



THE CITY OF WEST JORDAN COMMITTEE OF THE WHOLE September 20, 2023

Thomas M. Rees Justice Center
8040 S Redwood Road
West Jordan, UT 84088

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WORK SESSION 6:00 pm

1. CALL TO ORDER

2. DISCUSSION TOPICS

- a. Presentation of Impact Fee Analysis and Study for Utilities
- b. Public Infrastructure District (PID) Policy Review – Assessment Model
- c. Transportation Updates

3. ADMINISTRATIVE ITEMS

4. ADJOURN

*UNFINISHED BUSINESS

Unfinished Business Items are matters that have been introduced that remain unresolved. Updates are listed to assist in planning or resolution.

- **Veteran's Memorial Park Master Plan** – introduced to Council during a Work Session on February 9, 2022. Currently with Administration. A vendor has been chosen for the design and the contract has been finalized. Council provided input on their top ten priorities for the plan during the April 26, 2023 Council Meeting.
- **City Center Visioning** – Council discussed City Center visioning during a Strategic Planning Work Session on February 9, 2022 and again during a Work Session on

March 9, 2022. Currently with staff and in coordination with Station Area Plan working group. The group met with various stakeholders, city staff, and outside planners on April 17, 2023.

- **Soccer Complex** – Council discussed West Jordan Soccer Complex agreement during a Work Session on October 12, 2022. Ongoing dialog.

UPCOMING CITY COUNCIL MEETINGS

- Wednesday, October 11, 2023 – Regular City Council Meeting – 6:00p
- Wednesday, October 18, 2023 – Committee of the Whole Meeting – 6:00p
- Wednesday, October 25, 2023 – Regular City Council Meeting – 6:00p
- Wednesday, November 1, 2023 – Regular City Council Meeting – 6:00p
- Wednesday, November 8, 2023 – Committee of the Whole Meeting – 6:00p
- Wednesday, November 15, 2023 – Regular City Council Meeting – 6:00p

Interested parties may contact the Council PRIOR to the meeting in one of the following ways: (your comment will not be part of the meeting but will be provided to all members of the entire City Council)

- Call the 24-hour Public Comment Line PRIOR to the meeting and leave a message: **(801) 569-5052**. Please include your name and phone number.
- Send an email to councilcomments@westjordan.utah.gov. Please include your name and phone number.

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ELECTRONIC PARTICIPATION

One or more council members may participate electronically in this meeting using online video conferencing technology per Utah Code (§52-4-207) and West Jordan City Ordinance 1-13-1-E. Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

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CERTIFICATE OF POSTING

I certify that the foregoing agenda was posted at the principal office of the public body, on the Utah Public Notice website <https://www.utah.gov/pmnl/>, on West Jordan City's website <https://westjordan.primegov.com/public/portal>, and notification was sent to the Salt Lake Tribune, Deseret News, and the West Jordan Journal.

Please note: *agenda items are subject to change and may be reordered or tabled in order to accommodate the needs of the City Council, staff, and the public.*

Posted and dated September 15, 2023 Cindy M. Quick, MMC, Council Office Clerk



REQUEST FOR COUNCIL ACTION

Action: Provide information to Council

Meeting Date Requested : 09/20/2023

Presenter: Fred Philpot - LRB Public Financial Advisors

Deadline of item : 09/20/2023

Applicant:

Department Sponsor: Admin. Services

Agenda Type: DISCUSSION TOPICS

Presentation Time: 60 minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Presentation of Impact Fee Analysis and Study for Utilities

2. EXECUTIVE SUMMARY

Following the presentation of the study, Council is being asked to provide guidance on the fees they would like presented by ordinance in September 2023.

Impact fee studies should be updated every 3-5 years. The City's current impact fee study was completed in May 2017. In October 2021, the City selected LRB Public Financial Advisors to complete an impact fee analysis. Our consultant, Fred Philpot (LRB) will present the study, explain the methodology used, and present an updated fee for each of the services. This presentation will allow for open dialogue between the Council, staff, and the consultant.

3. TIME SENSITIVITY / URGENCY

Staff recommends that the updated impact fees take effect January 1, 2024. As part of this process, impact fees must be approved by ordinance followed by a 90-day waiting period. In order for fees to be effective on January 1, 2024, the process of adoption must be complete by no later than October 1, 2023.

This work session will focus on the water, sewer, and storm water impact fees. A work session presenting the parks, police, and fire impact fee studies was held on August 16, 2023.

A public hearing and consideration of an ordinance adopting the impact fees is scheduled for September 27, 2023.

4. FISCAL NOTE

The financial impact of the proposed fees is outlined in the study results and presentation.

5. OTHER INFORMATION

Impact fees are governed by the Impact Fees Act, found in Chapter 11-36a of the Utah Code.

USC 11-36a-501 and 11-36a-503 requires a 10 day notice of the intent to prepare or amend a study. Notice was posted in December 2021.

USC 11-36a-502 requires 10 day notice before holding a public hearing regarding an impact fee plan. Notice will be posted prior to September 17, 2023.

The roads impact fee study will be presented separately in 2024.

USC 11-36a-502 requires a public hearing to receive comments regarding the proposed impact fees. This public hearing is scheduled for September 27, 2023. Following the public hearing, the Council will consider an ordinance adopting the impact fees.

USC 11-36a-501 requires a 90-day waiting period after adopting for the impact fees to be enacted. The staff recommends an enactment date of January 1, 2024.

An impact fee is a one-time charge imposed by local governments to mitigate the impact on local infrastructure caused by new development. Growth in the form of new homes and businesses requires expansion or enlargement of public facilities to maintain the same level and quality of public services for all residents of a community. Impact fees help fund expansion of public facilities necessary to accommodate new growth.



PUBLIC
FINANCE
ADVISORS



WEST
JORDAN
CITY, UTAH

IMPACT FEE FACILITIES PLAN (IFFP)
& IMPACT FEE ANALYSIS (IFA)

STORMWATER, WASTEWATER, AND WATER

PREPARED BY:

LRB PUBLIC FINANCE ADVISORS

FORMERLY LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

SEPTEMBER 2023

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IMPACT FEE CERTIFICATION

IFFP CERTIFICATION

LRB Public Finance Advisors (formerly Lewis Young Robertson & Burningham, Inc.) and West Jordan City jointly certify that the Impact Fee Facilities Plan (IFFP) prepared for stormwater, wastewater, and water services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. complies with every relevant respect with the Impact Fees Act.

LRB PUBLIC FINANCE ADVISORS & WEST JORDAN CITY

IFA CERTIFICATION

LRB Public Finance Advisors certifies that the Impact Fee Analysis (IFA) prepared for stormwater, wastewater, and water services:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. offsets costs with grants or other alternate sources of payment; and
3. complies with every relevant respect with the Impact Fees Act.

LRB Public Finance Advisors makes this certification with the following caveats:

1. All the recommendations for implementation of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LRB PUBLIC FINANCE ADVISORS



DEFINITIONS

The following acronyms or abbreviations are used in this document:

AF: Acre Foot

CFS: Cubic Feet per Second

ERC: Equivalent Residential Connection

GAL: Gallons

GPM: Gallons per Minute

GPD: Gallons per Day

IFA: Impact Fee Analysis

IFFP: Impact Fee Facilities Plan

KSF: Thousand Square Feet

LOS: Level of Service

LRB: LRB Public Finance Advisors (Formerly Lewis Young Robertson & Burningham, Inc.)

MG: Million Gallons

SF: Square Feet

DRAFT



SECTION 1: EXECUTIVE SUMMARY

The purpose of this IFFP, with supporting IFA, is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act,” and help West Jordan City (the City) fund necessary capital improvements for future growth. This document will address the future stormwater, wastewater, and culinary water infrastructure needed to serve the City. For purposes of the impact fees, this analysis includes the appropriate fees the City may charge to new growth to maintain the established levels of service (LOS) over the ten-year IFFP time horizon.

- **Service Area:** The impact fees identified in this document will be assessed within the respective areas shown in **Figures 3.1, 4.1, and 5.1**.
- **Demand Analysis:** The demand units utilized in this analysis include acreage, million gallons per day (MGD), and equivalent residential connections (ERCs). As new development occurs within the City, it generates increased demand for City infrastructure. The system improvements identified in this study are designed to meet the demands of any new development or redeveloped property within the Service Area.
- **Level of Service:** The existing LOS for each utility or service is defined in detail in each section of this document. Through an inventory of existing facilities combined with existing development, this analysis identifies the LOS provided to the City's existing development and ensures that future facilities maintain these standards.
- **Existing Facilities and Excess Capacity:** The demand analysis and LOS analysis allow for the development of a list of capital facilities necessary to serve new growth and maintain the existing LOS. This list includes any excess capacity of existing facilities, as well as future system improvements necessary to maintain the LOS. The inclusion of excess capacity is known as a “buy-in.” Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities. This analysis includes a buy-in component for stormwater, wastewater, and culinary water.
- **Outstanding Debt:** The City issued the following bonds: 2016 Stormwater Revenue Bonds to fund stormwater infrastructure and 2014 Sewer Revenue Bonds to expand wastewater treatment plant capacity. The associated interest from these bonds and loans is included in this analysis and the respective fee calculations.
- **Future Capital Facilities Analysis:** The following chapters in this analysis identify the capital facilities needed to maintain the LOS based on the demand analysis specific to stormwater, wastewater, and culinary water. The plans consider a ten-year horizon, and growth projections are considered over a ten-year and build-out horizon. The impact fee calculations, however, consider a ten-year time horizon and the improvements necessary to serve the anticipated development over that time frame.



- **Funding of Future Facilities:** This analysis assumes future growth-related facilities will be funded through a combination of General Fund revenues, grant monies, other governmental revenues, and impact fee revenues. Where applicable, interest costs can be included in the total cost to fund proposed system improvements.

SUMMARY OF PROPOSED IMPACT FEES

The impact fees proposed in this analysis will be assessed within each public services' respective Service Area. The tables below illustrate the calculated impact fee for storm, wastewater, and culinary water.

TABLE 1.1: IMPACT FEE SUMMARY

	MEASUREMENT	PROPOSED FEE	EXISTING	% CHANGE
Stormwater	Per Acre	\$8,494	\$9,094	-7%
Wastewater*	Per ERC	\$3,495	\$1,973	77%
Culinary Water*	Per ERC	\$6,608	\$2,514	163%

*Fee is for 1 ERC based on ¾" water meter size. Larger water meters will be assessed a higher fee.

**Previous study is based on land use type and impervious surface area. The calculated cost per acre is shown here.

NON-STANDARD IMPACT FEES

The Impact Fees Act¹ allows the City to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the City's infrastructure. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The following formulas will help determine the non-standard impact fee.

The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.

