

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Business Meeting on Wednesday, January 4, 2023, at the hour of 7:00 p.m. The meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

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". If you are attending electronically and would like to submit a comment for the public comment period or for a public hearing item, please email cmpubliccomment@tooelecity.org anytime up until the start of the meeting. Emails will be read at the designated points in the meeting.

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Public Comment Period**
4. **Selection of City Council & Redevelopment Agency Chair & Vice Chair Positions for 2023**
5. **Resolution 2023-01** A Resolution of the Tooele City Council Formally Naming the Competitive and Lap Pool of the Leigh Pratt Aquatics Center
Presented by Debbie Winn, Mayor
6. **Resolution 2023-02** A Resolution of the Tooele City Council Correcting Resolution 2022-60 Regarding Impact Fee Waivers for the Murdock Subdivision
Presented by Roger Baker, City Attorney
7. **Resolution 2023-03** A Resolution of the Tooele City Council Correcting Resolution 2022-61 Regarding Impact Fee Waivers for the Harris Community Village Project
Presented by Roger Baker, City Attorney
8. **Ordinance 2023-01** An Ordinance of Tooele City Enacting a Temporary Land Use Regulation Amending Tooele City Code Chapter 7-16 Table 1: Tables of Uses to Remove the "Group Home" Use
Presented by Roger Baker, City Attorney
9. **Resolution 2022-107** A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for the Middle Canyon Commercial Center Subdivision
Presented by Jared Stewart, Economic Development Director
10. **Resolution 2022-109** A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for Burt Brothers Tire and Services LLC.
Presented by Jared Stewart, Economic Development Director

11. Invoices & Purchase Orders

Presented by Michelle Pitt, City Recorder

12. Minutes

13. Adjourn

Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

RESOLUTION 2023-01

A RESOLUTION OF THE TOOELE CITY COUNCIL FORMALLY NAMING THE COMPETITIVE AND LAP POOL OF THE LEIGH PRATT AQUATICS CENTER.

WHEREAS, Tooele City constructed and opened the Leigh Pratt Aquatic Center to the public in May of 2003; and,

WHEREAS, Mel Roberts has made significant contributions to the quality of life of Tooele City citizens for 65 years as a Tooele City employee, swim coach, swim instructor, volunteer, and athlete at the Leigh Pratt Aquatics Center and the Tooele Memorial Pool; and,

WHEREAS, Mr. Roberts has provided dedicated service throughout his life to the youth and people of our community; and,

WHEREAS, Mr. Roberts has been a recognized state and national leader in the sport of swimming:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that, in light of the contributions and experience more fully described below, the competitive and lap swim pool at the Pratt Aquatics Center is hereby officially named the Mel Roberts Pool.

THE TOOELE CITY COUNCIL TAKES THIS ACTION based on the following accomplishments of Mel Roberts:

TOOELE CITY EMPLOYEE – Mr. Roberts began working at the Tooele Memorial Swim Pool as an American Red Cross lifeguard and swim instructor in 1958 at the age of 14 and continued until graduating from Tooele High School. He continued to work part-time and summers at the Pool while attending college. Throughout the years, the American Red Cross certified Mr. Roberts as an instructor and training specialist in water safety instruction, life guarding, and first aid skills.

In 1970, while teaching mathematics at Tooele High School, he served as the Pool manager until the facility closed in 2001. He became supervisor of the Pratt Aquatics Center when it opened in May of 2003 and served in that position until 2019. Mr. Roberts stepped down as supervisor and worked as a desk clerk mentoring the new supervisor until his City retirement in 2020.

COACH – Mr. Roberts coached Tooele High School swim teams for 49 years, where he led the boy and girl teams to an overall record of 1,016 wins and 218 losses, an impressive 83.4% winning record. His swimming and diving teams won 11 state championships and 43 region championships. His coaching peers voted him “Coach of

the Year” 11 times. He earned National Coach of the Year for his 2005 girl team and for the 2010 boy team. He coached six high school all-Americans and 42 scholastic all-Americans. In 2009, the National Interscholastic Coaches Association inducted Mr. Roberts into their prestigious Hall of Fame.

ATHLETE – As a youth on Tooele’s AAU swim team, Mr. Roberts became a junior national champion and record holder. He earned all-American honors in high school, won seven Utah State gold medals, and was a member of four state championship teams. He continued to represent Tooele on the University of Utah Ute swim team where he won four Western Athletic Conference first places, and qualified for the NCAA championships and the Pan American Games.

VOLUNTEER – As of 2023, Mr. Roberts continues to volunteer as coach of the Tooele Masters Swim Team and as a certified official of Utah high school swim meets.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2023-02

A RESOLUTION OF THE TOOELE CITY COUNCIL CORRECTING RESOLUTION 2022-60 REGARDING IMPACT FEE WAIVERS FOR THE MURDOCK SUBDIVISION.

WHEREAS, on July 6, 2022, the City Council unanimously approved Resolution 2022-60, authorizing impact fee waivers for the Murdock subdivision, consisting of a Phase 1 with 15 single-family lots and a Phase 2 with 8 single-family lots, for a total of 23 lots, consistent with the request of the Tooele County Housing Authority (see the body of Resolution 2022-60, and the Housing Authority request, incorporated herein and attached hereto as Exhibit A); and,

WHEREAS, the City Council desires to implement responsible strategies to narrow the housing gap for Tooele City residents, including the strategy of impact fee waivers for eligible affordable housing projects; and,

WHEREAS, Resolution 2022-60 inadvertently limited the application of the impact fee waivers to the 15 lots in Phase 1, by implication excluding the 8 lots in Phase 2; and,

WHEREAS, the City Council desires to correct Resolution 2022-60 to apply the impact fee waivers to all 23 lots in the Murdock subdivision; and,

WHEREAS, for clarity of the record, the impact fee waiver authorized by Resolution 2022-60 was \$13,761.80 per single-family dwelling unit (DU), to be waived in the following manner (see official hand-written interlineation in Exhibit A):

1. \$6,000 per dwelling unit waived without reimbursement to City impact fee accounts.
2. \$4,000 per dwelling unit waived with reimbursement to City impact fee accounts from ARPA funds.
3. \$3,761.80 per dwelling unit paid by the City to impact fee accounts from ARPA funds. (It is recognized that #2 and #3 are phrased differently but have the same effect.)

