

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, May 3, 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. **Resolution 2023-23** A Resolution of the Tooele City Council Amending Its Policy Allowing Payment of a Fee In Lieu of Water Rights Conveyance
Presented by Roger Baker, City Attorney
 - b. **Should Tooele City Impose a Fine** for Candidates That Do Not File a Campaign Finance Statement in a Timely Manner as Per Utah Code 10-3-208(11)(a)(ii)
Presented by Michelle Pitt, City Recorder
 - c. **Outdoor Landscaping Text Amendments**
Presented by Andrew Aagard, City Planner
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 CORPORATION

RESOLUTION 2023-23

A RESOLUTION OF THE TOOELE CITY COUNCIL AMENDING ITS POLICY ALLOWING PAYMENT OF A FEE IN LIEU OF WATER RIGHTS CONVEYANCE.

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, the City Council adopted the referenced fee-in-lieu policy in 2007, and revised the policy in 2008; and,

WHEREAS, on April 1, 2015, the City Council passed Resolution 2015-17, adopting an amended fee-in-lieu policy (see the resolution and meeting minutes attached hereto and incorporated herein as Exhibit A); and,

WHEREAS, on May 18, 2022, the City Council approved Resolution 2022-29, amending the fee-in-lieu policy and establishing the price per municipal acre-foot at \$35,000 (see the resolution and meeting minutes attached hereto and incorporated herein as Exhibit B); and,

WHEREAS, the City Administration recommends further amendments to the fee-in-lieu policy to address a number of important policy matters, including the following:

- Authorizing administrative implementation of the fee-in-lieu policy in its limited residential context.
- Defining non-residential development “Projects.”
- Requiring Projects desiring to pay the fee-in-lieu to submit a written request.
- Requiring consideration of inclusive criteria prior to request approval.
- Allowing for partial approvals of requests.
- Sunsetting an approval after certain deadlines related to building permit issuance and building construction.

- Formalizing a statement disavowing any connection between the fee price and the market value of water rights.
- Establishing the date on which the fee price is determined.
- Clarifying the annual 12-month limitation of 50 Credits.
- Clarifying that a Credit certificate is not required.
- Clarifying the nature of the water rights revenue fund.
- Requiring a City Council resolution for approval of payment of the fee-in-lieu.
- Declaring that approval does not constitute an entitlement or vested right.
- Declaring that Credits are not marketable, transferrable, or assignable, and are not negotiable securities.
- Indicating that a developer may not pre-pay for Credits that are not associated with a specific building permit, i.e., for future unsubmitted building permit applications in a larger development Project.
- Indicating that no approval is a precedent for any other request for approval.
- Allowing refunds for unused Credits.

WHEREAS, Tooele City continues to actively pursue water rights acquisition and development, as well as water source acquisition and development, in order to allow Tooele City to grow and to not stagnate:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOEELE CITY COUNCIL that the 2022 Policy is hereby revised in the 2023 Policy as shown in Exhibit C, attached hereto and incorporated herein.

This Resolution is necessary for the immediate preservation of the peace, health, safety, and 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

Resolution 2015-07 and Meeting Minutes

TOOELE CITY CORPORATION

RESOLUTION 2015-17

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING A WATER RIGHTS POLICY ALLOWING THE PAYMENT OF A FEE-IN-LIEU OF CONVEYANCE OF WATER RIGHTS UNDER TOOELE CITY CODE CHAPTER 7-26.

WHEREAS, Tooele City Code 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.

WHEREAS, the policy attached as Exhibit A ("Policy") is intended to implement Section 7-26-3(2); and,

WHEREAS, the Policy is in the best interest of Tooele City for economic development purposes and for efficiencies of administration; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Policy attached as Exhibit A is hereby adopted.

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 1st day of April, 2015.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]

Michelle Pitt, City Recorder



SEAL

Approved as to Form:

[Signature]
Roger Baker, City Attorney

Exhibit A

Policy

City Council Policy

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

Effective Date: April 1, 2015

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 \$15,000 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 supercede 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 Council and
Tooele City Redevelopment Agency
Business Meeting Minutes**

Date: Wednesday, April 1, 2015
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele Utah

Council Members Present:

Scott Wardle, Vice-Chairman
Debbie Winn
Steve Pruden
Dave McCall

Council Member Excused:

Brad Pratt

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Michelle Pitt, City Recorder
Lisa Carpenter, Deputy Recorder
Rachelle Custer, City Planner
Chief Ron Kirby, Chief of Police
Paul Hansen, City Engineer
Heidi Peterson, Communities that Care Director
Randy Sant, RDA Director

Minutes prepared by Elisa Jenkins

Vice-Chairman Wardle called the meeting to order at 7:00 p.m. He excused Chairman Pratt from the meeting.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Councilman Pruden.

2. **Roll Call**

Brad Pratt, Excused
Scott Wardle, Present
Dave McCall, Present
Steve Pruden, Present

permanent. The easement could be relocated at Beehive Telephone's cost if the needed. He tried to build in protections for the City in this resolution.

Councilman Wardle said that they discussed this very thoroughly in the work session meeting. The City does easements with the phone company often.

Mr. Baker said they do more easements with the power company but occasionally they also do them for phone companies.

Councilwoman Winn moved to approve Resolution 2015-16. Councilman McCall seconded the Motion. The vote was as follows: Councilman Pruden, "Aye", Councilwoman Winn, "Aye", Councilman McCall, "Aye", and Vice-Chairman Wardle, "Aye".

6. **Resolution 2015-17 A Resolution of the Tooele City Council Adopting a Water Rights Policy Allowing the Payment of a Fee-In-Lieu of Conveyance of Water Rights Under Tooele City Code Chapter 7-26**

Presented by Roger Baker

Mr. Baker said that the Tooele City Code regarding water rights requires that any new development provide water rights sufficient for their development. If a development uses an acre foot of water they have to provide water rights for an acre foot of water. The City Code provides that in limited circumstances instead of conveying water rights to the City a developer can pay a set fee to the City and access some of the City's water rights instead of bringing their own. The City Code says that would be done pursuant to a separate policy established by the Council. This is the policy he is bringing to the Council. The policy is drafted to limit one user up to 20 acre feet of water rights and limits the number of water rights purchased in a given year to 50 so the City's water rights would not be depleted by big water users. This policy is intended mostly for commercial development. It can be used for residential development only if there is a parcel of land that is being split into two, and then one of the parcels could buy water rights. The value established for one water right is \$15,000 per acre foot of water. He said that he has built into the policy a reservation that this is subject to water rights being available.

Councilman Wardle said that this is a policy they have had for quite some time and they are making clarifications.

Mr. Baker said that this policy has been in place since 2007 and they are making clarifications.

Councilman Pruden moved to approve Resolution 2015-07. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Pruden, "Aye", Councilwoman Winn, "Aye", Councilman McCall, "Aye", and Vice-Chairman Wardle, "Aye".

7. **Resolution 2015-18 A Resolution of the Tooele City Council Adopting a Water Rights Policy Regarding De Minimis Increases in Water Usage**

Exhibit B

Resolution 2022-29 and Meeting Minutes

TOOELE CITY CORPORATION

RESOLUTION 2022-29

A RESOLUTION OF THE TOOELE CITY COUNCIL REVISING ITS POLICY ON PAYMENT MADE IN LIEU OF WATER RIGHTS CONVEYANCE.