¹ 11-36a-402(1)(c)

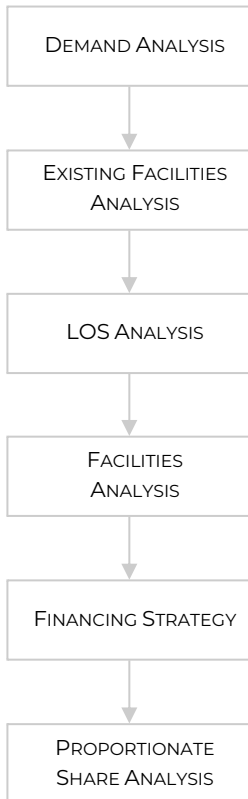
- A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - Are system improvements; or,
 - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

DRAFT

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements, which are intended to be funded by impact fees. The purpose of IFA is to allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The Impact Fee Act requires that the IFFP and IFA consider the historic level of service provided to existing development and ensure that the proposed impact fees maintain the existing level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP and IFA. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

"Level of service" or LOS means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

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² 11-36a-302(2)

³ 11-36a-302(3)

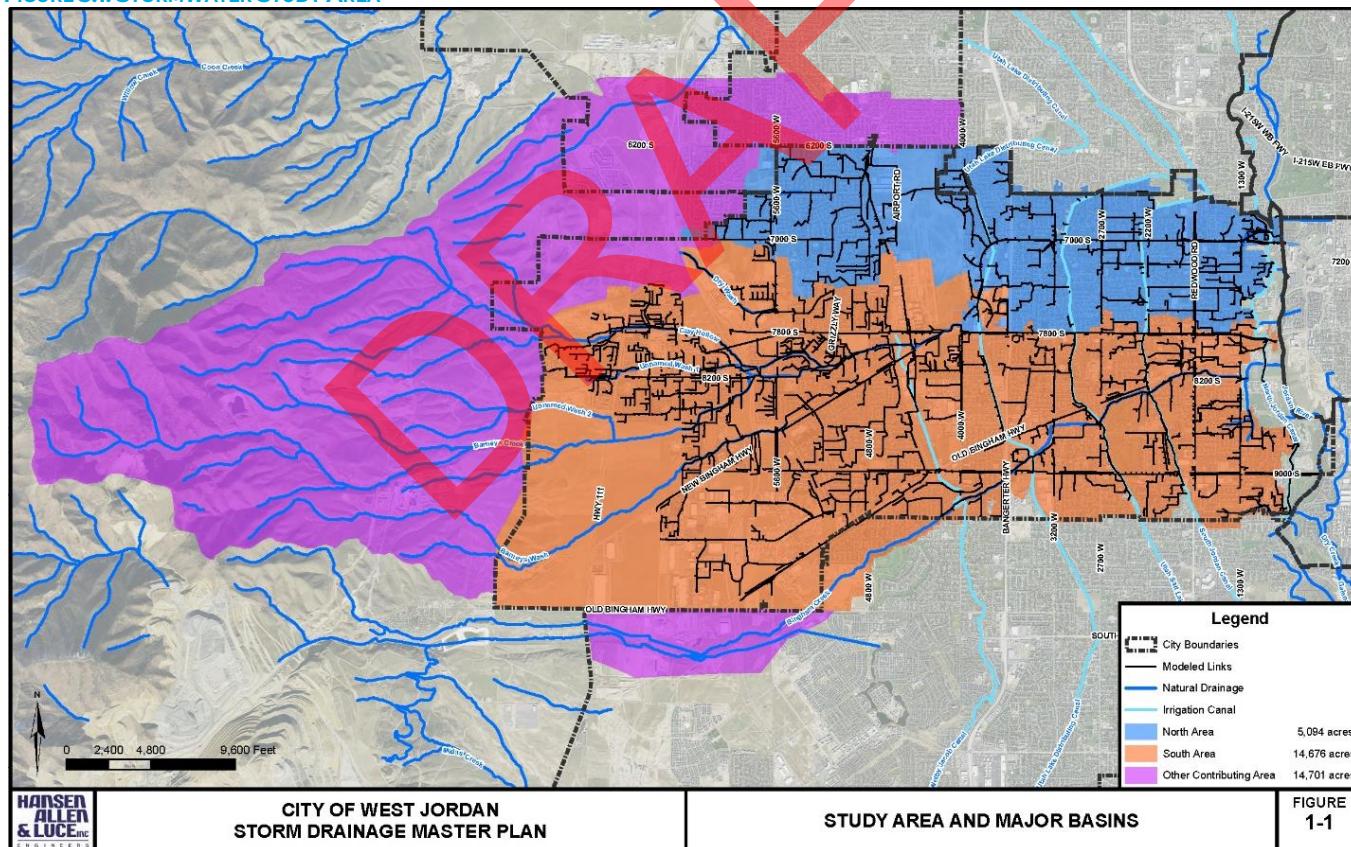
SECTION 3: STORMWATER IFFP & IFA

This section of the analysis addresses the stormwater IFFP, with supporting IFA, to help the City plan for the necessary capital improvements for future growth. This section will address the future stormwater infrastructure needed to serve the City through the next ten years, as well as address the appropriate stormwater impact fees the City may charge to new growth to maintain the existing LOS. The information provided herein is taken from the Storm Drainage Master Plan for the City of West Jordan, completed in April 2023 by Hansen, Allen, & Luce, Inc., with updates, additional data and revisions provided by the City's Engineering Department.

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁴ This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future. According to the 2023 West Jordan City Storm Drainage Master Plan, the Service Area includes areas within the City boundary, flows from West Valley City, South Jordan, and unincorporated areas of Salt Lake County.

FIGURE 3.1: STORMWATER STUDY AREA



⁴ UC 11-36a-402(1)(a)

TABLE 3.1: PROJECTED ACRES

	ACRES
2023	19,770
2024	19,871
2025	19,972
2026	20,073
2027	20,175
2028	20,278
2029	20,381
2030	20,485
2031	20,589
2032	20,694
2033	20,799
2060	23,854
IFFP Growth	1,029
Buildout Growth	4,084
Source: 2023 West Jordan City Storm Drainage Master Plan, p. 1-1 2022 Water Master Plan, Table ES-1	

DEMAND

The demand unit used in this analysis is acreage. As residential and commercial growth occurs within the Service Area, the impervious surfaces within the City will increase, resulting in additional run-off. The stormwater capital improvements identified in this study are based on maintaining the current level of service. The proposed impact fees are based upon the projected growth in acres, which is used to quantify the impact that future users will have upon the City's system. According to the 2023 Storm Drainage Master Plan, approximately 19,700 acres are attributed to the City's stormwater system. It is estimated that the developable acres within the City is 4,084. **Table 3.1** illustrates the acres in the City's stormwater system, as determined by the City's engineers.

EXISTING FACILITIES INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, the City's existing depreciation schedule provides an inventory of the City's existing facilities. The inventory of existing facilities is important to properly determine the excess capacity of existing facilities and the utilization of excess capacity by new development. A total of \$60 million in original system value is considered in this analysis when determining buy-in value (see **Table 3.2**).

LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. Therefore, it is important to identify the stormwater LOS to ensure that the new capacities of projects financed through impact fees do not exceed the established standard.

The methodology in determining what stormwater facilities will be required is based on standard engineering practices that are widely used in the industry. The City's LOS is based on a 10-year frequency storm event. In general terms, the developer is expected to pay for the infrastructure to collect and detain the runoff generated in the 10-year return frequency storm. In addition, the LOS is based on a run-off coefficient by land-use type, which measures the average impact of different development types within the service area. According to the 2023 Storm Drainage Master Plan, runoff from the area was modeled to be detained to 0.1 cfs per acre.

EXCESS CAPACITY

For the purposes of this analysis, excess capacity has been defined based on the proportion of acres within the IFFP relative to the acres at buildout. It is anticipated that the existing system will serve new development through buildout. There will be an increase of 1,029 acres in the next ten years,

with an estimated total of 23,854 acres at buildout. The increase in acres in the IFFP planning horizon represents approximately 25 percent of the increase in acres to buildout.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing stormwater infrastructure has been funded through a combination of utility rate revenues and other governmental funds, including debt service. The City issued the Series 2016 Stormwater Revenue Bonds to fund improvements to the City's stormwater infrastructure. The interest associated with this bond is included in the calculation of the impact fee.

TABLE 3.2: STORMWATER BUY-IN

	ELIGIBLE VALUE
Existing Stormwater System	60,528,185
Series 2016 Interest	725,861
TOTAL BUY-IN	\$61,254,046

Source: West Jordan City Depreciation Schedule

FUTURE CAPITAL FACILITIES ANALYSIS

The following table identifies the needed system improvements to maintain the stated LOS, according to the City, over the next 10 years. The impact fee analysis only considers the projects to be constructed in the next ten years and includes the growth-related cost to determine the impact fees. The complete project list can be found in **Appendix A**.

TABLE 3.3: ESTIMATE OF IMPACT FEE COST PER ACRE

PROJECT TYPE	PROJECT COST WITHIN IFFP	% GROWTH RELATED	TOTAL
10-Year West Jordan City Projects	\$2,768,181	32%	\$878,345
100-Year West Jordan City Projects	\$13,397,491	97%	\$13,057,473
2007 and 2015 Master Plan West Jordan City Projects	\$3,731,520	80%	\$2,985,216
Developer Projects*	\$7,233,996	100%	\$7,233,996
TOTAL	\$27,131,187	89%	\$24,155,031

*Development costs will be built by developers and reimbursed by the City through impact fees.

Source: West Jordan City Engineering Department
2023 West Jordan City Storm Drainage Master Plan, Table 5-2

PROPOSED STORMWATER IMPACT FEE

The stormwater impact fee is based on the plan-based methodology. Using this approach, impact fees are calculated based on a defined set of capital costs specified for future development. The improvements are identified in a capital plan or impact fee facilities plan as growth-related system improvements. The City's existing and proposed future facilities are then proportionately allocated, providing an equitable distribution of the existing and proposed facilities that will serve development. The total cost is divided by the total demand units the improvements are designed to serve. Under this methodology, it is important to identify the existing level of service and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality and LOS.

STORMWATER IMPACT FEE COST PER ACRE CALCULATION

The stormwater impact fees proposed in this analysis will be assessed within the entire Service Area. The table below illustrates the appropriate impact fee to maintain the existing LOS, based on the assumptions within this document. The fee below represents the maximum allowable impact fee assignable to new development.

TABLE 3.4: ESTIMATE OF IMPACT FEE COST PER ACRE

	TOTAL COST	% TO IFFP	GROWTH RELATED COSTS WITHIN IFFP HORIZON	FUTURE ACRES	FEE PER ACRE
Existing Stormwater System	\$61,254,046	4%	\$2,643,077	1,029	\$2,568
Future Stormwater Projects	\$24,155,031	25%	\$6,087,769	1,029	\$5,915
Professional Expense	\$11,000	100%	\$11,000	1,029	\$11
TOTAL PER ACRE	\$85,420,077		\$8,741,846		\$8,494
TOTAL PER IMPERVIOUS ACRE*	\$85,420,077		\$8,741,846	643	\$13,588

*Total Impervious Acres found in Table 3.5.