WHEREAS, the total value of the waiver authorized by Resolution 2022-60 is \$316,521.40 (23 DU x \$13,761.80/DU), with \$138,000 being waived (under #1, above) and \$178,521.40 paid to City impact fee accounts from ARPA funds (under #2 and #3, above):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that this Resolution 2023-02 is hereby approved. This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Resolution 2022-60 (body)
and
Tooele County Housing Authority request

TOOELE CITY CORPORATION

RESOLUTION 2022-60

A RESOLUTION OF THE TOOELE CITY COUNCIL WAIVING DEVELOPMENT IMPACT FEES FOR THE TOOELE COUNTY HOUSING AUTHORITY'S MURDOCK SUBDIVISION.

WHEREAS, Tooele City Code Chapter 4-15 governs Tooele City's collection of development impact fees, which are imposed for the general purpose of offsetting certain impacts (water, sewer, parks, public safety) created by development, and for the general purposes and under the methodologies described in the Utah Impact Fees Act (UCA Chapter 11-39); and,

WHEREAS, the Tooele City Council recognizes the severe and pervasive housing shortage affecting about 50,000 Utah families, and in particular moderate- and low-income families, and desires to implement responsible strategies to narrow the housing gap for Tooele City residents (see the recitals to Ordinance 2019-13, approved on August 21, 2019, attached as Exhibit A); and,

WHEREAS, on November 20, 2019, the City Council adopted Ordinance 2019-30, amending TCC Chapter 4-15 to allow the waiver of impact fees, up to \$10,000 per dwelling unit, for "eligible affordable housing units" (see Ordinance 2029-30, attached as Exhibit B); and,

WHEREAS, the term "eligible affordable housing units" is defined in TCC Section 4-15-1 and includes dwelling units managed by the Tooele County Housing Authority that are deed restricted and made available to persons with 60% or less Tooele County area median income; and,

WHEREAS, on June 3, 2020, the Tooele City Council approved impact fee waivers in the amount of \$7,000 per dwelling unit (out of total impact fees of \$10,565.80 per dwelling unit at the time) for the Bison Ridge and Buffalo Pass subdivisions, containing six lots each, for eligible affordable housing units managed by the Tooele County Housing Authority (see Minutes attached as Exhibit C); and,

WHEREAS, by letter dated March 4, 2022, the Tooele County Housing Authority requested impact fee waivers for its 15 lots in the Murdock subdivision (see letter attached as Exhibit D); and,

WHEREAS, on March 16, 2022, the City Council discussed in a work meeting the possibility of impact fee waivers for the Murdock subdivision (see Minutes attached as Exhibit E); and,

WHEREAS, for all single-family residential building permits applied for after July 5, 2022, the impact fee total in effect will be \$13,761.80; and,

WHEREAS, the Tooele City Council finds that impact fee waivers for the Murdock subdivision are in the public interest and further the governmental interests and objectives referenced in this Resolution, in Ordinance 2019-13, and in Ordinance 2019-30:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby approves impact fee waivers for the 15 lots in the Murdock subdivision, in the amount of \$ * per dwelling unit, consistent with TCC Chapter 4-15.

This Resolution 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 Resolution is passed by the Tooele City Council this 10th day of July, 2022.

* \$6,000 per dwelling unit waived
\$4,000 per dwelling unit waived with ARPA reimbursement
\$3,761.80 per dwelling unit paid by City with ARPA

TOOELE CITY COUNCIL

(For)

(Against)

Wahy

Tom B.

Justin Brady

Glenn

D. McCall

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

Debra E. W.

ATTEST:

Michelle Y. Pitt

Michelle Y. Pitt, City Recorder



Roger Evans Baker
Roger Evans Baker, Tooele City Attorney

Approved as to Form:



TOOELE COUNTY HOUSING AUTHORITY

66 West Vine, Tooele, Utah 84074
(435) 882-7875 • Fax (435) 882-7894

March 4, 2022

Tooele City Corporation
Attn: Roger Baker Tooele City Attorney
90 North Main
Tooele, Utah 84074

Dear Roger,

This letter is regarding impact fee waivers for Murdock subdivision phase I and II. We would like to formally request the City Council waive the impact fees for these homes.

As per the city ordinance these future homes are Eligible Affordable Housing Units, as per the ordinance definition, Title 4, Chapter 15 which are:

- Offered in partnership with Tooele County Housing Authority.
- Deed restricted.
- Phase II will consist of 8 CROWN Rent-to-own homes serving households at less than 60% of the Tooele County area median income. These homes are financed through Low Income Tax Credits and are rented for 15 years after which, the tenant will be given opportunity to purchase.
- Phase I consists of 15 lots to be developed with the Mutual Self Help Program, funded by USDA Rural Development program, wherein households are targeted that earn at or below 60% of the AMI. These homes will be financed by USDA Rural Development.

Please let me know if you need anything further from us and what the next steps are. Thank you!

Sincerely,

DeAnn Christiansen
Tooele County Housing Authority
Executive/Development Director



TOOELE CITY CORPORATION

RESOLUTION 2023-03

A RESOLUTION OF THE TOOELE CITY COUNCIL CORRECTING RESOLUTION 2022-61 REGARDING IMPACT FEE WAIVERS FOR THE HARRIS COMMUNITY VILLAGE PROJECT.

WHEREAS, on July 6, 2022, the City Council unanimously approved Resolution 2022-61, authorizing impact fee waivers for the residential portion of the Harris Community Village Project, consisting of 66 multi-family dwelling units (DU), consistent with the request of the Tooele County Housing Authority (see the body of Resolution 2022-61, and the Housing Authority request, incorporated herein and attached hereto as Exhibit A); and,

WHEREAS, the City Council desires to implement responsible strategies to narrow the housing gap for Tooele City residents, including the strategy of impact fee waivers for eligible affordable housing projects; and,

WHEREAS, Resolution 2022-61 inadvertently limited the application of the impact fee waivers to 15 DU, an incorrect reference to the Murdock subdivision; and,

WHEREAS, the City Council desires to correct Resolution 2022-61 to apply the impact fee waivers to all 66 DU in the Harris Community Village project; and,

WHEREAS, for clarity of the record, the impact fee waiver authorized by Resolution 2022-61 was \$12,756.80/DU, to be waived in the following manner (see handwritten interlineation in Exhibit A):

1. \$6,000/DU waived without reimbursement to City impact fee accounts.
2. \$4,000/DU waived with reimbursement to City impact fee accounts from ARPA funds.
3. \$2,756.80/DU paid by the City to impact fee accounts from ARPA funds. (It is recognized that #2 and #3 are phrased differently but have the same effect.)

