

TOOELE CITY CORPORATION

ORDINANCE 2026-11

**AN ORDINANCE OF THE TOOELE CITY COUNCIL AMENDING SECTION 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.**

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

WHEREAS, land use requirements and regulations for Residential Zoning Districts in Tooele City are regulated by Tooele City Code Chapter 7-14; and,

WHEREAS, it is proper and appropriate to routinely review the ordinances and provisions of the Tooele City Code for clarity, predictability, relevance, applicability, and appropriateness; and,

WHEREAS, City Administration, with input from the Mayor, has developed and recommends the amendments to Tooele City Code §7-14-11 pertaining to landscaping and water conservation with new development, attached as Exhibit A; and,

WHEREAS, the proposed amendments promote clarity as to the intent behind this section and the functionality of this section; and,

WHEREAS, on April 22, 2026, the Planning Commission convened a duly noticed public hearing, accepted written and verbal comment, considered the Staff Report and its exhibit (attached as Exhibit B), and voted to forward its positive recommendation to the City Council, with the following additional conditions: (1) that the language referring to "approval occurred after April 1, 2023" be moved from the body of the text into the title of the section; and, (2) that any limitation upon the percentage of artificial turf be removed (see the Planning Commission draft minutes attached as Exhibit C); and,

WHEREAS, for the City Council's consideration and convenience, City Administration has prepared and attached Exhibit D, which shows how the Planning Commission's recommendations might be incorporated into the amendments recommended by City Administration; and,

WHEREAS, on May 6, 2026, the City Council convened a duly-advertised public hearing:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Tooele City Code §7-14-11 is hereby amended to read as shown in Exhibit A.


This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 6th day of May, 2026.

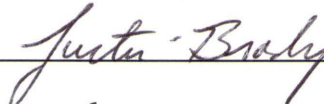
TOOELE CITY COUNCIL

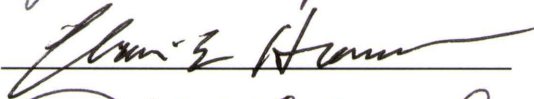
(For)

(Against)



Melodi Otches







ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)



ATTEST:



Shilo Baker, City Recorder



Approved as to Form:

Derrick Larson, Asst. City Attorney for



Matthew C. Johnson, City Attorney

Exhibit A

Proposed Amendments to TCC §7-14-11
(as proposed by Administration)

Existing Language

7-14-11. Landscaping and Water Conservation With New Development.

- (1) Sod or seeded lawn grass shall be prohibited from park strips and areas on the lot less than eight feet in width.
- (2) Lots within subdivisions whose preliminary plan approval occurred after April 1, 2023 and which has at least 250 square feet of total landscaped area within the lot shall be landscaped with no more than 50% of front and side yards landscaped area as natural lawn grass. Front and side yards shall be landscaped and maintained. Landscaping is strongly encouraged to necessitate no or low water use. The use of artificial turf is strongly encouraged for the appearance or desire of lawn. Where irrigation is needed for plantings outside of lawn areas shall be of a drip-style irrigation system.

Proposed Changes

7-14-11. Landscaping and Water Conservation With New Development.

- (1) Sod or seeded lawn grass shall be prohibited ~~from~~ in all park strips. ~~and areas on the lot less than eight feet in width.~~
- (2) Lots within subdivisions whose preliminary plan approval occurred after April 1, 2023 ~~and which has at least 250 square feet of total landscaped area within the lot~~ shall be landscaped with no more than 50% of front and side yards ~~landscaped~~ area as natural lawn grass. Front and side yards ~~landscaping~~ shall be ~~landscaped and~~ regularly maintained by the property owner. Landscaping is strongly encouraged to ~~necessitate result in~~ no or ~~low reduced~~ water use. ~~The use of Artificial turf is strongly encouraged for the appearance or desire of lawn may be used as long as it does not exceed 50% of the total front and side yard area. Where irrigation is~~ needed for plantings outside of lawn areas shall be of a drip-style irrigation system.

Proposed Language

7-14-11. Landscaping and Water Conservation With New Development.

- (1) Sod or seeded lawn grass shall be prohibited in all park strips.
- (2) Lots within subdivisions whose preliminary plan approval occurred after April 1, 2023 shall be landscaped with no more than 50% of front and side yards area as natural lawn grass. Front and side yard landscaping shall be regularly maintained by the property owner. Landscaping is strongly encouraged to result in no or reduced water use. Artificial turf may be used as long as it does not exceed 50% of the total front and side yard area. Irrigation needed for plantings outside of lawn areas shall be of a drip-style irrigation system.

Exhibit B

Staff Report with its Exhibit A

STAFF REPORT

April 16, 2026

To: Tooele City Planning Commission
Business Date: April 22, 2026

From: Planning Division
Community Development Department

Prepared By: Andrew Aagard, Community Development Director

Re: Parking in Residential Zones – Landscaping and Water Conservation Amendments

Applicant: Tooele City

Request: Request for approval of a City Code text amendment to Tooele City Code 7-14-11: Parking Location; regarding landscaping and irrigation associated with new residential development.

