

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, January 4, 2023, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Selection of Tooele City Council Commission & Board Appointments for 2023**
 - b. **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
 - c. **Impact Fee Assistance Request; Project No Cap**
Presented by Jared Stewart, Economic Development Director
 - d. **Resolution 2023-04** A Resolution of the Tooele City Council Authorizing Payment of a Fee-in-Lieu of Water Rights Conveyance for NAPA Auto Parts Development
Presented by Jared Stewart, Economic Development Director
 - e. **Dow James and Youth Center Fees**
Presented by Darwin Cook, Parks & Recreation Director
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **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 COUNCIL COMMISSION & BOARD APPOINTMENTS 2023

Revised

Commission / Board	Meeting	Number	Term	Appointed By	Council Appointee
City Council	2 x month	5	4	Electorate	Chair: Vice Chair:
Planning Commission	2 x month	7	4	Mayor Appoints 4; Council Appoints 3; Council Liaison	Liaison: Liaison:
Library Board		5 – 9	3	Mayor (with Council consent); 1 Appointee may be a Councilperson	
Redevelopment Agency	As needed	5 (Council)	–	–	Chair: Vice Chair:
RDA Taxing Entity Committee	As needed	8	–	Council (“legislative body”) Appoints 2	
Municipal Building Authority	As needed	6 (Council & Mayor)	–	–	N/A
Council of Governments	Monthly	13	–	Mayor Appoints 2 (with Council consent)	Mayor Debbie Winn
Museum Advisory Board		7 – 14	3	Mayor (with Council consent); Mayor is a Member	Mayor Debbie Winn
Employee Grievance Appeal Board	As needed	5	2	3 by Vote of Full-Time City Employees; Council Appoints 2 of its own Members	
Historical Preservation Commission		5	–	Mayor (with Council consent)	N/A
Accessibility Committee		3	2	Mayor (with Council consent); 1 Member from Engineering	N/A
Local Boundary Commission	As needed	7	4	Mayors of Municipalities Appoint 2 Elected Municipal Officials	Mayor
North Tooele City Special Service District	Monthly	6	4	City Council Appoints 5 Residents of the District and 1 Ex Officio Councilperson	
PAR Tax Board		5 (Council)	–		Chair:
Arts Council Board	Monthly	7	4	2 City Council Members	
Board of Appeals (UBC)		None Specified; Must be Qualified	No Term Limit	City Council	N/A
Communities That Care (CTC)	Every other month	25	1	CTC Coordinator	
USU Board	Quarterly	-	-	City Council	
Homeless Coordination Committee		-	-	City Council	
Utah League of Cities and Towns Legislative Policy Committee		–	–	City Council / Mayor	Mayor Debbie Winn Roger Baker
Tooele City Water Special Services District	As needed	5 (Council)	–	City Council	Chair:
Pre-Disaster Mitigation Planning Team		1 (Council)	–	City Council	

Children's Justice Center		1 (Council)	-	City Council	
Attainable Housing		1 (Council)	2	City Council	
Council on Aging					
Downtown Alliance				Mayor	

