

TOOELE CITY CORPORATION

RESOLUTION 2022-60

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

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

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

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

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

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

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

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

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

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

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

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Ordinance 2019-13

TOOELE CITY CORPORATION

ORDINANCE 2019-13

AN ORDINANCE OF TOOELE CITY ENACTING TOOELE CITY CODE CHAPTER 7-14a REGARDING ACCESSORY DWELLING UNITS.

WHEREAS, the State of Utah is experiencing an unprecedented Housing Gap, caused and characterized by the following¹:

- Utah's population of three million people is forecast to grow to five million by 2050 and six million by 2065.
- For the first time in Utah history, the number of families looking for housing exceeds the total housing supply, by an estimated 40,000-45,000 dwelling units.
- The shortage of housing supply is leading to a dramatic increase in housing prices and rents.
- There are not enough houses at any prices, let alone affordable prices, for Utah families to buy.
- The existing Utah housing stock is not affordable to most young people and families.
- The families looking for housing in Utah are predominantly the children of Utah residents, not families from outside the state, and two-thirds of Utah's growth is from Utah families.

; and,

WHEREAS, the Housing Gap is a priority issue of Utah legislators, many of whom believe Utah municipalities are to blame for creating a regulatory environment where affordable housing is difficult and expensive to build; and,

WHEREAS, Senate Bill 34 (2019 Utah Legislative Session) requires Utah municipalities to include in the Moderate Income Housing element of their general plans at least two of a menu of 23 strategies to increase the availability of affordable housing and to improve housing affordability; and,

WHEREAS, Tooele City's Moderate Income Housing Plan includes numerous of the required housing affordability strategies, as summarized in Ordinance 2018-25, approved on December 5, 2018, and in the Plan; and,

WHEREAS, Tooele City has actively considered and enacted means and strategies to allow a variety of housing opportunities for Tooele City residents, including moderate income housing, including by doing the following:

¹ Source: Utah League of Cities and Towns, and Kem C. Gardner Policy Institute at the University of Utah.

- enacting incentives for in-fill development, including less restrictive land use regulations (Ordinance 2015-25);
- approving several new apartment and attached single-family developments;
- enacting multi-family design standards to ensure that high-density housing developments include good site and building design for the benefit of residents, which standards recognize the fact that high density requires good design to be successful (Ordinance 2005-05);
- eliminating the five-acre minimum multi-family housing project size (2018-19);
- amending the MU-B (Mixed Use-Broadway) zoning district regulations to allow higher density residential developments with less restrictive land use regulations (Ordinance 2018-13);
- enacting a point-based program for single-family design standards intended to improve building and site design without significantly increasing costs (Ordinance 2006-22);
- allowing for residential facilities for persons with a disability (Ordinance 2012-17);
- allowing for residential facilities for elderly persons (Ordinance 2012-17);
- allowing for housing in the MU-G (Mixed Use-General) zoning district;
- enacting a new multi-family zone (MR-25) allowing up to 25 dwelling units to the acre (Ordinance 2019-08) and assigning that zoning district to an existing property currently constructing multi-family dwelling units (Ordinance 2019-10); and,
- amending multi-family design standard regulations to be more clear, understandable, predictable, and realistic (Ordinance 2019-08).

WHEREAS, high-density housing does not necessarily equate to affordable housing; large high-density projects can create their own challenges, including congestion, traffic, loss of open space, loss of views, etc.; and, Utah residents are frustrated with large high-density projects that create these challenges²; and,

WHEREAS, a number of strategies may be employed to improve housing affordability and availability, including the following:

- Higher densities in appropriate areas with access to transportation, services, etc.
- Smaller lots in appropriate areas.
- A greater variety of housing types.
- Reducing impact fees and other fees.
- Accessory dwelling units.

² Source: Utah League of Cities and Towns, and Y2 Analytics.

WHEREAS, SB 34 identifies allowing accessory dwelling units (ADUs) as one of the housing affordability and availability strategies that can be incorporated and utilized in a municipal Moderate Income Housing Plan; and,

WHEREAS, an ADU can be defined in several ways:

1. "a subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is located internal to or attached to a primary dwelling or non-residential structure, or a detached dwelling unit on the same lot as a primary dwelling" (this Ordinance 2019-13);
2. "a separate small dwelling embedded within a single-family residential property" (*One Key to Housing*, Utah League of Cities and Towns (2019));
3. a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot (Senate Bill 34 (2019) Utah Legislature; Utah Code §10-9a-103(1));

and,

WHEREAS, ADUs have existed in many parts of the country for decades, but are experiencing a resurgence due to market forces, and are known by many names, including, basement apartment, garage apartment, attic apartment, mother-in-law apartment, cottage, carriage house, coach house, tiny home, guest house, casita, and granny flat; and,

WHEREAS, the City Council and City Administration believe that ADUs are one viable strategy to improve housing affordability and availability, and the Council has considered and discussed housing affordability and ADU policies during its work meetings of January 16, March 20, April 17, and May 1, 2019; and,

WHEREAS, the City Council notes that ADUs have many actual and potential benefits, including the following:

- Providing lower priced housing for students, young families, retirees, and others since ADUs do not have to include the price of land (already paid for) and are smaller.
- Government efficiency. Utilizing existing water, sewer, storm drain, and street infrastructure with little, if any, added city maintenance costs.
- Increasing property values because of the additional appraised living space.
- Providing to homeowners a supplemental, secondary income stream from ADU rentals.
- Generating wealth and stability within the community through mortgage reduction and fixed-income retirement supplements.
- Allowing people to age in place instead of having to sell their home because of fixed incomes or to downsize. (Some homeowners choose to live in the ADU and rent out their primary dwelling.)

- Offering social assistance and community support for ADU occupants by living in single-family neighborhoods with a mix of ages and income levels: "family friendly."
- Providing flexible life-cycle housing that allows people to stay in their homes and neighborhoods long-term despite changes in life stage.
- Allowing people of all life stages to live together instead of being shunted into housing predominantly for the young, the old, the poor, etc: community building v. segregation.
- Venting some of the pressure to create new and large apartment projects for people who cannot afford to buy a house.
- Contributing to neighborhood revitalization with new capital investment and increased motivation to maintain properties.
- Offering to developers, contractors, land owners, and the housing market alternatives to apartment buildings, and allowing for the construction of more than one type of affordable housing unit.
- Protecting and respecting private property rights of primary dwelling owners.
- Reducing single-family yard irrigation.
- Legitimizing already existing but illegal basement apartments and other ADUs.
- Reducing rents by adding to the supply of rental housing.
- Contributing to the supply of available, affordable housing by reducing regulatory barriers and costs to such housing.
- Being consistent with the single-family nature of neighborhoods as opposed to large apartment buildings. (Picture cutting up an apartment building and spreading the units out in a large single-family neighborhood area.)
- Offering cities a way of creating "gentle density" and "gentle in-fill" instead of the harsher density of large apartment projects.
- Avoiding/delaying the loss of greenfield properties (e.g., farms, fields, hillsides) to new development.

WHEREAS, ADUs are currently allowed in Tooele City as permitted or conditional uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), Neighborhood Commercial (NC), General Commercial (GC), and Regional Commercial (RC) zoning districts (see TCC Chapter 7-16 Table 1 Tables of Uses); and,

WHEREAS, the City Administration has developed an ADU ordinance, to be contained in a new TCC Chapter 7-14a (attached as Exhibit A), which it recommends to the City Council; and,

WHEREAS, the enactment of TCC Chapter 7-14a necessitates amendments to the definitions found in TCC §7-1-5 (see Exhibit A); and,

WHEREAS, the City Administration recommends charging reduced development impact fees for ADUs, and no water rights for ADUs, based in part upon the desire to make ADUs affordable, and based in part upon the diminished relative impacts of ADUs upon Tooele City system improvements; and,

WHEREAS, the City Administration recommends requiring ADU water and sewer laterals to be shared with those of the primary dwelling in order to minimize the number of new street cuts and water and sewer main hot tap connections that increase costs to the primary dwelling owner (and thus the ADU renter) and that cause undue deterioration to city infrastructure; and,

WHEREAS, this Ordinance 2019-13 will serve to provide for the public health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Tooele City and its present and future inhabitants (reference UCA §10-9a-102); and,

WHEREAS, one of the stated purposes of the Utah Land Use Development and Management Act is to "allow growth in a variety of housing types" (see U.C.A. §10-9a-102, as amended by House Bill 315 (2019)); and,

WHEREAS, this Ordinance 2019-13 will serve to protect the tax base, to secure economy in governmental expenditures, to protect both urban and nonurban development, to provide fundamental fairness in land use regulation, and to protect property values (reference UCA §10-9a-102); and,

WHEREAS, UCA §10-9a-102 authorizes Utah municipalities, in accomplishing the purposes of UCA Chapter 10-9a, to do the following:

enact all ordinances . . . they consider necessary or appropriate for the use and development of land within the municipality, including ordinances . . . governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests . . . unless expressly prohibited by law.

WHEREAS, the Planning Commission convened a duly-noticed public hearing on May 22, 2019, and forwarded its recommendation to the City Council (see minutes attached as Exhibit B); and,

WHEREAS, the City Council convened a duly-noticed public hearing:

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

1. the above recitals are hereby incorporated as findings of the City Council; and,

2. Tooele City Code §7-1-5 is hereby amended as shown in Exhibit A; and,
3. Tooele City Code Chapter 7-14a is hereby enacted as shown in Exhibit A; and,
4. Tooele City Code Chapter 7-14 Table 1 Table of Uses is hereby amended as shown in Exhibit A.
5. Tooele City Code Chapter 7-16 Table 1 Table of Uses is hereby amended as shown in Exhibit A.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 21~~st~~ day of August, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder



Approved as to Form:

[Signature]
Rogel Evans Baker, City Attorney

Exhibit B

Ordinance 2019-30

TOOELE CITY CORPORATION

ORDINANCE 2019-30

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 4-15 REGARDING IMPACT FEE WAIVERS FOR AFFORDABLE HOUSING.

WHEREAS, UCA Sections 10-3-702 and 10-8-84 empower municipal legislative bodies to pass all ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Utah Code Chapter 11-36a and Tooele City Code Chapter 4-15 govern development impact fees, which fees are calculated and intended to mitigate the impact of new growth upon Tooele City system improvements, including water facilities, sewer facilities, police and fire buildings, and park and recreation facilities; and,

WHEREAS, UCA Section 11-36a-403 expressly allows impact fee exemptions for low income housing, although the term “low income housing” is not defined in the chapter; and,

WHEREAS, TCC Section 4-15-5 allows impact fee waivers of up to \$5,000 per dwelling unit for affordable housing, although the term “affordable housing” is not defined in the chapter; and,

WHEREAS, UCA Section 10-9a-403(2)(a)(iii), as amended in 2019 by Senate Bill 34, requires municipalities to adopt a moderate income housing element to the general plan, which element must include at least three affordable housing strategies from a menu of 23, one of which allows municipalities to reduce impact fees related to low and moderate income housing; and,

WHEREAS, on November 6, 2019, the City Council passed Ordinance 2019-28 adopting a revised Tooele City Moderate Income Housing element of the general plan in conformity with Section 10-9a-403, which element incorporates as many as 14 of the 23 codified strategies; and,

WHEREAS, on August 21, 2019, the City Council passed Ordinance 2019-13 allowing for the lawful existence of accessory dwelling units (ADUs), and providing for a 50% reduction in impact fees for ADUs; and,

WHEREAS, the City Administration recommends that the term “affordable housing” be clearly defined so that impact fee waivers are limited to a narrowly and objectively defined cohort of development activity and benefit eligible households over real estate development interests; and,

WHEREAS, the Utah Housing Corporation partners with the Tooele County Housing Authority in obtaining federal low income housing credits to provide affordable housing for households making 60% of the area median income (AMI) or less, through purchase and rent-to-own programs, the success of which are assured through recorded deed restriction documents which address rent controls, sub-market purchase prices, owner/tenant income verification, property maintenance, insurance, and other important program details; and,

WHEREAS, the City Administration recommends the amendment of TCC Section 4-15-1 (Definitions) to assure the effectiveness of the City Council's affordable housing impact fee waiver policy; and,

WHEREAS, Tooele City's current development impact fees for a single-family house are as follows:

- Culinary Water: \$4,609
- Sanitary Sewer: \$2,290
- Parks and Recreation: \$2,168
- Public Safety-Police: \$137.29
- Public Safety-Fire: \$200.59
- **Total:** **\$9,404.88**

WHEREAS, the City Council desires to provide a greater incentive for the construction of affordable housing by increasing the current impact waiver from \$5,000 per dwelling unit to \$10,000 per dwelling unit, finding that the availability of additional affordable housing to Tooele City residents is in the best interest of the Tooele City community:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 4-15 is hereby amended to read in its entirety as shown in redline in Exhibit A; and,

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 20th day of November, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

St. McCall

[Signature]

[Signature]

[Signature]

Melodi M. Stehio

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder

SEAL



Approved as to Form:

[Signature]
Roger Evans Baker, City Attorney

Exhibit A

TCC Chapter 4-15 (Amended)

Chapter 15. Development Impact Fees

4-15-1 Definitions.

4-15-2 Assessment of Impact Fees.

4-15-3 Exemption from Impact Fees.

4-15-4 Credits.

4-15-5 Waiver.

4-15-6 Appeals.

4-15-7 Establishment of Impact Fees Accounts.

4-15-8 Refunds.

4-15-9 Use of Funds.

4-15-10 Independent Fee Calculations.

4-15-1 Definitions.

(1) Except as expressly provided in this Section, words and phrases used in this Chapter shall have the meaning given to them in U.C.A. 11-36a-102, as amended (the "Impact Fees Act").

(2) "Eligible affordable housing units" means

(a) Single-family and two-family dwellings that are:

(i) constructed, rented, and sold in partnership with the Tooele County Housing Authority (the "Authority"); and,

(ii) deed restricted, on a form approved by the City Attorney, in such a manner that:

(A) dwellings are available for purchase or rent-to-own only by those purchasers or tenants whose combined household annual gross income per dwelling is verified by an Authority to be 60% or less of the Tooele County area median income;

(B) dwellings are rent-restricted according to a formula established by an Authority based in part on numbers of dwelling unit bedrooms and on tenant incomes;

(C) dwellings are subject to a compliance period of at least 15 years as part of an extended use period of at least 50 years;

(D) dwellings are maintained in good condition;

(E) dwellings are fully insured for hazards and liability;

(F) requires compliance with the terms and covenants of the deed restriction; and,

(G) requires compliance with Section 42 of the Internal Revenue Code, as amended.

(b) Multi-family dwellings that:

(i) are constructed and rented in partnership with an Authority; and,

(ii) are deed restricted, on a form approved by the City Attorney, in such a manner that:

(A) dwellings are available for rent only by tenants whose combined household annual gross income per unit is verified by the Authority to be 60% or less of the Tooele County area median income; and,

(B) dwellings comply with the requirements of subsection (2)(a)(ii)(B)-(G), above.

3. "Eligible public facility" means a structure that is owned or leased by the state of Utah, the Tooele County school district, a charter school, Tooele County, Tooele City, the Tooele City municipal building authority, the Tooele City redevelopment agency, or other similar entity conducting development activity with a broad public purpose.

(Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010)

(Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001)

(Ord. 1996-15, 06-05-1996)

4-15-2 Assessment of Impact Fees.

(1) Assessment of Impact Fees.

(a) Culinary Water Impact Fee.

(i) The City shall collect a culinary water impact fee from any applicant seeking a building permit, in the amount of \$4,609 per Equivalent Residential Connection (ERC), as defined in the Culinary Water System Master Plan (January 2012) (impact fee facilities plan).

(ii) The service area for purposes of the culinary water impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's culinary water system. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard culinary water impact fee is contained in the Culinary Water Impact Fee Analysis (February 2012).

(b) Sanitary Sewer Impact Fee.

(i) The City shall collect a sanitary sewer impact fee from any applicant seeking a building permit, as follows:

(A) Residential: the base fee shall be \$2,290 per Equivalent Residential Unit (ERU), as defined in the documents comprising the 2010 Waste Water Capital Facilities Plan (impact fee facilities plan).

(B) Non-residential: as determined under Figure 4.5 (Impact Fee ERU Multipliers) of the 2010 Sewer Treatment and Collections Impact Fee Analysis.

(ii) The service area for purposes of the sanitary sewer impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's waste water system. This adjustment may result in

a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard sanitary sewer impact fee is contained in Figure 4.6 (Calculation of Non-Standard Sewer Impact Fee) of the 2010 Sewer Treatment and Collections Impact Fee Analysis.

(c) Parks and Recreation Impact Fee.

(i) The City shall collect a parks and recreation impact fee from any applicant seeking a building permit for a new dwelling unit, as follows:

(A) Single-Family Residential: \$2,168 per unit. For purposes of this Section, Single-Family Residential includes detached single-family units and attached single-family units, including townhouses, condominiums, and duplexes.

