

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Tooele City Redevelopment Agency will meet in a Work Meeting, on Wednesday, December 7, 2022, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah.

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

AGENDA

1. Open City Council Meeting

2. Roll Call

3. Mayor's Report

4. Council Members' Report

5. Discussion Items

a. Internal Audit Report

Presented by Johnathon Jensen, WSRP Certified Public Accountants

b. Water Fee-in-Lieu Guidelines

Presented by Jared Stewart, Economic Development Director

c. New Commercial Development by Gardner Batt

Presented by Jared Stewart, Economic Development Director

d. Land Use Map Amendment Request by Craig Mills to Reassign Approximately 97.383 Acres Located at 1825 South 11th Avenue from the Regional Commercial Land Use Category to the Industrial Land Use Category

Presented by Jim Bolser, Community Development Director

6. Closed Meeting

~ Litigation, Property Acquisition, and/or Personnel

7. Adjourn

Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or Michellep@Tooelecity.Org, Prior To The Meeting.

DRAFT Water Fee-in-Lieu Guiding Policy	
Guidelines	Capital Investment (new construction + equipment)
	Expected Taxable Sales (as applicable)
	Job Creation (Full Time Employee equivalent)
	Average Wage (encourage 125% of average county wages)
	Acreage (consider usage per acre)
	New Business or Expansion? (Support expansion; what NEW growth is expected?)
	Expected Industry/Use (for developments without specific end users)
	Unique Project Benefits? (e.g. rail, water-wise, synergy with other businesses, quality of life, critical service, etc.).



*All prospective users should expect to pay the established rate of \$35,000 per acre foot

**The Tooele City Council has ultimate discretion on fee-in-lieu approval

Other Considerations:
Requests should include information by which the Council can justify the water use.
Requests will be approved by Resolution.
If an end user/business is not identified, then a developer would communicate the target industry, estimated Cap. Investment of the building, and an estimated/minimum amount of water needed for employees. This allows the Council to know if water is expected for a manufacturing process or not.

Guiding questions:

- Is the proposed project located within an established Community Reinvestment Area OR on RDA owned Property?
- Would the proposed project occur regardless of City/RDA involvement?
- What community benefits have been shown? (capital investment, jobs created, transportation improvements, etc.)
- Does the proposed project improve the current use of the land? Will it result in increased property values? (currently vacant, blighted, etc.)
- Does the proposed project align with visions and principles expressed in the General Plan or Economic Development Strategic Plan?
- What additional or alternative approaches did the applicant consider? (water reduction strategies, alternative sources of water, new technologies)
- Are there other benefits unique to the proposed project? Will it result in additional opportunities for job creation and growth of the tax base?
- What structure is in place to ensure the review and continued favorable performance of the company?

TOOELE CITY CORPORATION

(DRAFT) RESOLUTION 2022-97

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING PAYMENT OF A FEE-IN-LIEU OF WATER RIGHTS CONVEYANCE FOR GARDNER BATT TOOELE LAND HOLDINGS, LLC.

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

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

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

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

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

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

WHEREAS, Tooele City received from Gardner Batt Tooele Land Holdings, LLC (“Gardner Batt”) a letter dated October 18, 2022, requesting the allocation of 14.22 acre-feet of City-owned municipal water rights to the Gardner-Batt Development project, or, in

other words, requesting to pay the fee-in-lieu rather than convey water rights (the "Development"); and,

WHEREAS, the Development will consist of a 161,000 square foot industrial concrete tilt-up building, with the tenant currently being unknown. Gardner Batt will solicit this building to distribution occupiers who use minimal water; and,

WHEREAS, Gardner Batt's proposal addresses the policy considerations identified above and in the June 1 policy in the following ways:

- Gardner Batt is requesting 15 acre-feet.
- Gardner Batt has committed to recruiting only low-water users such as warehouse users.
- Provides water for one building of an initial phase that is anticipated to spur additional commercial development and community benefit.
- Demonstrates that Gardner Batt is willing to reduce outdoor landscaping water needs as possible within city code.
- [Less than 50 acre-feet paid for in calendar year 2022]

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that, in light of the legislative policies and considerations discussed above, the City Council hereby finds that the request of Gardner Batt complies fully with the City Council's June 1, 2022, policy, and hereby authorizes the payment of the fee-in-lieu of water rights in place of conveyance of 14.22 acre-feet of municipal water rights, for the fee amount established in the June 1 policy of \$35,000 per acre-foot.