TOOELE CITY COUNCIL COMMISSION & BOARD APPOINTMENTS 2022
Revised 1/5/2022

Commission / Board	Meeting	Number	Term	Appointed By	Council Appointee
City Council	2 x month	5	4	Electorate	Chair: Justin Brady Vice Chair: Ed Hansen
Planning Commission	2 x month	7	4	Mayor Appoints 4; Council Appoints 3; Council Liaison	Liaison: Ed Hansen Liaison: Maresa Manzione
Library Board		5 – 9	3	Mayor (with Council consent); 1 Appointee may be a Councilperson	Tony Graf
Redevelopment Agency	As needed	5 (Council)	–	–	Chair: Maresa Manzione Vice Chair: Dave McCall
RDA Taxing Entity Committee	As needed	8	–	Council (“legislative body”) Appoints 2	Maresa Manzione Shannon Wimmer
Municipal Building Authority	As needed	6 (Council & Mayor)	–	–	N/A
Council of Governments	Monthly	13	–	Mayor Appoints 2 (with Council consent)	Mayor Debbie Winn Dave McCall
Museum Advisory Board		7 – 14	3	Mayor (with Council consent); Mayor is a Member	Mayor Debbie Winn Ed Hansen
Employee Grievance Appeal Board	As needed	5	2	3 by Vote of Full-Time City Employees; Council Appoints 2 of its own Members	Maresa Manzione Justin Brady
Historical Preservation Commission		5	–	Mayor (with Council consent)	N/A
Accessibility Committee		3	2	Mayor (with Council consent); 1 Member from Engineering	N/A
Local Boundary Commission	As needed	7	4	Mayors of Municipalities Appoint 2 Elected Municipal Officials	Mayor
North Tooele City Special Service District	Monthly	6	4	City Council Appoints 5 Residents of the District and 1 Ex Officio Councilperson	Justin Brady
PAR Tax Board		5 (Council)	–		Dave McCall
Arts Council Board	Monthly	7	4	2 City Council Members	Tony Graf Maresa Manzione
Board of Appeals (UBC)		None Specified; Must be Qualified	No Term Limit	City Council	N/A
Communities That Care (CTC)	Every other month	25	1	CTC Coordinator	Ed Hansen
USU Board	Quarterly	-	-	City Council	Tony Graf
Homeless Coordination Committee		-	-	City Council	Ed Hansen
Utah League of Cities and Towns Legislative Policy Committee		–	–	City Council / Mayor	Mayor Debbie Winn Roger Baker Justin Brady
Tooele City Water Special Services District	As needed	5 (Council)	–	City Council	Chair: Justin Brady

Pre-Disaster Mitigation Planning Team		1 (Council)	-	City Council	Ed Hansen
Children's Justice Center		1 (Council)	-	City Council	Tony Graf
Attainable Housing		1 (Council)	2	City Council	Justin Brady
Council on Aging	Last Wednesday every month				Justin Brady
Downtown Alliance				Mayor	Ed Hansen
Tree City USA					Justin Brady

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

DRAFT RESOLUTION 2023-04

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR NAPA AUTOPARTS DEVELOPMENT.

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 Ron Burt representing W&R Enterprises on behalf of NAPA Autoparts (“the Project”) a letter dated December 15, 2022, requesting the allocation of 1.6 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 allowing NAPA Autoparts to pay to Tooele City a fee in lieu of conveying up to 1.6 acre-feet of municipal rights is conditioned upon NAPA obtaining City approval of a site plan, City approval of a 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 approximately 9,238 square feet in new commercial 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 1.6 acre-feet of water.
- An estimated capital investment of \$2.5 Million including land and construction costs.
- The creation of an estimated 5 new jobs with annual wages ranging from \$15,000 to \$50,000 each.
- This NAPA location is expected to increase taxable sales by up to \$500,000 annually in addition to the existing \$1.5 Million.
- The Project is anticipated to complete construction by the end of 2023.
- The Project represents a re-location and expansion of an existing business. It retains jobs and capital investment within city limits and is expected to enhance and expand NAPA's business opportunities.

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 comply 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 for the Project, for up to 1.6 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 _____, 2023.

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 15, 2022, Letter
W&R Enterprises on behalf of NAPA Autoparts

W&R Enterprises LC

December 15, 2022

Mayor Winn,

We are looking forward to our project in the Tooele area 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,



Ron Burt

Owner

W&R Enterprises

737 N 400 W

North Salt Lake UT 84054

Jared Stewart

From: Chris Child <ChrisChild@GallowayUS.com>
Sent: Friday, December 16, 2022 12:05 PM
To: Debbie Winn
Cc: Jared Stewart
Subject: Napa Tooele Water Rights
Attachments: Napa Tooele Water rights purchase letter.pdf

Mayor Winn

Please see the attached letter requesting water rights for the Napa project. I have also included answers to the questions Jared had sent us on the Burt Brothers. Thanks!