(B) Multi-Family Residential: \$1,959 per unit. For purposes of this Section, Multi-Family Residential means apartment buildings with three or more units per building.

(ii) The service area for purposes of the park and special purpose recreation facilities impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(d) Public Safety Impact Fee: Fire.

(i) The City shall collect a public safety-fire impact fee from any applicant seeking a building permit for a new building, as follows:

(A) Residential: \$200.59 per dwelling unit.

(B) Non-residential: \$104.67 per 1,000 square-feet of building.

(ii) The service area for purposes of the public safety-fire impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety fire facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-fire impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

(e) Public Safety Impact Fee: Police.

(i) The City shall collect a public safety-police impact fee from any applicant seeking a building permit for a new building, as follows:

(A) Residential: \$137.29 per dwelling unit.

(B) Commercial: \$120.65 per 1,000 square-feet of building.

(C) Industrial: \$9.67 per 1,000 square-feet of building.

(ii) The service area for purposes of the public safety-police impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety police facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-police impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

(2) Collection. Impact fees shall be collected from the applicant prior to issuing the building permit, using the impact fee in effect on the date of filing a complete application for the building permit.

(3) Adjustment of impact fees. Impact fees may be adjusted at the time the fees are charged, as follows:

(a) to ensure that the impact fees are imposed fairly;

(b) to respond to

(i) unusual circumstances in specific cases;

or,
(ii) a request for a prompt and individualized impact fee review for the development activity of the state or a school district or charter school; and,

(c) if the Building Official determines that a user would create a greater than normal impact on any system improvement.

(4) Existing Buildings.

(a) Where a building alteration or change of use requires a new building permit or a new occupancy permit, and the building alteration or change of use is anticipated to result in increased impacts to City systems and facilities, the applicant shall pay, as a condition of permit approval, additional impact fees corresponding to the increased impacts.

(b) Where a building or use of a building incorporates technologies or processes designed to decrease impacts to City systems and facilities, and those technologies or processes fail or cease to be used, for any reason or to any degree, the City may assess additional impact fees corresponding to the increased impacts resulting from such failure or cessation of use. Such fees shall be invoiced to the building water account through the regular monthly city water bill.

(c) Should any developer undertake development activities such that the ultimate density, intensity, or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all

units or the total density or intensity within the development, the City shall be entitled to assess an additional impact fee to the development or other appropriate person covering the density or intensity for which an impact fee was not previously paid. Such fees shall be invoiced to the development water account through the regular monthly city water bill.

(d) The Building Official shall determine the extent to which the payment of additional impact fees is required.

(Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010)
(Ord. 2007-10, 03-21-2007) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1999-36, 12-16-1999)
(Ord. 1999-10, 4-21-1999) (Ord. 1996-16, 11-20-1996)
(Ord. 1996-15, 06-05-1996)

4-15-3 Exemptions from Impact Fees.

(1) The following development activities shall be exempt from the payment of all or a portion of the impact fees:

(a) Replacement of a primary structure with a new primary structure of the same use at the same site or lot when such replacement:

(i) does not result in the construction of an additional dwelling unit or a change in use; and,

(ii) does not increase the demand for municipal services or the impact upon system improvements.

(b) Alterations to, or expansion, enlargement, remodeling, rehabilitation, or conversion of, an existing primary structure that does not increase the demand for municipal services or the impact upon system improvements.

(2) The Building Official shall determine whether a particular structure falls within an exemption identified in this Section or any other section. The Building Official shall issue a written determination, stating the basis for the exemption, and which shall be subject to the appeals procedures set forth herein.

(Ord. 2015-16, June 3, 2015) (Ord. 2012-02, 03-07-2012)
(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-4 Credits.

(1) A developer may be allowed a credit against impact fees for any dedication of or improvement to land or new construction of system improvements provided by the developer, provided that they are (i) identified in the applicable capital facilities plan, (ii) offset the need for a system improvement, and (iii) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.

(2) For each request for a credit, unless otherwise agreed by the City, the fee payer shall retain an appraiser approved by the Building Official to determine the value of the land or construction dedicated.

(3) The fee payer shall pay the cost of the appraisal.

(4) After receiving the appraisal, the Building

Official shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the land donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating the applicant's agreement to the terms of the letter or certificate, and return such signed document to the Building Official before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 30 days shall nullify the credit.

(5) Any claim for a credit must be made not later than the time of application for building permit. Any claim not so made shall be deemed waived.

(6) Determinations made by the Building Official pursuant to this section shall be subject to the appeals procedure set forth herein.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-5 Waiver.

(1) The City Council may, but is not required to, waive the imposition of impact fees for:

(a) Construction of **eligible** affordable housing units (up to **\$10,000 per dwelling unit**); or,

(b) Construction of an **eligible public facility**.

(2) **Upon allowing a full or partial waiver under this Section for an eligible public facility, the City Council shall establish one or more sources of funds other than impact fees to pay the amount of impact fees waived for that facility.**

(Ord. 2010-04, 02-17-2010); (Ord. 2001-36, 01-23-2001);
(Ord. 2001-35, 01-23-2001); (Ord. 96-15, 06-05-96)

4-15-6 Appeals.

(1) A fee payer may appeal the impact fees imposed or other determinations which the Building Official is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the impact fees at issue have been paid.

(2) Appeals shall be taken within the time constraints identified in U.C.A. Section 11-36a-702, as amended. Appellants shall specify the grounds for the appeal, and deposit the necessary appeal fee, which is set forth in the Tooele City Fee Schedule for appeals of land use decisions.

(3) Appeals shall be filed with the City Recorder. The City Recorder shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(4) The City Council, or such other body as the City Council shall designate, shall make a decision within 30 days after the appeal is filed. The City Council shall make findings of fact regarding the applicability of the impact fees to a given development activity. The decision of the

4-15-10 Independent Fee Calculations.

(1) If a fee payer believes that a fee should be charged, different than the impact fees determined according to this Chapter, then the fee payer may prepare and submit to the Building Official an independent fee calculation for the impact fees associated with the development activity for which a Building Permit is sought. The documentation submitted shall contain studies and data showing the basis upon which the independent fee calculation was made. The Building Official is not required to accept any documentation which the Building Official reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Building Official's consideration of an independent fee calculation.

(2) Any fee payer submitting an independent fee calculation shall pay an administrative processing fee, per calculation, of \$100.

(3) Based on the information within the Building Official's possession, the Building Official may recommend, and the Mayor is authorized to adjust, the impact fee to the specific characteristics of the development activity, and according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(4) Determinations made by the Building Official pursuant to this section may be appealed subject to the procedures set forth herein.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

Exhibit C

City Council Minutes: June 30, 2020

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, June 3, 2020
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Justin Brady
Tony Graf
Ed Hansen
Scott Wardle
Melodi Gochis

City Employees Present:

Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Darwin Cook, Parks Department Director
Shannon Wimmer, Finance Director
Paul Hansen, City Engineer
Steve Evans, Public Works Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy Recorder

City Employees Excused:

Mayor Debbie Winn
Roger Baker, City Attorney

Minutes prepared by Kelly Odermott

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

Chairman Wardle made a statement of mourning with Mayor Winn and her family after the death of her granddaughter. A moment of silence was taken in recognition.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Deputy Recorder, Cylee Pressley.

2. **Roll Call**

Justin Brady, Present
Tony Graf, Present
Ed Hansen, Present

city can annex 100 acres, 10 acres, or 1000 acres, with any size property, the process is the same. The property has to be on the map to make an application.

Council Member Gochis asked if the applications will include the zoning, if that is requested or will that be a separate zoning hearing. Mr. Bolser stated that is something that is assigned through the annexation process. The applicant can provide a suggestion, but as a part of annexation, the state law requires an annexation agreement must be put in place to specify all areas of annexation, as well as identify the zoning as it is included into the city boundaries.

Chairman Wardle moved to a second reading.

- c. Subdivision Plat Amendment Request for Ninigret Depot Subdivision No. 2.
Presented by Jim Bolser

Mr. Bolser stated on the west edge of the industrial depot, Industrial Loop Road comes down from 112 with the existing light at 1000 North. Towards the south end of Industrial Loop Road, the road curves and becomes B Avenue. This property is on the curve. The zoning for the property is I industrial, as are the properties around it. The plat proposes to draw a line approximately three quarters down the property to split the one lot into two. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Council Member Graf motioned to approve Subdivision Plat Amendment Request for Ninigret Depot Subdivision No. 2. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- d. Request for Affordable Housing Impact Fee Waivers for the Buffalo Pass and Buffalo Ridge Subdivision.

Chairman Wardle stated that it was put into code three or fourth months prior that there can be impact fee waivers for affordable housing through a state housing project. Mr. Bolser stated that there was a code on the books for awhile that allowed for a waiver of impact fees up to \$5,000 for projects that could meet the justifications established in the ordinance as truly affordable housing. A few months ago, there was an ordinance that increased the waiver allowance up to \$10,000 per lot. The current set of impact fees for the residential lots don't quite reach the \$10,000 in fees.

Mr. Bolser stated there have been two subdivisions that have been approved in town, Buffalo Ridge and Buffalo Pass on 600 North, one is at 150 West and one at 200 West.

Each is six lots a piece and the Utah Housing Corporation has an agreement to purchase the lots and is requesting a waiver on each of the combined 12 lots.

Chairman Wardle asked if the Council is allowed to do any amount up to the \$10,000 per the request? Mr. Bolser stated that the application is requesting the full amount, but the City Council has the option to waive up to the full amount which is approximately \$9,400 per lot.

Chairman Wardle opened up to the Council.

Council Member Gochis stated that she was concerned about the total and the amount is over \$100,000 in impact fees to the City. She stated if there was an option to subsidize a portion of the full amount, she would be more in favor than the whole amount. Chairman Wardle asked if there was a recommendation percentage wise for the fee waiver? Council Member Gochis stated she would recommend to do a 50% fee waiver.

Council Member Hansen asked if this was a routine proceeding? Mr. Bolser stated that this is the first one that he has remembers in eight years. Council Member Hansen asked how long the original ordinance was in effect? Mr. Bolser stated that it as in place before he started with the City. Council Member Hansen stated that any subsidized housing does that qualify for the fee waiver? Mr. Bolser stated potentially, there is specific language in the ordinance to reference specific requirements in the state law to identify affordable housing. Utah Housing Corporation has done a good job to meet those requirements. Council Member Hansen stated a private developer who met the qualifications could get the fee waiver as well. Mr. Bolser stated that it would be pretty tough to qualify under something like this.

Council Member Graf stated that there was something passed to identify per state law four items for affordable housing and the city had seven areas. Mr. Bolser stated that is part of the General Plan and Affordable Housing Plan that was adopted in November as an update. The State legislature in the 2019 General Session adopted a senate bill that identified 23 potential qualifying factors that cities had to qualify and have in place three of the items and to have updated plan to identify those three factors by December 1, 2019. The City had that filed in late November. In looking at the existing policies and ordinances, there were eight factors in place. This is one of those factors. The City had listed them one through seven, but there were two number fives, leading to the City having eight. During this General Session, the senate identified one more qualifying factor for a total of 24.

Council Member Graf stated that there are concerns with the cost of housing and affordability, to have newer families come in, and the concerns by Council Member Gochis are important because they address impact fees that the City gets. At the same

time, the number of housing units proposed seems to be a reasonable amount and it would be a good start to implementing in the General Plan. He is in support of this with the number of housing units proposed and the need with the economy with the financial situation across the nation.

Chairman Wardle stated that there are two proposals; Council Member Gochis proposed \$4,702 per unit for 50% and Council Member Graf has proposed the 100% fee reduction of \$9,404. Is there a second either proposal? Council Member Hansen seconded the 100% fee reduction. Council Member Brady seconded the 50% fee reduction. Chairman Wardle proposed a split of the difference to \$7,000 per lot, which is above the \$5,000 from the previous ordinance and less than the new ordinance of \$10,000.

Council Member Hansen stated that this program is for rent to own and helps people who need help for housing.

Council Member Brady stated that he agrees with Council Member Gochis and the whole amount subsidized is a huge impact to the City, but he is comfortable with the \$7,000 and meeting them in the middle. He is not there on a complete waiver.

Chairman Wardle stated this is new ground for the Council and there has never been multiple proposals on the table. Under Roberts Rules, there is a question which calls for a vote. Chairman Wardle stated there is a recommendation of \$7,000, a recommendation of \$9,404 fee waiver which is seconded, and the \$4,702, which is seconded. The \$7,000 dies because there is no second and the Council Members cannot have multiple seconds.

Council Member Graf called a question for a vote.

Council Member Gochis stated that she would like to withdraw her proposal of 50% at \$4,702 and would like to second the \$7,000 fee waiver. The costs are not just a waiver, this is money that has to be provided and \$100,000 is a lot of money.

Chairman Wardle asked if Council Member Graf withdrew his question. Council Member Graf withdrew his question. Council Member Gochis seconded the \$7,000 fee waiver.

Council Member Graf called to question and the vote for the 100% fee waiver reduction of \$9,404.

Votes were: Council Member Gochis, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Hansen, "Aye," and Chairman Wardle, "Aye."

Chairman Wardle stated he was opened to a motion for the 100% full fee waiver of \$9,404.

Council Member Graf motioned to adopt the full waiver of \$9,404. Council Member Hansen seconded the motion. Votes were: Council Member Gochis, "Nay," Council Member Brady, "Nay," Council Member Graf, "Aye," Council Member Hansen, "Aye," and Chairman Wardle, "Nay." The motion did not pass.

Chairman Wardle opened the floor for a motion on the \$7000 partial fee reduction.

Council Member Brady motioned to adopt a partial waiver of \$7,000. Council Member Hansen seconded the motion. Votes were: Council Member Gochis, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Hansen, "Aye," and Chairman Wardle, "Aye." The motion passes.

6. Minutes

Minutes include May 20 Business and Work Sessions.

Council Member Gochis motioned to adopt minutes. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

7. Discussion on COVID 19 Public Meetings.

Chairman Wardle opened the floor for discussion of how the Council would like to address the covid situation with upcoming public hearings for the budget and Annexation Policy Plan. He stated the legislative task force has recommended that parts of the state move to green risk level. Chairman Wardle encouraged any members who would like to make comments for the Tooele City budget can make comments starting today at cmpubliccomment@tooelecity.org. Those comments will be accepted now.

Council Member Graf stated he was concerned with the green level, with covid cases numbers trending upward. The last five set days have had higher numbers. He stated he encouraged the public to participate, but how many people could fit in the council chambers with the 6 foot radius recommendations.

Ms. Pitt stated that she thinks there could be 50 people in the room, it is unknown how many people would sit together. With the chairs and spacing she thinks there would be plenty of room for 50 individuals. Council Member Graf asked about staging people at the Police Station with a

Exhibit D

Tooele County Housing Authority
March 4, 2022, Letter



TOOELE COUNTY HOUSING AUTHORITY

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

March 4, 2022

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

Dear Roger,

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

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

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

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

Sincerely,

DeAnn Christiansen
Tooele County Housing Authority
Executive/Development Director



Exhibit E

City Council Minutes: March 16, 2022

Tooele City Council Work Meeting Minutes

Date: Wednesday, March 16, 2022

Time: 5:30 p.m.

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

City Council Members Present:

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

David McCall

Planning Commission Members Present:

Chris Sloan

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Michelle Pitt, City Recorder

Jared Stewart, Economic Development Coordinator

Jamie Grandpre, Public Works Director

Kami Perkins, HR Director

Andrew Aagard, City Planner

Holly Potter, Deputy City Recorder

Minutes prepared by Katherin Yei

1. Open City Council Meeting

Chairman Brady called the meeting to order at 5:34 p.m.

2. Roll Call

Tony Graf, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

David McCall, Present

3. Mayor's Report

Mayor Winn presented information on the following:

The Broadway Hotel is gone and the contaminates have been cleaned up.

'Monday's with the Mayor' will begin on Monday, April 4, 2022 at 7:00pm where they will discuss Police issues.

The City received a grant from Wasatch Front Regional Council for an active transportation plan for the City in the amount \$74,500.

The partnership and program Tooele City had with sister city, Kambarka, Russia is discontinued. Tooele City does support those whom want peace.

4. Council Member's Report

The Council Members reported on the events they attended during the week.

5. Discussion Items

A. Utah Well-Being Project Survey

Presented by Courtney Flint, USU - Utah Well-Being Project

Ms. Flint presented about the Utah Well-Being Project Survey. Tooele City has been a partner since 2019 which allows the surveys to help understand the pulse within the City to make educational and informed decisions. The survey is available for anyone 18 years and older and distributed to all residents of Tooele City.

B. Utah Housing Authority Harris Project

Presented by DeAnn Christiansen, Tooele County Housing Authority Executive Director

Ms. Jensen, development consultant, presented on the Harris Community Village. The Housing Authority and the community identified ways to serve the community at large, allowing this place to be for anyone in the community in need. The project started in 2020 and cost \$21,742,841. The location has 66 units, with 40 studio units and the remaining units being one- and two-bedroom areas. The site plan shows the plaza in the middle, housing in the back, and the community center forward facing.