STORMWATER IMPACT FEE BY LAND USE

Table 3.5 allocates growth-related costs to the stormwater system based on the land use type and impervious surface percentage. The growth-related cost of \$8.7M is multiplied by proportionate share for each type of land use and then divided by the amount of land area by type of land use.

TABLE 3.5: RECOMMENDED STORMWATER IMPACT FEE SCHEDULE

	GROWTH IN DEVELOPED ACRES	% IMPERVIOUS*	GROWTH IN IMPERVIOUS ACRES	PROPORTIONATE SHARE	PROPOSED COST PER ACRE	EXISTING FEE	% CHANGE
Single Family	398	50%	199	30.93%	\$6,794	\$7,165	-5.18%
Multifamily	111	60%	67	10.37%	\$8,153	\$12,283	-33.63%
Commercial	161	85%	136	21.21%	\$11,550	\$18,425	-37.32%
Industrial	248	85%	211	32.76%	\$11,550	\$15,354	-24.78%
Office	26	85%	22	3.40%	\$11,550	\$12,283	-5.97%
Open Space	86	10%	9	1.34%	\$1,359	NA	NA

*Source: 2023 West Jordan City Storm Drainage Master Plan, Table 3-2

NON-STANDARD STORMWATER IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon stormwater facilities.⁵ This adjustment could result in a higher fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD STORMWATER IMPACT FEE (BY LAND USE):

Impervious Acres x \$13,588 = Impact Fee

⁵ UC 11-36a-402(1)(c)

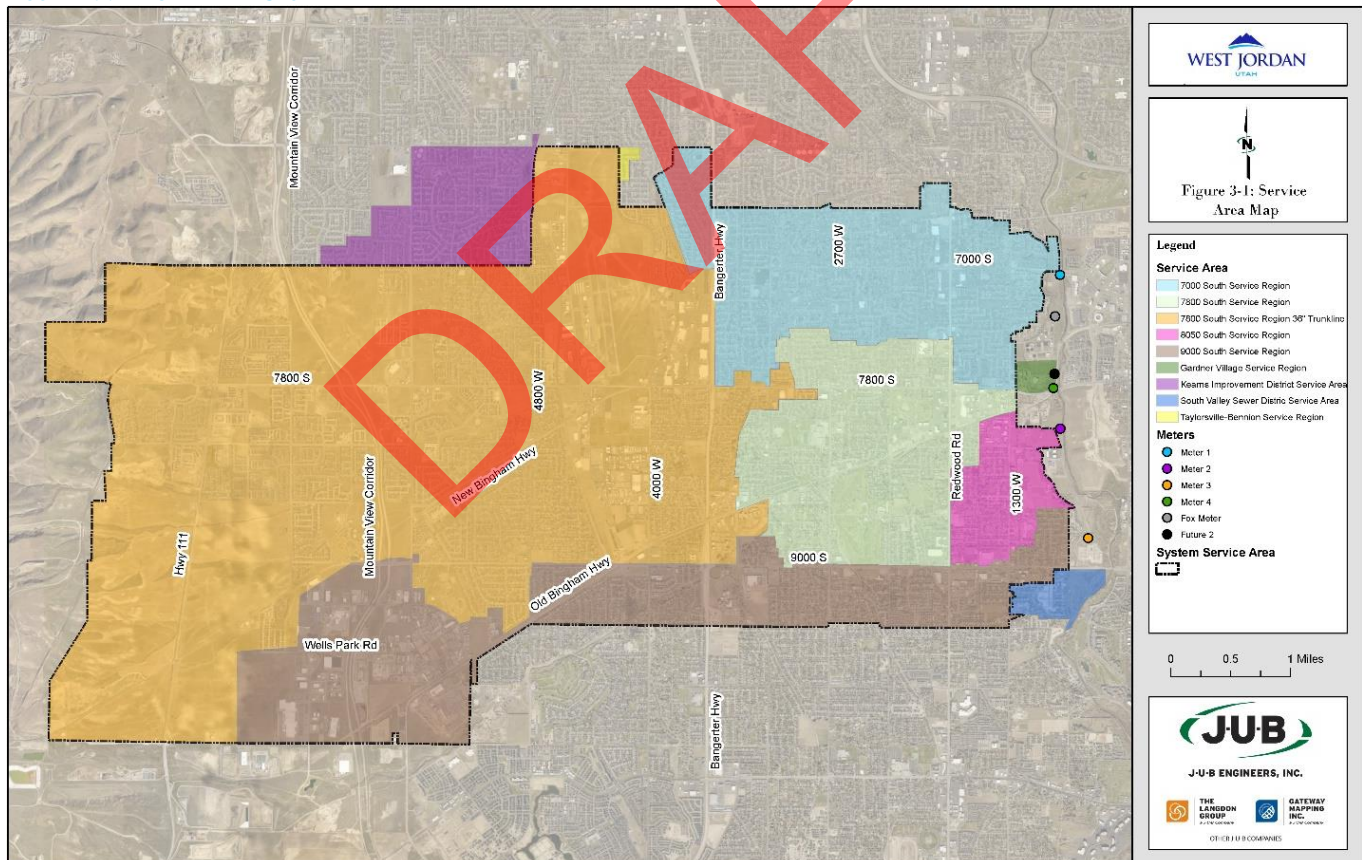
SECTION 4: WASTEWATER IFFP AND IFA

Impact fees are calculated based on many variables centered on proportionality and LOS. This section will discuss the existing and proposed level of service, the availability of excess capacity, the needed future facilities to serve new development, and the appropriate impact fee to be assessed to new development to maintain the existing LOS. This analysis deals with the City's sewer collection system. Sewer treatment is provided by South Valley Water Reclamation Facility (SVWRF). The information utilized in this analysis is based off the City's existing 2019 Sanitary Sewer Master Plan Update, with updates provided by the City's engineering department.

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁶ This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future. The 2019 Sanitary Sewer Master Plan Update indicates the Service Area includes areas within the City boundary, excluding two areas located at the north portion of the City boundaries.

FIGURE 4.1: WASTEWATER STUDY AREA



⁶ UC 11-36a-402(1)(a)

DEMAND

The demand unit related to wastewater is MGD. It is anticipated that 2.34 MGD of future flow will be added to the system in the next ten years.

EXISTING FACILITIES INVENTORY

The collection system collects sewer flows from all areas within the service area and portions of the county within reach of City sewer collection system outfall lines which the city operates and maintains. The existing system consists of approximately 365 miles of pipeline, ranging from 8" to 36" in diameter and 7,039 manholes. Also, in operation are three existing lift stations, none of which are owned by the City and are privately owned. A total of \$54,225,099 in original system value is considered in this analysis when determining buy-in value.

LEVEL OF SERVICE

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. Therefore, it is important to identify the sewer LOS to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. This analysis considers a level of service based on Utah Administrative Code (UAC) R317 design criteria of 100 gallons per capita per day (gpcd) with a peaking factor 2.5. Based on the Master Plan's calculation of 3.41 persons per ERC, the LOS is determined at 341 GPD per ERC.

EXCESS CAPACITY

It is difficult to quantify excess capacity in a sewer collection system, as new pipes that are added to the system typically tie into the existing pipelines and system, in addition to the fact that excess capacity varies throughout the system depending upon line sizes and the amount of development near the sewer lines. Therefore, a buy-in component is considered in this analysis, with the existing lines being shared across all development, both existing and future. This is the best way to ensure a fair allocation of costs to all development in the service area.

TABLE 4.1: PROJECTED GROWTH IN DEMAND

YEAR	MGD
2022	15.75
2023	15.97
2024	16.19
2025	16.42
2026	16.65
2027	16.88
2028	17.12
2029	17.36
2030	17.60
2031	17.84
2032	18.09
IFFP Growth	2.34
Buildout Growth	7.24

TABLE 4.2: VALUE OF EXISTING FACILITIES

Collection Facilities	\$54,225,099
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Source: West Jordan City Deprecation Schedule

TABLE 4.3: LEVEL OF SERVICE

GPCD Standard	100
Avg. HH Size	3.41
GPD per ERC	341

Source: 2019 Sanitary Sewer Master Plan Updated, Table 5-3

TABLE 4.4: COLLECTION EXISTING FACILITIES

INFRASTRUCTURE CATEGORY	ORIGINAL VALUE (PAID BY CITY)	% TO GROWTH	COST TO GROWTH	MGD	FEE PER MGD	FEE PER GPD
Collection Buy-In	\$54,255,099	10%	\$5,684,836	2.34	\$2,427,521	\$2.43

Source: West Jordan City Depreciation Schedule

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City issued the Series 2008 and 2014 Sewer Revenue Bonds. The Series 2014 expanded the SVWRF treatment capacity, while the Series 2008 did not expand the SVWRF treatment capacity and

rather improved it. Therefore, the interest associated with the Series 2014 bonds is included in the calculation of the impact fee.

TABLE 4.5: TREATMENT BUY-IN ALLOCATION

	CAPACITY (MGD)	TOTAL	IFFP DEMAND (MGD)	% ATTRIBUTED TO NEW GROWTH	TOTAL
Series 2008	18.22	\$9,109,463	2.34	0%	\$0
Series 2014	7.52	\$30,544,176	2.34	31%	\$9,511,861
TOTAL		\$39,653,639			\$9,511,861

FUTURE CAPITAL FACILITIES ANALYSIS

The 2019 Sanitary Sewer Master Plan Update calls for approximately \$37M of future collection system improvements. The capital improvements plan from the Master Plan has been reviewed by City staff for this analysis and updated as needed, resulting in a total of \$46M (\$62M construction year cost) of future system improvements. Only the costs of system improvements that are expected to be constructed within the ten-year planning horizon are included in this analysis. The estimated costs attributed to new growth were analyzed based on existing development versus future development patterns. From this analysis, a portion of future development costs were attributed to new growth and included in the impact fee analysis.

Table 4.6 summarizes the City's plans to expand the existing wastewater collection system and create additional capacity within the system to address the City's projected needs. Future treatment system improvements are not considered in this analysis.

