

CHAPTER 11-21: IMPACT FEES

- 11-21-010. General.**
- 11-21-020. Water System.**
- 11-21-030. Storm Drainage System.**
- 11-21-040. Parks.**
- 11-21-060. Periodic Review.**
- 11-21-070. Accounting.**
- 11-21-080. Challenges.**

11-21-010. General.

In order to recover the cost to the City of the provision, extension, enlargement or replacement of capital facilities to service proposed subdivisions, the City may impose an impact fee as defined in UCA 11-36a. Establishment of any impact fee outlined in this Chapter shall follow the procedures outlined in UCA 11-36a. All impact fee charges will be adopted as part of the Consolidated Fee Schedule

11-21-020. Water System.

(a) Water Impact Fees. An impact fee may be imposed for the extension, enlargement or replacement of water infrastructure to service all proposed subdivisions. Such payment shall be assessed by water meter size for all subdivisions, and will be deposited with the City prior to approval of the final plat. The City Council, at its discretion, may defer the payment of this fee until the issuance of the building permit for each lot if it is found the proposed development subdivision is placing no immediate hardship on the City's water system.

(b) Reimbursement of impact fees. If a developer is required by the City to install a water line larger than eight (8) inches in diameter and if said water line will benefit other properties, the City shall provide for the reimbursement of water impact fees to pay for the over sizing. The size of the line required to be installed will be the size required in the Water Capital Facilities Plan. Such reimbursement will be the material cost differential between installing a eight (8) inch line and installing the size required by the City. The calculation of the differential shall be made by the developer, subject to review and approval by the City Engineer. Should the differential be greater than the water impact fees assessed for the proposed subdivision, the City Council, at its discretion, can either make up the balance by using existing funds in the Water Impact Fee Fund or reimburse the developer from future water impact fees. Before any funds are reimbursed to the developer the City and Developer shall enter into a written agreement listing the reimbursement amount and outlining the reimbursement process.

11-21-030. Storm Water System.

(a) Storm Water Drainage Exactions. An impact fee may be imposed for the extension, enlargement or replacement of storm water infrastructure to service all proposed subdivisions. Such payment shall be assessed per lot for residential subdivisions and by acreage for all other subdivisions, and will be deposited with the City prior to approval of the final plat. The City Council, at its discretion, may defer the payment of this fee until the issuance of the building permit for each lot if it is found the proposed development subdivision is placing no immediate hardship on the City's storm water system.

(b) Reimbursement of impact fees. If a developer is required by the City to install a storm water line and/or detention basin sized in the City's Storm Water Capital Facilities Plan to benefit other properties, the City shall provide for the reimbursement of storm water impact fees to pay for the over sizing. The size of the line and/or detention basin required to be installed will be the size required in the Storm Water Capital Facilities Plan. Such reimbursement will be the cost differential between installing a

line and/or detention basin required to meet the needs of the subdivision and installing the size required by the City. The calculation of the differential shall be made by the developer, subject to review and approval by the City Engineer. Should the differential be greater than the storm water impact fees assessed for the proposed subdivision, the City Council, at its discretion, can either make up the balance by using existing funds in the Storm Water Impact Fee Fund or reimburse the developer from future storm water impact fees. Before any funds are reimbursed to the developer the City and Developer shall enter into a written agreement listing the reimbursement amount and outlining the reimbursement process.

11-21-040. Parks.

(a) Park Impact Fees. An impact fee may be imposed for parks and other recreation purposes in locations designated in the Parks and Trails Master Plan. Such payment shall be assessed per residential lot, and will be deposited with the City prior to approval of the final plat. The City Council, at its discretion, may defer the payment of this fee until the issuance of the building permit for each lot.

a) Park Land Dedication. The City Council may require that land be reserved for parks and/or other recreation purposes in a proposed subdivision if such use is designated in the Parks and Trails Master Plan. Such reservations shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the particular purposes delineated in the Parks and Trails Master Plan. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer shall dedicate all such areas to the City as a condition of final subdivision plat approval. Reimbursement for land reserved for parks and/or other recreational purposes shall be provided through reimbursement of park impact fees. Such reimbursement will be the cost differential between the share of land cost attributed to the subdivision and the total cost of the land being dedicated. The calculation of the differential shall be made by the developer, subject to review and approval by the City Engineer. Should the differential be greater than the park impact fees assessed for the proposed subdivision, the City Council, at its discretion, can either make up the balance by using existing funds in the Park Impact Fee Fund or reimburse the developer from future park impact fees. Before any funds are reimbursed to the developer the City and Developer shall enter into a written agreement listing the reimbursement amount and outlining the reimbursement process.

11-21-060. Periodic Review.

(a) Periodically, the City Council, after following the procedures outlined in UCA 11-36A, may adjust the impact fees as it deems justified and appropriate.

11-21-070. Accounting.

The impact fees received by the City under this chapter shall be held in and accounted for as separate funds, one for each of the fees. These funds shall be segregated from the general fund of the City and from each other. Expenses may be debited to one of the special funds only if the expense is incurred for capital facilities serving the purpose(s) set forth in Section 11-21-010 for which the fees deposited in that fund were originally collected.

11-21-080. Challenges

(a) Any person required by this Chapter to pay impact fees to the City, or any person who has paid impact fees to the City in satisfaction of a requirement of this Chapter may challenge the calculation, imposition or administration of the fee under the procedures outlined in UCA 11-36a.