WHEREAS, the total value of the waiver is \$841,948.80 (66 x \$12,756.80), with \$396,000 being waived (under #1, above) and \$445,948.80 being paid to City impact fee accounts from ARPA funds (under #2 and #3, above):

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that. This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Resolution 2022-61 (body)
and
Tooele County Housing Authority request

TOOELE CITY CORPORATION

RESOLUTION 2022-61

A RESOLUTION OF THE TOOELE CITY COUNCIL WAIVING DEVELOPMENT IMPACT FEES FOR THE TOOELE COUNTY HOUSING AUTHORITY'S HARRIS COMMUNITY VILLAGE PROJECT.

WHEREAS, Tooele City Code Chapter 4-15 governs Tooele City's collection of development impact fees, which are imposed for the general purpose of offsetting certain impacts (water, sewer, parks, public safety) created by development, and for the general purposes and under the methodologies described in the Utah Impact Fees Act (UCA Chapter 11-39); and,

WHEREAS, the Tooele City Council recognizes the severe and pervasive housing shortage affecting about 50,000 Utah families, and in particular moderate- and low-income families, and desires to implement responsible strategies to narrow the housing gap for Tooele City residents (see the recitals to Ordinance 2019-13, approved on August 21, 2019, attached as Exhibit A); and,

WHEREAS, on November 20, 2019, the City Council adopted Ordinance 2019-30, amending TCC Chapter 4-15 to allow the waiver of impact fees, up to \$10,000 per dwelling unit, for "eligible affordable housing units" (see Ordinance 2029-30, attached as Exhibit B); and,

WHEREAS, the term "eligible affordable housing units" is defined in TCC Section 4-15-1 and includes dwelling units managed by the Tooele County Housing Authority that are deed restricted and made available to persons with 60% or less Tooele County area median income; and,

WHEREAS, on June 3, 2020, the Tooele City Council approved impact fee waivers in the amount of \$7,000 per dwelling unit (out of total impact fees of \$10,565.80 per dwelling unit at the time) for the Bison Ridge and Buffalo Pass subdivisions, containing six lots each, for eligible affordable housing units managed by the Tooele County Housing Authority (see Minutes attached as Exhibit C); and,

WHEREAS, by letter dated March 4, 2022, the Tooele County Housing Authority requested impact fee waivers for its 66 affordable multi-family residential units in the Harris Community Village project (see letter attached as Exhibit D); and,

WHEREAS, on March 16, 2022, the City Council discussed in a work meeting the possibility of impact fee waivers for the Harris Community Village project (see Minutes attached as Exhibit E); and,

WHEREAS, for all multi-family residential building permits applied for after July 5, 2022, the impact fee total in effect will be \$12,756.80 per dwelling unit; and,

WHEREAS, the Tooele City Council finds that impact fee waivers for the Harris Community Village project are in the public interest and further the governmental interests and objectives referenced in this Resolution, in Ordinance 2019-13, and in Ordinance 2019-30:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that the City Council hereby approves impact fee waivers for the 15 lots in the Harris Community Village project, in the amount of \$ * per dwelling unit, consistent with TCC Chapter 4-15.

This Resolution 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 Resolution is passed by the Tooele City Council this 6th day of July, 2022.

* \$ 6,000 per dwelling unit waived
\$ 4,000 per dwelling unit waived, with ARPA reimbursement
\$ 2,756.80 per dwelling unit paid by City with ARPA

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder



Approved as to Form:

[Signature]
Roger Evans Baker, Tooele City Attorney



TOOELE COUNTY HOUSING AUTHORITY

66 West Vine, Tooele, Utah 84074
(435) 882-7875 • Fax (435) 882-7894

March 4, 2022

Tooele City Corporation
Attn: City Attorney Roger Baker
90 North Main
Tooele, Utah 84074

Dear Roger,

This letter is regarding impact fee waivers for Harris Community Villages, which consists of a Community Resource Center and 66 affordable permanent supportive housing units. We would like to formally request the City Council waive the impact fees for the future apartments and Community Resource Center remodel of the old Harris Elementary School.

As per the city ordinance this project is Eligible Affordable Housing Units/Public Facility, as per the ordinance definition, Title 4, Chapter 15 which is:

- Offered in partnership with Tooele County Housing Authority.
- Financed by Rural Development or other government program. Deed Restricted.
- 66 units of affordable permanent supportive housing units. Consisting of 42 one bedroom units, 6 one bedroom units and 18 two bedroom units. All of the units are for people who make at or below 35% AMI with 10 units designated for folks at or below 30% AMI.
- Remodel of the School into a Community Resource Center consisting of a nutrition kitchen, Food Pantry, 24/7 daycare, 40 emergency shelter beds and full time around the clock case managers and security.

Please let me know if you need anything further from us and what the next steps are. Thank you!

Sincerely,

DeAnn Christiansen
Tooele County Housing Authority
Executive/Development Director



TOOELE CITY CORPORATION

ORDINANCE 2023-01

AN ORDINANCE OF TOOELE CITY ENACTING A TEMPORARY LAND USE REGULATION AMENDING TOOELE CITY CODE CHAPTER 7-16 TABLE 1: TABLES OF USES TO REMOVE THE “GROUP HOME” USE.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah’s charter cities, including Tooele City, “the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law”; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to “pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Utah Code Section 10-9a-504 enables Tooele City to “enact an ordinance establishing a temporary land use regulation,” without prior Planning Commission recommendation or public hearings, upon the City Council finding a “compelling, countervailing public interest” in doing so, with “temporary” meaning not to exceed six months; and,

WHEREAS, the Utah Supreme Court case of *Western Land Equities v. Logan City* (1980) identified and established a common law principle called the Pending Ordinance Rule, which provides that a land use or development “application for a permitted use cannot be refused **unless a prohibiting ordinance is pending at the time of application**”; further, “if a city...has initiated proceedings to amend its zoning ordinances, a landowner who subsequently makes application for a permit is not entitled to rely on the original zoning designation” (emphasis added); and,