TABLE 4.6: TEN-YEAR ALLOCATION OF CAPITAL IMPROVEMENTS

PROJECT DESCRIPTION	CONST. YEAR	CONST. YEAR COST	% FLOW FUTURE USERS	COST TO FUTURE USERS
1300 West	2022	\$1,339,713	0%	\$0
1300 West	2024	\$921,006	0%	\$0
9000 South	2024	\$5,456,688	36%	\$1,964,408
7800 South	2024	\$1,652,215	66%	\$1,090,462
9000 South	2027	\$6,400,797	39%	\$2,496,311
9000 South	2028	\$5,798,572	34%	\$1,971,515
9000 South	2029	\$3,753,900	39%	\$1,464,021
Old Bingham Highway	2030	\$6,887,517	55%	\$3,788,135
Hawley Park/9580 South	2031	\$3,781,638	67%	\$2,533,698
Wells Park Road	2025	\$4,648,782	74%	\$3,440,099
Jordan River Parkway	2032	\$1,601,801	32%	\$512,576
Bagley Park Road	2026	\$2,044,958	57%	\$1,165,626
Grizzly Way	2032	\$1,187,197	8%	\$94,976
Grizzly Way	2032	\$1,027,350		\$0
7800 South	2027	\$812,930	41%	\$333,301
7000 South	2030	\$2,332,273	55%	\$1,282,750
Campus View Drive, Cobble Ridge Drive, Jordan Landing Boulevard	2030	\$2,532,402	19%	\$481,156
6400 W to SR 111	2025	\$1,897,979	100%	\$1,897,979
New Bingham Sewer	2024	\$8,112,000	33%	\$2,676,960
TOTAL		\$62,189,719		\$27,193,971

Source: 2019 Sanitary Sewer Master Plan Update, Appendix E

PROPOSED WASTEWATER IMPACT FEE

PLAN BASED IMPACT FEE CALCULATION

The wastewater impact fees proposed in this analysis will be assessed within the Service Area. The tables below illustrate the appropriate impact fee to maintain the existing level of service, based on the assumptions within this document. The fees below represent the maximum allowable impact fee assigned to new development. The total fee per ERC is \$3,495 (Fee per GPD x 341).

TABLE 4.7: IMPACT FEE PER MGD

	ORIGINAL VALUE (PAID BY THE CITY)	% TO GROWTH	COST TO GROWTH	MGD	FEE PER MGD	FEE PER GPD
Existing Facilities (Collection Buy-In)	\$54,255,099	10%	\$5,684,836	2.34	\$2,427,521	\$2.43
Existing Facilities (Treatment Buy-In)	\$39,653,639	24%	\$9,511,861	2.34	\$4,061,725	\$4.06
Future Facilities (Collection CIP)	\$27,193,971	32%	\$8,796,077	2.34	\$3,756,073	\$3.76
Professional Expense	\$11,000	100%	\$11,000	2.34	\$4,697	\$0.00
TOTAL	\$121,113,709		\$24,003,774		\$10,250,016	\$10.25

TABLE 4.8: IMPACT FEE PER ERC

	GPD (LOS)	PROPOSED FEE	CURRENT FEE	% CHANGE
ERC	341.00	\$3,495	\$1,973	77%

WASTEWATER IMPACT FEE BY METER SIZE

Table 4.9 shows the maximum allowable impact fee per water meter size.

TABLE 4.9: WASTEWATER IMPACT FEE PER METER SIZE

WATER METER SIZE	ERC MULTIPLIER	PROPOSED FEE PER ERC	EXISTING FEE	% CHANGE
¾"	1.00	\$3,495	\$1,973	77%
1"	1.67	\$5,837	\$3,353	74%
1.5"	3.33	\$11,639	\$6,509	79%
2"	5.33	\$18,630	\$10,454	78%
3"	11.67	\$40,790	\$21,106	93%
4"	20.00	\$69,905	NA	NA
6"	41.67	\$145,647	NA	NA

NON-STANDARD IMPACT FEE

The City reserves the right under the Impact Fees Act⁷ to assess an adjusted fee that more closely matches the true impact that the land use will have upon the wastewater system. This adjustment could result in a lower impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The formula for a non-standard impact fee calculation is shown below.

NON-STANDARD IMPACT FEE FORMULA:

Estimated ERCs x \$3,495 = Impact Fee

⁷ 11-36a-402(1)(c)

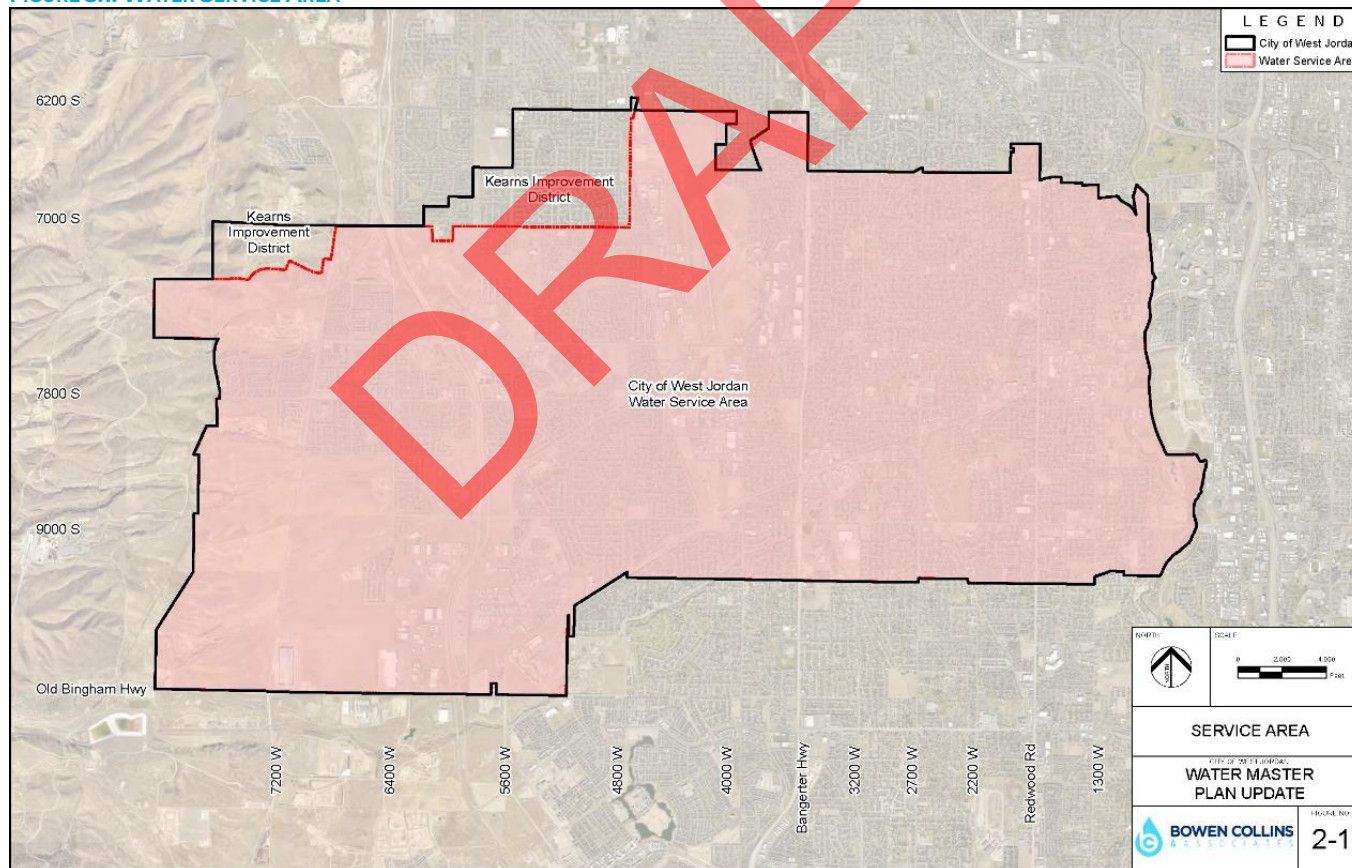
SECTION 5: CULINARY WATER IFFP AND IFA

This section of the analysis addresses the culinary water IFFP with supporting IFA, to help the City plan for the necessary capital improvements for future growth. This section will address the future water infrastructure needed to serve the City through the next ten years, as well as address the appropriate water impact fees the City may charge to new growth to maintain the existing LOS. The information provided herein is taken from the Water Master Plan for West Jordan City, Utah, completed in August 2022 by Bowen Collins & Associates, with updates, additional data and revisions provided by the City's Engineering Department.

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁸ This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future. The Service Area for water services includes areas within the City boundary with the exception of areas located at the northwest portion of the City that is served by Kearns Improvement District (KID).

FIGURE 5.1: WATER SERVICE AREA



⁸ UC 11-36a-402(1)(a)

TABLE 5.1: PROJECTED GROWTH IN DEMAND UNITS

	ERCs
2022	43,464
2023	44,491
2024	45,534
2025	46,591
2026	47,665
2027	48,755
2028	49,861
2029	50,984
2030	52,124
2031	53,281
2032	54,207
IFFP Growth	10,743

TABLE 5.2: SOURCE CAPACITY

SOURCE	ESTIMATED CAPACITY (GPM)
Well No. 3	470
Well No. 4	1,585
Well No. 5	1,045
Well No. 6	1,325
TOTAL	4,425

Source: 2022 Water Master Plan, Table 3-2

TABLE 5.3: STORAGE CAPACITY

STORAGE NAME	VOLUME (MG)
Airport 1	4
Airport 2*	4
Cemetery 1	2.5
Grizzly 1	4
Grizzly 2	4
Old Bingham	2
Barney's Wash 1	3
Barney's Wash 2	3
Zone 3 North	3
Terminal 1	3
Terminal 2	4
U-111	4
Bench	3
Bingham Junction 1	3
TOTAL	46.5

Source: 2022 Water Master Plan, Table 5-1

* Tank is not active and is currently being replaced.

DEMAND

The primary demand unit related to the water IFA is ERCs. It is anticipated that 10,743 ERCs will be added to the system in the next ten years.

EXISTING FACILITIES INVENTORY

West Jordan's existing water derives from two sources: Jordan Valley Water Conservancy District (JVWCD) and City wells. JVWCD's contracted supply to the city is 20,000 acre-ft per year annually. There are four active culinary wells in the City, in addition to one well under construction (see **Table 5.2**). The four active wells have a combined design production capacity of 4,425 gallons per minute. The City has 14 storage reservoirs. **Table 5.3** lists each tank and their specifications. The tanks have a combined total storage capacity of about 46.5 million gallons.

The City's culinary water distribution system consists primarily of a network of pipes, ranging in size from 4 to 36 inches in diameter. The majority of pipes are constructed of a variety of materials including ductile iron, cast iron, and steel. The water distribution network is divided into seven major pressure zones.⁹ There are also two sub-zones within one of the seven pressures zones (Zone 3). Pressure zone boundaries are bounded by pressure reducing valves (PRV), isolation valves, and separation of distribution piping. The hydraulic grade in each pressure zone is governed by the water level in the storage tank(s) that serve it. The value of the existing distribution system is shown in **Table 5.4**. This value represents the original cost of infrastructure based on the City's existing depreciation schedule.

