

ORDINANCE NO. 2023-11

AN ORDINANCE ESTABLISHING AN IMPACT FEE POLICY AND ADOPTING WATER SYSTEM IMPACT FEES ON DEVELOPMENT ACTIVITIES WITHIN THE CITY OF NORTH SALT LAKE

WHEREAS, the Legislature of the State of Utah has heretofore adopted the Impact Fees Act (the “Act”) providing for and authorizing the imposition of impact fees in accordance with the provisions of the Act; and

WHEREAS, the City of North Salt Lake continues to experience growth and development within the boundaries of the City, all of which creates a demand for additional water services and infrastructure in order to service the new growth; and

WHEREAS, the City has determined that an equitable allocation of costs requires the adoption of impact fees to assist in the financing for construction of water system improvements for the City, and has completed an impact fee facilities plan together with an impact fee analysis therefore as required by the Act and desires, based upon the foregoing, to establish and adopt a new water impact fee policy and water impact fees for the City as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Salt Lake as follows:

Section 1. Adoption of Impact Fee Policy and Impact Fees. The water impact fees policy, rules, regulations and impact fees of the City as defined herein below, are hereby established, adopted and approved as follows:

IMPACT FEE POLICY

1. Definitions.

- A. “Impact Fee Facilities Plan” means the Water Impact Fee Facilities Plan, dated March 2023, and adopted as set forth in Subparagraph 2.c, below, as the same may be amended hereafter from time to time.
- B. “Development activity” means any construction or expansion of a building, structure, or use, any changes in the use of land that creates additional demand and need for public facilities.
- C. “Development approval” means any written authorization from the City that authorizes the commencement of development activity and/or any written agreement between the City and any political subdivision to provide water service for a new development.
- D. “City” means City of North Salt Lake, a municipal corporation of the State of Utah.

- E. “Impact fee” means a payment of money imposed upon development activity as a condition of development approval and may also be referred to herein as “connection fee(s).”

2. Findings and Purpose.

The City Council of North Salt Lake hereby finds and determines:

- A. There is a need for water system facilities for new development in the City which have not been constructed and are required to be consistent with the Impact Fee Facilities Plan and to protect the public's health, safety and welfare.
- B. The continuing growth within the City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing water system facilities occasioned by the demands and needs of the development projects at service levels necessary to promote and preserve the public health, safety and welfare.
- C. The City Council of North Salt Lake hereby adopts the Water Impact Fee Facilities Plan prepared by Bowen Collins & Associates dated March 2023, which sets forth the future infrastructure needed by the City to adequately serve the demands of new development.
- D. The City Council of North Salt Lake hereby adopts the Water Impact Fee Analysis prepared by Bowen Collins & Associates dated March 2023, (“Impact Fee Analysis”), which establishes the costs for providing public water facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.
- E. The impact fees established by this Ordinance are based upon the costs which are generated through the need for new water facilities and other capital acquisition costs required, incrementally, by new development within the City.
- F. The impact fees established by this Ordinance do not exceed the reasonable cost of providing public water facilities occasioned by development projects within the City.

3. Impact Fees Levied.

The City’s impact fees are hereby adopted as set forth in Exhibit A attached hereto and by this reference made a part hereof. The water impact fees as set forth have been calculated as set forth in the Water Impact Fee Analysis. Unless the City is otherwise bound by a contractual requirement, the impact fees shall be determined from the City fee schedule in effect at the time of payment and shall not be determined at the time a request for an estimate is received by the City. There shall be no guarantee that any quoted impact fee whether oral or in writing, will be in

effect when the developer or prospective customer actually makes the impact fee payment. If a developer or prospective customer desires to receive the rate quoted by the City, payment must be made at that time.

In addition to the impact fees set forth in Exhibit A attached hereto, the City will charge all water users service charges and may levy property taxes on property located within the City. In addition to basic service charges, additional service charges may be levied based upon the quantity of water used in accordance with the City's rules and regulations.

4. Time of Collection.

Unless otherwise provided by the City Council, water impact fees shall be payable prior to connection to the City's water system.

5. Use of Fees.

The impact fees shall be used solely to:

- A. Pay for the described public water facilities to be constructed by the City or caused to be constructed by the City;
- B. For reimbursing the City for the development's share of those capital improvements already constructed by the City;
- C. For reimbursing developers who have constructed system improvements where such facilities were beyond project improvements needed for the developer's project(s).
- D. For debt service incurred for water system facilities.

6. Adjustments and Credits.

The City may, upon a proper showing, adjust the impact fee at the time the fee is charged to:

- A. Respond to unusual circumstances in specific cases; and
- B. Ensure that the impact fees are imposed fairly; and
- C. Allow credits pursuant to the Impact Fee Policy of the City; and
- D. Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- E. Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the City at large, provided such facilities are identified in the Impact Fee Facilities Plan and are

required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

- F. Any *ex gratia* payments made to the City by a developer in order to induce or entice the City to accelerate construction of future system improvements shall not be considered a developer credit.

7. Accounting, Expenditure and Refund.

The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

8. Impact Fee Challenges and Appeals.

Any challenge to the Impact Fees imposed by the City shall comply with the provisions of *Utah Code Annotated* §11-36a-701, *et seq.*, as amended. Administrative appeals of the impact fees imposed by the City shall follow the following procedure: Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal to the City Recorder setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested parties will be given an opportunity to be heard. The Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective on that date which is 90 days from the date of approval of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of North Salt Lake, Utah,
this 15th day of August, 2023.



CITY OF NORTH SALT LAKE

By:

BRIAN J. HORROCKS

Mayor

ATTEST:

WENDY PAGE

City Recorder

City Council Vote as Recorded:

Council Member Watts Baskin
Council Member Gordon
Council Member Knowlton
Council Member Porter
Council Member Van Langeveld

aye
aye
aye
aye
aye

Certificate of Posting Ordinance:

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing Ordinance No. 2023-11 was passed by the governing body on the date shown above, and that copies were posted as required by Utah Code 10-3-713.

Recorded this 16th day of August, 2023.

Wendy Page, City Recorder



[Seal]

EXHIBIT A

Impact Fees Schedule

Table ES-2
Recommended Water Impact Fee, per ERC

	2023	2024	2025	2026	2027
Base Impact Fee	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01	\$5,724.01
User Fee Credit	(\$60.16)	(\$56.32)	(\$52.64)	(\$47.05)	(\$41.66)
Total Overall Fee	\$5,663.85	\$5,667.70	\$5,671.37	\$5,676.96	\$5,682.35