WHEREAS, like UCA Section 10-9a-504, the Pending Ordinance Rule requires a legislative finding of a compelling, countervailing public interest; and,

WHEREAS, *Western Land Equities* also established Utah’s vested development rights rule that, except for the Pending Ordinance Rule, a land use application establishes the date on which development rights vest, as well as the set of land use ordinances applicable to the approved land use; and,

WHEREAS, *Western Land Equities* recognizes the unfairness and the threat to the public interest where the announcement of a future zoning ordinance change would trigger a race to file and vest land use applications prior to the municipality’s ability to follow the established lengthy process for amending land use ordinances, thus subverting and undermining the very public policies supporting the need for the zoning ordinance amendment; and,

WHEREAS, on December 21, 2022, the City Council approved Ordinance 2022-40, amending TCC Chapter 7-15 regarding residential facilities for persons with a disability, also commonly known as group homes, and allowing such dwellings as permitted uses “in any zoning district where a dwelling is allowed as a permitted or conditional use, subject to the same development regulations as applied to dwellings” (i.e., conditional use permit); and,

WHEREAS, the use “Group Home” remains in TCC Chapter 7-16 Table 1: Tables of Uses listing the allowed uses in the mixed-use, commercial, and industrial zoning districts, and it should be repealed and removed due to the enactment of Chapter 7-15; and,

WHEREAS, while accessory dwellings are allowed in the commercial and industrial zoning districts, dwellings are otherwise prohibited, and therefore residential facilities for persons with a disability would also be prohibited; and,

WHEREAS, the vestigial presence of the “Group Home” use conflicts with the new TCC Chapter 7-15 and with the other dwelling use designations in Table 1: Table of Uses, and should be repealed and removed; and,

WHEREAS, the term “Group Home” is not defined in TCC Section 7-1-5 (Definitions), in part because the “Group Home” use has been intended to be repealed and removed from Table 1: Table of Uses due to the enactment of Chapter 7-15; and,

WHEREAS, leaving the “Group Home” use in Table 1: Table of Uses would allow group home dwellings as conditional uses in the General Commercial (GC) zoning district, inconsistent with and contrary to the general dwelling prohibition in the GC zone, to Chapter 7-15, and to the legislative policy intentions and enactments of the Tooele City Council; and,

WHEREAS, as a matter of long-standing legislative policy, the City Council has determined that dwellings, with the exception of some accessory dwelling units (ADUs), are contrary to the health, safety, and general welfare of the public when located in commercial and industrial zoning districts, and allowing new group home dwellings in these districts, even by conditional use, would be contrary to the health, safety, and general welfare of the public; and,

WHEREAS, the law of conditional uses requires land use authorities (in Tooele City’s case, the Planning Commission) to approve conditional use permits if reasonable conditions can be imposed to mitigate (not eliminate) the anticipated adverse impacts of the conditional use, whereas the City Council has already enacted legislative policy prohibiting the approval of residential facilities for persons with a disability except in residential zoning districts; and,

WHEREAS, the City Administration recommends that the City Code be amended immediately, or as soon as legally possible, to repeal and remove the “Group Home” use from Table 1: Table Uses in TCC Chapter 7-16, and that no new group home dwellings be permitted in the commercial and industrial zoning districts of Tooele City, excepting in accessory dwellings as already provided in Table 1: Table of Uses; and,

WHEREAS, following approval of this Ordinance and the temporary land use regulation proposed herein, the City Council will have a maximum of six months to comply with the statutory land use regulation amendment process to remove the “Group Home” use from Table 1: Table of Uses, including public hearings before the Planning Commission and City Council:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL as follows:

1. This Ordinance 2023-01 is hereby approved; and,
2. The temporary land use regulation enumerated and described in this Ordinance 2023-01 is hereby temporarily enacted, and “Group Home” use is hereby temporarily repealed and removed from TCC Chapter 7-16 Table 1: Tables of Uses; and,
3. This Ordinance 2023-01 and the temporary land use regulation are effectively immediately, as authorized by the Tooele City Charter; and,
4. For the duration of this temporary land use regulation, no new group home dwellings shall be permitted, vested, or otherwise approved or allowed in the commercial and industrial zoning districts of Tooele City, excepting in accessory dwelling units as already provided in Table 1: Table of Uses; and,
5. This Ordinance 2023-01 shall be in effect until a land use regulation is enacted following the regular Planning Commission and City Council public processes required by the Utah Code and the Tooele City Code, but in no event for longer than six months; and,
6. The City Administration, including planning staff, are hereby instructed to prepare draft City Code language on the subject of this Ordinance 2023-01 for consideration by the Planning Commission and City Council; and,
7. Should a new land use regulation governing the “Group Home” use not be enacted within the six-month period referenced above, the existing City Code provisions will govern; and,
8. This Ordinance 2023-01 and its temporary zoning regulation shall have binding application upon all land use applications submitted after the date on which proceedings formally began to amend the City Code regarding the “Group Home” use, that date being December 29, 2022; and,

9. As required by Utah Code Section 10-9a-504 and *Western Land Equities*, the City Council hereby makes a finding of compelling, countervailing public interest in disallowing the “Group Home” use in the commercial and industrial zoning districts of Tooele City; and,
10. Similarly, the City Council hereby finds that in failing to approve this Ordinance 2023-01 and enact this temporary land use ordinance, group home dwellings could be vested and constructed contrary to the legislative policies otherwise enacted in by the Tooele City Council.

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

IN WITNESS WHEREOF, this Ordinance is approved by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. UCA 10-3-704(11).)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

TOOELE CITY CORPORATION

RESOLUTION 2022-107

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR THE MIDDLE CANYON COMMERCIAL CENTER SUBDIVISION.