⁹ Although Zone 7 has been designated, it does not presently have any water demand. See Water Master Plan, page 5-7.

TABLE 5.4: VALUE OF EXISTING SYSTEM

	IFFP ELIGIBLE ORIGINAL COST	% TO IFFP HORIZON	COST TO IFFP HORIZON	TOTAL ERCs SERVED	BUY-IN COST PER ERCs
Water Distribution Existing Facilities	\$122,571,967	16%	\$19,875,185	10,743	\$1,850

Source: West Jordan City Depreciation Schedule

LEVEL OF SERVICE

Impact fees cannot be used to finance an increase in the level of service (LOS) to current or future users of capital improvements. Therefore, it is important to identify the water LOS to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. The City's provided LOS as defined in the 2022 Water Master Plan is 1,764 GPD per ERC for peak day source demand and 650 gallons per ERC for storage.

EXCESS CAPACITY

An analysis of current capacity based on the proposed LOS illustrates that there is no available capacity within the existing system related to source and storage. This analysis does include a proportionate share analysis and buy-in component for the distribution system.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City issued the Series 2021 Water Revenue Bonds to fund City water tanks, which do not have excess capacity. Therefore, the interest associated with these bonds is not included in the impact fee calculation.

FUTURE CAPITAL FACILITIES ANALYSIS

The capital improvements plan from the Master Plan has been reviewed by City staff for this analysis and updated as needed. This IFFP considers only projects that will be constructed in the ten-year time horizon, and the water impact fees will be based on these numbers. The estimated costs attributed to new growth were analyzed based on existing development versus future development patterns. From this analysis, a portion of future development costs were attributed to new growth and included in the impact fee analysis. **Table 5.5** summarizes the City's capital plans to cure existing system deficiencies and create additional capacity within the system. Due to the large number of distribution projects on the City's CIP, the distribution projects are simply subtotaled in the table below, while the complete project list can be found in **Appendix B**.

TABLE 5.5: TEN YEAR ALLOCATION OF CAPITAL IMPROVEMENTS

	FUTURE GROWTH COST	IFFP ELIGIBLE	IFFP COST
Pipelines Subtotal	\$25,792,201	21%	\$8,990,092
Booster Pump Stations Subtotal	\$16,646,978	31%	\$5,234,943
Storage Subtotal	\$92,163,872	34%	\$33,632,130
Wells Subtotal	\$3,241,858	100%	\$3,241,858
CIP TOTAL	\$137,689,072		\$51,099,023

PROPOSED CULINARY WATER IMPACT FEE

This analysis has identified the future demand, the existing and proposed LOS, the availability of excess capacity, and summarizes the future facilities needed to serve new development. The following section identifies the appropriate impact fee to be assessed to new development to maintain the existing LOS.

CULINARY WATER IMPACT FEE CALCULATION

Impact fees can be calculated based on a defined set of costs specified for future development, usually defined within a Master Plan, Capital Improvement Plan and/or IFFP. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing LOS and determine any excess capacity in existing facilities that could serve new growth. Impact fees are then calculated based on many variables centered on proportionality share and LOS. The culinary water impact fees proposed in this analysis will be assessed throughout the entire Service Area. **Table 5.6** below illustrates the appropriate impact fee to maintain the existing LOS, based on the assumptions within this document. The maximum allowable impact fee assignable to new development per unit is **\$6,608** per ERC.

TABLE 5.6: CULINARY WATER IMPACT FEE PER UNIT

	TOTAL COST	% TO GROWTH	COST TO GROWTH	ERCs SERVED	COST PER ERC
Distribution Buy-In	\$122,571,967	16%	\$19,875,185	10,743	\$1,850
Future Source	\$3,241,858	100%	\$3,241,858	10,743	\$302
Future Storage	\$97,920,696	34%	\$33,632,130	10,743	\$3,131
Future Transmission	\$58,935,467	24%	\$14,225,035	10,743	\$1,324
Professional Expense	\$11,000	100%	\$11,000	10,743	\$1
TOTAL PER ERC	\$282,680,988		\$70,985,208		\$6,608

WATER IMPACT FEE BY METER SIZE

Table 5.7 shows the maximum allowable impact fee per meter size.

TABLE 5.7: WATER IMPACT FEE PER METER SIZE

WATER METER SIZE	ERC MULTIPLIER	PROPOSED FEE PER ERC	EXISTING FEE	% CHANGE
¾"	1.00	\$6,608	\$2,514	163%
1"	1.67	\$11,035	\$4,274	158%
1.5"	3.33	\$22,005	\$8,296	165%
2"	5.33	\$35,221	\$13,324	164%
3"	11.67	\$77,115	\$26,900	187%
4"	20.00	\$132,160	NA	NA
6"	41.67	\$275,355	NA	NA

NON-STANDARD IMPACT FEE

The proposed fees are based upon growth in ERCs within the City. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon the water system.¹⁰ This adjustment could result in a higher impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD CULINARY WATER IMPACT FEES:

Number of ERCs x \$6,608= Impact Fee per Unit

¹⁰ 11-36a-402(1)(c)

SECTION 6: GENERAL IMPACT FEE CONSIDERATIONS

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to service areas within the community at large.¹¹ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.¹² To the extent possible, this analysis only includes the costs of system improvements related to new growth within the proportionate share analysis.

FUNDING OF FUTURE FACILITIES

The IFFP must include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.¹³ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.¹⁴

In considering the funding of future facilities, the City has determined the portion of future projects that will be funded by impact fees as growth-related, system improvements. No other revenues from other government agencies, grants or developer contributions have been identified within the IFFP to help offset future capital costs. If these revenues become available in the future, the impact fee analysis should be revised. It is anticipated that future project improvements will be funded by the developer. These costs have not been included in the calculation of the impact fee.

Other revenues such as utility rate revenues will be necessary to fund non growth-related projects and to fund growth related projects when sufficient impact fee revenues are not available. In the latter case, impact fee revenues will be used to repay utility rate revenues for growth related projects. A brief description of alternative financing options is included below.

- **Utility Rate Revenues:** Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, debt service coverage, and capital project needs. Impact fee revenues are generally considered non-operating revenues and help offset future capital costs.
- **Grants, Donations and Other Contributions:** Grants and donations are not expected as a future funding source. The impact fees should be adjusted if grant monies are received. New development may be entitled to reimbursement for any grants or donations received for growth related projects, or for developer funded IFFP projects.

¹¹ 11-36a-102(21)

¹² 11-36a-102(14)

¹³ 11-36a-302(2)

¹⁴ 11-36a-302(3)



- **Debt Financing:** The City does not anticipate the need to utilize debt financing to fund future capital facility projects. Should the City desire to fund future projects through debt financing, the Impact Fees Act allows for the costs related to the financing of future capital projects to be included in the impact fee. However, the impact fee analysis should be updated to reflect this inclusion.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis of each impact fee calculation as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues, such as General Fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹⁵ The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next six years should be spent on those projects outlined in the IFFP as growth-related costs to maintain the LOS. Impact fees collected as a buy-in to existing facilities can be allocated to the General Fund to repay the City for historic investment.

¹⁵ 11-36a-402(2)

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred later are accurately calculated to include the costs of construction inflation. This analysis includes an inflation component to reflect the future cost of facilities. The impact fee analysis should be updated regularly to account for changes in cost estimates over time.

DRAFT

APPENDIX A: STORMWATER CAPITAL IMPROVEMENT PLAN

PROJECT ID	LOCATION	YEAR	PROJECT (\$)	PROJECT (\$) INFLATED	IFFP HORIZON	IMPACT FEE	IF ELIGIBLE
10-YEAR WEST JORDAN CITY PROJECTS							
C6	2200 W and approx. 6645 S	2023	\$376,000	\$391,040	\$391,040	20%	\$78,208
C32	Approx. 8140 S and Approx. 1250 W	2023	\$57,000	\$59,280	\$59,280	15%	\$8,892
C9	Near 7800 S Wetland Ponds	2025	\$850,000	\$956,134	\$956,134	40%	\$382,454
C20	Dannon Way, Bagley Park Rd, and Leo Park Rd	2030	\$419,000	\$573,430	\$573,430	10%	\$57,343
C21	From Grizzly Way to Orion Hill Dr	2030	\$498,000	\$681,547	\$681,547	50%	\$340,774
R41	9000 S and 4400 W Barrington Drive	2031	\$75,000	\$106,748	\$106,748	10%	\$10,675
C19	4950 W from Park Vale Dr to 7670 S	2036	\$351,000	\$607,818	\$0	70%	\$0
C8	Between Redwood Dr and Heather Way (behind commercial district)	2035	\$548,000	\$912,460	\$0	25%	\$0
SUBTOTAL			\$3,174,000	\$4,288,459	\$2,768,181	32%	\$878,345
100-YEAR WEST JORDAN CITY PROJECTS							
87	9800 S and approx. 6800 W	2023	\$2,025,000	\$2,106,000	\$2,106,000	100%	\$2,106,000
CDTS- 1846	4660 W and Barney's Creek	2025	\$98,000	\$110,237	\$110,237	40%	\$44,095
CDTS- 1842	4800 W and Barney's Creek	2025	\$179,000	\$201,351	\$201,351	40%	\$80,540
83	Bacchus and Barney's Creek	2025	\$9,000,000	\$10,123,776	\$10,123,776	100%	\$10,123,776
CDTS- 8050	Duck Ridge Way and Barney's Wash	2026	\$251,000	\$293,634	\$293,634	85%	\$249,589
CDTS- 7897	6700 W and Clay Hollow	2032	\$343,000	\$507,724	\$507,724	85%	\$431,565
CDTS- 8037	5140 W and Barney's Creek	2032	\$37,000	\$54,769	\$54,769	40%	\$21,908
CDTS- 8025	5420 W and Barney's Creek	2033	\$86,000	\$132,393	\$0	100%	\$0
82	Bacchus and 8600 S	2035	\$2,550,000	\$4,245,937	\$0	100%	\$0
84	Btwn BNH and OBH, approx. 7500 W	2035	\$885,000	\$1,473,590	\$0	100%	\$0
85	NBH and approx. 7200 W	2035	\$810,000	\$1,348,710	\$0	100%	\$0
86	NBH and Bacchus Hwy	2035	\$255,000	\$424,594	\$0	100%	\$0
88	9800 S and approx. 6400 W	2035	\$998,000	\$1,661,743	\$0	100%	\$0
CDTS- 2543	Airport Rd and Barney's Creek	2040	\$747,000	\$1,513,285	\$0	25%	\$0
CDTS- 8574	1500 W and Bingham Creek	2040	\$164,000	\$332,234	\$0	15%	\$0
CDTS- 8347	2500 W and Bingham Creek	2040	\$3,385,000	\$6,857,389	\$0	15%	\$0
CDTS- 8354	2250 W and Bingham Creek	2040	\$695,000	\$1,407,942	\$0	15%	\$0
CDTS- 8353	2250 W and Bingham Creek	2040	\$234,000	\$474,041	\$0	15%	\$0
CDTS- 7911	Clay Hollow at 7800 S and Fallwater Dr	2040	\$295,000	\$597,616	\$0	60%	\$0
89	9800 S and approx. 5600 W	2040	\$1,185,000	\$2,400,593	\$0	100%	\$0
90	9400 S and approx. 6400 W	2040	\$3,225,000	\$6,533,258	\$0	100%	\$0
91	Dannon Way and Mtn View Corridor Trail	2040	\$2,025,000	\$4,102,278	\$0	100%	\$0
92	Dannon Way and Feulner Park Rd	2040	\$4,800,000	\$9,723,919	\$0	100%	\$0
93	5200 W and 9800 S	2040	\$1,215,000	\$2,461,367	\$0	100%	\$0
SUBTOTAL			\$35,487,000	\$59,088,381	\$13,397,491	97%	\$13,057,473