The City Council shared their appreciation and excitement for the project.

Mayor Winn shared information regarding water for the project. They do have some water credits for the site, but they may need some water credits for the resource center area.

C. Impact Fee Waiver for the Murdock Subdivision and Harris Project

Presented by Roger Baker, City Attorney

Mr. Baker presented information on providing an impact fee waiver for the Murdock Subdivision and Harris project. The City Code allows impact fees to be waived up to \$10,000 per unit for affordable housing. There was an initiative to redefine what the waiver means and who can qualify. It was defined who is eligible and tied it to the Tooele County Housing Authority. It will not become an increase profit margin for the developer, but accomplishes the goal to reduce rents and mortgages and to relieve financial stress. They recognize there is a balancing discussion between incentivizing affordable housing and constructing important impact fee facilities. Every

fee waived is a dollar they don't have towards another impact fee project. They make up the difference from the general fund or other funds. They have given a fee waiver on Buffalo Pass and Buffalo Ridge. The fee waiver amount can be decided by the Council.

The Council showed their support of the project for impact fee waiver and expects the matter to be brought back in a future meeting for a vote.

D. Elton Park Cell Tower Lease Renewal

Presented by Roger Baker, City Attorney

Mr. Baker presented information on the lease renewal of Elton Park Cell Tower. The lease revenue when they build the tower is \$15,000 a year and a small escalator throughout the term of the lease. It provides a testing period, about a year, with an expiration, and able to renew for one year. The extension has expired and the contract does not give an automatic renewal of testing period. They have asked for additional year, because they are not ready to build a tower.

The City Council asked the following questions:

What is the reasoning for not building the tower yet?

Is there a competing company interested in the property?

When funds are received, where can they be used?

Mr. Baker addressed the Council's concerns. The company has not given a reason as to why they have not built yet, but the arrangement is beneficial for both parties. By keeping a legal interest in the property, it gives the company an opportunity to preserve their cell signal coverage. Any funds received are a general fund revenue.

The City Council showed their support for the renewal of the contract.

E. Nonresidential Zoning District Setbacks

Presented by Andrew Aagard, City Planner

Mr. Aagard presented information on nonresidential zoning district setbacks. The City received a zoning text amendment regarding the Industrial Zone setback from thirty feet to fifteen feet, enabling the existing buildings in the Industrial Depot to be subdivided into units. The setbacks for Light Industrial and Research and Development was increased to fifteen feet for side yards and twenty feet for rear yards. They have received applications that have found the setbacks to be cumbersome or prohibiting. The proposed text amendment, reduces the side yard to five feet and rear yards to ten feet. Previously to the amendment, the setbacks are set at zero. The staff does recommend a five-foot setback for maintenance and water drainage. The proposed amendments in the notes are in regards to easements, right of ways, and zero setbacks for multiple units in one application.

Council Member Hansen showed concern for the safety of the buildings hooked together on the old Main Street.

TOOELE CITY CORPORATION

RESOLUTION 2022-61

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

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

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

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

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

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

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

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

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

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

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

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

Ordinance 2019-13

TOOELE CITY CORPORATION

ORDINANCE 2019-13

AN ORDINANCE OF TOOELE CITY ENACTING TOOELE CITY CODE CHAPTER 7-14a REGARDING ACCESSORY DWELLING UNITS.

WHEREAS, the State of Utah is experiencing an unprecedented Housing Gap, caused and characterized by the following¹:

- Utah's population of three million people is forecast to grow to five million by 2050 and six million by 2065.
- For the first time in Utah history, the number of families looking for housing exceeds the total housing supply, by an estimated 40,000-45,000 dwelling units.
- The shortage of housing supply is leading to a dramatic increase in housing prices and rents.
- There are not enough houses at any prices, let alone affordable prices, for Utah families to buy.
- The existing Utah housing stock is not affordable to most young people and families.
- The families looking for housing in Utah are predominantly the children of Utah residents, not families from outside the state, and two-thirds of Utah's growth is from Utah families.

; and,

WHEREAS, the Housing Gap is a priority issue of Utah legislators, many of whom believe Utah municipalities are to blame for creating a regulatory environment where affordable housing is difficult and expensive to build; and,

WHEREAS, Senate Bill 34 (2019 Utah Legislative Session) requires Utah municipalities to include in the Moderate Income Housing element of their general plans at least two of a menu of 23 strategies to increase the availability of affordable housing and to improve housing affordability; and,

WHEREAS, Tooele City's Moderate Income Housing Plan includes numerous of the required housing affordability strategies, as summarized in Ordinance 2018-25, approved on December 5, 2018, and in the Plan; and,

WHEREAS, Tooele City has actively considered and enacted means and strategies to allow a variety of housing opportunities for Tooele City residents, including moderate income housing, including by doing the following:

¹ Source: Utah League of Cities and Towns, and Kem C. Gardner Policy Institute at the University of Utah.

- enacting incentives for in-fill development, including less restrictive land use regulations (Ordinance 2015-25);
- approving several new apartment and attached single-family developments;
- enacting multi-family design standards to ensure that high-density housing developments include good site and building design for the benefit of residents, which standards recognize the fact that high density requires good design to be successful (Ordinance 2005-05);
- eliminating the five-acre minimum multi-family housing project size (2018-19);
- amending the MU-B (Mixed Use-Broadway) zoning district regulations to allow higher density residential developments with less restrictive land use regulations (Ordinance 2018-13);
- enacting a point-based program for single-family design standards intended to improve building and site design without significantly increasing costs (Ordinance 2006-22);
- allowing for residential facilities for persons with a disability (Ordinance 2012-17);
- allowing for residential facilities for elderly persons (Ordinance 2012-17);
- allowing for housing in the MU-G (Mixed Use-General) zoning district;
- enacting a new multi-family zone (MR-25) allowing up to 25 dwelling units to the acre (Ordinance 2019-08) and assigning that zoning district to an existing property currently constructing multi-family dwelling units (Ordinance 2019-10); and,
- amending multi-family design standard regulations to be more clear, understandable, predictable, and realistic (Ordinance 2019-08).

WHEREAS, high-density housing does not necessarily equate to affordable housing; large high-density projects can create their own challenges, including congestion, traffic, loss of open space, loss of views, etc.; and, Utah residents are frustrated with large high-density projects that create these challenges²; and,

WHEREAS, a number of strategies may be employed to improve housing affordability and availability, including the following:

- Higher densities in appropriate areas with access to transportation, services, etc.
- Smaller lots in appropriate areas.
- A greater variety of housing types.
- Reducing impact fees and other fees.
- Accessory dwelling units.

² Source: Utah League of Cities and Towns, and Y2 Analytics.

WHEREAS, SB 34 identifies allowing accessory dwelling units (ADUs) as one of the housing affordability and availability strategies that can be incorporated and utilized in a municipal Moderate Income Housing Plan; and,

WHEREAS, an ADU can be defined in several ways:

1. "a subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is located internal to or attached to a primary dwelling or non-residential structure, or a detached dwelling unit on the same lot as a primary dwelling" (this Ordinance 2019-13);
2. "a separate small dwelling embedded within a single-family residential property" (*One Key to Housing*, Utah League of Cities and Towns (2019));
3. a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot (Senate Bill 34 (2019) Utah Legislature; Utah Code §10-9a-103(1));

and,

WHEREAS, ADUs have existed in many parts of the country for decades, but are experiencing a resurgence due to market forces, and are known by many names, including, basement apartment, garage apartment, attic apartment, mother-in-law apartment, cottage, carriage house, coach house, tiny home, guest house, casita, and granny flat; and,

WHEREAS, the City Council and City Administration believe that ADUs are one viable strategy to improve housing affordability and availability, and the Council has considered and discussed housing affordability and ADU policies during its work meetings of January 16, March 20, April 17, and May 1, 2019; and,

WHEREAS, the City Council notes that ADUs have many actual and potential benefits, including the following:

- Providing lower priced housing for students, young families, retirees, and others since ADUs do not have to include the price of land (already paid for) and are smaller.
- Government efficiency. Utilizing existing water, sewer, storm drain, and street infrastructure with little, if any, added city maintenance costs.
- Increasing property values because of the additional appraised living space.
- Providing to homeowners a supplemental, secondary income stream from ADU rentals.
- Generating wealth and stability within the community through mortgage reduction and fixed-income retirement supplements.
- Allowing people to age in place instead of having to sell their home because of fixed incomes or to downsize. (Some homeowners choose to live in the ADU and rent out their primary dwelling.)

- Offering social assistance and community support for ADU occupants by living in single-family neighborhoods with a mix of ages and income levels: "family friendly."
- Providing flexible life-cycle housing that allows people to stay in their homes and neighborhoods long-term despite changes in life stage.
- Allowing people of all life stages to live together instead of being shunted into housing predominantly for the young, the old, the poor, etc: community building v. segregation.
- Venting some of the pressure to create new and large apartment projects for people who cannot afford to buy a house.
- Contributing to neighborhood revitalization with new capital investment and increased motivation to maintain properties.
- Offering to developers, contractors, land owners, and the housing market alternatives to apartment buildings, and allowing for the construction of more than one type of affordable housing unit.
- Protecting and respecting private property rights of primary dwelling owners.
- Reducing single-family yard irrigation.
- Legitimizing already existing but illegal basement apartments and other ADUs.
- Reducing rents by adding to the supply of rental housing.
- Contributing to the supply of available, affordable housing by reducing regulatory barriers and costs to such housing.
- Being consistent with the single-family nature of neighborhoods as opposed to large apartment buildings. (Picture cutting up an apartment building and spreading the units out in a large single-family neighborhood area.)
- Offering cities a way of creating "gentle density" and "gentle in-fill" instead of the harsher density of large apartment projects.
- Avoiding/delaying the loss of greenfield properties (e.g., farms, fields, hillsides) to new development.

WHEREAS, ADUs are currently allowed in Tooele City as permitted or conditional uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), Neighborhood Commercial (NC), General Commercial (GC), and Regional Commercial (RC) zoning districts (see TCC Chapter 7-16 Table 1 Tables of Uses); and,

WHEREAS, the City Administration has developed an ADU ordinance, to be contained in a new TCC Chapter 7-14a (attached as Exhibit A), which it recommends to the City Council; and,

WHEREAS, the enactment of TCC Chapter 7-14a necessitates amendments to the definitions found in TCC §7-1-5 (see Exhibit A); and,

WHEREAS, the City Administration recommends charging reduced development impact fees for ADUs, and no water rights for ADUs, based in part upon the desire to make ADUs affordable, and based in part upon the diminished relative impacts of ADUs upon Tooele City system improvements; and,

WHEREAS, the City Administration recommends requiring ADU water and sewer laterals to be shared with those of the primary dwelling in order to minimize the number of new street cuts and water and sewer main hot tap connections that increase costs to the primary dwelling owner (and thus the ADU renter) and that cause undue deterioration to city infrastructure; and,

WHEREAS, this Ordinance 2019-13 will serve to provide for the public health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Tooele City and its present and future inhabitants (reference UCA §10-9a-102); and,

WHEREAS, one of the stated purposes of the Utah Land Use Development and Management Act is to "allow growth in a variety of housing types" (see U.C.A. §10-9a-102, as amended by House Bill 315 (2019)); and,

WHEREAS, this Ordinance 2019-13 will serve to protect the tax base, to secure economy in governmental expenditures, to protect both urban and nonurban development, to provide fundamental fairness in land use regulation, and to protect property values (reference UCA §10-9a-102); and,

WHEREAS, UCA §10-9a-102 authorizes Utah municipalities, in accomplishing the purposes of UCA Chapter 10-9a, to do the following:

enact all ordinances . . . they consider necessary or appropriate for the use and development of land within the municipality, including ordinances . . . governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests . . . unless expressly prohibited by law.

WHEREAS, the Planning Commission convened a duly-noticed public hearing on May 22, 2019, and forwarded its recommendation to the City Council (see minutes attached as Exhibit B); and,

WHEREAS, the City Council convened a duly-noticed public hearing:

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

1. the above recitals are hereby incorporated as findings of the City Council; and,

2. Tooele City Code §7-1-5 is hereby amended as shown in Exhibit A; and,
3. Tooele City Code Chapter 7-14a is hereby enacted as shown in Exhibit A; and,
4. Tooele City Code Chapter 7-14 Table 1 Table of Uses is hereby amended as shown in Exhibit A.
5. Tooele City Code Chapter 7-16 Table 1 Table of Uses is hereby amended as shown in Exhibit A.

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ~~21st~~ day of August, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder



Approved as to Form:

[Signature]
Rogel Evans Baker, City Attorney

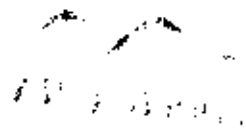


Exhibit A

TCC Section 7-1-5

TCC Chapter 7-14a

TCC Chapter 7-14 Table 1 Table of Uses

TCC Chapter 7-16 Table 1 Table of Uses

became conforming or nonconforming.
(Ord. 1983-05, 04-20-1983)

7-1-5. Definitions.

Accessory Building - A structure detached from a principal or primary building located on the same lot and incidental and subordinate to the principal building or use.

Accessory Drive Through Facility - A building element or design feature that permits goods or services to be provided to a customer while occupying a vehicle, without entering the building.

Accessory Dwelling Unit - A subordinate dwelling, containing its own eating, sleeping, and sanitation facilities, which is:

(1) located internal to or attached to a primary dwelling or non-residential structure; or

(2) a detached dwelling unit on the same lot as a primary dwelling.

~~A dwelling unit, for use as an independent living unit located on the same parcel as an authorized principal use.~~

Accessory Dwelling Unit for Caretaker - A dwelling unit, occupied only by a caretaker and related family, which must be located within and subordinate to the primary building and not as an independent structure.

Accessory Outdoor Sales and Display - The placement outside of a building of items for display or sale which are ordinarily available for sale at the location within a building or structure.

Accessory Outside Storage - The outside placement of items which are customary and incidental to the principal use of the property but excluding the outside storage and placement of flammable and hazardous materials.

Accessory Outside Storage of Flammable or Hazardous Materials - The outside placement of flammable or hazardous materials which are customary and incidental to the principal use of the property.

Accessory Use - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Adjacent - All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

Adult Day Care - A non-medical facility for the daytime care of adult persons, and not exceeding 12 hours, who due to age or disability require assistance, companionship, association and or supervision during the day by staff members.

Agriculture (Forestry/Horticultural) - An establishment devoted to the tilling of the soil, the raising of crops, pasture, horticulture, trees, orchards and gardens, but not including any agricultural industry or business such as fruit packing plants,

canneries or agricultural processing facilities. Includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Agriculture (Livestock) - An establishment devoted to the tilling of the soil, the raising of crops, and livestock, but not including any agricultural industry or business such as fur farms, animal hospitals, feed lots or similar uses, and including such uses as crop farms, dairy farms, livestock farms, poultry farms, general farms, horse farms, and similar uses. Agriculture (livestock production) includes agricultural support housing, including the occupancy of any dwelling unit by the owner or agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Agriculture Business - A business or industry involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding or storage, including commercial greenhouses, feed yards, fur farms, food packaging or processing plants, commercial poultry and egg production and similar uses.

Airport - Areas used for the landing and take off of aircraft, and any appurtenant areas which are intended for use as airport buildings or other airport facilities.

Alter or Alteration - To change, rearrange, enlarge, extend, or reduce any structure or part thereof on the same site.

Animal Hospital - Any facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats and other animals.

Apiary - Any structure or area used for the keeping of bees and/or the collection of honey.

Applicant - The property owner, or authorized agent of the property owner who files an application for development approval pursuant to this Code.

Application for Development Approval or Application - Any written request for approval or issuance of a development order, permit, or license including but not limited to Zoning District amendments, subdivision plats, site plans, building and development permits, variances, conditional use permits.

Application for Reimbursement - A completed application for reimbursement filed pursuant to Tooele City Code §7-19-13, as amended.

Asphalt Plant - A facility, structure or area used for the manufacture and mixing of asphalt and asphalt related products, including areas and facilities used for the storage of materials required for asphalt manufacture.

Authorized Agent - Any person with valid authority provided by the Owner, as evidenced by a

document, filed with the City, authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development permit approval.

Auto Impound Yard, Military Surplus Yard, and Vehicle Storage Yard - Public or private storage yard for the temporary storage of automobiles or military equipment.

Automobile Body and Fender Service and Repair - An establishment engaged in the service and repair of body and fender components of automobiles, trucks, motorcycles, motor homes, or recreational vehicles. Typical activities include patching, grinding, sanding, and painting of body and fender parts of any type of vehicle. This use shall be entirely conducted within an enclosed structure and subject to annual inspection by the Tooele City Fire Department and the Tooele City Building Official.