WHEREAS, Tooele City Code Chapter 7-26 governs the exaction by Tooele City of water rights as a condition of land use approval (see also UCA 10-9a-508); and,

WHEREAS, TCC Section 7-26-2(2) empowers the City Council to adopt a legislative policy allowing for the payment of a fee in lieu of water rights conveyance: “Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system”; and,

WHEREAS, on May 18, 2022, the City Council approved Resolution 2022-29, adopting an updated fee-in-lieu of water rights conveyance policy referred to in TCC 7-26-2(2), with an effective date of June 1, 2022 (with the original policy being adopted in 2007) (see the June 1 policy attached as Exhibit B); and,

WHEREAS, the June 1 policy encourages the consideration of at least the following factors in considering requests to pay the fee-in-lieu:

- The number of acre-feet of water rights requested.
- The availability of City-owned water rights and corresponding water sources.
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental, social, and community impacts of the development.

WHEREAS, the City Council retains sole and exclusive legislative discretion in deciding to allow the payment of the fee-in-lieu; and,

WHEREAS, Tooele City received from Rod Enlow representing the Middle Canyon Commercial Center Subdivision (“the Project”) a letter dated December 9, 2022, requesting the allocation of 13.00 acre-feet of City-owned municipal water rights to the

Project, or, in other words, requesting to pay the fee-in-lieu rather than convey water rights (see the letter attached as Exhibit A; and,

WHEREAS, the City Council's authorization reserving water rights for building sites in the Project, and allowing building permit applicants for buildings in the Project to pay to Tooele City a fee in lieu of conveying up to 13 acre-feet of municipal rights, is conditioned upon the Project obtaining City approval of a site plan, City approval of a first building permit, and commencement of vertical construction of a first building within two years of the date of approval of this Resolution, unless the City Council, in its sole discretion, decides in a public meeting to extend this two-year deadline or modify these conditions; and,

WHEREAS, the Project will consist of approximately 730,000 square feet in new retail construction; and,

WHEREAS, the Project proposal addresses the policy considerations identified above and in the June 1 policy in the following ways:

- The Project requests 13.00 acre-feet of water.
- An estimated capital investment of \$42 Million.
- The creation of an estimated 385 jobs, with a mix of management level, full time, and part time employees.
- The generation of new sales tax from each completed retail storefront

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby finds that the request of the Project complies fully with the City Council's June 1, 2022, policy, and hereby authorizes the reservation of 13.00 acre-feet of municipal water rights for the Project, as well as the payment of the fee-in-lieu of water rights, made at the time of building permit application for Project buildings, for up to 13.00 acre-feet of municipal water rights, for the fee amount established in the June 1 policy of \$35,000 per acre-foot, conditioned upon the Project obtaining City approval of a site plan, City approval of a first building permit, and commencement of vertical construction of a first building within two years of the date of approval of this Resolution, unless the City Council, in its sole discretion, decides in a public meeting to extend this two-year deadline or modify these conditions.

This Resolution 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 Resolution is passed by the Tooele City Council this ____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

December 9, 2022, Letter
Middle Canyon Commercial Center Subdivision

F1RST HOME

DEVELOPERS BUILDERS

5578 South Red Cliff Drive Apt C Taylorsville Utah 84123

rod.engar@yahoo.com 801-558-1657

December 9, 2022

Mayor Debbie Winn
90 North Main St.
Tooele, Utah 84074

RE: Letter to request approval of Payment in Lieu of Water Rights for Middle Canyon Commercial Center Subdivision, at 200 West and 1000 North

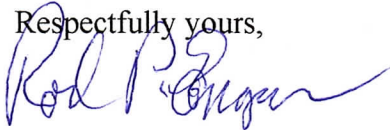
Dear Mayor Winn:

I have been hired by Greg Haerr to subdivide his commercial property on the Southwest corner of 200 West and 1000 North in Tooele. The approved name is Middle Canyon Commercial Center Subdivision. All of the required applications, fees, documents and plans have been successfully submitted to Andrew Aagard's office on November 17, 2022

It is time to request your approval and that of the City Council for the City to accept Payment in Lieu of Water Rights, for the water service for the 11 businesses that will be located on the 11 commercial lots of the subdivision. It is important that we have this agreement in order to proceed with the Sewer and Water Modelling fees for this subdivision. Gregg has asked me to request the approval for the 11 water rights initially, which Payment in lieu of Rights will be made to Tooele City as soon as approved, and we receive the letter of subdivision approval from the Community Development Director.

Once approvals are received, the subdivision improvements on the plans will be built out and the sale of the 11 commercial lots will proceed. As the new business owners purchase their lots, they will submit their own plans for buildings and improvements. At that time, the accurate water needs can be determined for each business. Therefore, please include in this approval request the Payment in Lieu of Water Rights for any additional water rights that will be needed for their business operations.

Respectfully yours,



Rod Engar, President

Project Manager for Middle Canyon Commercial Center Subdivision

Cell Phone Number: 801-558-1657

PROJECT GENERAL QUESTIONS

I am reaching out in regards to your request for Water Rights Fee-in-Lieu of payment for the Middle Canyon Commercial Center Subdivision. The City Council has been refining the process for these requests and so I'm reaching out for additional information prior to taking them your request.

Attached is a table of guidelines that the Council has asked developers to respond to with their request. We don't expect anyone to have numbers for every metric, but any information you can provide will be valuable to their decision and justification of the use of water Fee-in-Lieu.

To begin, let me give you a general statement about this project and how it will develop into the shopping center as envisioned when complete. This commercially zoned 17 + acre parcel was purchased some 19 years ago by the owner. Greg Haerr, with the idea in mind of holding on to it until there was some major residential expansion in the surrounding area. This has finally occurred. He hired me to get things ready for the commercial subdivision to be developed. First, he had me subdivide the commercially zoned parcel west of 200 West into one 4-acre parcel and the remaining 15 + acre parcel. Then, we sold the 4-acre parcel to a hotel Group to build a hotel and two commercial out pads. Which is the approval process now with the City. Then I completed the rezoning of the 15 + acre parcel to an R-16 Residential zone. The intent was to build out a 224-unit condominium project. It is ready for development as soon as there are water rights that come available for that use.

The next assignment was to finally subdivide the 17+ acre parcel into commercial lots, to then be marketed to the small business community for expansion into the Tooele area, with 10 small businesses and one large major business such as a large home improvement center (such as a Lowes or Sutherlands et.) So, the first goal is to get the lots subdivided and then get the marketing going on the 11 lots that are in the planned subdivision. I can only provide a list of business types that our marketing team will be contacting for the sale of the lots for their prospective businesses. With that background, I will answer your questions as much as possible.