- What is the new capital investment (contributes to property tax value)? **All in with land and construction it will be around \$2.5**
- Will there be sales tax revenue from this project? If so, what are projected sales? **Currently have store in Tooele that will be relocated to this site. Total Sales will be \$1.5-\$2.0M Annually. Expecting and additional \$0-\$500k on top of current stores business.**
- How many jobs can we expect to be created? What will the range of wages be? **Addition of 0-5 new jobs. Ranging from \$15k to \$50k each. Relocating current store to this site and all current employees will transition. Growth will indicate if additions are needed.**
- What is your timeline for development? **We are hoping to be in before the end of the year 2023**
- Are there any other project benefits that you would like to explain to the Council? **We feel like this is a great opportunity to keep a great store in the city while keeping the current jobs local to the City as well as the tax revenue.**



Chris Child AIA, NCARB
ARCHITECTURAL PROJECT MANAGER | SR. ASSOCIATE

577 S 200 E, Salt Lake City, UT 84111
O 801.533.2100 C 801.664.0449
ChrisChild@GallowayUS.com

GallowayUS.com | Celebrating 40 Years.

Name: NAPA
 Address: 507 East 2400 North
 Permit No: P22-829

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

Source: Architect and 3 years historic records

Water Rights - Interior Use	1.07 acre feet/year
Net interior Demand =	1.07 acre-feet (100% depletion)
Total interior use	1.07 acre-feet

28,992 gallons / month
966 gallons / day
347,906 gallons / year
1.07 af / year

Water Rights -Exterior Use	Landscape Area		Water Right Duty (per acre)	Water Right acre-feet
	S.F.	Acres		
Sod	0	0.00	4.00	0.00
Water Conservation Area	10,890	0.25	2	0.50
Net Exterior Demand=	10,890	0.25		0.50 acre feet

TOTAL WATER RIGHT REQUIREMENT (Interior + exterior)= **1.57 acre-feet** **If purchased thru Payment in Lieu, Cost would be equal to \$35,000 x 1.57 = \$54,950**

Sewer Impact		Total
Future Interior Usage	966	gpd (Sewer Impact Fee Revised Feb 2012). Base Fee \$2290 per ERU
Historic Interior Usage	0	gpd
Net Usage=	966	gpd (Net ERU = 350 gpd/ERU)
Net Sewer Impact Fee=	\$6,323.06	

Water Impact		Acre Foot Use	Total
Future Impact	1.57		2327
Historic Use			
Net Water Impact Fee=	1.57	\$18,825.15	Water Impact Fee \$7,805 per ERU (Ordinance 2022-12) 1 ERU = 0.65 af

Public Safety Impact <i>(Requires both Fire and Police Component)</i>		
Building s.f.	Cost per 1000 s.f.	Total
9,238	\$187.40	\$1,731.20
9,238	\$164.70	\$1,521.50
0	\$9.67	\$0.00
Net Public Safety Impact Fee=		\$3,252.70

PUBLIC SAFETY	
IMPACT FEE	
Fire - Commercial / Industrial	\$1,731.20
Police - Commercial	\$1,521.50
Police - Industrial	\$0.00
Total	\$3,252.70

Parks Impact *(Not Applicable for Commercial / Industrial)*

Year	Month	Unit (100 cf)	Gallons	INTERIOR
2022	8	93	69564	
2022	7	105	78540	
2022	6	68	50864	
2022	5	28	20944	28
2022	4	22	16456	22
2022	3	68	50864	68
2022	2	33	24684	33
2022	1	33	24684	33
2021	12	33	24684	33
2021	11	48	35904	48
2021	10	118	88264	
2021	9	132	98736	
2021	8	99	74052	
2021	7	109	81532	
2021	6	57	42636	57
2021	5	31	23188	31
2021	4	29	21692	29
2021	3	18	13464	18
2021	2	38	28424	38
2021	1	38	28424	38
2020	12	38	28424	38
2020	11	142	106216	
2020	10	248.0	185504	
2020	9	229.0	171292	
2020	8	194	145112	
2020	7	150	112200	
2020	6	130	97240	
2020	5	66	49368	
2020	4	40	29920	40
2020	3	27	20196	27
2020	2	42	31416	42
2020	1	42	31416	42
2019	12	42	31416	42
2019	11	32	23936	32
2019	10	170	127160	
2019	9	232	173536	
2019	8	159	118932	
2019	7	95	71060	
2019	6	61	45628	
2019	5	35	26180	35
2019	4	39	29172	39
2019	3	72	53856	72
2019	2	32	23936	32
2019	1	32	23936	32
2018	12	32	23936	32
2018	11	75	56100	75
2018	10	206	154088	
2018	9	241	180268	
2018	8	58	43384	
2018	7	106	79288	
2018	6	134	100232	
2018	5	36	26928	36
2018	4	36	26928	36
2018	3	71	53108	71
2018	2	19	14212	19
2018	1	19	14212	19