Automobile Sales and Rental - An establishment primarily engaged in the sales and / or rental of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles, including sale and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, trailer, or recreational vehicle dealerships, and automobile and light truck rental establishments.

Automobile Service and Repair - An establishment primarily engaged in the mechanical or electrical repair of automobiles, trucks less than 10,000 G.V.W., motorcycles, motor homes, or recreational vehicles. Typical uses include auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, and where all repair and service activities occur within an enclosed building. This use does not include body and fender shops, and dismantling or salvage of any vehicles.

Bar - An establishment serving alcoholic beverages for consumption on the premises. The term "bar" shall also include taverns, discotheques, night clubs, private liquor clubs and saloons.

Base Zoning District, or Underlying Zoning District - the zoning district applicable to a use of land.

Beauty Shop - An establishment for the cutting, styling, and treatment of hair, skin, fingernails, toenails, etc. Includes a barber shop. Excludes tattoo parlors.

Bed and Breakfast Inn - An establishment in which one to six rooms are rented for overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

Boarding House - An existing residential structure a portion of which is used to accommodate for compensation, no more than three (3) boarders or roomers, not including members of the owner's immediate family.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Area - The portion of a lot which is

within the envelope formed by the required yards or setbacks.

Building Height - The vertical distance on any one two-dimensional building elevation (i.e. front, sides, rear) measured from the lowest point of finished grade of earth at the foundation to either 1) the midpoint of all pitched areas for sloped roofs, or 2) the top of the vertical building wall for flat roofs or gabled walls, whichever is greatest. Chimneys may exceed the height limitations to the extent required by applicable fire codes. See Figure 7-1-5(1) for typical examples. (Ord. 2013-15, 09-18-2013)

Building Maintenance Services - An establishment engaged in the provision of maintenance and/or custodial services to commercial or residential buildings and structures including window cleaning services, janitorial services, landscaping services and exterminating services.

Business Office - An establishment primarily engaged in the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

Campground - Any area of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including tents, travel trailers, and recreational vehicles, as temporary living quarters for recreation, education, or vacation purposes.

Car Wash - A structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles using automated equipment operated by one or more attendants or self-service facilities using customer operated equipment activated by a coin, token, card, or other similar means. A facility of this type may be able to accommodate more than one vehicle at the same time.

Carport - A roofed automobile structure open and unobstructed on two (2) or more sides. A carport is subject to all the requirements for the location and construction of a garage.

Chemical Manufacture and Storage - The manufacture, processing and storage of chemical materials that by reason of materials, processes, products or waste may be hazardous or that by the emission of odor, dust, smoke, gases, noise, vibration, glare, heat or other impacts may impact adjoining properties.

Church - A facility principally used for people to gather together for public religious worship, religious training, or other religious activities. One accessory

adjacent properties.

Development Permit - Any building permit; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning; or any other official action of the City or any state or local government commission, board, agency, department or official having the effect of permitting the development of land located within the corporate boundaries of Tooele City and subject to the provisions of this Ordinance.

Disability - a physical or mental impairment that substantially limits one or more of a person's major life activities. Disability does not include the current use of alcohol or current illegal use of any federally or state of Utah controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or in the Utah Controlled Substances Act, U.C.A. Chapter 58-37, each as amended.

Distribution Center - A building used primarily for the inside storage and distribution of goods and materials and the parking and storage of tractor and/or other trailer units.

District - A portion of the city within which certain uses of land and buildings are permitted or prohibited and in which other buildings or land restrictions may be specified as set forth herein.

Dwelling - A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

Dwelling: Cabin/Seasonal Home - A structure designed to provide housing for the owner, or guests of the owner, on a temporary basis.

Dwelling: Farm and Ranch Employee Housing - A structure located on an operating farm or ranch and designed to provide housing for employees of the farm or ranch on a temporary or permanent basis.

Dwelling: Four-family - A structure designed to be occupied by four (4) families, the structure having four (4) dwelling units.

Dwelling: Manufactured Home - A dwelling unit constructed in accordance with the standards set forth by the Department of Housing and Urban Development and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A Manufactured home shall comply with all the requirements of this Ordinance generally applicable to a dwelling unit located in the same zoning district.

Dwelling: Mobile Home - A structure built on a permanent chassis, and transported in one (1) or more sections, is eight (8) feet or more in width and 40 feet or more in length, and designed to be drawn by a motor vehicle, and used as a dwelling with or without a

permanent foundation and connected to utilities. Premanufactured and modular homes not placed on a permanent foundation shall be considered a mobile home.

Dwelling: Multiple-family or Multi-family - A structure designed to be occupied by five (5) or more families, living independently of each other with each unit having its own kitchen, including apartment houses, but not including motels.

Dwelling, Primary - A single-family dwelling unit to which an accessory dwelling unit is subordinate.

Dwelling, Single-family - A structure designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling: Three-family - A structure designed to be occupied by three (3) families, the structure having three (3) dwelling units.

Dwelling: Townhouse/Condominium - A structure or group of structures, in which units are owned individually, and the structure(s), common areas and facilities are owned by all the owners on a proportional, undivided basis which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act.

Dwelling: Two-family - A structure designed to be occupied by two (2) families, the structure having two (2) dwelling units. Includes a duplex.

Easement - A portion of a lot reserved for present or future use by a person or agency other than the owner of the lot. An easement may be under, on or above the lot.

Eligible Public Improvements - Roads and water, sewer, publicly-owned secondary water, and storm water utilities that are required by the City and that exceed the City's required minimum standards and specifications for a particular development. Eligible Public Improvements do not include street signs, regulatory signs (e.g. stop signs), street lights, sidewalk, curb & gutter, monuments and markers, landscaping, privately-owned utilities (e.g. telephone, gas, power, cable television, fiber optics), and other similar improvements, as well as features desired by the Developer that exceed the City's required minimum standards and specifications. Eligible Public Improvements also do not include Public Improvements required as a condition of annexation. The minimum required standards and specifications shall be based on the infrastructure needs of the Development Parcel, as determined by the City.

Extractive Industry - An establishment engaged in the on-site extraction of surface or sub-surface mineral products or natural resources. Typical industries include quarries, sand and gravel quarries, oil and gas extraction, and mining operations.

Family - An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons living in a

structure. This use does not include radio frequency equipment which have an effective radiated power of 100 watts or less. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

Temporary - Not to exceed a period of 1 year.

Temporary Construction or Sales Office - A facility temporarily used for a period, not to exceed 12 months, as a construction or sales office.

Temporary Use - Fireworks stands, Christmas tree sale lots, and similar activities which are open to the public and scheduled to occur over a period not to exceed 40 days in any calendar year and including uses incidental to construction.

Theater, Indoor - A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

Theater, Outdoor - A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

Tobacco Product or Tobacco-related Product - Inclusive of the following:

(1) any cigar, cigarette, or electronic cigarette as defined in U.C.A. §76-10-101, including the component parts of and ingredients to electronic cigarettes;

(2) a tobacco product as defined in U.C.A. §59-14-102, including:

(a) chewing tobacco; and,

(b) any substitute for a tobacco product, including flavoring or additives to tobacco; and,

(3) tobacco paraphernalia as defined in U.C.A. §76-10-104.1.

Tobacco Specialty Store or Retail Tobacco Specialty Business - An establishment in which:

(1) the sale of tobacco products accounts for more than 35% of the total quarterly gross receipts for the establishment;

(2) 20% or more of the public retail floor space is allocated to the offer, display or storage of tobacco products;

(3) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products; or,

(4) the retail space features a self-service display for tobacco products.

Underlying Zoning District - See Base Zoning District.

Use - The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

Utilities, Private - Includes power, telephone, natural gas, cable television and private water supply service.

Utility Company, Public - Any company, or municipal department, duly authorized to furnish under public regulation, electricity, gas, steam,

telephone, transportation, water, or sewer service.

Utility Service Facility (major) - Any electric transmission lines (greater than 115,000 volts), power plants, or substations of electric utilities; gas regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities.

Utility Service Facility (minor) - Any electrical distribution lines, natural gas distribution lines, cable television lines, telegraph and telephone lines, and gathering lines, or other minor service facilities. No buildings are allowed and the use is limited to the following sizes: (i) gas lines less than 12 inches; and (ii) electric lines of less than 115,000 volts.

Veterinary Clinic/Animal Hospital - A facility for the diagnosis, treatment, hospitalization, and boarding of animals, which does not include outdoor holding facilities.

Warehouse - A building used primarily for the inside storage of nonhazardous goods and materials and including accessory office facilities.

Zoning District - A mapped area to which a uniform set of regulations applies, and which are designed to implement the goals and policies of the Tooele City General Plan.

(Ord. 2018-08, 09-05-2018) (Ord. 2017-14, 06-07-2017) (Ord. 2016-17, 11-02-2016) (Ord. 2015-25, 12-16-2015) (Ord. 2013-17, 02-05-2014) (Ord. 2012-17, 09-05-2012) (Ord. 2009-05, 02-28-2009) (Ord. 2008-11, 11-05-2008) (Ord. 2005-06, 05-18-2005) (Ord. 2002-21, 09-18-2002) (Ord. 1998-33B, 10-07-1998) (Ord. 1997-21, 06-04-1997) (Ord. 1995-18, 10-06-1995) (Ord. 1994-26, 05-12-1994) (Ord. 1994-09, 03-02-1994) (Ord. 1992-26, 12-10-1992)

7-1-6. Enforcement.

(1) (a) Tooele City or any owner of real estate within the city in which violations of this Title occur or are about to occur may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or,

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) Tooele City need only establish the violation to obtain the injunction.

(2) (a) Tooele City may enforce this Title by withholding building permits.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within Tooele City without approval of a building permit.

(c) Tooele City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) The city engineer or the engineer's

CHAPTER 14a. ACCESSORY DWELLING UNITS

- 7-14a-1. **Definitions.**
- 7-14a-2. **Purposes.**
- 7-14a-3. **Primary Dwelling Requirement.**
- 7-14a-4. **Owner occupancy requirement.**
- 7-14a-5. **Permitted use.**
- 7-14a-6. **Types of ADUs.**
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- 7-14a-21. **Site plan.**
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- 7-14a-23. **Entrances.**
- 7-14a-24. **Site Location.**
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- 7-14a-27. **Fee Exemptions.**
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- 7-14a-29. **Variance.**
- 7-14a-30. **Conversion.**
- 7-14a-31. **Business License.**
- 7-14a-32. **Home Occupation.**
- 7-14a-33. **Registration.**
- 7-14a-34. **Violation - Notice - Civil Penalties.**
- 7-41a-35. **Zoning Administrator - Appeals.**

7-14a-1. Definitions.

The terms "Accessory Dwelling Unit," "ADU," "Base Zoning District," and "Primary Dwelling" shall have the meanings given in Section 7-1-5.

7-14a-2. Purposes.

The purposes of this Chapter are as enumerated in Ordinance 2019-13.

7-14a-3. Primary Dwelling Requirement.

No ADU in a single-family residential or mixed-use zoning district shall be permitted or constructed except as an accessory dwelling to a habitable primary dwelling.

7-14a-4. Owner occupancy requirement.

Either the primary dwelling or the ADU must be occupied by the primary dwelling owner.

7-14a-5. Permitted use.

(1) ADUs shall be a permitted use in all single-family residential zoning districts, namely, R1-7, R1-8, R1-10, R1-12, R1-14, R1-30, RR-1, RR-5, and RR-20.

(2) ADUs shall be permitted uses in the Mixed Use-Broadway (MU-B), Mixed Use-General (MU-G), and Neighborhood Commercial (NC) zoning districts.

(3) ADUs shall be prohibited in the multi-family (MR) zoning districts.

(4) Internal and attached ADUs shall be conditional uses in the General Commercial (GC) and Regional Commercial (RC) zoning districts. Detached ADUs shall be prohibited in those districts.

(5) An Accessory Dwelling Unit for Caretaker shall be a conditional use in all the mixed use, commercial, and industrial zoning districts.

(6) All ADUs shall be subject to the regulations of this Chapter and Title.

7-14a-6. Types of ADUs.

An ADU may be internal, attached, or detached. See Figure 1.

7-14a-7. Number of ADUs per Lot.

No residential lot shall have more than one ADU.

7-14a-8. Planned Unit Developments.

ADUs shall not be included in the density calculations for a planned unit development (PUD).

7-14a-9. Resident Limit.

ADU occupancy shall be limited to one family, as defined in Section 7-1-5.

7-14-10. Minimum Lot Size.

Notwithstanding Section 5 herein, the minimum lot size required for ADUs is as follows:

- (1) 8,500 square feet for a detached ADU;
- (2) 8,500 square feet for an attached ADU;
- (3) 7,000 square feet for an internal ADU.

7-14a-11. Size.

(1) Internal ADUs shall be no smaller than 400 square-feet and no larger than the square footage of the foundation of the primary dwelling.

(2) Attached ADUs shall be no smaller than 400 square-feet, no larger than 800 square feet on one story, and no larger than 1,200 square feet.

(3) Detached ADUs shall be no smaller than 800 square-feet and no larger than 1,200 square feet.

(4) An ADU may have no more than two

bedrooms.

7-14a-12. Height.

ADU height shall be limited by both the regulations of the base zoning district and by the height of the primary dwelling unit, and shall be the lesser height of the two.

7-14a-13. Setbacks.

Front, rear, and side setbacks for ADUs shall be as required by the regulations of the base zoning district.

7-14a-14. Separation.

A detached ADU shall be separated from the primary dwelling by a distance of at least ten feet.

7-14a-15. Lot coverage.

Lot coverage limitations applicable to ADUs shall be those established by the regulations of the base zoning district.

7-14a-16. Utilities - Water and Sewer Laterals.

(1) ADUs are required to connect to the City water and sewer main lines for culinary water and sanitary sewer service.

(2) ADUs are required to share utility meters, accounts, and water and sewer laterals with the primary dwelling.

7-14a-17. Addressing.

An ADU shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the ADU address.

7-14a-18. Mailbox.

An ADU is allowed, but not required, to have a separate mailbox from the primary dwelling.

7-14a-19. Subdivision.

(1) An ADU may not be sold or divided from the primary dwelling through deed, condominium, subdivision, plat, boundary line agreement, or otherwise.

(2) If a lot on which an ADU sits is subdivided, the ADU must remain on the lot containing the primary dwelling with which the ADU was associated upon its construction.

(3) An ADU shall not be considered or become the primary dwelling on any lot.

7-14a-20. Design.

An ADU shall have the same or substantially similar architectural features, materials, and colors as the primary dwelling.

7-14a-21. Site plan.

An ADU building permit application shall include a sealed site plan. The site plan must indicate the locations and dimensions of property lines and existing and proposed buildings, building entrances, building additions, setbacks, parking spaces, driveways, utility meters, and utility laterals and conduits. The site plan need not be engineered.

7-14a-22. Parking.

(1) An ADU shall provide one additional on-site parking stall per ADU bedroom.

(2) No ADU parking spaces may be located within the front or side yard setbacks adjacent to a street except for within an approved driveway. See Figure 1.

7-14a-23. Entrances.

Entrances to internal and attached ADUs shall be to the side or rear of the primary dwelling or ADU. See Figure 1.

7-14a-24. Site Location.

Detached ADUs shall be located to the rear of the primary dwelling, except that on a corner lot a detached ADU may be located to the side of the primary dwelling but flush with or set back from the primary dwelling side facade facing the street. See Figure 1.

7-14a-25. Impact Fee Reductions.

(1) Notwithstanding the provisions of Chapter 4-15, attached and detached ADUs shall pay the following impact fees:

(a) Culinary water: 50% of the single-family culinary water impact fee for interior water use only, and no impact fee for exterior water use.

(b) Sanitary sewer: 50% of the single-family sanitary sewer impact fee.

(c) Public safety: 50% of the single-family public safety impact fee.

(d) Parks and recreation: 50% of the single-family parks and recreation impact fee.

(2) Notwithstanding the provisions of Chapter 4-15, internal ADUs shall not be required to pay impact fees.

7-14a-26. Water Rights.

Notwithstanding the provisions of Chapter 7-26, an ADU shall not be required to convey water rights to the City.

7-14a-27. Fee Exemptions.

An ADU shall not be required to pay the street light utility fee or the storm water utility fee.

7-14a-28. Building Permits - Building Codes - Foundations.

(1) The installation and/or construction of an ADU shall require the application for and issuance of a building permit. An ADU building permit shall clearly identify that it is for an ADU.

(2) Unless otherwise required by applicable building and fire codes, an internal ADU shall not be required to construct one-hour fire rated separations between the area of the primary dwelling used by the primary dwelling occupants and the ADU portion of the primary dwelling.

(3) ADUs must comply with all uniform building codes applicable to dwellings.

(4) ADUs shall be constructed on site-built permanent foundations, which may include slabs-on-grade.

(5) All running gear, tongues, axles, wheels, and similar or related appurtenances must be removed at the time of ADU installation.

7-14a-29. Variance.