Here are some questions to start off with. Can you answer these to the best of your ability?

- What is the new capital investment (contributes to property tax value)?

I have included a sheet with capital investment estimates, "ESTIMATED WATER DEMAND FOR COMMERCIAL LOTS". I have estimated the new capital investment for each lot.

- Will there be sales tax revenue from this project? If so, what are projected sales?

This one is just a guess, since we don't know what is being sold. I don't know.

- Do you know the end tenants? If not, what type of industry and business is being targeted?

See the list mentioned above for this one.

- How many jobs can we expect to be created through this project? What will the range of wages be?

-

The mechanical engineer who assisted me, estimated 385 new jobs here. There will be full time management level, full time employees, and hourly workers plus part time hourly jobs.

- What is your timeline for development?

As soon as the subdivision is approved, Greg would like to complete the basic subdivision as planned immediately, to get the marketing of the lots going ASAP.

- Are there any other project benefits that you would like to explain to the Council?

1. With all of the hundreds of new homes within a ½ mile radius of the shopping center, this shopping center is right in the middle of the growth and will be the new convenient place to go for most of their needs and desires. 2. Many will enjoy the walking distance shopping that will be opened up to them. 3. Tooele City will certainly love the new source of commercial based property taxes, and sales taxes that follow a new shopping center. 4. Permanent full-time employment for hundreds of Tooele residents and part time work for our kids after school and summer jobs help create the tremendous boon to the City's ability to grow and support the present and future labor force of the city. 5. The new access at 100 West from 1000 North will greatly help traffic flow into the new Shopping Center with lots of parking. 6. Finally this vacant weed patch will become a new shining star in the neighborhood. 6. The city general plan is now coming into a reality, with this and other development in the area. 7. The very nature of the creation of the private businesses owning the land where their business operates, is a huge incentive for the business owners to be in it for the long haul, vs. businesses which have to be concerned about renewed leases and escalating prices just to continue business.

ESTIMATED WATER DEMAND AND ESTIMATED NEW CAPITALIZATION **EXAMPLES FOR SAMPLE BUSINESS** FOR COMMERCIAL LOTS

Lot 1 --office/retail user Typical = Ace Hardware
40361 sqft = .92 acres 0.51 acre ft / year NEW CAPITALZATION \$1,100,500

Lot 2 -- office retail user Typical = C Store
41040 sqft = .94 acres 0.52 acre ft / year NEW CAPITALZATION \$1,704,000

Lot 3 -- office/retail user Typical = Auto Zone
41040 sqft = .94 acres 0.44 acre ft / year NEW CAPITALZATION \$2,130,000

Lot4 -- large anchor tenant Typical = Winco Store
346638 sqft = 7.9 acres 5.5 acre ft / year (rough estimate only)
(rough estimate only) NEW CAPITALZATION \$25,075,425

Lot 5 – retail, (fast food) Typical = Wing Stop
36424 sqft = .83 acres .98 acre ft / year NEW CAPITALZATION \$621,250

Lot 6 – retail Retail Store Typical ross Dress for less
34545 sqft = .79 acres .44 acre ft / year NEW CAPITALZATION \$1,098,000

Lot 7 -- retail (bank) Typical = U First Credit Union
32585 sqft .75 acres .41 acre ft / year NEW CAPITALZATION \$2,281,000

Lot 8 -- retail (fast food) Typical = Burger King
32585 sqft = .75 acres .98 acre ft / year NEW CAPITALZATION \$1,775,000

Lot 9 -- retail (restaurant)) Typical = Olive Garden
55125 sqft = 1.3 acres 1.4 acre ft / year NEW CAPITALZATION \$2,992,500

Lot 10 - retail (medium store or medium office/professional med. /den
36637 sqft = .84 acres 0.41 acre ft / year NEW CAPITALZATION \$1,134,600

Lot 11 – (Service station) Typical = Holiday Oil
33049 sqft = .76 acres 1.0 acre ft / year NEW CAPITALZATION \$2,130,000

TOTAL ESTIMATED WATER USE 12.59 ACRE FEET PER YEAR 13 WATER RIGHTS
TOTAL ESTIMATED NEW CAPITALIZATION \$42,042,275

Exhibit B

June 1, 2022, Fee-in-lieu Policy

City Council Policy

RE: Payment In Lieu Of Water Rights Conveyance under Tooele City Code §7-26-3(2).

Effective Date: June 1, 2022

Tooele City Code Chapter 7-26 requires the conveyance of water rights as a condition of approval of all land use applications. Section 7-26-3(2) states the following:

Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

This City Council Policy is established pursuant to the authority embodied in §7-26-3(2).

Residential Development. Beginning on the Effective Date, Tooele City will allow owners of existing parcels of record that are not part of a recorded subdivision, and owners of single lots subdivided from those existing parcels through two-lot subdivisions (e.g., a lot split), to pay a fee (the "Fee") per parcel or lot in lieu of the residential water right requirement established in TCC §7-26-2(1). The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

Non-residential Development. Beginning on the Effective Date, Tooele City will allow owners of non-residential developments to pay the Fee if the development is determined by the City to need less than 20 acre-feet of municipal water rights. Additional Credits may be made available, upon recommendation of the Public Works Director and with written approval of the Mayor, after full consideration of the following criteria in relation to the amount of water used:

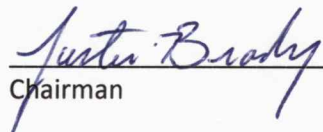
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental and social impacts of the development.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building

permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

General.

1. The Fee shall be established at \$35,000 per Credit, each Credit being the equivalent of 1.0 acre-foot of municipal water rights.
2. Credits sold pursuant to this Policy shall not exceed a total of 50 acre-feet of municipal water rights in any calendar year without the approval of the City Council.
3. Upon payment of the Fee, the City will indicate such payment on the approved building permit.
4. This Policy shall supersede any prior oral or written policies or practices on the subject of this Policy.
5. Revenues derived from the sale of Credits shall be utilized for the protection of existing water rights and/or the purchase of additional water rights, except that the City Council may authorize the use of such revenues for other Tooele City water-related projects and/or needs upon a finding of good cause.
6. The sale of Water Rights Credits under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.


Chairman

TOOELE CITY CORPORATION

RESOLUTION 2022-109

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR BURT BROTHERS TIRE AND SERVICES LLC.