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, the City Council adopted the referenced fee-in-lieu policy in 2007, revised the policy in 2008; and,

WHEREAS, on April 1, 2015, the City Council passed Resolution 2015-07, adopting a revised and expanded fee-in-lieu policy, which remains the current policy (see the 2015 Policy attached as Exhibit A, and the April 1, 2015, City Council meeting minutes attached as Exhibit B); and,

WHEREAS, the 2015 Policy recognized that for a homeowner to obtain on the market a water right, or a portion of a water right, for a single home, and to go through the Division of Water Rights change application process, could be time-consuming, disproportionately expensive, impractical, and a disincentive to in-fill development, and therefore allowed the payment of a fee-in-lieu for that single home (see Exhibit A); and,

WHEREAS, in addition, the 2015 Policy recognized the potential economic and general fiscal and other benefits of economic development and non-residential development, allowing the payment of a fee in lieu of water rights conveyance upon an examination of the particularized benefits of any particular development, retaining discretion to the City (see Exhibit A); and,

WHEREAS, the market price for a water right in the Tooele valley 20 years ago was in the neighborhood of \$2,000 per acre-foot, while the market price in 2015 approached \$15,000 per acre-foot; and,

WHEREAS, in adopting the 2015 Policy, the City Council established the fee-in-lieu at \$15,000 per acre-foot of municipal water right in recognition of the diminishing

supply and increasing demand for water rights, and wanted neither to subsidize the price of water rights locally nor to disincentivize commercial development nor to set the price artificially high so as to affect the market price; and,

WHEREAS, it is widely recognized that water rights available for development in Tooele City are today in extremely limited supply, so much so that a number of approved developments are stalled for the inability to obtain water rights; and,

WHEREAS, Tooele City has a limited number of water rights that are not committed by land use approval, development agreement, settlement agreement, or public uses, and must exercise caution in adopting or revising a fee-in-lieu policy; and,

WHEREAS, it has not been, and is not now, Tooele City's intention to use the 2015 Policy as a means of generating revenue to supplement the general fund, the enterprise funds, or otherwise—to the contrary fee-in-lieu revenues are deposited in an account reserved for the acquisition and management of water rights; and,

WHEREAS, in light of the current water market, housing market, and other market conditions, local and regional, the City Council desires to revise the 2015 Policy to incentivize water rights buyers to explore the water rights market and to disincentivize developers from relying on Tooele City's limited water rights inventory for their development needs; and,

WHEREAS, the City Council desires to establish the fee-in-lieu price at \$35,000 per acre-foot of municipal water rights; and,

WHEREAS, the City Council asserts that the \$35,000 per-acre price should not be considered Tooele City's opinion of the market value of municipal water rights, and Tooele City does not desire or intend to affect the market value by setting the fee-in-lieu price at \$35,000 per acre-foot, but rather that the price should be considered the City Council's policy determination, in its legislative discretion, about whether and how to use its limited inventory of water rights to encourage certain development which will provide a broad range of economic development benefits to the City; and,

WHEREAS, Tooele City continues to actively pursue water rights acquisition and development, as well as water source acquisition and development, in order to allow Tooele City to grow and to not stagnate:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the 2015 Policy is hereby revised to establish the fee-in-lieu price at \$35,000 per acre-foot of municipal water rights.

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
18th day of May, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

Tom Co.

Justin Brady

Plan & Har

SA McCall

Maresa Manzione, via phone

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

Debra E. W.

ATTEST:

Michelle Y. Pitt
Michelle Y. Pitt, City Recorder



Approved as to Form:

Roger Evans Baker
Roger Evans Baker, Tooele City Attorney

Exhibit A

2015 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: April 1, 2015

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 \$15,000 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 Council Business Meeting Minutes

Date: Wednesday, May 18, 2022

Time: 7:00 p.m.

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

City Council Members Present:

Ed Hansen
Justin Brady
Tony Graf
David McCall
Maresa Manzione

Planning Commission Members Present:

Chris Sloan

City Employees Present:

Mayor Debbie Winn
Darwin Cook, Parks and Recreation Director
Roger Baker, City Attorney
Michelle Pitt, City Recorder
Holly Potter, Deputy City Recorder
Andrew Aagard, City Planner
Jamie Grandpre, Public Works Director
Paul Hansen, City Engineer
Kami Perkins, HR Director
Jami Carter, Library Director

Minutes prepared by Katherin Yei

Chairman Brady called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Mr. Darwin Cook, Parks and Recreation Director.

2. Roll Call

Tony Graf, Present
Ed Hansen, Present
Justin Brady, Present
Dave McCall, Present
Maresa Manzione, Present via phone

3. Mayor's Youth Recognition Awards

Presented by Debbie Winn, Mayor & Stacy Smart, Communities That Care Supervisor

Council Member Hansen motioned to approve Resolution 2022-28 A Resolution of the Tooele City Council Approving a Lease Agreement with the Bit N' Spur Riding Club. Council Member McCall seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Chairman Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

7. Resolution 2022-29 A Resolution of the Tooele City Council Revising its Policy on Payment Made in Lieu of Water Rights Conveyance

Presented by Roger Baker, City Attorney

Mr. Baker presented an ordinance that requires developments to bring water rights with them or pay a fee in lieu of. There is a provision that defines what allows a development to pay the fee. For residential areas, the policy is limited. Commercial and industrial areas are at the discretion of economic advantages. The Council would like to amend and encourage developers to have Tooele City be the last resort. The current price per acre foot, \$15,000, with the proposed amount being raised to \$35,000. The resolution makes clear that Tooele City is not a water broker and should not be taken at market value.

The City Council asked about incentive and discount regarding the water rights. Is the incentive primarily for those that own acreage and want to build small parcels?

Mr. Baker answered the Council's questions. The incentive is a different policy that allows a reduction in price. Some incentives are available for subdividing small parcels.

Council Member Graf motioned to approve Resolution 2022-29 A Resolution of the Tooele City Council Revising its Policy on Payment Made in Lieu of Water Rights Conveyance.

Chairman Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Graf, "Aye," Chairman Brady, "Aye," Council Member Manzione, "Aye," Council Member McCall, "Aye." The motion passed.

8. Ordinance 2022-16 An Ordinance of Tooele City Amending the Tooele City Personnel Policies and Procedures Manual

Presented by Kami Perkins, Human Resources Director

Ms. Perkins presented an Ordinance to change some sections in the Personnel Policies and Procedures Manual. Department heads serve as a committee. The drafts are sent out to the employees for suggestions. One suggestion is to the change of computer systems, email, and internet, specifically the password security. There were changes for National Freedom Day which will take effect June 15th. Other changes included requiring bereavement for miscarriages, cleaning up issues with contributions, the line of duty requirements, removing the tiered-two enhanced benefit, and giving mental health to retired emergency staff.

Council Member McCall motioned to approve Ordinance 2022-16. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council

Exhibit C

2023 City Council Policy
(redline and clean)

City Council Policy

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

Effective Date: _____, 2023

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 legislative 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 administrative departments are authorized to determine eligibility and to approve payment of the Fee for residential development. The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Persons who are eligible under this Policy may purchase Credits by paying the Fee. Credits will be purchased 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 person 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 may again request to 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 a non-residential developments project (“Project”) to request to pay the Fee if the Project 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 Economic Development Director, and with written approval of the Mayor. A Request shall be in writing from the property owner or agent and addressed to the City Council or Mayor. Approval of a request may be granted only after full consideration of the following criteria in relation to the amount of water used for the Project:

- The number of jobs the Project 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 Project development is anticipated to generate.
- The amount of property tax the Project development is anticipated to generate.
- The anticipated environmental and social benefits and impacts of the Project development.

The Council may consider additional criteria as it thinks appropriate. Persons who are eligible under this Policy and approved by the City Council may purchase Credits by paying the Fee. Credits will be purchased 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 ~~person owner~~ who previously paid the Fee and received a Fee refund due to an expired building permit, or due to the approval sunseting, may submit a new building permit application and may again request to pay the Fee. If authorized by the City Council, the Credits may be purchased on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid. The City Council may partially approve a request, for example, by authorizing 10 Credits out of 20 Credits requested.

Sunset for Non-residential Projects.

The City Council's authorization to pay the Fee for one or more buildings in a non-residential development Project containing more than one primary structure (e.g., more than one restaurant or store) is conditioned upon the Project obtaining City approval of a building permit for a first primary structure in the Project, and commencing vertical construction of the permitted structure, within two years of the date of approval of the Resolution authorizing payment of the Fee. Thereafter, the Project shall obtain a building permit for at least one additional primary structure, and commence vertical construction, within each successive twelve months following the commencement of construction of the prior building. By way of example, if a Resolution is approved on January 1, 2024, a first building permit must be obtained, and vertical construction commenced, prior to December 31, 2025; the next building must be permitted and construction commenced prior to December 31, 2026; and so on. Should any of these events not occur before the applicable sunset date, the City Council approval shall lapse and the remaining Credits shall revert to the City. The City Council, in its sole discretion, may extend these sunset deadlines or modify these conditions in a public meeting.