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

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

TOOELE CITY COUNCIL

(For)

(Against)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, Tooele City Attorney

Exhibit A

October 18, 2022, Letter
Gardner Batt



GARDNER BATT

**423 West Broadway, Suite 230
Salt Lake City, Utah 84101**

October 18, 2022

Water Request Letter for GB Tooele Land Holdings, LLC

Dear Mayor Debbie Winn,

Gardner Batt, as the managing partner in GB Tooele Land Holdings, would like to request 14.22 acre-feet of water from the City of Tooele for an industrial development within city limits. The current site plan, contained in **Exhibit A**, is located on the east side of SR-112, and north of the Bolinder mining operations. The proposed site will consist of a 154,000 square foot industrial concrete tilt-up building, with the tenant currently being unknown. Gardner Batt will be soliciting this building to distribution occupiers. The distribution user will use minimal water, and the water being requested is for drinking and landscaping. Per the water request and calculation, 8.28 acre-feet is being requested for drinking water and 5.94 acre-feet is required for irrigation water. Due to the minimal water along the Wasatch Front, Gardner Batt would like to have conversations with the city to minimize the amount of irrigatable landscaping within the site and bring this water requirement down.

Gardner Batt greatly appreciates the City of Tooele and the opportunity to help grow the community. This initial site is the initial phase of a ~600-acre industrial masterplan that will bring businesses and jobs to the City of Tooele. We are excited to participate in the growth of Tooele and we work together to make this plan a reality. Thank you for your support and we look forward to hearing back from you.

