deliberation outside of public meetings, including through email or informal discussions among a quorum.

Planning Commission members discussed the proposed policy changes and expressed support, noting that clearer guidelines—especially regarding written comments and submission deadlines—would improve efficiency and consistency. The Planning Commission also acknowledged the importance of maintaining order during public comment while preserving the opportunity for meaningful public input.

Motion: Commissioner Proctor to accept Resolution 2026-01 as presented by Attorney Johnson. Commissioner Hammer seconded the motion.

The vote was as follows: Commissioner Hammer, "Aye"; Commissioner Proctor, "Aye"; Commissioner Faircloth, "Aye", Commissioner Linford, "Aye"; Commissioner Anderson, "Aye"; and Chairman Hamilton, "Aye". The motion passed 6-0.

6. **City Council Reports**

Councilman Gossett provided informal remarks, expressing appreciation for the Planning Commission's thoughtful discussion and engagement during the meeting. He noted that it was encouraging to see differing viewpoints and meaningful dialogue among Planning Commissioners.

He also highlighted a recent City Council quarterly report, which provided an overview of city growth, development activity, and economic indicators, noting it was informative and reflected positive progress within the community.

The Councilmember thanked the Commission for their time, effort, and consideration in addressing planning matters.

7. **Review and Decision – April 8, 2026 Planning Commission meeting minutes**

It was noted that the previously identified correction had already been made, and no further changes were requested.

Motion: Commissioner Hammer moved to approve the minutes from April 8, 2026. Commissioner Faircloth seconded the motion.

The vote was as follows: Commissioner Hammer, “Aye”; Commissioner Proctor, “Aye”; Commissioner Faircloth, “Aye”, Commissioner Linford, “Aye”; Commissioner Anderson, “Aye”; and Chairman Hamilton, “Aye”. The motion passed 6-0.

8. **Training – Conditional Use Permits**

No minutes were taken during the training session. Chairman Hamilton adjourned the meeting prior to the training to allow Commissioner Linford to be excused.

9. **Adjourn**

Chairman Hamilton adjourned the meeting at 8:03 p.m., prior to Agenda Item 8, which was required training.

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 May, 2026

Tyson Hamilton, Tooele City Planning Commission Chair