38.7 units (Average Winter Use per Month)
 28,992 gallons / month
 966 gallons / day
 347,906 gallons / year
 1.07 af / year

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:

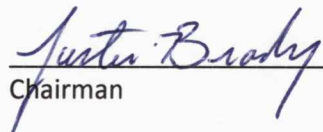
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to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

Name: Minova
 Address: PID, new build
 Permit No:

CONCEPT

**Water Rights and Impact Fee Analysis
 Commercial / Industrial**

REVISED 10/19/2022

Water Rights - Interior Use					
Employee Restroom	1.01 acre feet/year		15 gallons per employee		
Other Water Use	1.17 acre feet/year		70 No. Employees		36,696 gallons per month
Net interior Demand=	2.18 acre-feet (100% depletion)		1,050 gallons per day		1,223 gallons per day
			1.01 acre feet / year		1.17 acre feet / year

Water Rights -Exterior Use	Landscape Area S.F.	Acres	Water Right Duty (per acre)	Water Right acre-feet	
Landscape - Drip		0.00	2.00	0.00	
Landscape - Sod		0.00	4.00	0.00	0.00
Net Exterior Demand=	0	0.00		0.00	acre feet

TOTAL WATER RIGHT REQUIREMENT (Interior + exterior)= 2.18 acre-feet \$76,185.24 (if purchased from City, \$15,000/a.f.)

Sewer Impact	Total	
Future Interior Usage	1,050	gpd (Sewer Impact Fee Revised Feb 2012). Base Fee \$2290 per ERU
Historic Interior Usage	0	gpd
Net Usage=	1,050	gpd (Net ERU =350 gpd/ERU)
Net Sewer Impact Fee=	\$6,870	
	\$0	Subtraction from previous user fees
	\$6,870	Net

Water Impact	Acre Foot Use	Total
Future Impact	2.18	
Historic Use		
Net Impact Fee=	2.18	\$16,989 Water Impact Fee Revised 2021). Base Fee \$7,805 per ERU
		\$0 Subtraction from previous user fees
		\$16,989 Net

Public Safety Impact	Building s.f.	Cost per 1000 s.f.	Total	
	85,000	\$111.40	\$9,469.00	Fire - Commercial (\$187.40) / Industrial (\$111.40) (Revised 2021)
	0	\$164.70	\$0.00	Police - Commercial (Revised June 19, 2012)
	85,000	\$17.40	\$1,479.00	Police - Industrial (Revised 2021)
Net Public Safety Impact Fee=			\$10,948	

	\$0	Subtraction from previous user fees	
	\$10,948	Net	
			SUM of impact fees \$34,807
			Indoor Water right requirements \$76,185.24

Parks Impact (Not Applicable for Commercial / Industrial)

Dow James Complex: 80x90 7200 sqft

Health & Recreation:	\$10.00/person/reservation period (3 months)
Community Event/Non-Profit:	\$10.00/hour, max \$50.00/day \$15/hr, max 60/day
General/Business:	\$25.00/hour, max \$150.00/day \$30/hr, \$200/day
Key Deposit:	\$50.00

Tooele Youth Cntr: 40x100 4000 sqft

Community Event/Non-Profit:	\$10.00/hour, max \$50.00/day
General/Business:	\$25.00/hour, max \$150.00/day
Key Deposit:	\$50.00