WHEREAS, Tooele City Code Chapter 7-26 governs the exaction by Tooele City of water rights as a condition of land use approval (see also UCA 10-9a-508); and,

WHEREAS, TCC Section 7-26-2(2) empowers the City Council to adopt a legislative policy allowing for the payment of a fee in lieu of water rights conveyance: “Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system”; and,

WHEREAS, on May 18, 2022, the City Council approved Resolution 2022-29, adopting an updated fee-in-lieu of water rights conveyance policy referred to in TCC 7-26-2(2), with an effective date of June 1, 2022 (with the original policy being adopted in 2007) (see the June 1 policy attached as Exhibit B); and,

WHEREAS, the June 1 policy encourages the consideration of at least the following factors in considering requests to pay the fee-in-lieu:

- The number of acre-feet of water rights requested.
- The availability of City-owned water rights and corresponding water sources.
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental, social, and community impacts of the development.

WHEREAS, the City Council retains sole and exclusive legislative discretion in deciding to allow the payment of the fee-in-lieu; and,

WHEREAS, Tooele City received from Burt Brothers Tire and Services LLC (“Burt Brothers”) a letter dated November 18, 2022, requesting the allocation of 0.9 acre-feet of City-owned municipal water rights to their Burt Brothers automotive tire and service center

("Project"), or, in other words, requesting to pay the fee-in-lieu rather than convey water rights (see the letter attached as Exhibit A); and,

WHEREAS, the City Council's authorization allowing Burt Brothers to pay to Tooele City a fee in lieu of conveying up to 0.9 acre-feet of municipal rights is conditioned upon Burt Brothers obtaining City approval of a site plan, City approval of a first building permit, and commencement of vertical construction of a building within two years of the date of approval of this Resolution, unless the City Council, in its sole discretion, decides in a public meeting to extend this two-year deadline or modify these conditions; and,

WHEREAS, the Project will consist of a new 11,560 square foot commercial building with associated landscaping; and,

WHEREAS, Burt Brothers proposal addresses the policy considerations identified above and in the June 1 policy in the following ways:

- Burt Brothers is requesting 0.9 acre-feet of water.
- An estimated \$4.5 Million in new property value.
- Projected sales of \$3 Million annually by year three.
- 15 to 25 employees with wages ranging from \$15 to \$35 per hour.
- An expected opening by the end of 2023.
- Burt Brothers is a Utah-based business seeking to provide alternative options for auto-related services in the community.

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby finds that the request of Burt Brothers complies fully with the City Council's June 1, 2022, policy, and hereby authorizes the payment of the fee-in-lieu of water rights in place of conveyance of 0.9 acre-feet of municipal water rights, for the fee amount established in the June 1 policy of \$35,000 per acre-foot.

This Resolution 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 Resolution is passed by the Tooele City Council this ____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

November 18, 2022, Letter
Burt Brothers



11-18-22

Mayor Winn,

We are sure excited to start our project in Tooele and are finalizing some of the details needed. This letter is to formally request options for payment for water rights that will be needed for the project.

Please let us know what is needed to get this done.

Thanks,

Brandon Burt

Vice President

Burt Brothers LLC

737 N 400 W

North Salt Lake UT 84054

Name: Burt Brothers Tire
Address: 473 East 2400 North
Permit No: P22-828

Water Rights and Impact Fee Analysis
Commercial / Industrial
FINAL SITE PLAN

Source: Architect and 3 years historic records

Water Rights - Interior Use	
	0.22 acre feet/year
Net interior Demand =	0.22 acre-feet (100% depletion)
Total interior use	0.22 acre-feet

5,945 gallons / month
198 gallons / day
71,336 gallons / year
0.22 af / year

Water Rights -Exterior Use	Landscape Area S.F.	Acres	Water Right Duty (per acre)	Water Right acre-feet
Sod	0	0.00	4.00	0.00
Water Conservation Area	14,810	0.34	2	0.68
Net Exterior Demand=	14,810	0.34		0.68 acre feet

TOTAL WATER RIGHT REQUIREMENT (Interior + exterior)= 0.90 acre-feet If purchased thru Payment in Lieu, Cost would be equal to \$35,000 x 0.90 = \$31,500

Sewer Impact		Total
Future Interior Usage	198	gpd (Sewer Impact Fee Revised Feb 2012). Base Fee \$2290 per ERU
Historic Interior Usage	0	gpd
Net Usage=	198	gpd (Net ERU =350 gpd/ERU)
Net Sewer Impact Fee=	\$1,296.50	

Water Impact		Acre Foot Use	Total
Future Impact	0.90		2327
Historic Use			
Net Water Impact Fee=	0.90	\$10,794.14	Water Impact Fee \$7,805 per ERU (Ordinance 2022-12) 1 ERU = 0.65 af

Public Safety Impact (Requires both Fire and Police Component)		
Building s.f.	Cost per 1000 s.f.	Total
11,560	\$187.40	\$2,166.34
11,560	\$164.70	\$1,903.93
0	\$9.67	\$0.00
Net Public Safety Impact Fee=		\$4,070.28

PUBLIC SAFETY	
IMPACT FEE - FIRE	
Residential, single-family	\$255.90 per dwelling unit
Residential, multi-family	\$188.80 per dwelling unit
Commercial	\$187.40 per 1,000 square-feet of building
Industrial	\$111.40 per 1,000 square-feet of building
IMPACT FEE - POLICE	
Residential, single-family	\$216.90 per dwelling unit
Residential, multi-family	\$221.00 per dwelling unit
Commercial	\$164.70 per 1,000 square-feet of building
Industrial	\$17.40 per 1,000 square-feet of building

Parks Impact (Not Applicable for Commercial / Industrial)

Exhibit B

June 1, 2022, Fee-in-lieu Policy

City Council Policy

RE: Payment In Lieu Of Water Rights Conveyance under Tooele City Code §7-26-3(2).

Effective Date: June 1, 2022

Tooele City Code Chapter 7-26 requires the conveyance of water rights as a condition of approval of all land use applications. Section 7-26-3(2) states the following:

Fee-in-lieu. Pursuant to established City Council policy, in lieu of actual conveyance of water rights pursuant to this Chapter, certain development applicants may pay to the City an amount per acre-foot for access to water rights controlled by the City in a quantity necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

This City Council Policy is established pursuant to the authority embodied in §7-26-3(2).