2007 and 2015 Master Plan West Jordan City Projects							
80	Ron Wood Detention W of Mountain View Corridor at 8700 S	2024	\$3,450,000	\$3,731,520	\$3,731,520	80%	\$2,985,216
31	8660 S and 1841 W	2034	\$165,000	\$264,170	\$0	100%	\$0
37	Prosperity Road	2034	\$213,000	\$341,020	\$0	100%	\$0
38	Dannon Way	2034	\$242,000	\$387,450	\$0	6%	\$0
SUBTOTAL			\$4,070,000	\$4,724,160	\$3,731,520	80%	\$2,985,216
DEVELOPER PROJECTS							
98	9000 S	2024	\$1,471,000	\$1,591,034	\$1,591,034	100%	\$1,591,034
78	7400 S from 6500 W to 6200 W	2027	\$389,000	\$473,278	\$473,278	100%	\$473,278
94	7180 S from the railroad to Mountain View Corridor	2028	\$1,076,000	\$1,361,483	\$1,361,483	100%	\$1,361,483
95	7200 S	2029	\$968,000	\$1,273,822	\$1,273,822	100%	\$1,273,822
96	7200 S Along the Union Pacific Railroad from 7600 S	2029	\$420,000	\$552,691	\$552,691	100%	\$552,691
97	to 7200 S	2030	\$1,448,000	\$1,981,688	\$1,981,688	100%	\$1,981,688
41	9800 S Hwy 111	2035	\$822,000	\$1,368,690	\$0	100%	\$0
44	7400 W	2035	\$269,000	\$447,905	\$0	100%	\$0
45	6600 W	2035	\$208,000	\$346,335	\$0	100%	\$0
46	6800 W	2035	\$257,000	\$427,924	\$0	100%	\$0
47	7600 W	2035	\$243,000	\$404,613	\$0	100%	\$0
48	9400 S	2035	\$243,000	\$404,613	\$0	100%	\$0
50a	6800 W	2035	\$304,000	\$506,182	\$0	100%	\$0
50b	6800 W	2035	\$734,000	\$1,222,164	\$0	100%	\$0
51	7300 W	2035	\$229,000	\$381,302	\$0	100%	\$0
53	7300 W	2035	\$218,000	\$362,986	\$0	100%	\$0
54	7200 W	2035	\$218,000	\$362,986	\$0	100%	\$0
62	9800 S	2035	\$185,000	\$308,039	\$0	100%	\$0
64	9400 S	2035	\$1,347,000	\$2,242,854	\$0	100%	\$0
99	9000 S	2035	\$655,000	\$1,090,623	\$0	100%	\$0
63	Hwy 111	2040	\$550,000	\$1,114,199	\$0	100%	\$0
65	Hwy 111	2040	\$744,000	\$1,507,207	\$0	100%	\$0
SUBTOTAL			\$12,998,000	\$19,732,619	\$7,233,996	100%	\$7,233,996
TOTAL CIP			\$55,729,000	\$87,833,619	\$27,131,187	89%	\$24,155,031

Source: West Jordan City Engineering Department
2023 West Jordan City Storm Drainage Master Plan, Table 5-2

APPENDIX B: WASTEWATER CAPITAL IMPROVEMENT PLAN

MAJOR TRUNKLINE AREA	PROJECT DESCR.	LOCATION	YEAR	BUDGET EST.	CONST. YEAR COST	% FLOW EXISTING USERS	% FLOW FUTURE USERS	CONST. COST TO FUTURE USERS
8050 S	1300 W	1300 W from 8600 S to 8200 S	2022	\$1,191,000	\$1,339,713	100%	0%	\$0
9000 S	1300 W	1300 W from 9000 S to 9220 S	2024	\$757,000	\$921,006	100%	0%	\$0
9000 S	9000 S	9000 S from Redwood Rd to Jordan River Parkway	2024	\$4,485,000	\$5,456,688	64%	36%	\$1,964,408
7800 S	7800 S	7800 S from between Mountain View Corridor and Highlands Loop Rd to 5600 W	2024	\$1,358,000	\$1,652,215	34%	66%	\$1,090,462
9000 S	9000 S	2700 W to Redwood Rd	2027	\$4,677,000	\$6,400,797	61%	39%	\$2,496,311
9000 S	9000 S	About 3500 W to 2700 W	2028	\$4,074,000	\$5,798,572	66%	34%	\$1,971,515
9000 S	9000 S	4000 W to 3695 W	2029	\$2,536,000	\$3,753,900	61%	39%	\$1,464,021
9000 S	Old Bingham Hwy	4800 W to 4000 W	2030	\$4,474,000	\$6,887,517	45%	55%	\$3,788,135
9000 S	Hawley Pk/9580 S	Wells Park to Bagley Park	2031	\$2,362,000	\$3,781,638	33%	67%	\$2,533,698
9000 S	Wells Park Rd	Prosperity to Hawley Park	2025	\$3,674,000	\$4,648,782	26%	74%	\$3,440,099
9000 S	Jordan River Parkway	Jordan River Parkway from 9000 S to 8800 S	2032	\$962,000	\$1,601,801	68%	32%	\$512,576
9000 S	Bagley Park Rd	Bagley Park Dr from 5600 W to 9580 S	2026	\$1,554,000	\$2,044,958	43%	57%	\$1,165,626
7800 S	Grizzly Way	Grizzly Way from Swift Water Way to 7800 S	2032	\$713,000	\$1,187,197	92%	8%	\$94,976
7800 S	Grizzly Way	Grizzly Way from approx. Big Spring Drive to Swift Water Way	2032	\$617,000	\$1,027,350			\$0
7800 S	7800 S	7800 S from 1300 W to 1200 W	2027	\$594,000	\$812,930	59%	41%	\$333,301
7000 S	7000 S	7000 S from Bangerter Highway to 3200 W	2030	\$1,515,000	\$2,332,273	45%	55%	\$1,282,750
7000 S	Campus View Dr, Cobble Ridge Dr, Jordan Landing Blvd	Campus View Dr from Watkins Way to Cobble Ridge Dr; Cobble Ridge Dr from Campus View Dr to Jordan Landing Blvd; Jordan Landing Blvd from Cobble Ridge Drive to Jordan Village Road	2030	\$1,645,000	\$2,532,402	81%	19%	\$481,156
9000 S Sewer	6400 W to SR 111		2025	\$1,500,000	\$1,897,979	0%	100%	\$1,897,979
New Bingham Sewer			2024	\$7,800,000	\$8,112,000	67%	33%	\$2,676,960
TOTAL CIP				\$46,488,000	\$62,189,719			\$27,193,971

Source: West Jordan City Engineering Department
2019 Sanitary Sewer Master Plan Update, Appendix E

APPENDIX C: WATER CAPITAL IMPROVEMENT PLAN

PROJECT ID	PROJECTS	YEAR	COST ESTIMATE	CONST. YEAR COST	% FUTURE GROWTH	FUTURE GROWTH COST	IFFP ELIGIBLE	IFFP COST
PIPELINES								
DP-1	Increase transmission capacity from pump station and complete pipeline in N side of 7800 S	2030	\$1,401,000	\$1,917,365	7.9%	\$151,472	44.3%	\$67,034
DP-2	High water user does not have service redundancy	2029	\$553,000	\$727,710	0.0%	\$0	44.3%	\$0
DP-3	Zone 2 Transmission	2028	\$3,004,000	\$3,801,018	2.4%	\$91,224	44.3%	\$40,372
DP-4	Low pressures in Zone 3	2029	\$1,601,000	\$2,106,807	47.5%	\$1,000,733	44.3%	\$442,879
DP-6	Separate Pressure Zones 3 and 4	2030	\$687,000	\$940,207	47.5%	\$446,598	44.3%	\$197,644
DP-7	The City prefers to have transmission pipelines on both sides of 5 lane roads	2030	\$3,004,000	\$4,111,181	5.1%	\$209,670	44.3%	\$92,790
TP-8	Source transmission is needed for Zone 5 S Tank	2024	\$4,170,000	\$4,510,272	100.0%	\$4,510,272	44.3%	\$1,996,039
TP-9	Source transmission is needed for new Zone 5 N Tank	2027	\$1,098,000	\$1,335,885	100.0%	\$1,335,885	44.3%	\$591,201
TP-10	Outflow transmission is needed for new Zone 5 N Tank	2026	\$1,510,000	\$1,766,486	100.0%	\$1,766,486	44.3%	\$781,766
TP-11	Transmission is needed for new Zone 5 S Tank	2024	\$2,750,000	\$2,974,400	100.0%	\$2,974,400	44.3%	\$1,316,333
TP-12	Transmission is needed for new Zone 7 N Tank	2035	\$1,900,000	\$3,163,640	100.0%	\$3,163,640	0.0%	\$0
TP-13	Transmission is needed for new Zone 7 S Tank	2035	\$1,390,000	\$2,314,452	100.0%	\$2,314,452	0.0%	\$0
TP-14	Transmission is needed on N side of Maples area	2027	\$400,000	\$486,661	63.5%	\$309,030	44.3%	\$136,762
TP-15	Additional transmission capacity is needed	2024	\$2,510,000	\$2,714,816	100.0%	\$2,714,816	44.3%	\$1,201,453
TP-16	Additional transmission capacity is needed	2027	\$1,380,000	\$1,678,981	100.0%	\$1,678,981	44.3%	\$743,040
TP-17	Transmission is needed for new Zone 5 S BPS	2024	\$1,200,000	\$1,297,920	100.0%	\$1,297,920	44.3%	\$574,400
TP-18	Transmission is needed from the S end of Zone 5 to the N end.	2025	\$2,220,000	\$2,497,198	35.3%	\$881,511	44.3%	\$390,116
FF-1	Insufficient fire flow at W Jordan Elementary School	2022	\$250,000	\$250,000	0.0%	\$0	44.3%	\$0
FF-2	Inadequate fire flow to residential area	2023	\$480,000	\$499,200	0.0%	\$0	44.3%	\$0
FF-3	Inadequate fire flow to residential area	2025	\$540,000	\$607,427	0.0%	\$0	44.3%	\$0