General.

1. Fee Cost. The Fee shall be established at \$35,000 per ~~Credit, each Credit being the equivalent of 1.0 acre-foot of~~ depletion of municipal water rights. This Fee amount is not intended or calculated to reflect market value. The Fee applicable to any Request shall be the Fee in effect on the date of the Request, provided the building permit application for which the Fee is paid is filed with the City within one year of the Request, and otherwise shall be the Fee in effect on the date of the building permit application.
2. Annual Limit. The number of Credits purchased ~~sold~~ pursuant to this Policy shall not exceed a total of 50 ~~acre-feet of municipal water rights~~ in any calendar year or in any period of 12 consecutive months without the approval of the City Council, in its discretion.
3. Acceptance of Credits. Upon payment of the Fee, the City will indicate the ~~such~~ payment on the approved building permit. Payment of the Fee to the City constitutes surrender of the Credits to the City. No Credit certificate is required.
4. Integration. This Policy shall supersede any prior oral or written policies, ~~or practices,~~ and understandings on the subject of this Policy.
5. Use of Revenues. Revenues derived from payment of the Fee ~~the sale of Credits~~ shall be utilized for the protection of existing water rights and/or the acquisition ~~purchase~~ of additional water rights, except that the City Council may authorize the use of the ~~such~~ revenues for other Tooele City water-

related projects and/or needs upon a finding of good cause. The water rights revenue fund is a fund in the City's General Fund and is not an enterprise fund.

6. Limited Availability. The ~~payment of the Fee sale of Water Rights Credits~~ under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.
7. Resolution Required. The City Council's authorization to pay the Fee for a non-residential Project shall be pursuant to approved City Council Resolution.
8. No Entitlement or Security. Approval of a Resolution for a Project containing multiple lots or buildings (e.g., subdivision, site plan) shall be a temporary reservation of Credits for the Project's building permit applicants. Approval of a Resolution shall not constitute a vested development right or a land use entitlement, or the creation of a marketable security. The City will accept the Fee only from building owners, the authorized agents of building owners, or building permit applicants for buildings in a Project.
9. No Assignment or Transfer. Credits shall not be assignable or transferrable but are reserved by the City in the City's sole discretion for specific Projects and sold for specific buildings.
10. No Pre-payment. Project owners may not pre-purchase Credits for their Project or any Project building in advance of building permit application.
11. No Precedent. City Council authorization to pay the Fee for one Project, at whatever Fee amount per Credit, shall not be considered a precedent in any way in reference to any other Project.
12. Refunds. If water usage projection for a building are reduced by the City after payment of the Fee for that building, the City will reimburse the difference between the Fee paid and the Fee that would have been paid under the reduced usage projection. If a Fee payor withdraws a building permit application prior to its approval, the City will reimburse the Fee, with a \$100 administrative charge.

City Council Chair

City Council Policy

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

Effective Date: _____, 2023

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 legislative 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 administrative departments are authorized to determine eligibility and to approve payment of the Fee for residential development. The item for which the Fee is paid shall be known for purposes of this Policy as a Water Rights Credit or Credit.

Persons who are eligible under this Policy may purchase Credits by paying the Fee. Credits will be purchased 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. A person who previously paid the Fee and received a Fee refund due to an expired building permit may submit a new building permit application and may again request to 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 a non-residential development project (“Project”) to request to pay the Fee if the Project 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 Economic Development Director, and with written approval of the Mayor. A Request shall be in writing from the property owner or agent and addressed to the City Council or Mayor. Approval of a request may be granted only after full consideration of the following criteria in relation to the amount of water used for the Project:

- The number of jobs the Project 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 Project is anticipated to generate.
- The amount of property tax the Project is anticipated to generate.
- The anticipated environmental and social benefits and impacts of the Project.

The Council may consider additional criteria as it thinks appropriate. Persons who are eligible under this Policy and approved by the City Council may purchase Credits by paying the Fee. Credits will be purchased 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. A person who previously paid the Fee and received a Fee refund due to an expired building permit, or due to the approval sunset, may submit a new building permit application and may again request to pay the Fee. If authorized by the City Council, the Credits may be purchased on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid. The City Council may partially approve a request, for example, by authorizing 10 Credits out of 20 Credits requested.

Sunset for Non-residential Projects.

The City Council's authorization to pay the Fee for one or more buildings in a non-residential development Project containing more than one primary structure (e.g., more than one restaurant or store) is conditioned upon the Project obtaining City approval of a building permit for a first primary structure in the Project, and commencing vertical construction of the permitted structure, within two years of the date of approval of the Resolution authorizing payment of the Fee. Thereafter, the Project shall obtain a building permit for at least one additional primary structure, and commence vertical construction, within each successive twelve months following the commencement of construction of the prior building. By way of example, if a Resolution is approved on January 1, 2024, a first building permit must be obtained, and vertical construction commenced, prior to December 31, 2025; the next building must be permitted and construction commenced prior to December 31, 2026; and so on. Should any of these events not occur before the applicable sunset date, the City Council approval shall lapse and the remaining Credits shall revert to the City. The City Council, in its sole discretion, may extend these sunset deadlines or modify these conditions in a public meeting.

General.

1. **Fee Cost.** The Fee shall be established at \$35,000 per 1.0 acre-foot of depletion of municipal water rights. This Fee amount is not intended or calculated to reflect market value. The Fee applicable to any Request shall be the Fee in effect on the date of the Request, provided the building permit application for which the Fee is paid is filed with the City within one year of the Request, and otherwise shall be the Fee in effect on the date of the building permit application.
2. **Annual Limit.** The number of Credits purchased pursuant to this Policy shall not exceed a total of 50 in any calendar year or in any period of 12 consecutive months without the approval of the City Council, in its discretion.
3. **Acceptance of Credits.** Upon payment of the Fee, the City will indicate the payment on the approved building permit. Payment of the Fee to the City constitutes surrender of the Credits to the City. No Credit certificate is required.
4. **Integration.** This Policy shall supersede any prior oral or written policies, practices, and understandings on the subject of this Policy.
5. **Use of Revenues.** Revenues derived from payment of the Fee shall be utilized for the protection of existing water rights and/or the acquisition of additional water rights, except that the City Council may authorize the use of the revenues for other Tooele City water-related projects and needs upon a

finding of good cause. The water rights revenue fund is a fund in the City's General Fund and is not an enterprise fund.

6. Limited Availability. The payment of the Fee under this Policy is subject to the availability of corresponding water rights, in the sole discretion of Tooele City.
7. Resolution Required. The City Council's authorization to pay the Fee for a non-residential Project shall be pursuant to approved City Council Resolution.
8. No Entitlement or Security. Approval of a Resolution for a Project containing multiple lots or buildings (e.g., subdivision, site plan) shall be a temporary reservation of Credits for the Project's building permit applicants. Approval of a Resolution shall not constitute a vested development right or a land use entitlement, or the creation of a marketable security. The City will accept the Fee only from building owners, the authorized agents of building owners, or building permit applicants for buildings in a Project.
9. No Assignment or Transfer. Credits shall not be assignable or transferrable but are reserved by the City in the City's sole discretion for specific Projects and sold for specific buildings.
10. No Pre-payment. Project owners may not pre-purchase Credits for their Project or any Project building in advance of building permit application.
11. No Precedent. City Council authorization to pay the Fee for one Project, at whatever Fee amount per Credit, shall not be considered a precedent in any way in reference to any other Project.
12. Refunds. If water usage projection for a building are reduced by the City after payment of the Fee for that building, the City will reimburse the difference between the Fee paid and the Fee that would have been paid under the reduced usage projection. If a Fee payor withdraws a building permit application prior to its approval, the City will reimburse the Fee, with a \$100 administrative charge.

City Council Chair

Effective 5/4/2022

10-3-208 Campaign finance disclosure in municipal election.