Residential Development. Beginning on the Effective Date, Tooele City will allow owners of existing parcels of record that are not part of a recorded subdivision, and owners of single lots subdivided from those existing parcels through two-lot subdivisions (e.g., a lot split), to pay a fee (the "Fee") per parcel or lot in lieu of the residential water right requirement established in TCC §7-26-2(1). The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

Non-residential Development. Beginning on the Effective Date, Tooele City will allow owners of non-residential developments to pay the Fee if the development is determined by the City to need less than 20 acre-feet of municipal water rights. Additional Credits may be made available, upon recommendation of the Public Works Director and with written approval of the Mayor, after full consideration of the following criteria in relation to the amount of water used:

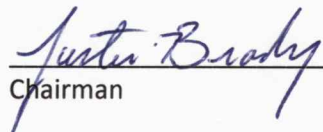
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to generate.
- The anticipated environmental and social impacts of the development.

Credits will be available on a first-come first-served basis. The Fee shall be paid in full prior to building permit issuance. Should a building permit for which the Fee was paid expire under the terms of the permit, the City will refund the Fee, minus a \$100 administrative service charge. An owner who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building

permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

General.

1. The Fee shall be established at \$35,000 per Credit, each Credit being the equivalent of 1.0 acre-foot of municipal water rights.
2. Credits sold pursuant to this Policy shall not exceed a total of 50 acre-feet of municipal water rights in any calendar year without the approval of the City Council.
3. Upon payment of the Fee, the City will indicate such payment on the approved building permit.
4. This Policy shall supersede any prior oral or written policies or practices on the subject of this Policy.
5. Revenues derived from the sale of Credits shall be utilized for the protection of existing water rights and/or the purchase of additional water rights, except that the City Council may authorize the use of such revenues for other Tooele City water-related projects and/or needs upon a finding of good cause.
6. The sale of Water Rights Credits under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.


Chairman

Redevelopment Agency of Tooele City Utah

Date: Wednesday, November 2, 2022

Time: 7:00 p.m.

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

Board Members Present:

Justin Brady
Maresa Manzione
Tony Graf
David McCall

Board Members Excused:

Ed Hansen

City Employees Present:

Mayor Debbie Winn
Jim Bolser, Community Development Director
Adrian Day, Police Department Chief
Roger Baker, City Attorney
Shannon Wimmer, Finance Director
Darwin Cook, Parks and Recreation Director
Michelle Pitt, City Recorder
Holly Potter, Deputy City Recorder
Jami Grandpre, Public Works Director
Kami Perkins, HR Director
Jared Stewart, Economic Development Director

Minutes prepared by Katherin Yei

1. Open RDA Meeting

Chairwoman Manzione called the meeting to order at 7:00p.m.

2. Roll Call

Tony Graf, Present
David McCall, Present
Justin Brady, Present
Maresa Manzione, Present
Ed Hansen, Excused

3. RDA/Economic Development Update

Presented by Jared Stewart, Economic Development Director

Mr. Stewart presented development updates within the City. The development agreement between the RDA and the owners of the 1000 North development has three entity names they would like to consolidate to one. The site plan will be approved once the developer has finished their bonds. A tax increment financing mechanism will need to be triggered by the end of the year by agreement with other taxing entities. The Tooele Business Park South of Tooele Technical College received a letter of termination for the purchase of the property. The RDA is working to rezone the property to Commercial Special District, allowing them to have custom branding to the property. This is adjacent to Union Pacific Railroad providing unique opportunities to market the site through Union Pacific as a focus site. The traffic light at Utah Avenue and Lodestone came out under budget, with \$38,000 remaining. Project USA mine had a site visit at the Industrial Peterson Depot. They will use 2 acre/feet of water annually. They will provide and create 70 jobs. Estimated impact fee and water fees will be \$111,000 and the Peterson Industrial Depot has asked the RDA to consider assisting with fees. Project Gotham is a roofing manufacture looking to expand. They are looking to produce 80 jobs.

The board had discussions on the following:

The 1000 North development agreement has been in the works for a long time. The sales tax revenue that it could bring will be a great advantage to the City.

Will rebranding and rezoning the commercial park property broaden the horizons of potential buyers?

Can the RDA rezone any area they do not own?

Mr. Stewart addressed the Board's questions. It does have more potential. As well as a benefit as a master plan. The intent is to be transparent with the intent and allow the property owners to participate.

4. Resolution 2022-06 A Resolution of the Redevelopment Agency of Tooele City, Utah Consenting to the Assignment of the Development and Participation Agreement from Tally Three LLC, MRI Investment LLC, and 1030 Salt Lake City LLC to Tooele 1000 LLC for 33 Acres of Land Located at Main Street and 1000 North Street

Presented by Jared Stewart, Economic Development Director

Mr. Stewart presented a consent to reassign three names to one for the agreement with Tally Three LLC.

Board Member Graf motioned to adopt Resolution 2022-06. Board Member Brady seconded the motion. The vote was as follows: Board Member Graf, "Aye," Chairwoman Manzione, "Aye," Board Member Brady, "Aye," Board Member McCall, "Aye." The motion passed.

5. Minutes

Wednesday, June 15, 2022 RDA Business Meeting

There are no changes.

Board Member McCall motioned to approve the minutes. Board Member Brady seconded the motion. The vote was as follows: Board Member Graf, “Aye,” Chairwoman Manzione, “Aye,” Board Member Brady, “Aye,” Board Member McCall, “Aye.” The motion passed.

6. Invoices

Presented by Michelle Pitt, RDA Secretary

Ms. Pitt presented the following invoice:

Peterson Industrial Depot for the K Avenue Sewer Line in the amount of \$200,004.

Board Member Brady motioned to approve the minutes. Board Member McCall seconded the motion. The vote was as follows: Board Member Graf, “Aye,” Chairwoman Manzione, “Aye,” Board Member Brady, “Aye,” Board Member McCall, “Aye.” The motion passed.

7. Adjourn

Chairman Manzione adjourned the meeting at 7:20 pm.

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

Approved this _____ day of November, 2022

Maresa Manzione, Redevelopment Agency Chairwoman