An ADU located on a legal nonconforming lot may apply to the Zoning Administrator for a variance from the setbacks of the base zoning district to match the setbacks of the primary dwelling, but must comply with applicable building and fire code setback requirements.

7-14a-30. Conversion.

Non-dwelling accessory structures may be converted into detached ADUs upon compliance with this Chapter and with applicable building and fire codes.

7-14a-31. Business License.

The owner of an ADU shall not be required to obtain a city business license to own or rent the ADU.

7-14a-32. Home Occupation.

Subject to the primary dwelling owner's written consent, an ADU may contain a home occupation, which must be conducted entirely within the ADU.

7-14a-33. Registration.

No ADU registration shall be required in addition to the building permit.

7-14a-34. Violation - Notice - Civil Penalties.

(1) A violation of any provision of this Chapter shall be a civil offence.

(2) Notice of the violation and associated civil penalties shall be delivered by first-class regular U.S. mail to both:

(A) the address of record with the County Recorder's Office; and,

(B) to the street address.

(3) A violation of this Chapter shall be punishable by a civil penalty of \$100 per occurrence. Following a cure period of 30 days from the date of the notice of violation, every week the violation continues shall be considered an additional occurrence of the same violation and shall result in the imposition of an additional \$100 civil penalty per week of the continuing violation.

7-41a-35. Zoning Administrator - Appeals.

(1) Interpretations and decisions applying this Chapter shall be made by the Zoning Administrator.

(2) Administrative appeals of Zoning Administrator interpretations and decision, notices of violation, and the imposition of civil penalties shall be made pursuant to Chapters 1-27 and 1-28.

**TABLE I
TABLE OF USES**

USE	DISTRICT												
	MR-25	MR-16	MR-8	RI-7	RI-8	RI-10	RI-12	RI-14	RI-30	RR-1	RR-5	RR-20	MU-160
Accessory Buildings and Uses	C	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Units				P	P	P	P	P	P	P	P	P	P
Agriculture (Forestry/Horticultural Production)		P	P	P	P	P	P	P	P	P	P	P	P
Agriculture (Livestock Production)									C	C	C	C	C
Agriculture Business											C	C	C
Apiary											P	P	P
Bed and Breakfast Inn		C	C	C	C	C	C	C	C	C	C	C	C
Campgrounds											C	C	P
Churches and Religious Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C
Commercial Day-Care Pre-School		C	C	C									
Commercial Kennel Animal Hospital											C	C	C
Concrete and Asphalt Plant													C
Day Treatment Facility and Program		C	C	C	C	C	C	C	C	C	C	C	C
Dwelling: Single-Family				P	P	P	P	P	P	P	P	P	P
Dwelling: Two-family		P	P	P	C								
Dwelling: Multi-family	P	P	P										

**TABLE 1
TABLE OF USES**

USE	DISTRICT							
	MU-B Mixed Use- Broad- way	MU-G Mixed Use- General	NC Neighbo- rhood Commer- -cial (Maximum individual lot size 15,000 square feet)	GC General Commer- -cial	RC Region- al Commer- -cial	LI Light Indust- rial	I Indust- rial	RD Researc h &Devel- op-ment
Accessory Building	P	P	P	P	P	P	P	P
Accessory Drive Through Facility (considered as a Conditional Use for a Use allowed in the District, see Note #3 and Table 2)	C	C		C	C	C		C
Accessory Dwelling Unit for Caretaker Only (must be located within primary structure See Table 2)	C	C	C	C		C	C	C
Accessory Dwelling Unit(s) (internal and attached; located above ground floor See Table 2)	P	P	P	C	C			
Accessory Dwelling Unit (detached; located on the same lot as primary structure See Table 2)	P	P	P					
Accessory Outdoor Sales and Display Incidental to an Allowed Use (considered as a Conditional Use for a Use allowed in the District, see Note #4 and Table 2)				C	C	C	C	
Accessory Outside Storage (considered as a Conditional Use for a Use allowed in the District, see Note #2 and Table 2)				C		C	C	

Exhibit B

Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES
May 22, 2019

Date: Wednesday, May 22, 2019

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

Commission Members Present:

Tony Graf
Tyson Hamilton
Melanie Hammer
Shauna Bevan
Phil Montano
Matt Robinson
Ray Smart
Chris Sloan
Bucky Whitehouse

City Employees Present:

Jim Bolser, Community Development Director
Andrew Aagard, City Planner
Paul Hansen, City Engineer
Roger Baker, City Attorney

Council Members Present:

Council Member McCall

Council Members Excused:

Council Member Gochis

Minutes prepared by Kelly Odermott

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

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Bevan.

2. Roll Call

Tyson Hamilton, Present
Tony Graf, Present
Melanie Hammer, Present
Ray Smart, Present
Shauna Bevan, Present
Phil Montano, Present
Matt Robinson, Present

Commissioner Hamilton stated he was concerned about the pavement on 200 West, it is a little narrow right there. The developer will be extending it to the existing pavement or will they widen it out to where the road is? Mr. Aagard stated that they will extend it to the curb and gutter to the existing asphalt. There is 25 feet there and they will add asphalt up to the curb and gutter.

Commissioner Robinson moved to forward a positive recommendation to the City Council for the Buffalo Ridge Preliminary Plan Subdivision Request by Adam Nash, representing Land Development LLC, for the purpose of creating six new single family residential lots, application number P18-673, based on the findings and subject to the conditions listed in the Staff Report dated May 15, 2019. Commissioner Hammer seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

Mr. Nash thanked the City for their organization and professionalism.

9. **Public Hearing and Recommendation on Ordinance 2019-13, ordinance of the Tooele City Council proposing the adoption of Chapter 7-14a of the Tooele City Code regarding Accessory Dwelling Units.**

Presented by Roger Baker

Mr. Baker stated that tonight is the culmination of nine months of work. Mr. Baker recognized that he was presenting it to the Planning Commission for the first time. There is a concept in Utah being called the housing gap. The housing gap has been a concern for the state legislature and at the top of their agenda for two years. The housing gap simply means the gap between the number of available housing units available for purchase or rent and the number of families that want to purchase or rent them. The research from the University of Utah indicates that there are between 40,000 and 50,000 more families than there are housing units for them in the State of Utah. That is a serious concern. One of things the housing gap is doing is driving the price of homes through the roof and the price of rentals as well to the point that they are no longer affordable. It is driving young people from the state because they cannot afford housing. This is by no means only a Utah issue but it is acutely a Utah issue. Policy makers at the state level and in Tooele City have been exploring tools that can be used to help bridge the gap, make more dwelling units available. But also check the rapid increase in housing purchase prices and rents and how to keep housing affordable for the people who need them. Some people have the opinion that the housing gap is the influx of people from other states. There is some of that, but the research shows that it is only about 20% of the pressure on the supply of housing. The remaining 80% of the population that wants housing and cannot find it is from Utah. It is most acutely felt by younger people, but it is not only younger people who feel the issue.

Mr. Baker stated a frequent strategy to combat the housing gap is to simply zone everything high density residential and build 30 plus units to the acre. Just because you can build many units does not mean that those units can be afforded. There are a lot of variables like land cost, rising construction costs, and market demand. If the demand is there, the developer will price it

where the demand is. Home prices and apartment rents are priced not at what can be afforded, but at what the market will pay. Besides that, the concern in Tooele is not just to build structures, but to build community. A strategy that is showing a lot of promise and excitement is the concept of an accessory dwelling unit.

Mr. Baker stated that accessory dwelling units are frightening to many people. Many cities prohibit them. Mr. Aagard explained that an Accessory Dwelling Unit, ADU can come in all shapes and sizes. There are internal ADU's which are basement apartments or apartments in the attic. There are attached dwelling units where a owner's is expanding the footprint of the home, commonly known as mother-in-law apartments. Then there are detached ADU's, where you would construct a smaller home on the same property. Mr. Aagard showed some pictures demonstrating what ADU's can look like. Mr. Aagard showed a slide on the screen demonstrating how a lot in Tooele City's code standards would work with an ADU. The example demonstrated a lot size of 7,000 square feet, the minimum for the R1-7 Residential zone, with setbacks and parking. An ADU can work on a lot as small as 7,000 square feet, if the circumstances are right with the existing home. As lots get larger there is more space with ADU.

Mr. Baker stated that the Planning Commission had in their packet the draft ordinance describing the housing gap, what an ADU is, and a list of 20 benefits that can be realized the allowability of ADU's. Mr. Baker stated that he thinks that it is really important to understand why this can be good for the community. It is land use policy and those policy's should work and serve a purpose. Mr. Baker stated that he wanted to point out a few of the benefits listed in the ordinance. Sometimes an ADU is considered objectionable to a neighborhood, but he is proposing that they should be welcomed in a neighborhood. The most obvious benefit is the ability to rent an ADU and it creates an income stream for the property owner. There are many property owners who wouldn't mind having a secondary income stream. That secondary income stream can be vital at any stage of the property owner's life. Mr. Baker gave the example of an older couple who owns a house and doesn't want to maintain the property. The choice currently is to move or live with it. With an ADU it is entirely feasible to live in an ADU and rent out the primary home who will pay and cover costs. It goes to aging in place, where an owner is not forced to move because they have grown out of a life stage.

Mr. Baker stated that some people worry that the ADU's will detract from property values. Mr. Baker stated that in fact it is the opposite, they enhance property values because there is added square footage that is appraised and capable of generating income. There are neighborhood benefits as well. Mr. Baker stated in a single-family neighborhood and someone wants to build a 25 unit per acre multi-family dwelling. The neighbors have objections and fear as demonstrated in previous meetings of the Planning Commission. An ADU gives an opportunity for gently density or gentle infill. Taking the large unit and dividing it up throughout the neighborhood. There are societal benefits to the tenant and the neighbor for having these.

Mr. Baker stated that he wanted to review the three-page ordinance proposing to allow ADU's in Tooele City. He stated that he will not go through every section of the proposed ordinance but will review some items that may be of interest to the Planning Commission. The proposal is proposing that the ADU's be allowed in all of the single family zoning districts and none of the multi-family zoning districts. Even though that it has been demonstrated that it can work on a

7,000 square foot lot, the proposal proposes a minimum lot size of 8,500 square feet for a detached ADU. This gives a little more room, but will also ease the fears of some. For a basement apartment since there is no additional footprint a 7,000 square footage would be adequate. The proposal for ADU's does include a minimum size and maximum sizes to ensure that it is a livable space, but not a second primary dwelling. In section 11 it outlines that the ADU's be no smaller than 400 square feet for internal and attached and no smaller than 800 square foot for detached. The proposal for maximum is 1,200 square feet for attached and detached. There is no maximum dwelling size for a basement apartment because it is determined by the foundation. Height is an important issue and suggesting that it be governed by the zoning district and the height of the primary dwelling, which ever is less. If the zoning district allows for a 30-foot-tall house and the house is 20 feet high than the 20 feet is the maximum height for the ADU. It cannot be taller than the main house.

Mr. Baker stated that parking is one of the biggest concerns of the neighbors and it has been a concern of the City Council. In listening to the concerns, the proposal is a simple formula. One bedroom, one parking stall, two bedrooms, two additional parking stalls. An ADU cannot have more than two bedrooms. It is not the ideal formula, but it is the best recommendation the city feels.

Mr. Baker wanted to mention impact fees, water rights, storm water fees, and other associated fees. There is no perfect balance or perfect answer. The proposal has attempted to balance the affordability of an ADU with cost of the impact to the City. The general tax payer should not have to subsidize the ADU's. The proposal suggests in relation to impact fees be half of those for the primary dwelling. Primarily because the units are smaller, partly because they will not be watering the grass. The main policy is to incentivize the affordability of the unit without creating a high cost to the City. With regards to water right, water rights have already been provided to the property, so there is no suggestion of additional water rights for the property. There will be a few more people living on the property, but there is no way to individualize a fee based on the occupancy of the home. With regards to the street light utility fee and the storm drain utility fee, they have already been paid by the property owner, so there will be no additional requirement.

Mr. Baker stated that he and Mr. Aagard studied ten ordinances from other City's in preparation of this ordinance. They were not selected at random or based on similar size or population, they were selected because they were put up as models to be looked at in trainings they attended. Many of those ordinances were much more restricted and Mr. Baker stated he believed unnecessarily restrictive. For example, those ordinances require that an ADU obtain a business license, be registered with the City as a special application of ADU, and pay fees for both. The City does not require a homeowner to register as a home or get a business license. This is another dwelling, not a business, and not a threat that needs to be registered in a book. The proposal is suggesting that when a building permit is obtained for the ADU, there be a notation that it is for an ADU to track how many are being built. The City does not want to create regulatory hurdles. Many ordinances require that a deed restriction be recorded against the lot to require only property owners or their immediate family members live any dwelling on the property. It serves no purpose. Mr. Baker stated that the staff put in at the beginning of the ordinance the purpose of the policy and the purpose of the policy is intended for property

ownership to rent one of the units to someone. That is what the City wants to create and incentivize. The City does not want to have an ownership policy.

Mr. Baker stated that it was a pleasure to bring this to the Planning Commission and hope that it will help all people in the community. It is not intended to create low to moderate income housing. This is to create housing that people can afford.

Chairman Graf asked the Commission if they had any comments or questions.

Commissioner Hammer stated that she thinks that this is a great concept. That being said, her neighbors directly across the street have working cars that they use. Two are in the driveway and three are in the street. In Looking at the impact that an ADU would have on their property would put on the neighborhood with two additional cars. Where do all these cars go? What are some other ideas that other communities had on parking, restrictions? Mr. Baker stated that it is impractical to forbid on street parking. The street is there, it is public and it will be parked on. Unfortunately, not every property owner is a model property owner and he can't resolve those. Commissioner Hammer asked how would this be regulated? Mr. Baker stated that there wouldn't be any regulation. Some people have more vehicles than parking spaces. Commissioner Hammer asked if it was a condition of the rental that they couldn't have more than two vehicles? Mr. Baker stated that a property owner could put more parking on their lot if they can accommodate it. What is in the proposal is a minimum. Commissioner Sloan stated that in the proposal parking is not allowed within the setbacks in the front or the side yard. Mr. Baker stated that there is no parking on the front lawn. Commissioner Sloan stated that there has to be an actual parking spot.

Chairman Graf asked about the detached ADU is the square foot limitation from the ground up or on the off chance they build a basement? How is that addressed or is it addressed? Mr. Baker stated that it is the footprint of the building, but it is limited to two bedrooms. Most people probably wouldn't pay for a three story ADU. The limitation on bedrooms is intended to be a limitation on the market and construction. Chairman Graf stated that this is a good addition and a creative way to address the problem that the Planning Commission sees every meeting and where do people go and what's affordable. He thanked the staff for their hard work.

Commissioner Sloan stated that he has been working on the housing gap from the state perspective for about the same amount of time. This is one of the outside the box parts of the a much larger puzzle. Something must be done. Commissioner Sloan stated that from his standpoint it is brilliant. A typical duplex will have two tenants in and usually neither has the incentive beyond possession to maintain the property. On the other hand, this has the homeowner onsite. These historically look like the slides that were presented earlier on the screen. They look beautiful because it benefits the property owner, it benefits the neighborhood. Commissioner Sloan stated that he is really excited about this and he thinks this is a great step.

Mr. Baker asked Commissioner Sloan if he has reviewed other city's in his studies in terms of how restrictive or permissive, they are? Commissioner Sloan stated that most have been more

restrictive that he in ways of property rights activist doesn't care for. Commissioner Sloan stated that outside of a meth lab in your house, your house is your house. A property owner has the right to quiet enjoyment and the right to do with it what they desire. Unless there is an adverse impact to the neighborhood there really shouldn't be regulation or restriction. This policy is achievable and doesn't put an owner's burden on the neighborhood. It doesn't put the owner's regulatory burden on the government to track. The City's code enforcement has enough to do and this will not add to their work. In some cases, this will lighten the burden for those who need it the most. Commissioner Sloan mentioned that he has six children. Four of them own homes in Tooele County, one is in Texas and one cannot afford to buy a house in Tooele with a great job. Commissioner Sloan stated the reality is that on his property he has the advantage of this because he has a full basement that is not being used. The aging in place becomes more attractive. There is very little downside to what this is doing and frankly he applauds the change. It has been a joy to go the Housing Gap Coalition at the Chamber for the last six months and he looks at the list of City's that are in danger of having legislature restrictions. Commissioner Sloan stated that Tooele City is starting to lead out on these things. Commissioner Sloan stated that there has been arguing about affordable housing and the need for it in the City. The City is doing things proactively.

Mr. Baker stated that this ordinance addresses more topics than any other ordinances that he has seen in the state. It addresses them simply without imposing unnecessary owner's regulations, while at the same time protecting the City's interest.

Commissioner Montano stated that he would like to make a comment. He read this ordinance and had to read it again because he looked at the water rights, impact fees, where everything is reduced and he couldn't find much more ways that the City can encourage this. It is all 100% workable. Commissioner Montano stated that he thinks this is fabulous and unbelievable.