PROJECT ID	PROJECTS	YEAR	COST ESTIMATE	CONST. YEAR COST	% FUTURE GROWTH	FUTURE GROWTH COST	IFFP ELIGIBLE	IFFP COST
FF-4	Inadequate fire flow to residential area	2025	\$150,000	\$168,730	0.0%	\$0	44.3%	\$0
FF-5	Inadequate fire flow to residential area	2025	\$210,000	\$236,221	0.0%	\$0	44.3%	\$0
FF-6	Inadequate fire flow to residential area	2026	\$660,000	\$772,107	0.0%	\$0	44.3%	\$0
FF-7	Inadequate fire flow to residential area	2026	\$340,000	\$397,752	0.0%	\$0	44.3%	\$0
PZ-1	Low pressures in Zone 1	2028	\$50,000	\$63,266	2.4%	\$1,518	44.3%	\$672
PZ-2	Low pressures in Zone 5	2031	\$10,000	\$14,233	63.5%	\$9,038	44.3%	\$4,000
PRV-1	New PRV needed in 9000 S	2031	\$230,000	\$327,362	100.0%	\$327,362	44.3%	\$144,875
PRV-2	Need PRV in Future 7000 S Transmission pipeline	2027	\$230,000	\$279,830	100.0%	\$279,830	44.3%	\$123,840
PRV-3	Need PRV in Future 7000 S Transmission pipeline	2031	\$230,000	\$327,362	100.0%	\$327,362	44.3%	\$144,875
SUBTOTAL			\$34,158,000	\$42,288,489		\$25,792,201	21%	\$8,990,092
BOOSTER PUMP STATION								
PS-1	Zone 5 S Booster Station	2026	\$3,300,000	\$3,860,533	100.0%	\$3,860,533	44.3%	\$1,708,495
PS-2	Zone 5 N Booster Station	2024	\$3,300,000	\$3,569,280	100.0%	\$3,569,280	44.3%	\$1,579,599
PS-3	Zone 7 N Booster Station	2031	\$2,800,000	\$3,985,273	100.0%	\$3,985,273	44.3%	\$1,763,699
PS-4	Zone 7 S Booster Station	2035	\$2,800,000	\$4,662,206	100.0%	\$4,662,206	0.0%	\$0
PS-5	Additional Zone 2 Booster Pump	2027	\$150,000	\$182,498	100.0%	\$182,498	44.3%	\$80,765
PS-6	Additional Zone 3 Booster Pump	2028	\$150,000	\$189,798	17.9%	\$33,961	44.3%	\$15,030
PS-7	Additional Zone 4 Booster Pump	2029	\$150,000	\$197,390	100.0%	\$197,390	44.3%	\$87,356
SUBTOTAL			\$12,650,000	\$16,646,978		\$16,491,141	31%	\$5,234,943
STORAGE								
S-1	Additional Storage Required in Zone 1	2022	\$10,400,000	\$10,400,000	100.0%	\$10,400,000	48.6%	\$5,055,573
S-2	Additional Storage Required in Zone 3	2021	\$6,000,000	\$5,769,231	0.2%	\$12,407	48.6%	\$6,031
S-3	Additional Storage Required in Zone 5	2023	\$13,800,000	\$14,352,000	100.0%	\$14,352,000	48.6%	\$6,976,691
S-4	Additional Storage Required in Zone 5	2026	\$13,800,000	\$16,144,048	100.0%	\$16,144,048	48.6%	\$7,847,828
S-5	Additional Storage Required in Zone 6	2023	\$10,400,000	\$10,816,000	100.0%	\$10,816,000	48.6%	\$5,257,796
S-6	Additional Storage Required in Zone 7	2035	\$6,900,000	\$11,489,007	100.0%	\$11,489,007	0.0%	\$0
S-7	Additional Storage Required in Zone 7	2035	\$6,900,000	\$11,489,007	100.0%	\$11,489,007	0.0%	\$0
S-8	Additional Storage Required in Zone 4	2028	\$13,800,000	\$17,461,402	100.0%	\$17,461,402	48.6%	\$8,488,211
SUBTOTAL			\$82,000,000	\$97,920,696		\$92,163,872	36%	\$33,632,130

PROJECT ID	PROJECTS	YEAR	COST ESTIMATE	CONST. YEAR COST	% FUTURE GROWTH	FUTURE GROWTH COST	IFFP ELIGIBLE	IFFP COST
WELLS								
W-1	Equip Well 8	2025	\$3,241,858	\$3,241,858	100.0%	\$3,241,858	100%	\$3,241,858
SUBTOTAL			\$3,241,858	\$3,241,858		\$3,241,858	100%	\$3,241,858
TOTAL CIP			\$131,690,000	\$160,098,021		\$137,689,072	37%	\$51,099,023
Source: West Jordan City Engineering Department 2022 Water Master Plan, Table 10-1								

DRAFT



Chapter 36a Impact Fees Act

Part 1 General Provisions

11-36a-101 Title.

This chapter is known as the "Impact Fees Act."

Enacted by Chapter 47, 2011 General Session

11-36a-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Affected entity" means each county, municipality, special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or
 - (ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, special district, special service district, school district, interlocal cooperation entity, or specified public utility.
 - (b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.
- (2) "Charter school" includes:
 - (a) an operating charter school;
 - (b) an applicant for a charter school whose application has been approved by a charter school authorizer as provided in Title 53G, Chapter 5, Part 6, Charter School Credit Enhancement Program; and
 - (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- (3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (4) "Development approval" means:
 - (a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
 - (b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
 - (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
 - (i) to reserve or provide:
 - (A) a water right;
 - (B) a system capacity; or
 - (C) a distribution facility; or
 - (ii) to deliver for a development activity:

- (A) culinary water; or
- (B) irrigation water; or
- (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
 - (i) to reserve or provide:
 - (A) sewer collection capacity; or
 - (B) treatment capacity; or
 - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
 - (a) a municipal ordinance, for a municipality;
 - (b) a county ordinance, for a county; and
 - (c) a governing board resolution, for a special district, special service district, or private entity.
- (6) "Encumber" means:
 - (a) a pledge to retire a debt; or
 - (b) an allocation to a current purchase order or contract.
- (7) "Expense for overhead" means a cost that a local political subdivision or private entity:
 - (a) incurs in connection with:
 - (i) developing an impact fee facilities plan;
 - (ii) developing an impact fee analysis; or
 - (iii) imposing an impact fee, including any related overhead expenses; and
 - (b) calculates in accordance with a methodology that is consistent with generally accepted cost accounting practices.
- (8) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, special district, special service district, or private entity.
- (9)
 - (a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
 - (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (10) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (11) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (12) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (13)
 - (a) "Local political subdivision" means a county, a municipality, a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, a special service district under Title 17D, Chapter 1, Special Service District Act, or the Point of the Mountain State Land Authority, created in Section 11-59-201.
 - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 11-36a-206.
- (14) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
 - (a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or

- (b) functional condition of development approval because the private entity:
 - (i) has no reasonably equivalent competition in the immediate market; and
 - (ii) is the only realistic source of water for the applicant's development.
- (15)
 - (a) "Project improvements" means site improvements and facilities that are:
 - (i) planned and designed to provide service for development resulting from a development activity;
 - (ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and
 - (iii) not identified or reimbursed as a system improvement.
 - (b) "Project improvements" does not mean system improvements.
- (16) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (17) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:
 - (a) water rights and water supply, treatment, storage, and distribution facilities;
 - (b) wastewater collection and treatment facilities;
 - (c) storm water, drainage, and flood control facilities;
 - (d) municipal power facilities;
 - (e) roadway facilities;
 - (f) parks, recreation facilities, open space, and trails;
 - (g) public safety facilities;
 - (h) environmental mitigation as provided in Section 11-36a-205; or
 - (i) municipal natural gas facilities.
- (18)
 - (a) "Public safety facility" means:
 - (i) a building constructed or leased to house police, fire, or other public safety entities; or
 - (ii) a fire suppression vehicle costing in excess of \$500,000.
 - (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.
- (19)
 - (a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.
 - (b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:
 - (i) are necessitated by the new development; and
 - (ii) are not funded by the state or federal government.
 - (c) "Roadway facilities" does not mean federal or state roadways.
- (20)
 - (a) "Service area" means a geographic area designated by an entity that imposes an impact fee on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.
 - (b) "Service area" may include the entire local political subdivision or an entire area served by a private entity.
- (21) "Specified public agency" means:
 - (a) the state;

- (b) a school district; or
 - (c) a charter school.
- (22)
- (a) "System improvements" means:
 - (i) existing public facilities that are:
 - (A) identified in the impact fee analysis under Section 11-36a-304; and
 - (B) designed to provide services to service areas within the community at large; and
 - (ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
 - (b) "System improvements" does not mean project improvements.

Amended by Chapter 16, 2023 General Session

Part 2

Impact Fees

11-36a-201 Impact fees.

- (1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
- (2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.
- (3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

11-36a-202 Prohibitions on impact fees.

- (1) A local political subdivision or private entity may not:
 - (a) impose an impact fee to:
 - (i) cure deficiencies in a public facility serving existing development;
 - (ii) raise the established level of service of a public facility serving existing development; or
 - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement;
 - (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
 - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2)
 - (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
 - (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
 - (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
 - (iii) on a school district or charter school unless:

- (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
 - (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;
 - (iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
 - (A) the Utah National Guard;
 - (B) the Utah Highway Patrol; or
 - (C) a state institution of higher education that has its own police force;
 - (v) on development activity on fair park land, as defined in Section 11-68-101; or
 - (vi) on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Section 10-9a-530, within an existing primary dwelling.
- (b)
- (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
 - (A) the school is intended to replace another school, whether on the same or a different parcel;
 - (B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
 - (C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.
 - (ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)
 - (i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.
- (c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:
- (i) the state's development causes an impact on the road facility; and
 - (ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.
- (3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 11-36a-206.

Amended by Chapter 502, 2023 General Session

11-36a-203 Private entity assessment of impact fees -- Charges for water rights, physical infrastructure -- Notice -- Audit.

- (1) A private entity:
 - (a) shall comply with the requirements of this chapter before imposing an impact fee; and
 - (b) except as otherwise specified in this chapter, is subject to the same requirements of this chapter as a local political subdivision.
- (2) A private entity may only impose a charge for water rights or physical infrastructure necessary to provide water or sewer facilities by imposing an impact fee.

- (3) Where notice and hearing requirements are specified, a private entity shall comply with the notice and hearing requirements for special districts.
- (4) A private entity that assesses an impact fee under this chapter is subject to the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Amended by Chapter 16, 2023 General Session

11-36a-204 Other names for impact fees.