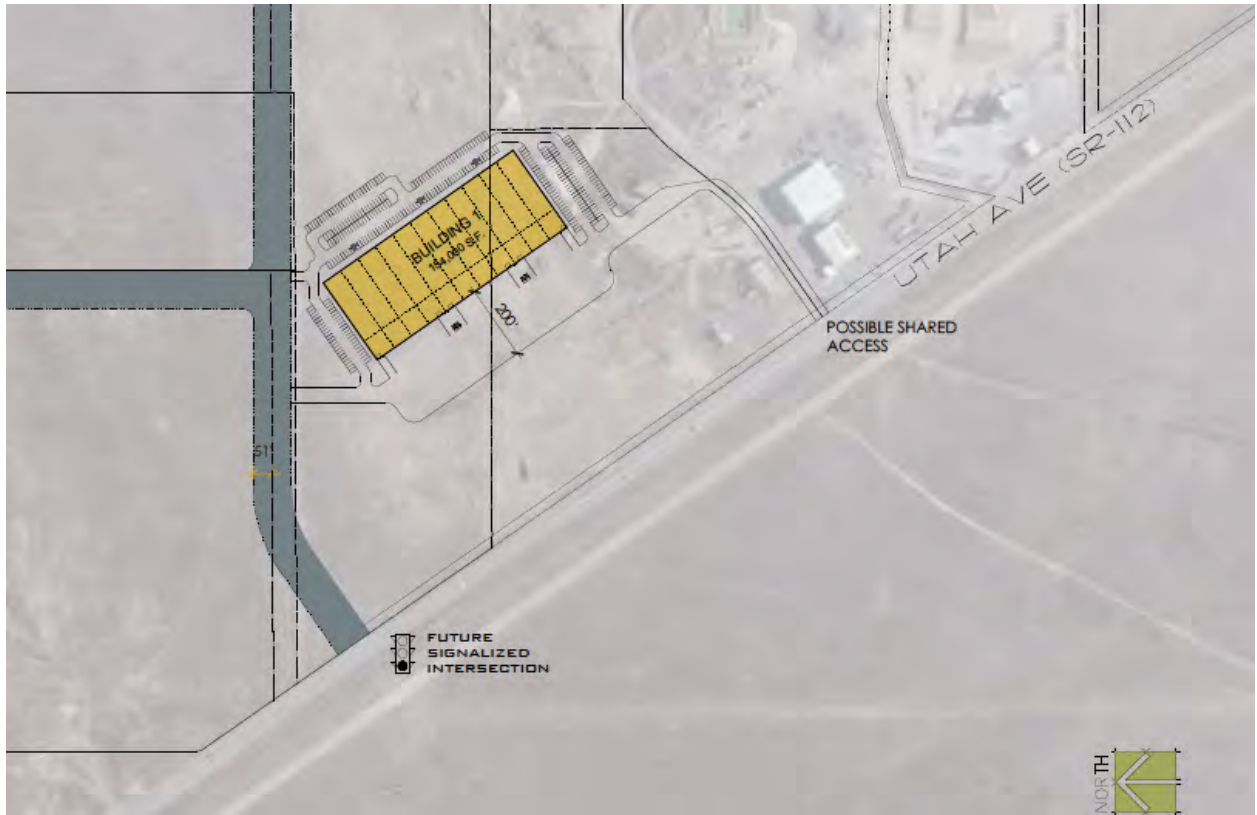
Regards,

Gardner Batt

Michael D. Batt

Jonathan S. Archer

Exhibit A
Site Plan



Jared Stewart

From: Jake Jackson <jjackson@gardnerbatt.com>
Sent: Thursday, December 1, 2022 2:47 PM
To: Jared Stewart
Subject: Re: Work meeting confirmed
Attachments: Site Concept Plan-2.pdf

Perfect, thank you!

On a side note - we had the civil look at the grading on the site, and it was much different that what we originally thought. This has caused a minor site plan change and the building is 161,000sf now. See attached. I am having our architect make it look nice like the other one, but let me know if this throws a wrench in anything. I am also having my civil calculate the water usage on the first building. It will not be much different than the 14.22, and we might be able to make it work given it is a very similar size.

Jake Jackson | Sr. Associate

423 W. Broadway, Suite 230, Salt Lake City, Utah 84101

760-805-8144

jjackson@gardnerbatt.com

<https://linklock.titanhq.com/analyse?url=http%3A%2F%2Fwww.gardnerbatt.com&data=eJxLtjUzTDMwTDWwtDBJTU5VS7ENyc9PzU11ziyp1Ms vSflLtQ00zHLLKstJj0h2yVMrts3KSkzOLs7PUzUxSE8sSsILLUpKLCnRS87PVsuyzUosSk0pBkqhmVJqm1FSUqBq7Khq5AZE5eXlemiaAYpKL4o%>



On Dec 1, 2022, at 2:22 PM, Jared Stewart <jareds@tooelecitey.org> wrote:

Jake—we are confirmed to discuss Gardner Batt’s water request on the work meeting (5:30PM on December 7th). For your information, I’ve attached the Draft guidelines that we will be discussing with the council just prior to the Gardner Batt request.

Thanks,

Jared

<image001.png>

Jared Stewart | Tooele City Corporation

Economic Development Director | Grant Administrator

90 North Main Street | Tooele, UT | 84074

Ph: (435) 843-2169 | Cell: (801) 834-3858

jareds@tooelecitey.org | <https://tooelecitey.org> | [LinkedIn](#)