- (1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:
- (a) "Agent of a candidate" means:
 - (i) a person acting on behalf of a candidate at the direction of the reporting entity;
 - (ii) a person employed by a candidate in the candidate's capacity as a candidate;
 - (iii) the personal campaign committee of a candidate;
 - (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or
 - (v) a political consultant of a candidate.
 - (b) "Anonymous contribution limit" means for each calendar year:
 - (i) \$50; or
 - (ii) an amount less than \$50 that is specified in an ordinance of the municipality.
 - (c)
 - (i) "Candidate" means a person who:
 - (A) files a declaration of candidacy for municipal office; or
 - (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.
 - (ii) "Candidate" does not mean a person who files for the office of judge.
 - (d)
 - (i) "Contribution" means any of the following when done for political purposes:
 - (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
 - (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
 - (C) any transfer of funds from another reporting entity to the candidate;
 - (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
 - (E) a loan made by a candidate deposited to the candidate's own campaign; and
 - (F) an in-kind contribution.
 - (ii) "Contribution" does not include:
 - (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
 - (B) money lent to the candidate by a financial institution in the ordinary course of business; or
 - (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.
 - (e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:
 - (i) with the candidate's prior knowledge, if the candidate does not object;
 - (ii) by agreement with the candidate;
 - (iii) in coordination with the candidate; or
 - (iv) using official logos, slogans, and similar elements belonging to a candidate.
 - (f)

- (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
 - (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a);
 - (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
 - (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
 - (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
 - (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
 - (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
- (ii) "Expenditure" does not include:
 - (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
 - (B) money lent to a candidate by a financial institution in the ordinary course of business.
- (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
- (h)
 - (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
 - (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), where the person:
 - (A) has already been paid, with money or other consideration;
 - (B) expects to be paid in the future, with money or other consideration; or
 - (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
- (i) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political convention, or election.
- (j) "Reporting entity" means:
 - (i) a candidate;
 - (ii) a committee appointed by a candidate to act for the candidate;
 - (iii) a person who holds an elected municipal office;
 - (iv) a party committee as defined in Section 20A-11-101;
 - (v) a political action committee as defined in Section 20A-11-101;
 - (vi) a political issues committee as defined in Section 20A-11-101;
 - (vii) a corporation as defined in Section 20A-11-101; or
 - (viii) a labor organization as defined in Section 20A-11-1501.

(2)

- (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) through (7).
 - (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
 - (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) through (7).
- (3) Each candidate:
- (a) shall deposit a contribution in a separate campaign account in a financial institution; and
 - (b) may not deposit or mingle any campaign contributions received into a personal or business account.
- (4)
- (a) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
 - (b) Each candidate who is not eliminated at a municipal primary election shall file a campaign finance statement with the municipal clerk or recorder no later than:
 - (i) 28 days before the day on which the municipal general election is held;
 - (ii) seven days before the day on which the municipal general election is held; and
 - (iii) 30 days after the day on which the municipal general election is held.
 - (c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement within 30 days after the day on which the municipal primary election is held.
- (5) If a municipality does not conduct a primary election for a race, each candidate who will participate in that race shall file a campaign finance statement with the municipal clerk or recorder no later than:
- (a) 28 days before the day on which the municipal general election is held;
 - (b) seven days before the day on which the municipal general election is held; and
 - (c) 30 days after the day on which the municipal general election is held.
- (6) Each campaign finance statement described in Subsection (4) or (5) shall:
- (a) except as provided in Subsection (6)(b):
 - (i) report all of the candidate's itemized and total:
 - (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
 - (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
 - (ii) identify:
 - (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
 - (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
 - (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:

- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (8)
- (a) A municipality may, by ordinance:
 - (i) provide an anonymous contribution limit less than \$50;
 - (ii) require greater disclosure of contributions or expenditures than is required in this section; and
 - (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
 - (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (8)(a) if:
 - (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
 - (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (9).
- (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 35 days before each municipal general election, notify the candidate in writing of:
- (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
 - (b) the dates when the candidate's campaign finance statement is required to be filed; and
 - (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
 - (b) make the campaign finance statement filed by a candidate available for public inspection by:
 - (i)
 - (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and
 - (B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
 - (ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.
- (11)
- (a) If a candidate fails to timely file a campaign finance statement required under Subsection (4) or (5), the municipal clerk or recorder:
 - (i) may send an electronic notice to the candidate that states:
 - (A) that the candidate failed to timely file the campaign finance statement; and
 - (B) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified; and
 - (ii) may impose a fine of \$50 on the candidate.

- (b) The municipal clerk or recorder shall disqualify a candidate and inform the appropriate election official that the candidate is disqualified if the candidate fails to file a campaign finance statement described in Subsection (4) or (5) within 24 hours after the deadline for filing the report.
 - (c) If a candidate is disqualified under Subsection (11)(b), the election official:
 - (i)
 - (A) shall, if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
 - (B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
 - (ii) may not count any votes for that candidate.
 - (d) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign finance statement required under Subsection (4) or (5) is not disqualified if:
 - (i) the statement details accurately and completely the information required under Subsection (6), except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
 - (e) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file with the municipal clerk or recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (12) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (13)
- (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
 - (b) In a civil action under Subsection (13)(a), the court may award costs and attorney fees to the prevailing party.

Amended by Chapter 151, 2022 General Session

TITLE 4. BUILDING REGULATIONS.

CHAPTER 11. SIDEWALKS

4-11-20. Varieties of trees.

It is unlawful to plant any species of tree within any public right-of-way which is not on the Tooele City Street Tree Selection Guide. No trees shall be planted in park strips of less than four feet in width. The Tooele City [Street Tree](#) Selection Guide shall be available from the Community Development and Public Works Departments and may be updated when deemed necessary and appropriate by the Directors.

CHAPTER 11a. RESIDENTIAL PARK STRIP LANDSCAPING REQUIREMENTS

4-11a-1. Park strip landscaping.

- (1) All park strip areas in residential subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be landscaped and maintained seeded or sodded with lawn grass or a form of dry scape approved by the Director, pursuant to standards developed by the Director. ~~Landscaping of park strips with seed, sod, or lawn shall be prohibited.~~ Park strip landscaping shall be hardscapes, i.e. colored and/or stamped concrete, decorative rock, mulches, or similar decorative materials that do not require irrigation. Park strips shall also include street trees as required in Section 4-11a-2 herein and may include water-wise shrubs and plantings that requires little to no water. Hardscapes in park strips may also include artificial turf that gives the appearance of lawn but requires no water. All landscaping shall be perpetually maintained by the owner of the appurtenant property. ~~The commercial or industrial subdivision developer shall prepare park strip areas to receive seed or sod.~~

4-11a-2. Park strip trees.

- (1) Within two (2) years of receiving a certificate of occupancy for a residential housing unit, the owner of each residential lot within Tooele City shall plant trees within the unpaved portion of the park strip of each public street that abuts the property, as follows: at least one (1) tree per park strip frontage in the R1-7 and R1-8 zones; at least two (2) trees per park strip frontage in the R1-10, R1-12, and R1-14 zones; and at least three (3) trees per park strip frontage in the R1-30, RR-1, and RR-5 zones.
- (2) If public streets abut the front and rear boundaries of the residential lot, trees are required in the park strip abutting the front boundary but not the rear boundary. If public streets abut the front and any side boundaries of the residential lot, trees must be planted in park strips abutting the front and side(s).
- (3) Trees planted within park strip areas shall be of a variety specified in §4-11-~~22~~20. All other varieties are prohibited in the park strip.
- (4) Trees shall not be less than one and one-half inches caliper measured one foot from the ground and shall not be shorter than six feet in height. Park strip trees shall be spaced ~~at least fifteen feet apart~~ according to the Tooele City Street Tree Selection Guide and shall not be planted less than ten feet from the adjoining property line. Lot owners shall be responsible for the perpetual care and maintenance of trees planted in park strip areas.
- (5) Any park strips that are less than five feet in width, including areas with integral sidewalk, shall have the required trees installed behind the sidewalk, on private property, in the same manner as would be installed in the park strip.

4-11a-3. Residential Park Strip Tree Bond Requirements.