BACKGROUND

In May of 2023 Tooele City adopted ordinance amendments that prohibited the use of turf grass in the park strips of new residential properties and limited the amount of sod in the front and side yards to 50% of total area. The ordinance amendments also required that all plantings shall be irrigated with drip style irrigation systems. The ordinance, as it was originally written, utilizes complicated language that renders the ordinance fairly difficult to understand. There are also some requirements in the ordinance that are redundant and un-necessary. At the direction of the Tooele City Mayor, Staff is proposing amendments to the code to eliminate the confusing and contradictory elements and re-word the code to render it easier to read and understand.

ANALYSIS

Purpose. The purpose of this code is to limit the amount of water that is being used to irrigate front yards and difficult to irrigate areas such as park strips. The ordinance encourages the use of drought tolerant plantings and water free ground covers such as paving, cobbles and mulches. This ordinance was created to assist the City's continuing efforts to conserve water resources and reduce the strain on the ground water supplies. However, the ordinance as written has confusing elements and is worded in a manner that is somewhat difficult to understand. Staff is proposing the following changes to the code:

1. 7-14-11 (1): Eliminate the language that prohibits sod in areas less than eight feet in width. The ordinance doesn't specify if this applies to side yards, front yards or the rear yard and is, for all intents and purposes unenforceable and contradictory to the 50% sod limitation. Many of the side yards in R1-7 and R1-8 Residential zones are 6 feet wide. This code essentially prohibits sod in side yards and results in contradictions with the section 2 of the code.
2. 7-14-11(2): Eliminate the language that states this ordinance applies to any lot with more than 250 square feet of landscape area in the lot. All lots have more than 250 square feet of landscape area. Staff is not sure why this language was included. It is not necessary.
3. 7-14-11 (2): Amends the ordinance language regarding artificial turf and encourages it to be used as a contributing material instead of a predominant landscaping material. The proposed ordinance limits the use of artificial turf to 50% of the front and side yard areas and would require the property owner to use other water wise landscaping methods in addition to the artificial turf.
4. 7-14-11 (2): Other grammatical changes to help the code become easier to read and understand.

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 does not have any additional comments above and beyond what is included in the body of this staff report.

Engineering & Public Works Review. The Tooele City Engineering Division and Public Works Division have not reviewed this proposed ordinance amendment and have not issued any comments.

Fire Department. The Tooele City Fire Marshall has not reviewed this ordinance amendment and have not issued any comments.

Noticing. The applicant has expressed their desire to amend the City Code and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined 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 amendments to Tooele City Code 7-14-11: Landscaping and Water Conservation with New Development, as described in the exhibits of this Staff Report.

1. List findings ...

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the proposed amendments to Tooele City Code 7-14-11: Landscaping and Water Conservation with New Development, as described in the exhibits of this Staff Report.

1. List findings ...

EXHIBIT A

PROPOSED ORDINANCE AMENDMENTS

Existing Language

7-14-11. Landscaping and Water Conservation With New Development.

(1) Sod or seeded lawn grass shall be prohibited from park strips and areas on the lot less than eight feet in width.

(2) Lots within subdivisions whose preliminary plan approval occurred after April 1, 2023 and which has at least 250 square feet of total landscaped area within the lot shall be landscaped with no more than 50% of front and side yards landscaped area as natural lawn grass. Front and side yards shall be landscaped and maintained. Landscaping is strongly encouraged to necessitate no or low water use. The use of artificial turf is strongly encouraged for the appearance or desire of lawn. Where irrigation is needed for plantings outside of lawn areas shall be of a drip-style irrigation system.

Proposed Changes

7-14-11. Landscaping and Water Conservation With New Development.

(1) Sod or seeded lawn grass shall be prohibited ~~from~~ in all park strips, ~~and areas on the lot less than eight feet in width.~~

(2) Lots within subdivisions whose preliminary plan approval occurred after April 1, 2023 ~~and which has at least 250 square feet of total landscaped area within the lot~~ shall be landscaped with no more than 50% of front and side yards ~~landscaped~~ area as natural lawn grass. Front and side yards landscaping shall be ~~landscaped and~~ regularly maintained by the property owner. Landscaping is strongly encouraged to ~~necessitate~~ result in no or ~~low reduced~~ water use. ~~The use of Artificial turf is strongly encouraged for the appearance or desire of lawn may be used as long as it does not exceed 50% of the total front and side yard area. Where irrigation is~~ needed for plantings outside of lawn areas shall be of a drip-style irrigation system.

Proposed Language

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Exhibit C

Planning Commission Draft Minutes

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

Exhibit D

Proposed Amendments to TCC §7-14-11
Showing Possible Incorporation of
Planning Commission Recommendations

Proposed Language (PC Edits)

7-14-11. Landscaping and Water Conservation With New Development approved after April 1, 2023.

(1) Sod or seeded lawn grass shall be prohibited in all park strips.

(2) Lots ~~within subdivisions whose preliminary plan approval occurred after April 1, 2023~~ shall be landscaped with no more than 50% of front and side yards area as natural lawn grass. Front and side yard landscaping shall be regularly maintained by the property owner. Landscaping is strongly encouraged to result in no or reduced water use. Artificial turf may be used ~~as long as it does not exceed 50% of the total front and side yard area~~. Irrigation needed for plantings outside of lawn areas shall be of a drip-style irrigation system.