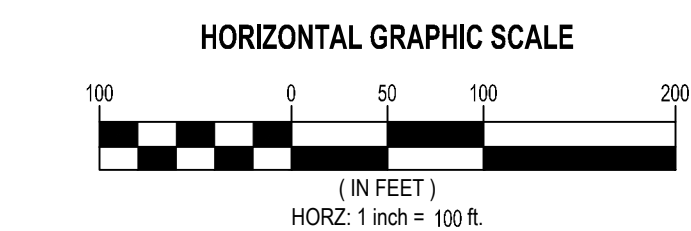
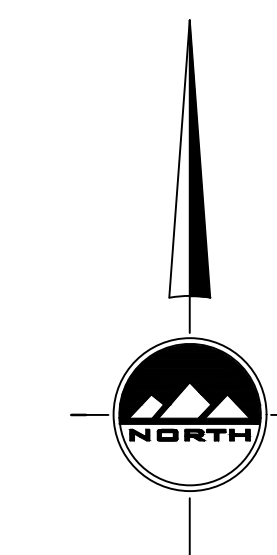
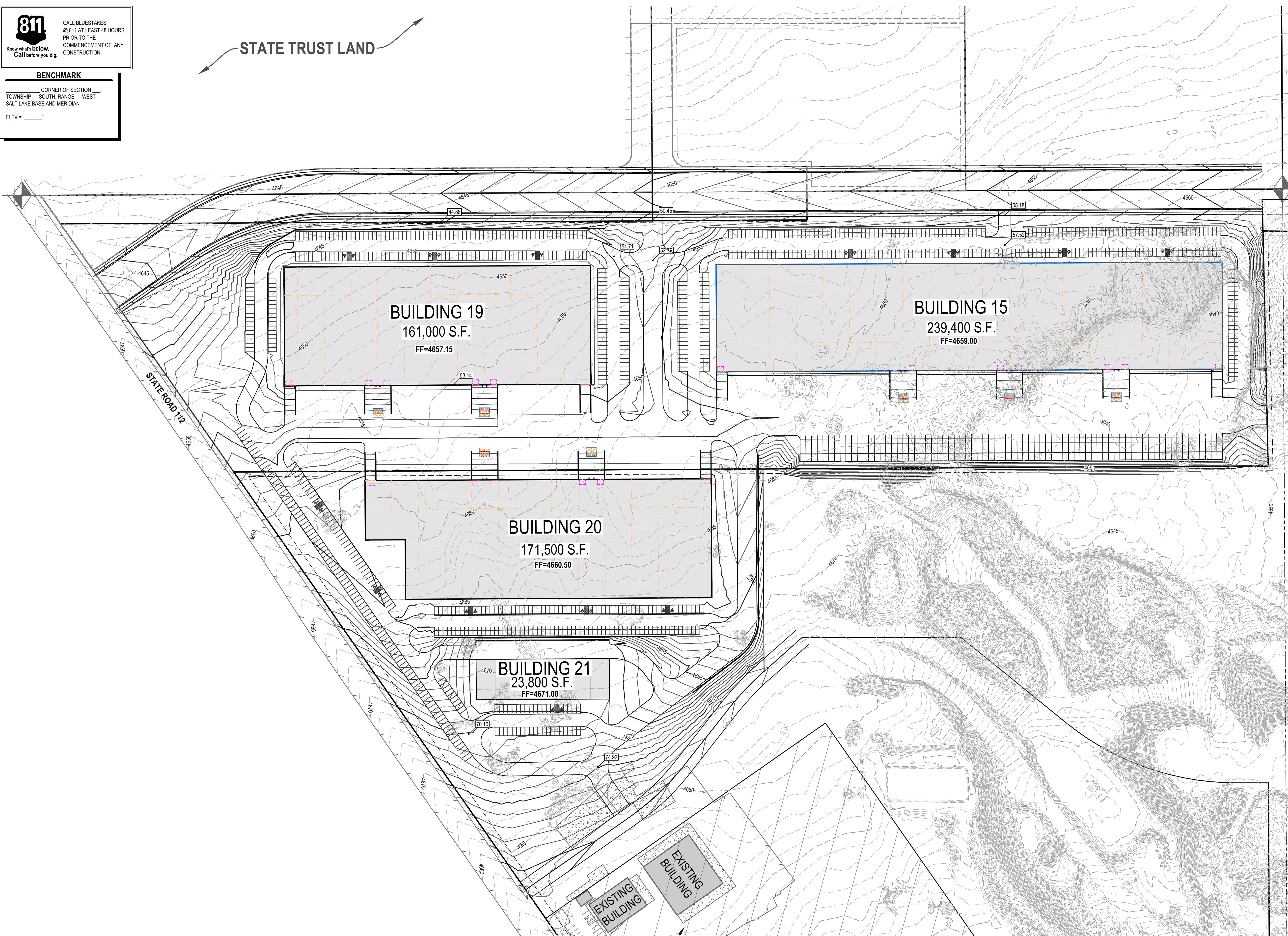
<Draft Water Fee in Lieu Guidlines.pdf>

811
Know what's below.
Call before you dig.

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK
CORNER OF SECTION
TOWNSHIP SOUTH RANGE WEST
SALT LAKE BASE AND MERIDIAN
ELEV = _____

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THE STANDARD IN ENGINEERING

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45 W 10000 S, Suite 500
Sandy, UT 84070
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
GARDNER BATT
423 W. BROADWAY, SUITE 230
SALT LAKE CITY, UTAH 84101