- (1) Upon applying for a building permit to construct a residential housing unit upon a residential lot in Tooele City, the owner of the residential lot or his or her agent shall post a refundable deposit in the amount of \$150 for each park strip tree that is required under §4-11a-2, Tooele City Code.
- (2) Park strip trees shall of a variety specified in §4-11-~~22~~20, Tooele City Code, and shall meet the height and caliper measurement requirements of §4-11a-1(3).
- (3) Within ~~two~~ three years, but not less than two years, of receiving a certificate of occupancy for a residential housing unit constructed upon a residential lot within Tooele City, the owner of the lot shall may submit proof an application for reimbursement of the street tree bond paid with the building permit for the primary single-family residence on that lot to the Tooele City Building Division Department for consideration ~~that the required park strip trees have been planted.~~
- ~~(4) Adequate proof shall consist of receipts for the purchasing or planting of the required park strip trees accompanied by a photograph or photographs of the planted trees. The photograph or photographs shall give context to the location of the trees by depicting some part of the surrounding area.~~
- ~~(5) After receiving proof of compliance, the Building Official may, for any reason, send a building inspector to verify that park strip trees have been planted as represented, and that they comport with all of the requirements of this Chapter.~~
- ~~(6)~~ (4) Once ~~adequate proof of compliance with~~ an application for reimbursement for the park strip tree planting requirement has been provided, as set forth herein, and the Building Official or his representative is satisfied that the provisions of this Chapter have been met, Tooele City shall release the park strip tree bond to the owner or owners of record of the appurtenant residential lot, regardless of whether a previous owner posted the bond or purchased and planted the trees. The obligation to plant trees in the park strip(s), as well as the entitlement to recoup the bond proceeds, shall attach to lot ownership, and no one other than the owner of record at the time that ~~proof of compliance~~ the application for reimbursement is submitted shall have any claim upon the bond amount.
- ~~(7)~~ (5) If the owner of a residential lot fails to submit ~~proof of compliance with this section~~ an application for reimbursement of the street tree bond within ~~two~~ three years of receiving a certificate of occupancy for a residential housing unit constructed upon the property, the bond posted for park strip trees shall be forfeited to the City.
- ~~(8)~~ (6) Forfeited bond proceeds shall be deposited in a special account and used exclusively for tree planting and landscape beautification projects in public spaces located anywhere within Tooele City.

TITLE 7. UNIFORM ZONING.

CHAPTER 4. OFF-STREET PARKING REQUIREMENTS

7-4-9. Parking Lots.

- (3) Landscaping.
 - (a) Each parking lot shall be landscaped and permanently maintained. All landscaping is strongly encouraged to be low or no water use design and varieties. There shall be no natural turf, seed, or sod used for landscaping within parking lot areas. Artificial turf shall be utilized in areas where a sod-like appearance is desired. Trees and shrubs within parking lot areas shall utilize drip-style irrigation systems.
 - (b) Landscaping area within the parking lot shall also be eligible for calculation into the required site landscaping requirement.
 - (c) At least 5% of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees or shrubs.

- (d) For the purpose of identifying areas in and around a parking lot that are eligible for consideration, Figure 7-4-2 identifies areas anticipated for consideration.
- (e) Landscaping islands not less than eight feet in width, exclusive of curbing, and extending the entire length of the parking stalls it borders shall be provided at each end of parking rows. Landscape islands shall be outlined with curbing to ensure the viability of the landscaping and separation between parking and landscaping. These islands shall include one tree for each parking stall it borders except that trees may be eliminated where pedestrian walkways are provided in their place.
- (f) Landscaped Islands. Landscaping islands shall be provided in all parking areas as follows:
 - (i) Parking areas containing less than 75 parking spaces shall not be required to provide landscaped islands that break up rows of parking.
 - (ii) Parking areas containing less than 75 parking spaces which are part of a phased development that will result in the expansion of the parking for the development to be more than 75 parking spaces shall be required to provide landscaped islands as described in Subsection (f)(iii) herein.
 - (iii) When required, the maximum number of parking spaces in a row without separation by a landscaping island shall be 15. Landscaping islands that provide this separation shall comply with the requirements of Subsection (e) herein except that the number of trees required shall be based on the number of parking stalls bordered on one side only.
- (g) Where landscaping islands are proposed to run the length of parking rows:
 - (i) those areas shall include plantings and ground covers with at least one tree per four parking stalls that front upon that landscaping;
 - (ii) trees shall be evenly spaced through the landscaping area;
 - (iii) landscaping areas may be broken up by pedestrian pathways that cross the landscaping area only when that pathway is a segment of an established and identified pedestrian pathway beyond the landscaping area and through the parking area
 - (iv) pedestrian pathways running the length of the landscaping island shall be not less than five feet in width;
 - (v) pedestrian pathways running the length of the landscaping island may be included in the calculation of landscaping only when landscaping of at least three feet in width is provided between the walkway and the parking spaces it borders.

CHAPTER 11. DESIGN REVIEW

7-11-8. Considerations in review of applications.

The City shall consider the following matters, among others, in their review of applications:

- (1) Considerations relating to traffic safety and traffic congestion:
 - (a) The effect of the site development plan on traffic conditions on abutting streets.
 - (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
 - (d) The location, arrangement, and dimensions of truck loading and unloading facilities.
 - (e) The circulation patterns within the boundaries of the development.
 - (f) The surfacing and lighting of off-street parking facilities.
 - (g) The effect of the site development plan on traffic conditions for uses within the development, including compliance with Chapter 4-8 of the Tooele City Code.
- (2) Considerations relating to outdoor advertising: including

- ~~(a)~~ The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with neighboring development.
- (3) Considerations relating to landscaping:
 - (a) The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with neighboring development, or to conceal storage areas, utility installations, or other unsightly development.
 - (b) The planting of low or no water irrigation required ground cover or other surfacing to prevent dust and erosion.
 - (c) The unnecessary destruction of existing healthy trees.
 - (d) The planting of sod or seeded grass turf shall be prohibited in industrial zones.
 - (e) The planting of sod or seeded grass turf in commercial and mixed-use zones shall be limited to areas intended, designed, and constructed for active recreation, activity, and similar areas.
 - (f) Areas desired for the decorative, aesthetic or appearance of grass or turf that are not intended, designed, and constructed for active recreation, activity, and similar areas shall utilize artificial turf.
 - (g) All plantings outside of allowable turf areas shall utilize drip-style irrigation systems.
- (4) Considerations relating to buildings and site layout:
 - (a) Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to neighboring development.
 - (b) Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on streets, line and pitch of roofs, and the arrangement of structures on the parcel.
- (5) Considerations relating to drainage: including
 - ~~(a)~~ The effect of the site development plan on the adequacy of the storm and surface water drainage, retention, and/or detention.

CHAPTER 11a. DESIGN STANDARDS: MULTIFAMILY RESIDENTIAL

7-11a-12. Design Standards: Landscaping.

- (1) Purpose: The intent of Project landscaping is to provide a variety of plant materials to give color and texture to the Project, to frame views, to screen undesirable views, and to create areas of public space that encourage positive human interaction using creative design and selective planting types that use little or no water with an emphasis on regular and thorough maintenance of landscaped areas.
- (2) Design. All landscaping shall be designed by a licensed landscape architect or similarly qualified licensed professional, and installed by a licensed landscaping contractor in accordance with this Chapter and general landscaping industry standards.
- (3) Land Use Buffers. Landscaping shall be used as a buffer in areas between multi-family developments and differing adjacent land uses.
- (4) Interior Setback. All Projects shall incorporate a landscaped area at least ten feet between buildings and all interior roadways and parking areas. Sidewalks and pathways shall not count towards this requirement.
- (5) Percentage. At least 25% of each site shall be landscaped. This requirement may be reduced to 20% if at least 25% of the 20% landscaping is dry-scape requiring low or no water for irrigation. Areas landscaped with no irrigation artificial turf shall count as dry-scape.
- (6) Quantity. The plantings throughout multi-family Projects are intended to enhance and beautify community appearance and to protect welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful effects

associated with some uses. For the purpose of this Section, a building section shall mean the area between building entrances, the area between a building entrance and the edge of the facade, or the number of horizontal units behind the facade where there are no building entrances. The following shall be required for areas of the Project:

- (a) In on-site areas between each building and streets outside of the Project, per building section, exclusive of right-of-way and parkstrip requirements:
 - (i) along arterial class roads:
 - A. at least two shade trees and one ornamental tree [utilizing drip-style irrigation systems](#); and,
 - B. at least 150 square feet of planting beds containing flowers, [and shrubs utilizing drip-style irrigation systems](#); and non-turf ground cover;
 - (ii) along major collector class roads:
 - A. at least two shade trees and one ornamental tree [utilizing drip-style irrigation systems](#); and,
 - B. at least 100 square feet of planting beds containing flowers, [and shrubs utilizing drip-style irrigation systems](#); and non-turf ground cover;
 - (iii) along minor collector class roads:
 - A. at least two shade trees [utilizing drip-style irrigation systems](#); and,
 - B. at least 100 square feet of planting beds containing flowers, [and shrubs utilizing drip-style irrigation systems](#); and non-turf ground cover;
 - (iv) along local class roads:
 - A. at least two shade trees [utilizing drip-style irrigation systems](#); and,
 - B. at least 75 square feet of planting beds containing flowers, [and shrubs utilizing drip-style irrigation systems](#); and non-turf ground cover;
- (b) In areas fronting upon a road which fall between buildings, there shall be at least one tree [utilizing drip-style irrigation systems](#) for every 40 feet of frontage for that area;
- (c) In areas around buildings that border on Common Areas:
 - (i) along a side facade of each building shall have at least one shade tree [utilizing drip-style irrigation systems](#); and,
 - (ii) along a rear facade of each building shall have at least two shade trees [utilizing drip-style irrigation systems](#);
- (d) In areas between buildings and parking areas or internal access roads:
 - (i) along a side facade of each building shall have at least one shade tree [utilizing drip-style irrigation systems](#); and,
 - (ii) along a front or rear facade of each building shall have at least two shade trees and planting beds containing flowers, [and shrubs utilizing drip-style irrigation systems](#); and non-turf ground cover that outline the entrance to the building; and,
- (e) In areas between buildings and Project boundaries not abutting a street, the requirements shall be the same as those for areas between buildings and a minor collector class street.
- (f) Common Areas not immediately adjacent to a building shall have shade trees and planting beds containing flowers, [and shrubs utilizing drip-style irrigation systems](#); and non-turf ground cover to complement usable open amenity areas for residents identified in Section 7-11a-22 of this Title. The number of trees to be provided shall not be less than the number of ground floor dwelling units in the Project and shall be generally distributed throughout the Project but may be clustered in Common Areas to provide open activity areas as identified in Section 7-11a-22 of this Title.
- (g) For the purpose of compliance with this Section, townhouse Projects or portions of Projects containing townhomes, may reduce the required landscaping from Subsection (6)(a) herein,

- along the front and rear facade to not less than one tree and 50% of the required planting bed area but shall include the remainder of this requirement in Common Areas of the Project.
- (7) The landscaping plan for a Project shall consist of ground covers, shrubs and planting beds, and trees. Projects shall provide a landscaping plan that consists of at least 25% ground cover that is sod, grass or other surface material that provides a playable surface and a maximum of 75% may be planted with such ground covers. For the purpose of this calculation fall surfaces around play equipment may be considered as a playable ground cover surface.
- (8) Types. Landscaping includes trees, shrubs, groundcover, flowerbeds with perennial flowers, dry-scape, and grass. New trees shall be at least two-inch caliper measured at the base of the tree and at least six feet in height measured from the top of the root ball. Drought tolerant and water-wise landscaping that utilizes drip-style irrigation systems when irrigation is required and plantings that need little to no water is highly encouraged. Sod, seeding, and natural grass turf shall be limited strictly to areas design and dedicated as active and usable spaces such as recreation and activity amenities. Artificial turf shall be utilized in areas where a sod-like appearance is desired but are not intended for use as active and usable spaces.
- (9) Projects shall be designed to incorporate existing mature trees (i.e., ten or more years old, or four-inch caliper trunk measured at the base of the tree). The minimum required number of new trees in any Project area (i.e. Common Area) may be reduced by three for every existing mature tree preserved and incorporated into that area of the Project.
- (10) Landscaping used to satisfy any one requirement of this Section shall not be construed to satisfy any other requirement. Each requirement shall be satisfied independent of any other unless otherwise specified.
- (11) Irrigation.
- (a) All landscaped areas shall incorporate permanent, automated, irrigation systems that shall:
- (i) Utilize water consumption reducing mechanisms or devices, such as, low-volume sprinkler heads, drip emitters, and bubbler emitters; and,
- (ii) Utilize water saturation sensors or other mechanisms or devices that prevent over-watering; and,
- (iii) Irrigate trees and shrubs with drip irrigation; and,
- (iv) Reduce wasteful and unnecessary water usage.
- (b) Trees and shrubs shall be located in similar water usage demand zones.
- (12) Maintenance. Each Project shall include the creation of an association, or other legal mechanism acceptable to the City, with responsibility for, and authority to require and enforce, the permanent maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat, and orderly appearance.
- (a) Dead trees, shrubs, and other plantings shall be replaced within 60 days, or by November 1, whichever is earlier.
- (b) Grassy areas shall be treated in a manner so as to discourage weed growth.
- (c) For the purposes of compliance with this Chapter, artificial grass which emulates natural grass may be substituted for natural grass provided that maintenance is established for the regular cleaning of the surface and period replacement of the artificial grass as needed.
- (13) Parking areas. All landscaped areas shall be separated from parking and drive surfaces by a curb.
- (14) Multi-family redevelopment projects within an existing registered historical building shall have no landscaping requirements specific to the historical building beyond those landscaping areas previously established with and around the building. Those previously established landscaping areas shall be developed according to the provisions of this Section.
- (15) Storm water basins, including detention and retention basins, shall be landscaped and maintained as a part of the Project landscaping. Basins shall be landscaped with the need for low or no water

demand using dry scapes, water-wise and drought tolerant plantings on drip-style irrigation systems, and artificial turf for areas where a grass or sod appearance is desired. Landscaping within basins shall not include sod, seeding or natural grass turf unless intended, designed, and constructed to include active recreational purposes as approved by the Tooele City Parks and Recreation Department. Basins intended, designed, and constructed to include active recreational purposes shall be designed with 5:1 maximum slopes around the perimeter so provide for appropriate access and egress. Basins not intended, designed, and constructed to include active recreational purposes shall be designed with 3:1 maximum slopes around the perimeter.

CHAPTER 14. RESIDENTIAL ZONING DISTRICTS

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

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

CHAPTER 7-16. DESIGN STANDARDS: SINGLE-FAMILY RESIDENTIAL

**TABLE 2
DEVELOPMENT STANDARDS**

DEVELOPMENT REQUIREMENT	DISTRICT									
	Mixed Use (MU-G) (MU-B)	Neighborhood Commercial (NC)	General Commercial (GC)	Regional Commercial (RC)	Light Industrial (LI)	Industrial Service (IS)	Industrial (I)	Research & Development (RD)	Downtown Overlay (DO)	Gateway Overlay (GO)
Minimum Required Front Yard Landscape Area (measured from front property line) See Note F1	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1	20 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1	15 Feet. See Note F1	40 Feet. See Note F1	15 Feet. See Note F1	15 Feet. See Note F1	15 Feet. No landscaping required for auto impound yard, military surplus yards, or vehicle storage yards. See Note H. See “Minimum Required Landscape Area” below	15 Feet. See Note F1	10 Feet. May be reduced to 0 Feet following approval by the Planning Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1	20 Feet. See Note F1
Minimum Required Landscape Area (percentage of total site area which may include required landscaping within parking areas)	No Requirement but must comply with requirements of the Planning	No Requirement but must comply with requirements of the Planning	10% See Note F1	15% See Note F1	See Note F2	See Note F2	See Note F2	10% See Note F1	No Requirement but must comply with requirements of the Planning	15% provided a greater percentage may be required by the Planning

	Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1	Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1							Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1	Commission for compliance with Chapter 7- 11 Tooele City Code See Note F1
Landscaping Requirements	See Note F1	See Note F1	See Note F1	See Note F1	See Note F2	See Note F2	Critical Areas plus 1% of site acreage or mitigation See Note F2	See Note F1	See Note F1	See Note F1

