

TOOELE CITY CORPORATION

RESOLUTION 2026-08

A RESOLUTION OF THE TOOELE CITY COUNCIL WAIVING DEVELOPMENT IMPACT FEES FOR THE TOOELE COUNTY HOUSING AUTHORITY'S HARVEY 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 2019-30, 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, by letter dated February 11, 2026, the Tooele County Housing Authority requested impact fee waivers for its six units in the Harvey subdivision (see letter attached as Exhibit C); and,

WHEREAS, on February 18, 2026, the City Council discussed in a work meeting the possibility of impact fee waivers for the Harvey subdivision; and,

WHEREAS, for all single-family residential building permits, the current impact fee is \$16,000 per unit; and,

WHEREAS, the Tooele City Council finds that impact fee waivers for the Harvey 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 six lots/units in the Harvey subdivision, in the amount of \$ 10,000 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 18th day of February, 2026.

TOOELE CITY COUNCIL

(For)

(Against)



Melodi Atkins

Justin Brady

Tom & Hannah

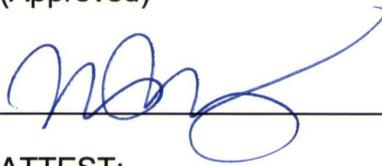
DK McCall

ABSTAINING: _____

TOOELE CITY MAYOR

(Approved)

(Disapproved)



ATTEST:

Shilo Baker

Shilo Baker, City Recorder



Approved as to Form:



Matthew C. Johnson, 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

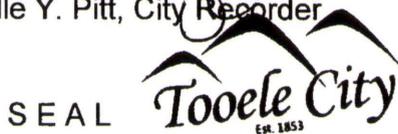
(Approved)

(Disapproved)

[Signature]

ATTEST:

[Signature]
Michelle Y. Pitt, City Recorder



Approved as to Form: [Signature]
Roger 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. [Signature]

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

Tooele County Housing Authority
February 11, 2026, Letter



Tooele County Housing Authority

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

February 11, 2026

Tooele City Corporation
c/o Mayor Maresa Manzione
90 North Main Street
Tooele, UT 84074

RE: REQUEST FOR IMPACT FEE WAIVERS AS ALLOWED UNDER TITLE 4, CHAPTER 15, TOOEELE CITY CODE
AFFORDABLE HOUSING UNITS - HARVEY SUBDIVISION (APPROXIMATELY 600 NORTH, 200 WEST)

Dear Mayor Manzione:

The Tooele County Housing Authority (TCHA) is submitting this formal request to Tooele City Corporation to grant a waiver of impact fees in the amount of the maximum \$10,000 per dwelling unit for the new construction of six eligible affordable housing units in the Harvey Subdivision. The total estimated impact fees for Parks, Water, Public Safety, and Sewer are \$16,202.80.

We have reviewed Chapter 15 (Development Impact Fees) and confirmed the applicability of the definitions at 4-15-1, and the terms of the Waiver detailed at 4-15-5 which are:

- Single family homes constructed and sold in partnership with Tooele County Housing Authority;
- Deed Restricted to ensure that the dwellings are available for purchase only by households whose annual gross income per dwelling is verified by TCHA to be 60% or less of the Tooele County area median income and other stipulations found at 4-15-1(2)ii; and
- The six lots are to be developed under the Mutual Self-Help program, funded by USDA Rural Development. The program targets households that earn at or below 60% of AMI. These homes will be financed by USDA Rural Development.

Tooele County Housing Authority is truly grateful for the ongoing partnership with Tooele City to ensure that affordable housing opportunities are available to residents from all walks and stages of life. By granting this request, Tooele City Council will make the difference for six families who are willing to give 9-12 months of 30+ hours a week of sweat equity to realize the American dream of homeownership.

We appreciate the consideration by the Council of this request, and we will anxiously await your decision.

Respectfully,

Karen Kuipers

Karen Kuipers
Executive Director