CONTACT:
JAKE JACKSON
PHONE: (760) 805-8144

SR-112 INDUSTRIAL

SR-112
TOOELE, UTAH 84074

SITE CONCEPT PLAN

PROJECT NUMBER: 11015A
PRINT DATE: 2022-10-19
PROJECT MANAGER: JKF
DESIGNED BY: JKF

C-1

Exhibit B

June 1, 2022, Fee-in-lieu Policy

DRAFT

City Council Policy

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

Effective Date: June 1, 2022

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

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

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

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

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

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

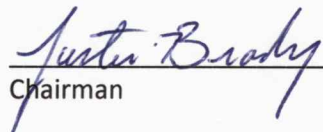
- The number of jobs the development is anticipated to create, together with the nature of the jobs (e.g., full-time) and job compensation (e.g., wage levels, benefits).
- The amount of sales tax the development is anticipated to generate.
- The amount of property tax the development is anticipated to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

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

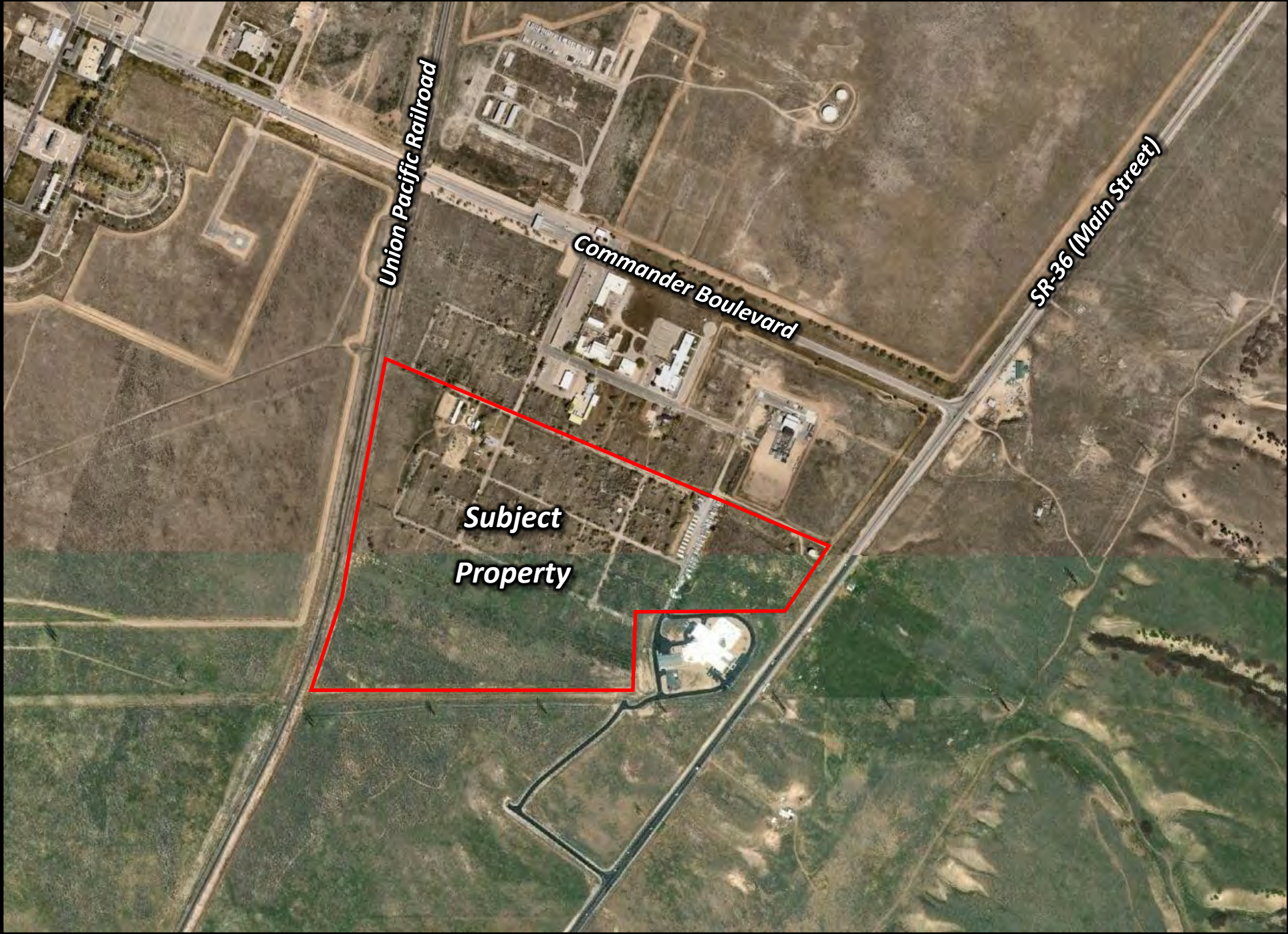
permit application and pay the Fee on a first-come first-served basis behind others who paid the Fee and whose building permits remain valid.