Commissioner Bevan stated that she has a daughter living in an attic in Provo and this makes it affordable.

Commissioner Hamilton stated that his childhood home had an apartment in the basement. It was affordable and easy. He encourages this completely.

Commissioner Sloan stated that there has been the conversation of where the kids will go. Everything is a step in life and this is step. There are people of fixed incomes that don't have the ability to keep paying increasing property taxes and they are forced to relocate. Then there is the issue of replacing property that is affordable and that is difficult. This gives people an option of moving into the ADU. Rental rates in this county are astronomical. It takes care of the mortgage or property taxes.

Chairman Graf opened the public hearing.

Ms. Laney Rlegal stated that she is very excited for the ADU and she plans to exercise and take full advantage of this ordinance. She stated that hers will probably be an ultra-modern garage with an accessory dwelling on top. She did ask if a property owner can still go for a Conditional Use Permit for a garage and then an ADU on top? That will most likely be taller than the current

home. With Conditional Use Permit a property owner should be able to do that. Secondly is there going to be a higher taxable rate than there is from a garage or shed structure. If a property owner is generating an income from something that is just supposed to be a residence, wouldn't the property owner need to pay more? Is the City going to tax people for the square footage of the living space of the ADU? Ms. Riegal stated that there is a tax for the primary square footage would that same rate apply for the ADU or would it be at the rate of the garage?

Mr. Baker stated that he researched that issue and that he assumed that it would be taxed at the living space rate. Commissioner Sloan stated that she is focusing on how the notice is broken down. A property owner is taxed on the split of the value. The tax is broken out on land and living space but the total tax is the same. At the end of the day the tax is on the value of the parcel. The living space will be taxed the same way as living space, but that is a guess. Ms. Riegal stated that she is happy about this. The 8,500 square feet of a lot is equivalent of .195 of a lot and not a very big lot. She asked the Planning Commission to imagine the lots that would qualify for an ADU, lots off 1000 North, Loma Vista, East Bench and a number of them in Overlake. If the City were to tell all those people who purchased a home in a single-family development that they can now rent out their basement there may be some backlash. How can the City change something that was already purchased in a single family neighborhood? Now saying that a mother-in-law unit can be rented there may be some people opposing the policy.

Commissioner Hamilton commented that when a property owner is renting a space on their property, they will be really careful who it is rented too. That is an easy way to combat that.

Commissioner Sloan stated that even with the 8,500 square feet some of the homes may not be conducive to a unit, there still needs to parking.

Mr. Baker stated that one of the objectives of the ordinance is to recognize that illegal basement apartments are everywhere. This is a way to legitimize it and make it legal and make it safe. A building permit will be required for new ones. This ordinance is a balancing act, as is every public policy. Every public policy will offend people on the right of it and on the left of it. The best the staff can do is present a professional policy to the policy recommending group and the policy makers and invite them to make the best policy they can for the community. At least it will be a level playing field. The neighbor that is complaining about a property owner having an ADU also gets to have an ADU. Mr. Baker stated that one thing he did not touch on is lot coverage limitations. Every lot in the City now can have a maximum percentage of that lot covered with buildings, house, shed. That rule will stay the same. An accessory dwelling unit will be adding to the lot coverage, but will still need to come under that cap. If there is a small lot with a huge house, they will not get an ADU because there is no room. From that point of view the policy will self regulate.

Mr. Baker wanted to address Conditional Use Permits very briefly, from the City perspective it is a bad idea. Many City's require Conditional Use Permits, but imagine what that does. This is a new policy and is not well understood. It will take time for people to live with it and see the benefits. If a property owner is the first person in the neighborhood to take advantage of it, then that owner will stand in this room and confront all of their neighbors. Mr. Baker stated that in his opinion that is extremely divisive, negative and poor public policy. This policy is

preloaded with conditions so that there are not neighbors attacking neighbors over what conditions can be. The City has preloaded all the conditions that will spare neighborhoods the divisiveness of neighbors saying not in my backyard.

Commissioner Hammer asked about the CC&R's in Overlake state that a property owner cannot rent out to non-family members. How would that be affected? Mr. Baker stated that the City does not trump a CC&R. They are a contract negotiated between the property owners and the property owners buy into that. That was established by the developer. That contract is binding on the property unless it is amended by the parties to the contract. The City cannot affect the private contracts.

Chairman Graf closed the public hearing.

Chairman Graf asked about the legality, is an ADU considered a separate residence? Mr. Baker stated that yes, but not a separate property. This ordinance specifically prohibits an assessor unit being subdivided from the primary unit. Chairman Graf stated the reason for his question is that a cohabitant for domestic violence states that the parties reside in the same residence, so would an ADU be considered the same residence? Mr. Baker stated no it is a separate residence on the same property.

Commissioner Montano stated that the ordinance lists the address requirements to make the ADU a B residence on the property.

Chairman Graf asked the Commission if there were any final comments or questions, there were none.

Commissioner Sloan moved to forward with a positive recommendation to the City Council Ordinance 2019-13, an ordinance of Tooele City Council proposing the portion of Tooele City code regarding accessory dwelling units. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

10. Review and Approval of Planning Commission minutes for meeting held May 8, 2019.

Commissioner Sloan wanted to clarify two items. Under item 3, he made a comment about his vote and he would like to strike the last sentence due to it already being included. He also wanted to make a comment about Commissioner Montano's comments. "There was a difficult situation, but the Planning Commission has let out 600 permits for homes." To make it clear the Planning Commission does not issue building permits, but approved subdivisions for 600 permits.

Commissioner Hammer stated there was a name missing in Item 3. Mr. Johnson should have been placed there.

Exhibit B

Ordinance 2019-30

TOOELE CITY CORPORATION

ORDINANCE 2019-30

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 4-15 REGARDING IMPACT FEE WAIVERS FOR AFFORDABLE HOUSING.

WHEREAS, UCA Sections 10-3-702 and 10-8-84 empower municipal legislative bodies to pass all ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Utah Code Chapter 11-36a and Tooele City Code Chapter 4-15 govern development impact fees, which fees are calculated and intended to mitigate the impact of new growth upon Tooele City system improvements, including water facilities, sewer facilities, police and fire buildings, and park and recreation facilities; and,

WHEREAS, UCA Section 11-36a-403 expressly allows impact fee exemptions for low income housing, although the term “low income housing” is not defined in the chapter; and,

WHEREAS, TCC Section 4-15-5 allows impact fee waivers of up to \$5,000 per dwelling unit for affordable housing, although the term “affordable housing” is not defined in the chapter; and,

WHEREAS, UCA Section 10-9a-403(2)(a)(iii), as amended in 2019 by Senate Bill 34, requires municipalities to adopt a moderate income housing element to the general plan, which element must include at least three affordable housing strategies from a menu of 23, one of which allows municipalities to reduce impact fees related to low and moderate income housing; and,

WHEREAS, on November 6, 2019, the City Council passed Ordinance 2019-28 adopting a revised Tooele City Moderate Income Housing element of the general plan in conformity with Section 10-9a-403, which element incorporates as many as 14 of the 23 codified strategies; and,

WHEREAS, on August 21, 2019, the City Council passed Ordinance 2019-13 allowing for the lawful existence of accessory dwelling units (ADUs), and providing for a 50% reduction in impact fees for ADUs; and,

WHEREAS, the City Administration recommends that the term “affordable housing” be clearly defined so that impact fee waivers are limited to a narrowly and objectively defined cohort of development activity and benefit eligible households over real estate development interests; and,

WHEREAS, the Utah Housing Corporation partners with the Tooele County Housing Authority in obtaining federal low income housing credits to provide affordable housing for households making 60% of the area median income (AMI) or less, through purchase and rent-to-own programs, the success of which are assured through recorded deed restriction documents which address rent controls, sub-market purchase prices, owner/tenant income verification, property maintenance, insurance, and other important program details; and,

WHEREAS, the City Administration recommends the amendment of TCC Section 4-15-1 (Definitions) to assure the effectiveness of the City Council's affordable housing impact fee waiver policy; and,

WHEREAS, Tooele City's current development impact fees for a single-family house are as follows:

- Culinary Water: \$4,609
- Sanitary Sewer: \$2,290
- Parks and Recreation: \$2,168
- Public Safety-Police: \$137.29
- Public Safety-Fire: \$200.59
- **Total:** **\$9,404.88**

WHEREAS, the City Council desires to provide a greater incentive for the construction of affordable housing by increasing the current impact waiver from \$5,000 per dwelling unit to \$10,000 per dwelling unit, finding that the availability of additional affordable housing to Tooele City residents is in the best interest of the Tooele City community:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 4-15 is hereby amended to read in its entirety as shown in redline in Exhibit A; and,

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

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this 20th day of November, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

D. McCall

[Signature]

[Signature]

[Signature]

Melodi M. Stehno

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

Debra E. White

ATTEST:

Michelle Y. Pitt
Michelle Y. Pitt, City Recorder

SEAL



Approved as to Form:

Roger Evans Baker
Roger Evans Baker, City Attorney

Exhibit A

TCC Chapter 4-15 (Amended)

Chapter 15. Development Impact Fees

4-15-1 Definitions.

4-15-2 Assessment of Impact Fees.

4-15-3 Exemption from Impact Fees.

4-15-4 Credits.

4-15-5 Waiver.

4-15-6 Appeals.

4-15-7 Establishment of Impact Fees Accounts.

4-15-8 Refunds.

4-15-9 Use of Funds.

4-15-10 Independent Fee Calculations.

4-15-1 Definitions.

(1) Except as expressly provided in this Section, words and phrases used in this Chapter shall have the meaning given to them in U.C.A. 11-36a-102, as amended (the "Impact Fees Act").

(2) "Eligible affordable housing units" means

(a) Single-family and two-family dwellings that are:

(i) constructed, rented, and sold in partnership with the Tooele County Housing Authority (the "Authority"); and,

(ii) deed restricted, on a form approved by the City Attorney, in such a manner that:

(A) dwellings are available for purchase or rent-to-own only by those purchasers or tenants whose combined household annual gross income per dwelling is verified by an Authority to be 60% or less of the Tooele County area median income;

(B) dwellings are rent-restricted according to a formula established by an Authority based in part on numbers of dwelling unit bedrooms and on tenant incomes;

(C) dwellings are subject to a compliance period of at least 15 years as part of an extended use period of at least 50 years;

(D) dwellings are maintained in good condition;

(E) dwellings are fully insured for hazards and liability;

(F) requires compliance with the terms and covenants of the deed restriction; and,

(G) requires compliance with Section 42 of the Internal Revenue Code, as amended.

(b) Multi-family dwellings that:

(i) are constructed and rented in partnership with an Authority; and,

(ii) are deed restricted, on a form approved by the City Attorney, in such a manner that:

(A) dwellings are available for rent only by tenants whose combined household annual gross income per unit is verified by the Authority to be 60% or less of the Tooele County area median income; and,

(B) dwellings comply with the requirements of subsection (2)(a)(ii)(B)-(G), above.

3. "Eligible public facility" means a structure that is owned or leased by the state of Utah, the Tooele County school district, a charter school, Tooele County, Tooele City, the Tooele City municipal building authority, the Tooele City redevelopment agency, or other similar entity conducting development activity with a broad public purpose.

(Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010)

(Ord. 2001-36, 01-23-2001) (Ord. 2001-35, 01-23-2001)

(Ord. 1996-15, 06-05-1996)

4-15-2 Assessment of Impact Fees.

(1) Assessment of Impact Fees.

(a) Culinary Water Impact Fee.

(i) The City shall collect a culinary water impact fee from any applicant seeking a building permit, in the amount of \$4,609 per Equivalent Residential Connection (ERC), as defined in the Culinary Water System Master Plan (January 2012) (impact fee facilities plan).

(ii) The service area for purposes of the culinary water impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's culinary water system. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard culinary water impact fee is contained in the Culinary Water Impact Fee Analysis (February 2012).

(b) Sanitary Sewer Impact Fee.

(i) The City shall collect a sanitary sewer impact fee from any applicant seeking a building permit, as follows:

(A) Residential: the base fee shall be \$2,290 per Equivalent Residential Unit (ERU), as defined in the documents comprising the 2010 Waste Water Capital Facilities Plan (impact fee facilities plan).

(B) Non-residential: as determined under Figure 4.5 (Impact Fee ERU Multipliers) of the 2010 Sewer Treatment and Collections Impact Fee Analysis.

(ii) The service area for purposes of the sanitary sewer impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's waste water system. This adjustment may result in

a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard sanitary sewer impact fee is contained in Figure 4.6 (Calculation of Non-Standard Sewer Impact Fee) of the 2010 Sewer Treatment and Collections Impact Fee Analysis.

(c) Parks and Recreation Impact Fee.

(i) The City shall collect a parks and recreation impact fee from any applicant seeking a building permit for a new dwelling unit, as follows:

(A) Single-Family Residential: \$2,168 per unit. For purposes of this Section, Single-Family Residential includes detached single-family units and attached single-family units, including townhouses, condominiums, and duplexes.

(B) Multi-Family Residential: \$1,959 per unit. For purposes of this Section, Multi-Family Residential means apartment buildings with three or more units per building.

(ii) The service area for purposes of the park and special purpose recreation facilities impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(d) Public Safety Impact Fee: Fire.

(i) The City shall collect a public safety-fire impact fee from any applicant seeking a building permit for a new building, as follows:

(A) Residential: \$200.59 per dwelling unit.

(B) Non-residential: \$104.67 per 1,000 square-feet of building.

(ii) The service area for purposes of the public safety-fire impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety fire facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-fire impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

(e) Public Safety Impact Fee: Police.

(i) The City shall collect a public safety-police impact fee from any applicant seeking a building permit for a new building, as follows:

(A) Residential: \$137.29 per dwelling unit.

(B) Commercial: \$120.65 per 1,000 square-feet of building.

(C) Industrial: \$9.67 per 1,000 square-feet of building.

(ii) The service area for purposes of the public safety-police impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

(iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety police facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-police impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

(2) Collection. Impact fees shall be collected from the applicant prior to issuing the building permit, using the impact fee in effect on the date of filing a complete application for the building permit.

(3) Adjustment of impact fees. Impact fees may be adjusted at the time the fees are charged, as follows:

(a) to ensure that the impact fees are imposed fairly;

(b) to respond to

(i) unusual circumstances in specific cases;

or,
(ii) a request for a prompt and individualized impact fee review for the development activity of the state or a school district or charter school; and,

(c) if the Building Official determines that a user would create a greater than normal impact on any system improvement.

(4) Existing Buildings.

(a) Where a building alteration or change of use requires a new building permit or a new occupancy permit, and the building alteration or change of use is anticipated to result in increased impacts to City systems and facilities, the applicant shall pay, as a condition of permit approval, additional impact fees corresponding to the increased impacts.

(b) Where a building or use of a building incorporates technologies or processes designed to decrease impacts to City systems and facilities, and those technologies or processes fail or cease to be used, for any reason or to any degree, the City may assess additional impact fees corresponding to the increased impacts resulting from such failure or cessation of use. Such fees shall be invoiced to the building water account through the regular monthly city water bill.

(c) Should any developer undertake development activities such that the ultimate density, intensity, or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all

units or the total density or intensity within the development, the City shall be entitled to assess an additional impact fee to the development or other appropriate person covering the density or intensity for which an impact fee was not previously paid. Such fees shall be invoiced to the development water account through the regular monthly city water bill.

(d) The Building Official shall determine the extent to which the payment of additional impact fees is required.

(Ord. 2012-02, 03-07-2012) (Ord. 2010-04, 02-17-2010)
(Ord. 2007-10, 03-21-2007) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1999-36, 12-16-1999)
(Ord. 1999-10, 4-21-1999) (Ord. 1996-16, 11-20-1996)
(Ord. 1996-15, 06-05-1996)

4-15-3 Exemptions from Impact Fees.

(1) The following development activities shall be exempt from the payment of all or a portion of the impact fees:

(a) Replacement of a primary structure with a new primary structure of the same use at the same site or lot when such replacement:

(i) does not result in the construction of an additional dwelling unit or a change in use; and,

(ii) does not increase the demand for municipal services or the impact upon system improvements.

(b) Alterations to, or expansion, enlargement, remodeling, rehabilitation, or conversion of, an existing primary structure that does not increase the demand for municipal services or the impact upon system improvements.

(2) The Building Official shall determine whether a particular structure falls within an exemption identified in this Section or any other section. The Building Official shall issue a written determination, stating the basis for the exemption, and which shall be subject to the appeals procedures set forth herein.

(Ord. 2015-16, June 3, 2015) (Ord. 2012-02, 03-07-2012)
(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-4 Credits.

(1) A developer may be allowed a credit against impact fees for any dedication of or improvement to land or new construction of system improvements provided by the developer, provided that they are (i) identified in the applicable capital facilities plan, (ii) offset the need for a system improvement, and (iii) required by the City as a condition of approving the development activity. Otherwise, no credit may be given.

