
PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Work Session, on Wednesday, December 16, 2020 at the hour of **6:00 p.m.** The Meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

Tooele City has implemented Governor Herbert's guidelines regarding public gatherings. We strongly encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecity>.

If you choose to attend we ask that you maintain social distancing and wear a face covering. In compliance with public health guidelines Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.

- 1. Open City Council Meeting**
- 2. Roll Call**
- 3. Mayor's Report**
- 4. Council Member's Report**
- 5. General Annexation Discussion**
Presented by Roger Baker, Tooele City Attorney
- 6. Closed Meeting**
- Litigation, Property Acquisition, and 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 435-843-2113 or michellep@tooelecity.org, Prior to the Meeting.

Annexation Procedural Outline (2020)

	Procedural Step	Procedural Step Detail	Responsibility	Statutory References	Date Completed
1.	Annexation Policy Plan	Prepare and approve an Annexation Policy Plan after public hearing.	City Council	UCA 10-2-401.5	
2.	Petition	Prepare a written Petition (application) signed by property owners of 50%+ of property owners AND owners of 33%+ of property value with legal description.	Petitioner/ Applicant	TCC 7-24-1(a) UCA 10-2-403(3)	
3.	Copy of Petition	Deliver copy of filed Petition to County Clerk on same day as filing with City	Petitioner/ Applicant	UCA 10-2-403(7)	
4.	Plat	Prepare accurate, recordable Plat with legal description, with engineer/surveyor seal and signature blocks.	Petitioner/ Applicant	UCA 10-2-403(3) TCC 7-24-1(b) UCA 17-23-20	
5.	Staff Review	Verify conformity of Petition & Plat	City Planner	UCA 10-2-402	
6.	City Attorney Review	City Attorney to review as to form	City Attorney	TCC 7-24-1(c)	
7.	Resolution 1	Prepare Resolution on whether to accept Petition for further consideration.	City Attorney		
8.	Vote on Petition	City Council votes on Resolution whether to accept Petition for further consideration.	City Council	UCA 10-2-405 (1)	
9.	Verify Petition	The City is to verify that the Petition complies and contains the information required by Utah Code.	City Recorder City Attorney	UCA 10-2-405(2)	
10.	Certify Petition	If the Petition is verified, a certification must be delivered to the City Council, County Commission, and Petitioner.	City Recorder	UCA 10-2-405(2)	
11.	Planning Commission	Planning Commission votes on the Petition, then signs the plat.	Planning Commission	TCC 7-24-1(d), (e)	
12.	Notice re Protest Period	Advertise notice of the Petition 1x/week for 3 weeks in newspaper, public notice website, City website.	City Recorder	UCA 10-2-406(1)	
13.	Notice re Public Hearing	Advertise notice of the Public Hearing at least 7 days prior in newspaper, public notice website, City website.	City Recorder	UCA 10-2-407(7)	
14.	Public Hearing	Public Hearing before City Council.	City Council	UCA 10-2-407(7)	

15.	Annexation Agreement	Prepare an Annexation Agreement.	City Attorney	TCC 7-24-3	
16.	Resolution 2	Prepare Resolution for City Council to approve Annexation Agreement	City Attorney		
17.	Annexation Agreement	Execute Annexation Agreement.	Petitioner	TCC 7-24-3	
18.	Ordinance	Prepare Ordinance for City Council to approve Petition.	City Attorney	TCC 7-24-1(f)	
19.	Ordinance	City Council votes on the petition. Must be a 2/3 vote to pass. Signs plat.	City Recorder City Council	TCC 7-24-1(e), (f)	
20.	Zoning	Designate in the Ordinance the zoning of the annexed property.	City Council	TCC 7-24-2	
21.	Lieutenant Governor	File required documents with Lt. Governor's Office: notice of impending boundary action; final local entity plat	City Recorder	UCA 10-2-425	
22.	Annexation Agreement	Record Annexation Agreement with County Recorder.	City Recorder	TCC 7-24-3(b)	
23.	Certificate, Ordinance	Record Lt. Governor Certificate, Notice, Ordinance, and Plat with County Recorder.	City Recorder	TCC 7-24-1(g)	

Administration Annexation Policy Recommendations

The following is an outline of the Tooele City Administration's recommendations for requirements to be made of annexation petitioners in one or more annexation agreements.

Development Plan

- Concept plan for development of the Property, including residential uses, non-residential uses (i.e., commercial, industrial, institutional), and proposed zoning.

Water Rights

- Tooele City will require 0.45 acre-feet of municipal water rights (100% depletion) for each dwelling unit interior. The annexation agreement will release the City from claims for this and other requirements.
- Tooele City will require 4.0 acre-feet/acre for all pervious surfaces aka irrigated land. Both irrigation and municipal water rights are acceptable for this requirement.
- Specify water right numbers to be conveyed to the Tooele City Water Special Service District for utilization on the Property. Provide an analysis of the diversion and depletion limitations for each right, as well the nature and place of use.
- Kennecott water rights certificates may not be used on the annexation Property because the Kennecott water rights were acquired with the intention of utilizing them and their associated sources in the existing City limits. To allow them to be used on the annexation Property would dilute them and remove them as a water rights pool available to help develop existing undeveloped properties in the City limits.
- Construction of a pressurized secondary water system on the Property can be utilized but will not reduce the water rights or impact fee exaction. The savings to property owners will be in culinary water rates. Regular water rights and impact fees will be required due to the potential for people to cease using secondary water in favor of culinary water.
- Defense of impairment claims by nearby water rights/source owners.