General.

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

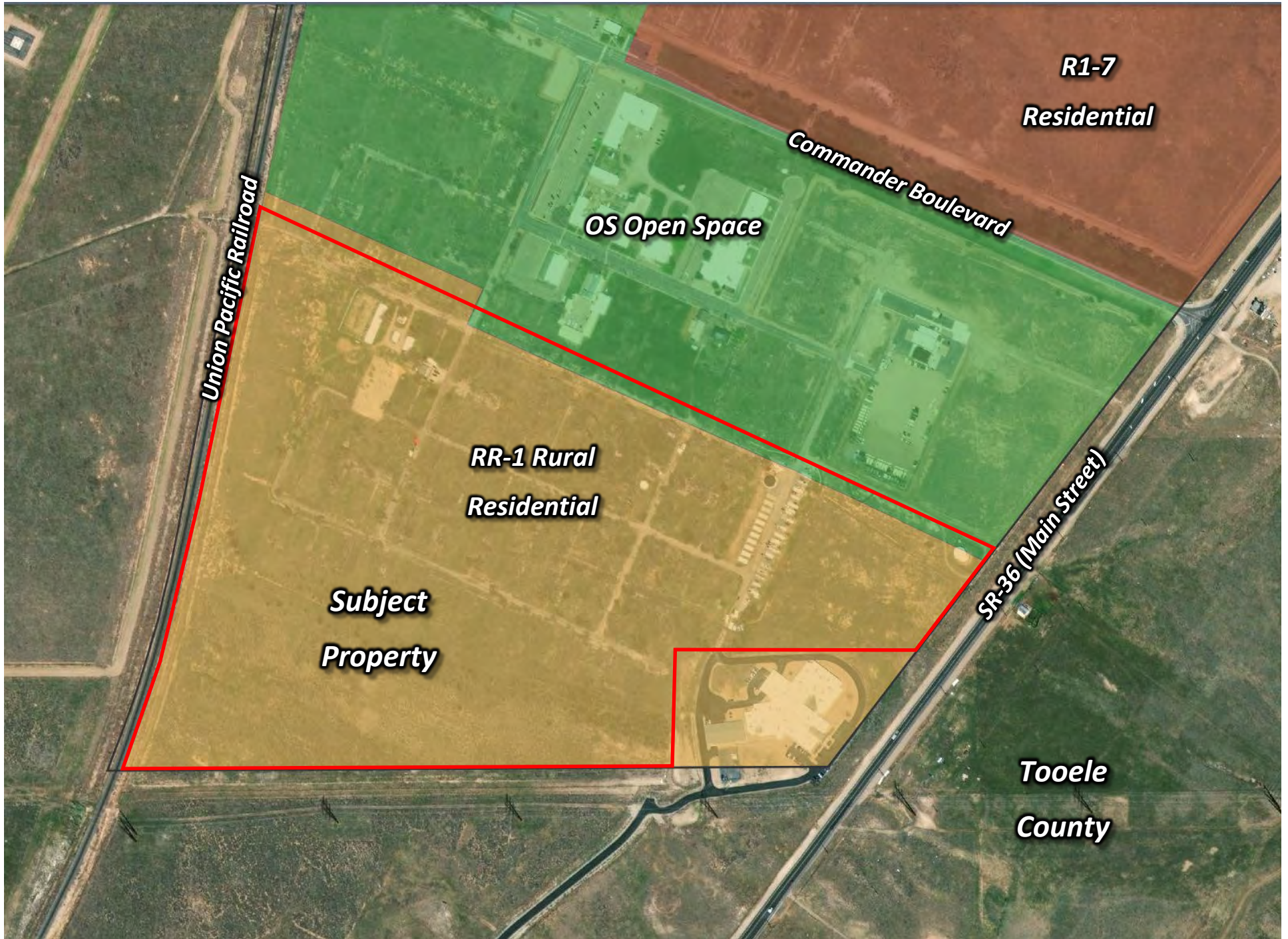

Chairman

AA Trailer Park Land Use Map Amendment