NOTES:

F1. No plans for any primary building or structure shall be approved by the Planning Commission or Community Development Department unless a Landscaping Plan is submitted and approved by the Planning Commission or Community Development Department, consistent with the considerations of Tooele City Code §7-11-8. Landscaping in accordance with the approved Landscaping Plan shall be installed prior to issuance of a Certificate of Occupancy unless a bond is posted pursuant to Tooele City Code §7-22-4. The Landscaping Plan shall include at a minimum:

1. A 50/50 mix of evergreen and deciduous trees and shrubs;
2. 60% of trees and shrubs with a minimum caliper of 2 inches and a minimum height of 5 feet;
3. park strip trees, at least one for every 30 feet of right-of-way frontage, in compliance with Tooele City Code §4-11-~~2220~~ [and be of a variety identified in the Tooele City Street Tree Selection Guide.](#)

F2. 1. Critical Areas. "Critical Areas" shall mean those areas of a development site which have a particular sensitivity to environmental considerations, aesthetics, and employee and public convenience, health, and well being. Critical areas shall be determined administratively during discussions/negotiations between Tooele City staff and the developer, and shall address at least the following areas: principle vehicle entrances for employees and customers; principle pedestrian building entrances for employees and customers; employee gathering and rest areas; storm water drainage, detention, and retention facilities; and, screening of exterior building equipment.

2. Minimum Acreage. The 1% site acreage requirement is in addition to, not inclusive of, Critical Area landscaping.

3. Minimum Acreage Requirement Mitigation. In lieu of the 1% acreage landscaping requirement, the developer may pay to Tooele City a mitigation sum equal to the requirement, multiplied by \$20,000 per acre, a reasonable average landscaping budget based upon the most current Tooele City Parks and Recreation master planning documents. For example, the optional mitigation sum for a 200-acre site would be \$40,000; for a five-acre site, \$1,000. Tooele City will apply mitigation funds to landscaping improvements in Tooele City Parks.

4. Critical Area Requirement Mitigation. In the event that Tooele city staff and the developer conclude that landscaping of a given Critical Area is not possible or practicable due to feasibility or engineering difficulties, the developer shall pay a mitigation sum equal to the area of the Critical Area not landscaped, multiplied by \$20,000 per acre, in lieu of installing the subject Critical Area landscaping. Financial or budgetary difficulties shall not be considered grounds for a determination of impossibility or impracticability or for payment of a Critical Area requirement mitigation sum.
5. Administrative Appeal. Development applicants affected by the administrative determination referenced above may appeal in writing to the Planning Commission, which shall uphold, modify, or reject the determination. No further administrative appeal shall exist.

CHAPTER 19. SUBDIVISIONS

7-19-17.1. Double-frontage lots – definitions – design – maintenance.

- (1) Definitions. For purposes of this Section, the following terms shall be defined as follows.
 - (a) Double-frontage lot: a residential lot that abuts more than one public right-of-way or private road on opposite sides of the lot. “Double-frontage lot” includes corner lots adjacent to other double-frontage lots. “Double-frontage lot” does not include lots whose secondary frontages are on roads that are designated as alleys that do not require sidewalk access and that serve primarily as private access to the rear of lots.
 - (b) Primary frontage: the portion of a residential lot abutting a public right-of-way or private road that contains the main pedestrian entry to a residence.
 - (c) Secondary frontage: the portion of a residential lot abutting a public right-of-way or private street that is not the principle frontage.
- (2) Design Standards. The secondary frontage of any double-frontage lot shall include the following design elements located within the public right-of-way or private street.
 - (a) Park strip. The park strip located between the curb and the sidewalk shall be of colored, texture-stamped concrete, which shall differ in color and texture from the adjacent sidewalk.
 - (i) The concrete color shall be of earth-tones, to include tan, light brown, beige, and similar colors, but shall not include yellow, pink, blue, green, and similar bright colors.
 - (ii) The concrete texture shall simulate cobblestone, variegated slate squares and rectangles, brick, or similar pattern.
 - (iii) The park strip concrete thickness shall be a minimum of ~~five and one half~~ four inches.
 - (iv) The park strip shall contain a decorative metal grate around each park strip tree. The grate shall be chosen from a list of City-approved grate types, the list being on file with the Public Works Department.
 - (b) Park strip trees. Trees shall be planted in the park strip as follows.
 - (i) Park strip trees shall be chosen from the Tooele City Street Tree Selection Guide ~~a list of City-approved trees, the list being on file with the Public Works Department.~~
 - (ii) Park strip trees shall be spaced not more than ~~35~~ 40 feet apart and not less than 30 feet apart, or as called for in the Tooele City Street Tree Selection Guide.
 - (iii) Park strip tree size, bonding, and other details not address in this Section shall be as provided in Tooele City Code Sections 4-11a-2 and 7-19-26, as amended.
 - (iv) The park strip shall include an irrigation system for park strip tree irrigation. The underground piping shall be placed within conduit located beneath the park strip. The irrigation system shall include meters, meter vaults, power, valve boxes, irrigation heads, and other necessary components to provide a fully functioning irrigation system. Irrigation to park strip trees shall be a drip-style irrigation system.
 - (c) Sidewalk. Sidewalk shall be as required by Tooele City Code and Policy.
 - (d) Fencing wall. The secondary frontage shall be fenced and screened with a masonry wall possessing the following design elements.
 - (i) The wall shall be six feet in height except as required under Tooele City Code Section 7-2-11 Clear vision area at intersecting streets.
 - (ii) The wall materials shall be masonry block or prefabricated decorative masonry panels chosen from a list of City-approved wall material types, the list being on file with the Public Works Department. The wall shall be uniform within each subdivision phase.
 - (iii) The wall shall include capped pillars spaced at even intervals, not to exceed 20 feet. The pillar materials shall be similar to those comprising the wall.

- (iv) No portion of the wall shall contain cinderblock, smooth-faced block, or cast-in-place concrete.
- (v) All fencing walls shall receive a City-approved anti-graffiti seal coat upon their construction and prior to acceptance by the City.
- (e) Gates. Gates in the fencing wall or otherwise accessing the secondary frontage shall not be allowed.
- (f) Special Service District Standards. Where a double-frontage lot is included in an existing special service district that imposes its own design standards for double frontage lots, the district design standards shall apply.
- (g) The final determination of whether an application complies with the design standards of this Section shall be made by the City Planner. Such determinations are not subject to appeal.
- (3) Bonding. Park strips, park strip trees, park strip irrigation systems, and fencing walls discussed in this Section shall be included in the definition of public improvements. As such, they shall be bonded for in the manner provided in Tooele City Code Section 7-19-12, as amended, except that park strip trees shall be bonded for in the manner provided in Tooele City Code Section 7-19-29, as amended.
- (4) Maintenance. Because of the added burdens upon the City caused by double-frontage lots, and because residents are disinclined to maintain the secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained as follows.
 - (a) Home Owners Association. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to form and fund a home owners association (HOA). At a minimum, the HOA shall maintain and perform at its cost, for the life of the HOA, the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal. The HOA articles shall provide for a minimum HOA existence of 30 years.
 - (b) Covenants, Conditions, and Restrictions. As a condition of final subdivision plat approval, every subdivision with double-frontage lots shall be required to record against all lots within the subdivision covenants, conditions, and restriction (CCRs). A copy of the recorded CCRs will be provided to the City. At a minimum, the CCRs shall provide for the perpetual maintenance and maintenance funding of the following items: park strip, park strip trees and grates, park strip irrigation system, park strip water bill, fencing wall, sidewalk, and sidewalk snow removal.
 - (c) If the HOA fails to enforce the CCRs pertaining to maintenance and maintenance funding for a period of three months or more, the City may bring an action in court to compel the HOA to fund and perform its maintenance obligations.
 - (d) Special Service District Maintenance. Where a double-frontage lot is included in an existing special service district that maintains some or all of the public improvements adjacent to a secondary frontage, the portions of the public right-of-way located behind the curb and gutter and abutting the secondary frontage shall be maintained in perpetuity by the district.