Water Sources, Storage, Transmission

- Tooele City will exact new culinary water sources sufficient to satisfy the development plans submitted by Petitioners. The construction cost of these sources can be reimbursed as credits from impact fees paid with building permits for structures utilizing those sources.
- Same for storage reservoirs.
- Same for transmission lines.
- Same for pump stations.
- Water distribution project improvements will be paid for by Petitioners/developers without City reimbursement. Project improvements are not impact fee-eligible.
- For existing agricultural wells, the Petitioners will have to redevelop them to state standards for municipal wells.

- Sources, storage, and transmission to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners. All master planning must use the same modeling software and standards used by Tooele City.
- Master planning must include adequate looping redundancies and pressure management.
- Identify possible water facility phasing schedule consistent with development concept.

Secondary Water

- The Petitioners may explore the advantages of utilizing some of their existing agricultural sources and water rights for a pressurized secondary water system in order to reduce reliance on culinary sources.

Sewer

- Tooele City will exact new sanitary sewer facilities sufficient to satisfy the development plans submitted by Petitioners.
- Sewer facilities may include increased treatment at the City's existing water reclamation facility, lift station(s), collectors and interceptors, and/or new treatment facilities.
- Sewer facilities, except for approved interceptors and treatment capacity, are project improvements that will be paid for by Petitioners.
- Tooele City disfavors lift stations, both public and private. If a lift station is required, and the City agrees to it, Petitioners may be required to maintain and fully pay for the operation and maintenance of said facility, or the City may elect to accept payment from the Petitioners for operation and maintenance costs for a period of years.
- Sewer facilities to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners.
- Sewer treatment facilities and approved interceptors to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners.

Storm Drain / Storm Water

- Storm drain facilities to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners.

Transportation System

- All road improvements are construction by Petitioners/developers without City reimbursement.
- Transportation facilities to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners.

Parks and Recreation

- Parks and Recreation facilities to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners.

- Not all green spaces required as a condition of annexation may be eligible for impact fee credits. The annexation agreement will identify which.

Emergency Response (Police & Fire)

- All building permits are subject to public safety impact fees, both police and fire.
- Emergency Response facilities to be determined by the City based on associated master planning prepared by City-approved engineers/consultants, paid for by Petitioners.
- A fire station property may or may not be required, depending on development plans. A land value would be predetermined for purposes of impact fee credits. The City would reserve the right to exact property in association with any land use application, with appropriate impact fee credits.
- A satellite police station property may or may not be required, depending on development plans. A land value would be predetermined for purposes of impact fee credits. The City would reserve the right to exact property in association with any land use application, with appropriate impact fee credits.
- Tooele City would reserve the right to provide police and fire services by interlocal agreement with other agencies, the cost of which would be paid for by the Petitioners and Property owners because these new services would significantly increase public safety service costs without corresponding property tax revenues.

Impact Fees

- It may be necessary and appropriate to establish different impact fee service areas for the Property, with different impact fee rates.
- Impact fees will be determined by impact fee capital facilities plans and impact fee analyses paid for by Petitioners.

Financial Analysis

- Tax consequences to existing Tooele City tax payers by annexing the Property, e.g., will the Property impose additional tax or rate burdens on existing tax payers and rate payers?
- Impacts to City administrative departments, including full-time employee equivalents (FTE), office space, office and other equipment.
- Tax/cost analysis prepared by City approved consultant, and paid for by Petitioners.

Annexation Agreement Considerations

- With multiple Petitioners and property owners, it will be necessary to apportion responsibilities between Petitioners in an efficacious and binding manner, in one or more annexation agreements. Tooele City may require the Petitioners to enter into their own agreement apportioning obligations, which the City could incorporate into the annexation agreement. Explore joint and several liability. It will not be acceptable to have different Petitioners responsible for discreet improvements if those partial improvements will fail short of all Petitioners completing their portions. The City may require a single funded entity to fulfill Petitioner obligations. Suggestions are welcome.

- Petitioners will waive rights they otherwise might claim to challenge established City exactions, e.g., water rights amounts.

Private Utility Providers

- Petitioners should study the integration of water and other services currently provided by private utility providers and present plans for the integration of those services with services to be provided by Tooele City, including the possible acquisition and integration of service facilities into Tooele City infrastructure facilities.

Building Permits

- Identify what infrastructure is required before the first building permits can be issued.
- Structures for which building permits were obtained from Tooele County should continue to be inspected by Tooele County. However, Tooele City may require the payment of a reasonable sum for Tooele City inspectors to conduct additional quality-assurance observations. Upon passing both Tooele County inspections and Tooele City quality-assurance observations, Tooele City will issue Certificates of Occupancy.

(December 10, 2020)