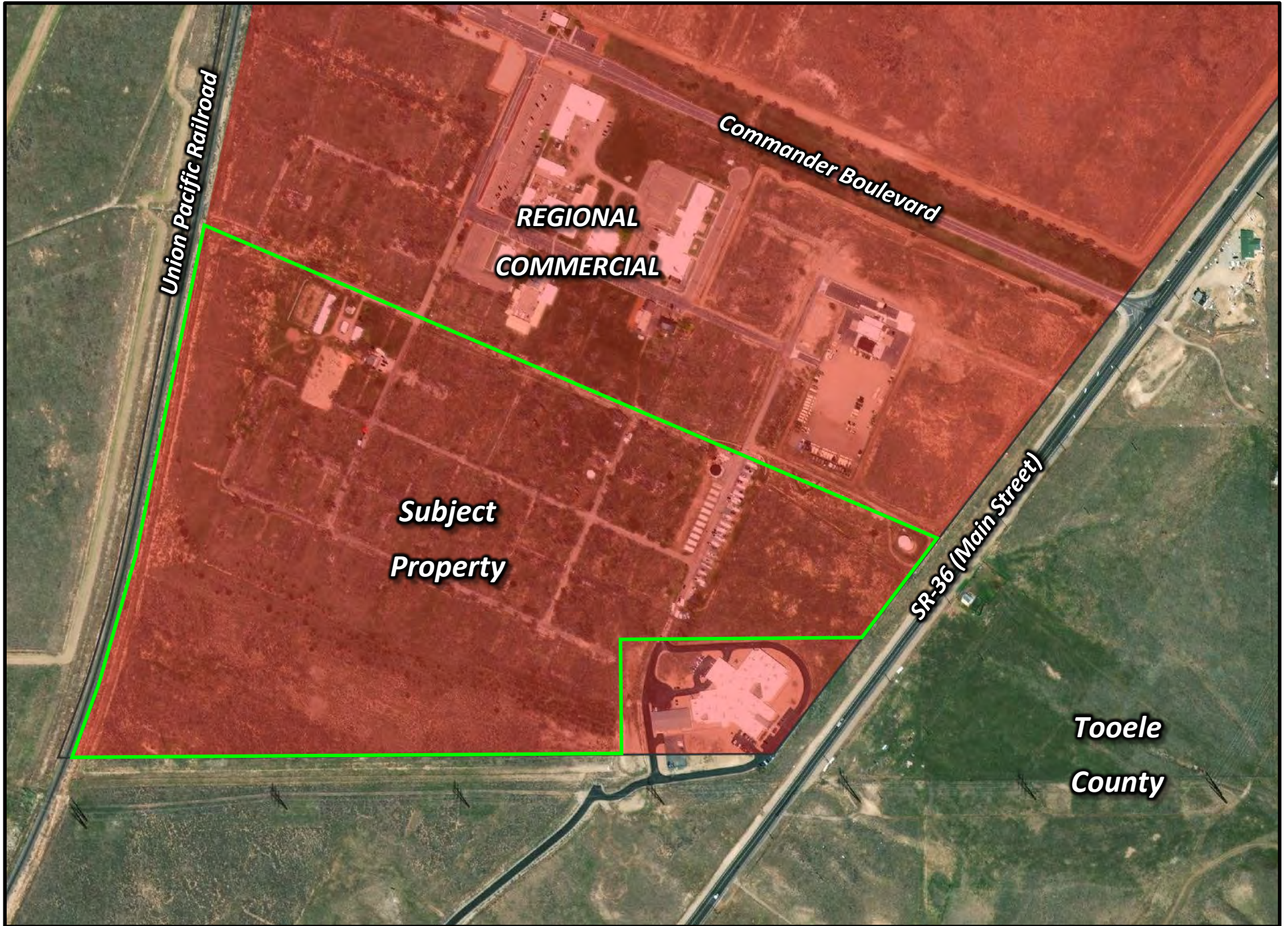


Aerial Map

AA Trailer Park Land Use Map Amendment



AA Trailer Park Land Use Map Amendment



AA Trailer Park Land Use Map Amendment