(2) For each request for a credit, unless otherwise agreed by the City, the fee payer shall retain an appraiser approved by the Building Official to determine the value of the land or construction dedicated.

(3) The fee payer shall pay the cost of the appraisal.

(4) After receiving the appraisal, the Building

Official shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the land donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating the applicant's agreement to the terms of the letter or certificate, and return such signed document to the Building Official before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 30 days shall nullify the credit.

(5) Any claim for a credit must be made not later than the time of application for building permit. Any claim not so made shall be deemed waived.

(6) Determinations made by the Building Official pursuant to this section shall be subject to the appeals procedure set forth herein.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

4-15-5 Waiver.

(1) The City Council may, but is not required to, waive the imposition of impact fees for:

(a) Construction of **eligible** affordable housing units (up to **\$10,000 per dwelling unit**); or,

(b) Construction of an **eligible public facility**.

(2) **Upon allowing a full or partial waiver under this Section for an eligible public facility, the City Council shall establish one or more sources of funds other than impact fees to pay the amount of impact fees waived for that facility.**

(Ord. 2010-04, 02-17-2010); (Ord. 2001-36, 01-23-2001);
(Ord. 2001-35, 01-23-2001); (Ord. 96-15, 06-05-96)

4-15-6 Appeals.

(1) A fee payer may appeal the impact fees imposed or other determinations which the Building Official is authorized to make pursuant to this Chapter. However, no appeal shall be permitted unless and until the impact fees at issue have been paid.

(2) Appeals shall be taken within the time constraints identified in U.C.A. Section 11-36a-702, as amended. Appellants shall specify the grounds for the appeal, and deposit the necessary appeal fee, which is set forth in the Tooele City Fee Schedule for appeals of land use decisions.

(3) Appeals shall be filed with the City Recorder. The City Recorder shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

(4) The City Council, or such other body as the City Council shall designate, shall make a decision within 30 days after the appeal is filed. The City Council shall make findings of fact regarding the applicability of the impact fees to a given development activity. The decision of the

4-15-10 Independent Fee Calculations.

(1) If a fee payer believes that a fee should be charged, different than the impact fees determined according to this Chapter, then the fee payer may prepare and submit to the Building Official an independent fee calculation for the impact fees associated with the development activity for which a Building Permit is sought. The documentation submitted shall contain studies and data showing the basis upon which the independent fee calculation was made. The Building Official is not required to accept any documentation which the Building Official reasonably deems to be inaccurate, unsubstantiated, or unreliable and may require the fee payer to submit additional or different documentation prior to the Building Official's consideration of an independent fee calculation.

(2) Any fee payer submitting an independent fee calculation shall pay an administrative processing fee, per calculation, of \$100.

(3) Based on the information within the Building Official's possession, the Building Official may recommend, and the Mayor is authorized to adjust, the impact fee to the specific characteristics of the development activity, and according to principles of fairness. Such adjustment shall be preceded by written findings justifying the fee.

(4) Determinations made by the Building Official pursuant to this section may be appealed subject to the procedures set forth herein.

(Ord. 2010-04, 02-17-2010) (Ord. 2001-36, 01-23-2001)
(Ord. 2001-35, 01-23-2001) (Ord. 1996-15, 06-05-1996)

Exhibit C

City Council Minutes: June 30, 2020

**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, June 3, 2020
Time: 7:00 p.m.
Place: Tooele City Hall, Council Chambers
90 North Main Street, Tooele, Utah

City Council Members Present:

Justin Brady
Tony Graf
Ed Hansen
Scott Wardle
Melodi Gochis

City Employees Present:

Jim Bolser, Community Development Director
Chief Ron Kirby, Police Department
Darwin Cook, Parks Department Director
Shannon Wimmer, Finance Director
Paul Hansen, City Engineer
Steve Evans, Public Works Director
Michelle Pitt, City Recorder
Cylee Pressley, Deputy Recorder

City Employees Excused:

Mayor Debbie Winn
Roger Baker, City Attorney

Minutes prepared by Kelly Odermott

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

Chairman Wardle made a statement of mourning with Mayor Winn and her family after the death of her granddaughter. A moment of silence was taken in recognition.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Deputy Recorder, Cylee Pressley.

2. **Roll Call**

Justin Brady, Present
Tony Graf, Present
Ed Hansen, Present

city can annex 100 acres, 10 acres, or 1000 acres, with any size property, the process is the same. The property has to be on the map to make an application.

Council Member Gochis asked if the applications will include the zoning, if that is requested or will that be a separate zoning hearing. Mr. Bolser stated that is something that is assigned through the annexation process. The applicant can provide a suggestion, but as a part of annexation, the state law requires an annexation agreement must be put in place to specify all areas of annexation, as well as identify the zoning as it is included into the city boundaries.

Chairman Wardle moved to a second reading.

- c. Subdivision Plat Amendment Request for Ninigret Depot Subdivision No. 2.
Presented by Jim Bolser

Mr. Bolser stated on the west edge of the industrial depot, Industrial Loop Road comes down from 112 with the existing light at 1000 North. Towards the south end of Industrial Loop Road, the road curves and becomes B Avenue. This property is on the curve. The zoning for the property is I industrial, as are the properties around it. The plat proposes to draw a line approximately three quarters down the property to split the one lot into two. The Planning Commission has heard this and forwarded a unanimous positive recommendation.

Council Member Graf motioned to approve Subdivision Plat Amendment Request for Ninigret Depot Subdivision No. 2. Council Member Brady seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

- d. Request for Affordable Housing Impact Fee Waivers for the Buffalo Pass and Buffalo Ridge Subdivision.

Chairman Wardle stated that it was put into code three or fourth months prior that there can be impact fee waivers for affordable housing through a state housing project. Mr. Bolser stated that there was a code on the books for awhile that allowed for a waiver of impact fees up to \$5,000 for projects that could meet the justifications established in the ordinance as truly affordable housing. A few months ago, there was an ordinance that increased the waiver allowance up to \$10,000 per lot. The current set of impact fees for the residential lots don't quite reach the \$10,000 in fees.

Mr. Bolser stated there have been two subdivisions that have been approved in town, Buffalo Ridge and Buffalo Pass on 600 North, one is at 150 West and one at 200 West.

Each is six lots a piece and the Utah Housing Corporation has an agreement to purchase the lots and is requesting a waiver on each of the combined 12 lots.

Chairman Wardle asked if the Council is allowed to do any amount up to the \$10,000 per the request? Mr. Bolser stated that the application is requesting the full amount, but the City Council has the option to waive up to the full amount which is approximately \$9,400 per lot.

Chairman Wardle opened up to the Council.

Council Member Gochis stated that she was concerned about the total and the amount is over \$100,000 in impact fees to the City. She stated if there was an option to subsidize a portion of the full amount, she would be more in favor than the whole amount. Chairman Wardle asked if there was a recommendation percentage wise for the fee waiver? Council Member Gochis stated she would recommend to do a 50% fee waiver.

Council Member Hansen asked if this was a routine proceeding? Mr. Bolser stated that this is the first one that he has remembers in eight years. Council Member Hansen asked how long the original ordinance was in effect? Mr. Bolser stated that it as in place before he started with the City. Council Member Hansen stated that any subsidized housing does that qualify for the fee waiver? Mr. Bolser stated potentially, there is specific language in the ordinance to reference specific requirements in the state law to identify affordable housing. Utah Housing Corporation has done a good job to meet those requirements. Council Member Hansen stated a private developer who met the qualifications could get the fee waiver as well. Mr. Bolser stated that it would be pretty tough to qualify under something like this.

Council Member Graf stated that there was something passed to identify per state law four items for affordable housing and the city had seven areas. Mr. Bolser stated that is part of the General Plan and Affordable Housing Plan that was adopted in November as an update. The State legislature in the 2019 General Session adopted a senate bill that identified 23 potential qualifying factors that cities had to qualify and have in place three of the items and to have updated plan to identify those three factors by December 1, 2019. The City had that filed in late November. In looking at the existing policies and ordinances, there were eight factors in place. This is one of those factors. The City had listed them one through seven, but there were two number fives, leading to the City having eight. During this General Session, the senate identified one more qualifying factor for a total of 24.

Council Member Graf stated that there are concerns with the cost of housing and affordability, to have newer families come in, and the concerns by Council Member Gochis are important because they address impact fees that the City gets. At the same

time, the number of housing units proposed seems to be a reasonable amount and it would be a good start to implementing in the General Plan. He is in support of this with the number of housing units proposed and the need with the economy with the financial situation across the nation.

Chairman Wardle stated that there are two proposals; Council Member Gochis proposed \$4,702 per unit for 50% and Council Member Graf has proposed the 100% fee reduction of \$9,404. Is there a second either proposal? Council Member Hansen seconded the 100% fee reduction. Council Member Brady seconded the 50% fee reduction. Chairman Wardle proposed a split of the difference to \$7,000 per lot, which is above the \$5,000 from the previous ordinance and less than the new ordinance of \$10,000.

Council Member Hansen stated that this program is for rent to own and helps people who need help for housing.

Council Member Brady stated that he agrees with Council Member Gochis and the whole amount subsidized is a huge impact to the City, but he is comfortable with the \$7,000 and meeting them in the middle. He is not there on a complete waiver.

Chairman Wardle stated this is new ground for the Council and there has never been multiple proposals on the table. Under Roberts Rules, there is a question which calls for a vote. Chairman Wardle stated there is a recommendation of \$7,000, a recommendation of \$9,404 fee waiver which is seconded, and the \$4,702, which is seconded. The \$7,000 dies because there is no second and the Council Members cannot have multiple seconds.

Council Member Graf called a question for a vote.

Council Member Gochis stated that she would like to withdraw her proposal of 50% at \$4,702 and would like to second the \$7,000 fee waiver. The costs are not just a waiver, this is money that has to be provided and \$100,000 is a lot of money.

Chairman Wardle asked if Council Member Graf withdrew his question. Council Member Graf withdrew his question. Council Member Gochis seconded the \$7,000 fee waiver.

Council Member Graf called to question and the vote for the 100% fee waiver reduction of \$9,404.

Votes were: Council Member Gochis, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Hansen, "Aye," and Chairman Wardle, "Aye."

Chairman Wardle stated he was opened to a motion for the 100% full fee waiver of \$9,404.

Council Member Graf motioned to adopt the full waiver of \$9,404. Council Member Hansen seconded the motion. Votes were: Council Member Gochis, "Nay," Council Member Brady, "Nay," Council Member Graf, "Aye," Council Member Hansen, "Aye," and Chairman Wardle, "Nay." The motion did not pass.

Chairman Wardle opened the floor for a motion on the \$7000 partial fee reduction.

Council Member Brady motioned to adopt a partial waiver of \$7,000. Council Member Hansen seconded the motion. Votes were: Council Member Gochis, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Hansen, "Aye," and Chairman Wardle, "Aye." The motion passes.

6. Minutes

Minutes include May 20 Business and Work Sessions.

Council Member Gochis motioned to adopt minutes. Council Member Graf seconded the motion. The vote was as follows: Council Member Hansen, "Aye," Council Member Brady, "Aye," Council Member Graf, "Aye," Council Member Gochis, "Aye," Chairman Wardle, "Aye." The motion passed.

7. Discussion on COVID 19 Public Meetings.

Chairman Wardle opened the floor for discussion of how the Council would like to address the covid situation with upcoming public hearings for the budget and Annexation Policy Plan. He stated the legislative task force has recommended that parts of the state move to green risk level. Chairman Wardle encouraged any members who would like to make comments for the Tooele City budget can make comments starting today at cmpubliccomment@tooelecity.org. Those comments will be accepted now.

Council Member Graf stated he was concerned with the green level, with covid cases numbers trending upward. The last five set days have had higher numbers. He stated he encouraged the public to participate, but how many people could fit in the council chambers with the 6 foot radius recommendations.

Ms. Pitt stated that she thinks there could be 50 people in the room, it is unknown how many people would sit together. With the chairs and spacing she thinks there would be plenty of room for 50 individuals. Council Member Graf asked about staging people at the Police Station with a

Exhibit D

Tooele County Housing Authority
March 4, 2022, Letter



TOOELE COUNTY HOUSING AUTHORITY

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

March 4, 2022

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

Dear Roger,

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

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

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

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

Sincerely,

DeAnn Christiansen
Tooele County Housing Authority
Executive/Development Director



Exhibit E

City Council Minutes: March 16, 2022

Tooele City Council Work Meeting Minutes

Date: Wednesday, March 16, 2022

Time: 5:30 p.m.

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

City Council Members Present:

Ed Hansen

Justin Brady

Maresa Manzione

Tony Graf

David McCall

Planning Commission Members Present:

Chris Sloan

City Employees Present:

Mayor Debbie Winn

Adrian Day, Police Department Chief

Roger Baker, City Attorney

Shannon Wimmer, Finance Director

Michelle Pitt, City Recorder

Jared Stewart, Economic Development Coordinator

Jamie Grandpre, Public Works Director

Kami Perkins, HR Director

Andrew Aagard, City Planner

Holly Potter, Deputy City Recorder

Minutes prepared by Katherin Yei

1. Open City Council Meeting

Chairman Brady called the meeting to order at 5:34 p.m.

2. Roll Call

Tony Graf, Present

Ed Hansen, Present

Justin Brady, Present

Maresa Manzione, Present

David McCall, Present

3. Mayor's Report

Mayor Winn presented information on the following:

The Broadway Hotel is gone and the contaminates have been cleaned up.

'Monday's with the Mayor' will begin on Monday, April 4, 2022 at 7:00pm where they will discuss Police issues.

The City received a grant from Wasatch Front Regional Council for an active transportation plan for the City in the amount \$74,500.

The partnership and program Tooele City had with sister city, Kambarka, Russia is discontinued. Tooele City does support those whom want peace.

4. Council Member's Report

The Council Members reported on the events they attended during the week.

5. Discussion Items

A. Utah Well-Being Project Survey

Presented by Courtney Flint, USU - Utah Well-Being Project

Ms. Flint presented about the Utah Well-Being Project Survey. Tooele City has been a partner since 2019 which allows the surveys to help understand the pulse within the City to make educational and informed decisions. The survey is available for anyone 18 years and older and distributed to all residents of Tooele City.

B. Utah Housing Authority Harris Project

Presented by DeAnn Christiansen, Tooele County Housing Authority Executive Director

Ms. Jensen, development consultant, presented on the Harris Community Village. The Housing Authority and the community identified ways to serve the community at large, allowing this place to be for anyone in the community in need. The project started in 2020 and cost \$21,742,841. The location has 66 units, with 40 studio units and the remaining units being one- and two-bedroom areas. The site plan shows the plaza in the middle, housing in the back, and the community center forward facing.

The City Council shared their appreciation and excitement for the project.

Mayor Winn shared information regarding water for the project. They do have some water credits for the site, but they may need some water credits for the resource center area.

C. Impact Fee Waiver for the Murdock Subdivision and Harris Project

Presented by Roger Baker, City Attorney

Mr. Baker presented information on providing an impact fee waiver for the Murdock Subdivision and Harris project. The City Code allows impact fees to be waived up to \$10,000 per unit for affordable housing. There was an initiative to redefine what the waiver means and who can qualify. It was defined who is eligible and tied it to the Tooele County Housing Authority. It will not become an increase profit margin for the developer, but accomplishes the goal to reduce rents and mortgages and to relieve financial stress. They recognize there is a balancing discussion between incentivizing affordable housing and constructing important impact fee facilities. Every

fee waived is a dollar they don't have towards another impact fee project. They make up the difference from the general fund or other funds. They have given a fee waiver on Buffalo Pass and Buffalo Ridge. The fee waiver amount can be decided by the Council.

The Council showed their support of the project for impact fee waiver and expects the matter to be brought back in a future meeting for a vote.

D. Elton Park Cell Tower Lease Renewal

Presented by Roger Baker, City Attorney

Mr. Baker presented information on the lease renewal of Elton Park Cell Tower. The lease revenue when they build the tower is \$15,000 a year and a small escalator throughout the term of the lease. It provides a testing period, about a year, with an expiration, and able to renew for one year. The extension has expired and the contract does not give an automatic renewal of testing period. They have asked for additional year, because they are not ready to build a tower.

The City Council asked the following questions:

What is the reasoning for not building the tower yet?

Is there a competing company interested in the property?

When funds are received, where can they be used?

Mr. Baker addressed the Council's concerns. The company has not given a reason as to why they have not built yet, but the arrangement is beneficial for both parties. By keeping a legal interest in the property, it gives the company an opportunity to preserve their cell signal coverage. Any funds received are a general fund revenue.

The City Council showed their support for the renewal of the contract.