7-19-26. Park Strip Landscaping in Commercial and Industrial Subdivisions.

- (1) All park strip areas in commercial and industrial subdivisions, with the exception of paved drive approaches and sidewalks as approved in the site plan, shall be *landscaped seeded or sodded with lawn grasses* and perpetually maintained by the owner of the appurtenant property *with low or no water use materials and plantings with drip-style irrigation systems for trees and where irrigation is necessary. The use of seeded or sodded lawn grasses in park strips areas of non-residential subdivisions shall be prohibited. The decorative aesthetic or appearance of lawn grass may be accomplished through the use of artificial turf. The commercial or industrial subdivision developer shall prepare park strip areas to receive seed or sod.*

- (2) (a) The commercial or industrial subdivision developer shall be responsible for the cost of purchasing and planting trees on both sides of all proposed subdivision streets within all park strip areas, except where there are existing trees acceptable to the Director of [the Parks and Recreation Department](#). Newly planted trees shall not be farther apart than 35 feet. Trees planted in park strip areas shall be of a type listed in ~~Section 4-11-22 of~~ the Tooele City [Street Tree Selection Guide Code](#). Newly planted trees shall not be less than two inches in caliper, measured one foot from the ground, and shall not be shorter than eight feet in height. Trees shall be planted during a season of the year when it reasonably can be expected that they will survive. In no case shall trees be planted sooner than seven days prior to the issuance of an occupancy permit for any structure on the property appurtenant to the park strip.
- (b) Commercial or industrial subdivision developers shall do one of the following to ensure compliance with the park strip tree requirement:
 - (i) post a bond in accordance with the provisions of Section 7-19-12 of the Tooele City Code, in the amount of \$200 per required park strip tree; or
 - (ii) make a non-refundable payment to Tooele City in the amount of \$200 per required tree, which shall be used by the Director of [the Parks and Recreation Department](#) to plant trees within the park strips of the subdivision.
- (3) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses which minimizes adverse visual, auditory, and other conditions. The screen planting plan shall be approved by the Planning Commission and the City Council upon the recommendation of the Community Development and Parks and Recreation Departments.

Tooele City Park Strip Tree Selection Guide

Planting the right tree in the right place supports maximum tree health and longevity in the landscape.

Small Tree Species

Tooele City does not recommend the use of small tree species in the park strips such as crab apples, hawthorns, ornamental cherries and ornamental varieties of maple. These trees have a low growth habit which results in clearance problems over sidewalks and streets that ultimately result in critical damage to the tree, pedestrians and automobiles. Small tree species may be planted in a park strip wider than 8 feet where individuals and vehicles will not need to pass under the tree's canopy.

Medium Tree Species

Medium Tree Species shall be used if one or more of the following conditions exist:

1. Park Strip is 5 – 8 feet wide.
2. Planting site has no overhead high voltage transmission lines.
3. Intermediate size is compatible with the site.

Catalpa – *Catalpa speciosa*, 45-50' mature height, 20 -25' mature canopy spread.

Frontier Elm – *Ulmus parvifolia*, 30-40' mature height, 20-30' mature canopy spread.

Ginkgo – *Ginkgo biloba*, 40-45' mature height, 15-30' mature canopy, very slow growth.

Goldenrain Tree – *Koelreuteria paniculata*, 30-40' mature height, 30-40' mature canopy spread.

Hackberry – *Celtis occidentalis*, 40-60' mature height, 30-50' mature canopy spread.

Honeylocust – *Gleditsia tricanthos*, 35-50' mature height, 20-40' mature canopy spread.

Crimean Linden – *Tilia x euchlora*, 40-50' mature height, 20-30' mature canopy spread.

Purple Blow Maple – *Acer truncatum*, 20-25' mature height, 20-30' mature canopy spread.

Hedge Maple – *Acer ampestre*, 25-35' mature height, 25-35' mature canopy spread.

Fruitless Mulberry – *Morus alba*, 30-50' mature height, 30-50' mature canopy spread.

Chokecherry – *Prunus virginiana*, 30' mature height, 20' mature canopy spread.

Columnar Oak – *Quercus robur 'fastigiata'*, 50' mature height, 15' mature canopy spread.

Zelkova – *Zelkova seratta*, 40-55' mature height, 30-50' mature canopy spread.

Large Tree Species

Large tree species shall be used ONLY if one or more of the following conditions exist:

1. Park strip is 8 feet wide or wider.

2. Planting site has no overhead high voltage transmission lines.
3. Site will accommodate large trees with maximum size, shade and energy conservation benefits.
4. Space for root and branch growth will not conflict with site features.

All medium sized trees may be planted in a large park strip in addition to the following large tree varieties:

European Beech – *Fagus sylvatica*, 50-60' mature height, 35-50' mature canopy spread.

Valley Forge Elm - *Ulmus Americana*, 60' mature height, 40-50' mature canopy spread.

Kentucky Coffeetree – *Gymnocladus dioicus*, 60-80' mature height, 40-45' mature canopy spread.

London Planetree – *Platanus x acerifolia*, 60-70' mature height, 30-60' mature canopy spread.

Silver Lincen – *Tilia tomentosa*, 50-70' mature height, 25-40' mature canopy spread.

Bur Oak – *Quercus macrocarpa*, 60-80' mature height, 60-80' mature canopy spread.

English Oak – *Quercus robur*, 50'70' mature height, 50-70' mature canopy spread.

Norway Maple – *Acer platanoides*, 50 – 70' mature height, 50-60' mature canopy spread.

Horsechestnut – *Aesculus hippocastanum*, 50-75' mature height, 40-65' mature canopy spread.

Trees not Recommended for Planting in the Park Strips

All evergreen coniferous tree varieties. Evergreen trees impact visibility due to their dense canopies and should not be used in any park strip.

Siberian Elm, Russian Olive, Silver Maple, Box Elder, Cottonwoods, Poplars, Aspens and all varieties of **Willows**. These trees either generate pests, excessive suckering, are pollution intolerant, are disease prone or are soft wooded trees that tend to be short lived and break apart easily in wind storms.

Ash Trees. These trees are terrible street trees. They do not tolerate vehicle emissions and road salts from snow plows. Their canopies break apart as the tree struggles to survive in a harsh environment such as a park strip.

Prunes (prunus). These trees are popular due to their red foliage. However, these trees have a low growth habit that creates clearance problems on sidewalks and streets. They also generate large fruit that create a significant mess on the sidewalks and streets.

Callery Pear Trees. These trees are overplanted in Utah due to their compact upright growth habit that has made them very popular. Due to the high numbers of these trees that have been planted they have become susceptible to outbreaks of the bacterial disease known as Fire Blight. These trees also suffer from iron chlorosis due to incompatibility with Tooele's alkali soils. Please avoid this variety if possible. If the upright columnar look is desired in a park strip, look to the Columnar English Oak variety described in the list above.

Crab Apples. Beautiful ornamental trees that have a very small and low growth habit. These trees create clearance problems for sidewalks and streets when planted in a park strip. They also grow dense

fruit that creates a considerable mess on the sidewalk and street when the tree sheds the fruit. These trees are best suited for locations where people and cars will not be travelling underneath them.

Additional Recommendations

1. This tree species list is not exclusive of all varieties of trees. Tooele City acknowledges that there may be other species of trees that may grow and thrive in the Tooele area and are not included on this list. The purpose of this list is to encourage the use of tree species that are known performers and consistently do well in this City. The list also discourages the use of tree species that tend to be a nuisance, problematic and perform poorly within the park strip.
2. All trees planted in the park strip shall be maintained by the adjacent property owner. Trees shall be pruned to maintain pedestrian and vehicular clearances appropriately watered during hot summer months to ensure tree health and vitality.
3. All street trees shall be planted in accordance with tree placement requirements as found in Tooele City Code 4-11a-2; Park Strip Trees.
4. Trees shall not be planted within the 40 foot clear view zone where streets intersect.
5. Trees shall be planted 10 feet from a fire hydrant.
6. Trees shall be planted 30 feet from a stop sign.
7. Trees shall be planted 10 feet from a utility pole.