

CLEARFIELD CITY ORDINANCE 2023-11

AN ORDINANCE OF THE CITY COUNCIL OF CLEARFIELD CITY, DAVIS COUNTY, UTAH, ENACTING A CULINARY WATER IMPACT FEE FACILITIES PLAN AND SANITARY SEWER IMPACT FEE FACILITIES PLAN, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Clearfield City (hereinafter the "City") is a public subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City is authorized pursuant to the Impact Fee Act, Utah Code Ann. § 11-36a-101 et seq. to adopt and impose impact fees as a condition of development approval; and

WHEREAS, the City posted notice of the public hearing with respect to the proposed Culinary Water Impact Fee Facilities Plan, Water Impact Fee Analysis, Sanitary Sewer Impact Fee Facilities Plan, and Sanitary Sewer Impact Fee Analysis on June 30, 2023; and

WHEREAS, the City made this Impact Fee Ordinance (hereinafter the "Ordinance") available to the public on or before July 25, 2023; and

WHEREAS, the City posted notice of the public hearing with respect to the proposed Ordinance in the Clearfield City Office on or before June 30, 2023; and

WHEREAS, the City posted the notice of such public hearing on the Public Notice Website, the City Website, at the Clearfield City Offices, County Library, and post offices on June 29, 2023; and

WHEREAS, the City, having previously made this Ordinance available to the public, posted notice of its intent to adopt this Ordinance on the Utah Public Notice Website on or before July 25, 2023; and

WHEREAS, the Clearfield City Council (hereinafter the "Council") held a public hearing on July 11, 2023 regarding the enactment of the Culinary Water Impact Fee and the Sanitary Sewer Impact Fee; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the City to enact new culinary water impact fees and new sanitary sewer impact fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clearfield City, Davis County, as follows:

SECTION 1: FINDINGS.

The Council finds and determines as follows:

1.1. All required notices have been given and public hearings conducted as required by the Impact Fee Act with respect to the Impact Fee Analysis and this Ordinance.

1.2. Growth and development activities in the City will create additional demands on its culinary water facilities and sanitary sewer facilities. The capital facility improvement requirements which are analyzed in the Facilities Plans and the Impact Fee Analyses are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the culinary water and sanitary sewer facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analyses and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and culinary water and sanitary sewer needs of the City, the capital financial needs of the City which are the result of the City's future facility needs, the distribution of the burden of costs to different properties within the City based on the use of culinary water and sanitary sewer facilities of the City by such properties, the financial contribution of those properties and other properties similarly situated in the City at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the City, and the impact on future culinary water and sanitary sewer facilities that will be required by growth and new development activities in the City.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the City Council in establishing a program of impact fees in compliance with the Utah Impact Fees Act.

SECTION 2: Enactment:

Title 14, Chapter 1, Section 5 – Calculation of Fees Based on Schedule of the Clearfield City Code is hereby amended to read as follows:

14-1-5: CALCULATION OF FEES BASED ON SCHEDULE:

Impact fees shall be calculated as follows:

- A. Basis: Unless an applicant requests an individual assessment as set forth in this section, the impact fees shall be calculated for the proposed development based on the development plan approval or permit allowing the use, according to the applicable fee schedule.
- B. Schedules Adopted: The impact fee schedule and formulas are hereby adopted and incorporated herein by reference to the city's consolidated fee schedule as set forth in title 2, chapter 5 of this code, as amended:

Note:

One ESU = 2,700 square feet of impervious surface (reductions are available for on site detention).

- C. Interpretation Of Units: The units of development specified in the fee schedule shall be interpreted as follows:
1. Single Family Residential impact fees will be collected as 1 Equivalent Residential Unit (ERU). For the purpose of this chapter, mobile or manufactured homes are considered residential.
 2. Multi-family units (apartments, townhomes, condos, etc.) will be assessed at 0.82 ERU.
 3. Nonresidential units (commercial, schools, churches, etc.) will be assessed on Drainage Fixture Unit count (DFU).
 4. Manufacturing/Industrial units will be assessed by DFU or estimated daily meter usage as outlined in the Consolidated Fee Schedule, whichever is greater.
- D. Unspecified Categories: For categories of uses not specified in the applicable impact fee schedule, the impact fee administrator will apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.
- E. Mixed Uses: If the development plan approval or permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule and the results aggregated.
- F. Additions, Remodeling, Change Of Use: For an addition to or remodeling or replacement of existing structures, or for a change of use of an existing structure, the impact fee to be paid shall be the difference, if any, between:
1. The fee, if any, that would be payable for existing development on the site or, in the case of demolition or removal of a structure, the previous development on the site; provided, that the demolition or removal has occurred within one year of the date of submittal of the application for which impact fees are assessed; and
 2. The fee, if any, that would be payable for the total development on the site for the new development.
- G. Estimate By Impact Fee Administrator: Upon written request of an applicant, the impact fee administrator shall provide an estimate of the current fee based on the date provided by the applicant. However, the impact fee administrator shall not be responsible for determining at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

SECTION 3: Exhibits.

All exhibits to this Ordinance are hereby incorporated herein by reference and are made a part hereof as though fully set forth herein.

SECTION 4: Repealer:

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable. In the event any section, subsection, paragraph, clause, or phrase of this Ordinance conflicts with the Utah Impact Fee Act, the relevant provision of the Utah Impact Fee Act shall control.

SECTION 8: Effective.

This Ordinance shall become effective ninety (90) days after the adoption of this Ordinance.

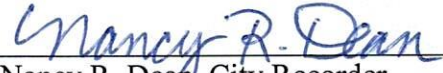
NOW, THEREFORE, be it resolved by the City Council of Clearfield City, Davis County, Utah, as **APPROVED AND ADOPTED** this 25th day of July, 2023.



CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST


Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE: Councilmembers Bush, Peterson, and Thompson

NAY: None

ABSENT: Councilmembers Phipps and Roper