E. Nonresidential Zoning District Setbacks

Presented by Andrew Aagard, City Planner

Mr. Aagard presented information on nonresidential zoning district setbacks. The City received a zoning text amendment regarding the Industrial Zone setback from thirty feet to fifteen feet, enabling the existing buildings in the Industrial Depot to be subdivided into units. The setbacks for Light Industrial and Research and Development was increased to fifteen feet for side yards and twenty feet for rear yards. They have received applications that have found the setbacks to be cumbersome or prohibiting. The proposed text amendment, reduces the side yard to five feet and rear yards to ten feet. Previously to the amendment, the setbacks are set at zero. The staff does recommend a five-foot setback for maintenance and water drainage. The proposed amendments in the notes are in regards to easements, right of ways, and zero setbacks for multiple units in one application.

Council Member Hansen showed concern for the safety of the buildings hooked together on the old Main Street.

TOOELE CITY CORPORATION

RESOLUTION 2022-62

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING AN AGREEMENT WITH RH BORDEN AND COMPANY LLC FOR SEWER LINE TRANSMISSIVE ACOUSTICS ASSESSMENT SERVICES.

WHEREAS, the health of the Publicly Owned Treatment Works (POTW), including the sewer collection system, requires periodic inspection and maintenance, which protect the POTW, public health, and private property; and,

WHEREAS, the Public Works Department proposes to retain RH Borden and Company LLC for sewer line inspection services using a technique known as transmissive acoustics; and,

WHEREAS, the services rendered will include inspections and reports necessary for system improvement recommendations; and,

WHEREAS, attached as Exhibit A is an agreement with RH Borden, in the amount of \$57,700.00 for the services described in more detail therein; and,

WHEREAS, the City Council is required by TCC Chapter 1-5 to approve all claims against the City exceeding \$20,000.00:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Agreement attached as Exhibit A with RH Borden and Company LLC in the amount of \$57,700.00 is hereby approved.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

Agreement



Bond and Fee Calculation Sheet

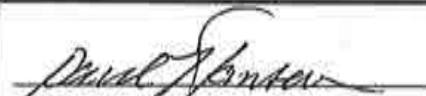
Date Calculated: December 9, 2020

Revised 12/9/2020

Permit No:	Public Work Elements*	Required Elements
Project Name: Millennium Park Phase I	Culinary Water	✓
Address:	Secondary Water	NA
	Sewer	✓
	Storm Drain / Pond	NA
	Roads	✓
Owner/Developer:	Curb & Gutter	✓
	Address:	Sidewalk
Street Lights		✓
Landscaping		NA
Other: See attached		✓

* Note: The above Public Work Elements are general in nature. See attached Exhibit for detailed descriptions and comments. Based upon review of documentation provided by the Developer/Owner, the construction plans as approved by the City, and upon City Standard, the following bond amounts and fees are required for this development.

DESCRIPTION	FINANCE ACCOUNT NO. / CATEGORY CODE NO.	AMOUNT
BOND AMOUNT DUE:		
Total Bond Due (Includes Contingency, See attached)	1201	\$160,010.00
FEES AND/OR ESCROW FUNDS DUE:		
1. Inspection Fees - 4% Bond Amount without contingency	1203	\$5,334.00
2. Sewer Escrow Deposit	52-2341-000	\$0.00
3. Water Payment for Water Rights	51-2341-000	\$0.00
4. Bond Agreement Administrative Fee)	1202	\$250.00
Total Fees and/or Escrow Funds Due:		\$5,584.00

 Public Works / Engineering (Review of Bond Amount, Inspection Fees, and Escrow Deposit Required)	<u>12/9/2020</u> Date	<hr/> Attorney's Office (Acknowledges That Bonds Have Been Accepted and Are on File with City)	<hr/> Date	
<hr/> Fees Received by:		\$ _____ Amount	_____ Finance Receipt No.	_____ Date

ENGINEER'S ESTIMATE OF PROBABLE COSTS



PROJECT TITLE: Millennial Park Subdivion Phase 1 - Public Way Improvement Cost			PROJECT NUMBER: 8276		
LOCATION: Tooele, Utah 84074			DATE: November 24, 2020		
CLIENT: Mountain Partners Investments LLC			SHEET: 1 OF 1		

ESTIMATED BY: C. Child	CHECKED BY: D. Kinsman	APPROVED BY: D. Kinsman
---------------------------	---------------------------	----------------------------

STREET IMPROVEMENTS					
	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
	8" Base Course	SQ. FT.	12,880	\$0.70	\$9,016.00
	3" Asphalt	SQ. FT.	12,880	\$1.70	\$21,896.00
	30" Curb and Gutter	LF	740	\$25.00	\$18,500.00
	5' Concrete Sidewalk	LF	670	\$25.00	\$16,750.00
	4' Concrete Waterway	LF	120	\$32.00	\$3,840.00
	Tooele City Combo Street Signs	EA	3	\$200.00	\$600.00
	Tooele City Residential Street Light and Base	EA	4	\$3,500.00	\$14,000.00
Sub Total					\$84,602.00

CULINARY WATER IMPROVEMENTS					
	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
	8" C900 DR18 PVC	LF	60	\$24.00	\$1,440.00
	8" Tee	EA	2	\$1,200.00	\$2,400.00
	8" Gate Valves	EA	6	\$850.00	\$5,100.00
	Sampling Station Complete	EA	1	\$1,200.00	\$1,200.00
Sub Total					\$10,140.00

STORM DRAINAGE IMPROVEMENTS					
	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
	15" Class III RCP-SD	LF	90	\$31.00	\$2,790.00
	Storm Drain Catch Basin Combo	EA	1	\$2,800.00	\$2,800.00
	4' Storm Drain Cleanout	EA	1	\$2,600.00	\$2,600.00
Sub Total					\$8,190.00

SANITARY SEWER IMPROVEMENTS					
	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
	8" SDR-35 PVC Sanitary Sewer Pipe	LF	380	\$42.00	\$15,960.00
	8" Plugs and Block	EA	1	\$1,000.00	\$1,000.00
	4' Sanitary Sewer Manhole	EA	2	\$3,500.00	\$7,000.00
	5' Sanitary Sewer Manhole	EA	1	\$4,500.00	\$4,500.00
Sub Total					\$28,460.00

MISC.					
	DESCRIPTION	UNIT	QUANTITY	UNIT COST	COST
	Street Monuments	EA	3	\$650.00	\$1,950.00
Sub Total					\$1,950.00

PROJECT TOTAL					
Sub Total					\$133,342.00

20% Contingency = \$26,668.00

Total Bond = \$160,010.00

10% Warranty Bond (0.10 x \$160,010.00) = \$16,000.00

4% Inspection fee based upon total project cost (0.04 x \$133,342.00) = \$5,334.00

TOOELE CITY CORPORATION

RESOLUTION 2022-63

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A CONTRACT CHANGE ORDER WITH BROKEN ARROW INC. FOR THE 2022 ROADWAY IMPROVEMENT PROJECT.

WHEREAS, by Resolution 2022-38, on May 4, 2022, Tooele City retained Broken Arrow Inc. for completion of the 2022 Roadway Improvement Project; and,

WHEREAS, the 2022 Roadway Improvement Project was bid with the primary scope of work being the reconstruction of existing roadways; and,

WHEREAS, there is a remaining roadway within the Tooele City Cemetery that is in need of reconstruction; and,

WHEREAS, this Change Order will allow for the full depth removal and reconstruction of the existing Cemetery roadway; and,

WHEREAS, the 2022 Roadway Improvement Project was competitively bid pursuant to UCA Chapter 11-39, and Broken Arrow was the lowest responsible responsive bidder; Broken Arrow has honored the same unit cost for the Change Order as for the principal Project; and,

WHEREAS, Broken Arrow Inc. has submitted a cost proposal of Forty-Seven Thousand Four Hundred Eleven Dollars and Twenty-One cents (\$47,411.21), which cost uses the same unit bid costs as contained in the original award. A copy of the cost proposal is attached as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby approves a Contract Change Order (see Exhibit B) with Broken Arrow Inc. in the amount of Forty-Seven Thousand Four Hundred Eleven Dollars and Twenty-One cents (\$47,411.21) for reconstruction of the remaining roadway within the Tooele City Cemetery, as described in Exhibit A. The Contingency allowed in Resolution 2022-38 will remain in place for both the original project and the Cemetery Road Change Order to cover unanticipated conditions.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this _____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

EXHIBIT A

Broken Arrow Inc. Cost Proposal

BROKEN ARROW ESTIMATE

Tooele City - Cemetery Asphalt Replacement

06/16/2022



8960 Clinton Landing Road
Lake Point, UT, 84074

Tooele City Corporation
Darwin Cook
90 North Main Street
Tooele, UT, 84074
(435) 843-2109
DarwinC@TooeleCity.org

Estimator Contact Information:
Travis Loader
Office: 801-355-0527
Mobile: 435-840-4727
tloader@brokenarrowusa.com

SUMMARY OF SERVICES

Broken Arrow is pleased to submit this estimate for the scope of work outlined below. Our estimate is based upon information provided by Darwin Cook.

EXCLUSIONS:
CQC Testing & Inspection
Surveying
Permits and/or Bonds
Dewatering

SUMMARY OF BID ITEMS

Description	Total Estimate	Job
100 SITE WORK	\$7,990.76	16.85%
650 ASPHALT PAVING	\$39,420.46	83.15%
Total Estimate	\$47,411.21	100.00%

Description	Quantity	Unit	Unit Price	Total Estimate
100 SITE WORK				
Remove & Dispose of Existing Asphalt & Road Base	10,800.00	SF	0.74	7,990.76
650 ASPHALT PAVING				
Furnish & Install 3-Inch Asphalt Paving & 8" Road Base	10,800.00	SF	3.65	39,420.46

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. Broken Arrow Inc. is authorized to proceed with the work as specified. Payments shall follow the contract terms upon an executed contract. otherwise, all payments on completed work will be net 30 days. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Late payments shall be subject to a 2%

BROKEN ARROW ESTIMATE

Tooele City - Cemetery Asphalt
Replacement

06/16/2022



8960 Clinton Landing Road
Lake Point, UT, 84074

monthly (24 % annual) interest fee. All collection costs incurred on delinquent account shall be paid by the customer.

Approved By: _____

Date: _____

EXHIBIT B

Change Order No. 1

CHANGE ORDER

No. 1

DATE OF ISSUANCE: July 6, 2022

EFFECTIVE DATE: July 6, 2022

OWNER: Tooele City

CONTRACTOR: Broken Arrow Inc.

Contract:
Project: **2022 Roadway Reconstruction Project**

ENGINEER: Paul Hansen

You are directed to make the following changes in the Contract Documents.

Description: Modification of the Contract amount by \$47,411.21 for addition of a roadway within the Cemetery.

Reason Change Order: There is a remaining section of roadway within the Cemetery that is need of full depth reconstruction and it is in the best interest of the City to modify the existing Contract to allow it to be reconstructed.

Attachments: (List documents supporting change) Broken Arrow Inc. cost proposal dated June 16, 2022

RECOMMENDED:
by 
Engineer (Authorized Signature)

Date: 6/30/2022

APPROVED:
by _____
Owner (Authorized Signature)

Date: _____

APPROVED:
by _____
Contractor (Authorized Signature)

Date: _____

TOOELE CITY CORPORATION

RESOLUTION 2022-64

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING A CONTRACT CHANGE ORDER WITH BROKEN ARROW INC. FOR THE 2022 SEVENTH STREET ROAD AND UTILITY IMPROVEMENT PROJECT.

WHEREAS, by Resolution 2022-44, approved on May 18, 2022, Tooele City retained Broken Arrow Inc. for completion of the 2022 Seventh Street Road and Utility Improvement Project; and,

WHEREAS, the 2022 Seventh Street Road and Utility Improvement Project was bid with the primary scope of work being the widening of Seventh Street, the addition of curb and gutter, and installation of storm drainage facilities; and,

WHEREAS, the new Parks Department building has a parking lot that is need of full depth reconstruction, and which includes the same general work elements as the 2022 Seventh Street Road and Utility Improvement Project; and,

WHEREAS, this Change Order will allow for reconstruction of the existing parking lot, storm drain, and curb and gutter facilities at the new Parks Building; and,

WHEREAS, the 2022 Seventh Street Road and Utility Improvement Project was competitively bid pursuant to UCA Chapter 11-39, and Broken Arrow was the lowest responsible responsive bidder; Broken Arrow has honored the same unit cost for the Change Order as for the principal Project; and,

WHEREAS, Broken Arrow Inc. has submitted a cost proposal of One Hundred Forty-Nine Thousand Nine Hundred Sixty-Four Dollars and Sixteen cents (\$149,964.16). A copy of the cost proposal is attached as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the City Council hereby approves a Contract Change Order (see Exhibit B) with Broken Arrow Inc. in the amount of One Hundred Forty-Nine Thousand Nine Hundred Sixty-Four Dollars and Sixteen cents (\$149,964.16) for reconstruction of the existing parking lot, storm drain, and curb and gutter facilities at the new Parks Building. The Contingency allowed in Resolution 2022-44 will remain in place to cover unanticipated conditions for both the original Project and the Parks Building Change Order.

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

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this _____ day of _____, 2022.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

EXHIBIT A

Broken Arrow Inc. Cost Proposal

BROKEN ARROW ESTIMATE

Tooele City - Parks Office Complex Storm Drain & Asphalt Replacement

06/16/2022



8960 Clinton Landing Road
Lake Point, UT, 84074

Tooele City Corporation
Darwin Cook
90 N. Main St.
Tooele, UT, 84074
(435) 843-2109
darwinc@tooelecitey.org

Estimator Contact Information:
Travis Loader
Office: 801-355-0527
Mobile: 435-840-4727
tloader@brokenarrowusa.com

SUMMARY OF SERVICES

Broken Arrow is pleased to submit this BUDGETARY estimate for the scope of work outlined below. Our estimate is based upon information provided by Darwin Cook and a site visit.

EXCLUSIONS:
CQC Testing & Inspection
Surveying
Permits and/or Bonds
Dewatering
Construction Water
Import Backfill

**TOTAL PRICES ADJUSTED IN FAVOR OF
UNIT PRICES AND QUANTITIES SHOWN**

SUMMARY OF BID ITEMS

Description	Total Estimate	Job
100 SITE WORK	\$22,111.54	14.75%
120 MOBILIZATION / PROJECT SUPPORT	\$7,878.00	5.25%
300 STORM DRAIN INSTALLATION	\$43,324.62	28.89%
650 ASPHALT PAVING	\$76,650.00	51.11%
Total Estimate	\$149,964.16	100.00%

Description	Quantity	Unit	Unit Price	Total Estimate
100 SITE WORK				
Remove & Dispose of Existing Storm Drain Line	370.00	LF	11.69	4,325.30
Remove & Dispose of Existing Catch Basin	4.00	EA	561.56	2,246.24
Remove & Dispose of Existing Asphalt & Road Base	21,000.00	SF	0.74	15,540.00

BROKEN ARROW ESTIMATE
Tooele City - Parks Office Complex
Storm Drain & Asphalt Replacement
 06/16/2022



8960 Clinton Landing Road
 Lake Point, UT, 84074

Description	Quantity	Unit	Unit Price	Total Estimate
120 MOBILIZATION / PROJECT SUPPORT				
Mobilization	1.00	LS	7,878.00	7,878.00
300 STORM DRAIN INSTALLATION				
3' x 3' SD Catch Basin Complete w/Grate	4.00	EA	4,348.23	17,392.92
12-Inch Class III RCP SD Main Line	370.03	LF	70.08	25,931.70
650 ASPHALT PAVING				
Furnish & Install 3-Inch Asphalt Paving & 8" Road Base	21,000.00	SF	3.65	76,650.00

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. Broken Arrow Inc. is authorized to proceed with the work as specified. Payments shall follow the contract terms upon an executed contract. otherwise, all payments on completed work will be net 30 days. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Late payments shall be subject to a 2% monthly (24 % annual) interest fee. All collection costs incurred on delinquent account shall be paid by the customer.

Approved By: _____

Date: _____

EXHIBIT B

Change Order No. 1

CHANGE ORDER

No. 1

DATE OF ISSUANCE: July 6, 2022

EFFECTIVE DATE: July 6, 2022

OWNER: Tooele City

CONTRACTOR: Broken Arrow Inc.

Contract:

Project: 2022 SEVENTH STREET ROAD AND UTILITY IMPROVEMENT PROJECT

ENGINEER: Paul Hansen

You are directed to make the following changes in the Contract Documents.

Description: Modification of the Contract amount by \$149,964.16 for addition of reconstruction of the new Parks Building Parking Lot, curb and gutter and drainage facilities.

Reason Change Order: The new Parks Building parking lot, curb and gutter, and storm drainage system is in need of reconstruction, and it is in the best interest of the City to modify the existing Contract to allow it to be reconstructed.

Attachments: (List documents supporting change) Broken Arrow Inc. cost proposal dated June 16, 2022

RECOMMENDED:
by 
Engineer (Authorized Signature)

Date: 6/30/2022

APPROVED:
by _____
Owner (Authorized Signature)

Date: _____

APPROVED:
by _____
Contractor (Authorized Signature)

Date: _____