

ORDINANCE NO. 2023-12

AN ORDINANCE ESTABLISHING AN IMPACT FEE POLICY AND ADOPTING STORM DRAIN 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 storm drain 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 storm drain 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 storm drain impact fee policy and storm drain 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 storm drain 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 Storm Drain 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 storm drain 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 storm drain 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 storm drain 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 Storm Drain 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 Storm Drain Impact Fee Analysis prepared by Bowen Collins & Associates dated March 2023, (“Impact Fee Analysis”), which establishes the costs for providing public storm drain 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 storm drain 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 storm drain 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 storm drain impact fees as set forth have been calculated as set forth in the Storm Drain 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.

The City has previously identified two separate service areas for the imposition of storm drain impact fees. The adopted analysis now identifies one Service Area, with an impact fee surcharge in the former Service Area 2 in order to assure that the burdens imposed on properties within the former Service Area 2 are adequately financed, proportionately charged and fairly apportioned.

In addition to the impact fees set forth in Exhibit A attached hereto, the City will charge all storm drain users service charges and may levy property taxes on property located within the City.

4. Time of Collection.

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

5. Use of Fees.

The impact fees shall be used solely to:

- A. Pay for the described public storm drain 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 storm drain 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	<u>aye</u>
Council Member Gordon	<u>aye</u>
Council Member Knowlton	<u>aye</u>
Council Member Porter	<u>aye</u>
Council Member Van Langeveld	<u>aye</u>

Certificate of Posting Ordinance:

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing Ordinance No. 2023-12 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 Per Acre Impact Fee

Maximum Allowable Impact Fee (Per acre, by year)						
	2022	2023	2024	2025	2026	2027
All Properties						
Base Impact Fee (includes study costs)	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69	\$3,391.69
User Fee Credit	\$1,163.26	\$1,073.38	\$988.23	\$907.56	\$831.12	\$758.71
Total Overall Fee	\$2,228.43	\$2,318.31	\$2,403.46	\$2,484.13	\$2,560.57	\$2,632.98
Properties in Service Area #2 Reimbursement Area						
Additional Reimbursement Cost	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38	\$10,689.38
Total Overall Fee – Service Area #2	\$12,917.81	\$13,007.69	\$13,092.84	\$13,173.51	\$13,249.95	\$13,322.36