- (1) A fee that meets the definition of impact fee under Section 11-36a-102 is an impact fee subject to this chapter, regardless of what term the local political subdivision or private entity uses to refer to the fee.
- (2) A local political subdivision or private entity may not avoid application of this chapter to a fee that meets the definition of an impact fee under Section 11-36a-102 by referring to the fee by another name.

Enacted by Chapter 47, 2011 General Session

11-36a-205 Environmental mitigation impact fees.

Notwithstanding the requirements and prohibitions of this chapter, a local political subdivision may impose and assess an impact fee for environmental mitigation when:

- (1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;
- (2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and
- (3) the legislative body of the local political subdivision adopts an ordinance or resolution:
 - (a) declaring that an impact fee is required to finance the Habitat Conservation Plan;
 - (b) establishing periodic sunset dates for the impact fee; and
 - (c) requiring the legislative body to:
 - (i) review the impact fee on those sunset dates;
 - (ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and
 - (iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

Enacted by Chapter 47, 2011 General Session

11-36a-206 Prohibition of school impact fees.

- (1) As used in this section, "school impact fee" means a charge on new development in order to generate revenue for funding or recouping the costs of capital improvements for schools or school facility expansions necessitated by and attributable to the new development.
- (2) Beginning March 21, 1995, there is a moratorium prohibiting a county, city, town, local school board, or any other political subdivision from imposing or collecting a school impact fee unless hereafter authorized by the Legislature by statute.
- (3) Collection of any fees authorized before March 21, 1995, by any ordinance, resolution or rule of any county, city, town, local school board, or other political subdivision shall terminate on May 1, 1996, unless hereafter authorized by the Legislature by statute.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 3

Establishing an Impact Fee

11-36a-301 Impact fee facilities plan.

- (1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.
- (2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.
- (3) A local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:
 - (a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and
 - (b) each applicable notice required by this chapter is given.

Amended by Chapter 200, 2013 General Session

11-36a-302 Impact fee facilities plan requirements -- Limitations -- School district or charter school.

- (1)
 - (a) An impact fee facilities plan shall:
 - (i) identify the existing level of service;
 - (ii) subject to Subsection (1)(c), establish a proposed level of service;
 - (iii) identify any excess capacity to accommodate future growth at the proposed level of service;
 - (iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and
 - (v) identify the means by which the political subdivision or private entity will meet those growth demands.
 - (b) A proposed level of service may diminish or equal the existing level of service.
 - (c) A proposed level of service may:
 - (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
 - (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.
- (2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

- (a) grants;
 - (b) bonds;
 - (c) interfund loans;
 - (d) impact fees; and
 - (e) anticipated or accepted dedications of system improvements.
- (3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).
- (4)
- (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
 - (i) through the planning process; or
 - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
 - (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
 - (c)
 - (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
 - (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

11-36a-303 Impact fee analysis.

- (1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a written analysis of each impact fee.
- (2) Each local political subdivision or private entity that prepares an impact fee analysis under Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

Enacted by Chapter 47, 2011 General Session

11-36a-304 Impact fee analysis requirements.

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:

- (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) based on the requirements of this chapter, identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
- (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
 - (b) the cost of system improvements for each public facility;
 - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
 - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
 - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
 - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
 - (g) extraordinary costs, if any, in servicing the newly developed properties; and
 - (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

11-36a-305 Calculating impact fees.

- (1) In calculating an impact fee, a local political subdivision or private entity may include:
- (a) the construction contract price;
 - (b) the cost of acquiring land, improvements, materials, and fixtures;
 - (c) for services provided for and directly related to the construction of the system improvements, the cost for planning and surveying, and engineering fees;
 - (d) for a political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements; and
 - (e) one or more expenses for overhead.
- (2) In calculating an impact fee, each local political subdivision or private entity shall base amounts calculated under Subsection (1) on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Amended by Chapter 35, 2021 General Session

11-36a-306 Certification of impact fee analysis.

- (1) An impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan that states the following:
- "I certify that the attached impact fee facilities plan:
- 1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or

- c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
 2. does not include:
 - a. costs of operation and maintenance of public facilities; or
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; and
 3. complies in each and every relevant respect with the Impact Fees Act."
- (2) An impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis which states as follows:
- "I certify that the attached impact fee analysis:
1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
 2. does not include:
 - a. costs of operation and maintenance of public facilities; or
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 3. offsets costs with grants or other alternate sources of payment; and
 4. complies in each and every relevant respect with the Impact Fees Act."

Amended by Chapter 35, 2021 General Session

Part 4

Enactment of Impact Fees

11-36a-401 Impact fee enactment.

- (1)
 - (a) A local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402.
 - (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.
- (2) An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Enacted by Chapter 47, 2011 General Session

11-36a-402 Required provisions of impact fee enactment.

- (1) A local political subdivision or private entity shall ensure, in addition to the requirements described in Subsections (2) and (3), that an impact fee enactment contains:
 - (a) a provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;
 - (b)
 - (i) a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement; or

- (ii) the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;
 - (c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:
 - (i) respond to:
 - (A) unusual circumstances in specific cases; or
 - (B) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
 - (ii) ensure that the impact fees are imposed fairly; and
 - (d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- (2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
- (a) dedicates land for a system improvement;
 - (b) builds and dedicates some or all of a system improvement; or
 - (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- (3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
- (a) are system improvements; or
 - (b)
 - (i) are dedicated to the public; and
 - (ii) offset the need for an identified system improvement.

Enacted by Chapter 47, 2011 General Session

11-36a-403 Other provisions of impact fee enactment.

- (1) A local political subdivision or private entity may include a provision in an impact fee enactment that:
- (a) provides an impact fee exemption for:
 - (i) development activity attributable to:
 - (A) low income housing;
 - (B) the state;
 - (C) subject to Subsection (2), a school district; or
 - (D) subject to Subsection (2), a charter school; or
 - (ii) other development activity with a broad public purpose; and
 - (b) except for an exemption under Subsection (1)(a)(i)(A), establishes one or more sources of funds other than impact fees to pay for that development activity.
- (2) An impact fee enactment that provides an impact fee exemption for development activity attributable to a school district or charter school shall allow either a school district or a charter school to qualify for the exemption on the same basis.
- (3) An impact fee enactment that repeals or suspends the collection of impact fees is exempt from the notice requirements of Section 11-36a-504.

Enacted by Chapter 47, 2011 General Session

Part 5 Notice

11-36a-501 Notice of intent to prepare an impact fee facilities plan.

- (1) Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.
- (2) A notice required under Subsection (1) shall:
 - (a) indicate that the local political subdivision or private entity intends to prepare or amend an impact fee facilities plan;
 - (b) describe or provide a map of the geographic area where the proposed impact fee facilities will be located; and
 - (c) subject to Subsection (3), be provided for the geographic area where the proposed impact fee facilities will be located, as a class A notice under Section 63G-30-102, for at least 10 days.
- (3) For a private entity required to post notice under Subsection (2)(c):
 - (a) the private entity shall give notice to the general purpose local government in which the private entity's private business office is located; and
 - (b) the general purpose local government described in Subsection (3)(a) shall post the notice on the Utah Public Notice Website and, as available, on the general purpose local government's website.

Amended by Chapter 435, 2023 General Session

11-36a-502 Notice to adopt or amend an impact fee facilities plan.

- (1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:
 - (a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;
 - (b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;
 - (c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and
 - (d) hold a public hearing to hear public comment on the plan or amendment.
- (2) With respect to the public notice required under Subsection (1)(a):
 - (a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);
 - (b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and
 - (c) each special district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

- (3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.

Amended by Chapter 16, 2023 General Session

11-36a-503 Notice of preparation of an impact fee analysis.

- (1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall provide a public notice for the local political subdivision, as a class A notice under Section 63G-30-102, for at least 10 days.
- (2) For a private entity required to post notice under Subsection (1):
- (a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and
 - (b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website and, as available, on the general purpose local government's website.

Amended by Chapter 435, 2023 General Session

11-36a-504 Notice of intent to adopt impact fee enactment -- Hearing -- Protections.

- (1) Before adopting an impact fee enactment:
- (a) a municipality legislative body shall:
 - (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use regulation;
 - (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use regulation; and
 - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use regulation;
 - (b) a county legislative body shall:
 - (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use regulation;
 - (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use regulation; and
 - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use regulation;
 - (c) a special district or special service district shall:
 - (i) comply with the notice and hearing requirements of Section 17B-1-111; and
 - (ii) receive the protections of Section 17B-1-111;
 - (d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:
 - (i) make a copy of the impact fee enactment available to the public; and
 - (ii) provide notice of the local political subdivision's intent to enact or modify the impact fee, specifying the type of impact fee being enacted or modified, for the local political subdivision, as a class A notice under Section 63G-30-102, for at least 10 days; and
 - (e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.
- (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning commission in the impact fee enactment process.

Amended by Chapter 16, 2023 General Session
Amended by Chapter 435, 2023 General Session

Part 6

Impact Fee Proceeds

11-36a-601 Accounting of impact fees.

A local political subdivision that collects an impact fee shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
- (4) at the end of each fiscal year, prepare a report that:
 - (a) for each fund or ledger account, shows:
 - (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
 - (ii) each expenditure from the fund or ledger account;
 - (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
 - (c) identifies the impact fee funds described in Subsection (4)(b) by:
 - (i) the year in which the impact fee funds were received;
 - (ii) the project from which the impact fee funds were collected;
 - (iii) the project for which the impact fee funds are budgeted; and
 - (iv) the projected schedule for expenditure; and
 - (d) is:
 - (i) in a format developed by the state auditor;
 - (ii) certified by the local political subdivision's chief financial officer; and
 - (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

Amended by Chapter 394, 2017 General Session

11-36a-602 Expenditure of impact fees.

- (1) A local political subdivision may expend impact fees only for a system improvement:
 - (a) identified in the impact fee facilities plan; and
 - (b) for the specific public facility type for which the fee was collected.
- (2)
 - (a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber an impact fee collected with respect to a lot:
 - (i) for a permissible use; and
 - (ii) within six years after the impact fee with respect to that lot is collected.
 - (b) A local political subdivision may hold the fees for longer than six years if it identifies, in writing:
 - (i) an extraordinary and compelling reason why the fees should be held longer than six years; and
 - (ii) an absolute date by which the fees will be expended.

Amended by Chapter 190, 2017 General Session

11-36a-603 Refunds.

- (1) A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:
 - (a) the developer does not proceed with the development activity and has filed a written request for a refund;
 - (b) the fee has not been spent or encumbered; and
 - (c) no impact has resulted.
- (2)
 - (a) As used in this Subsection (2):
 - (i) "Affected lot" means the lot or parcel with respect to which a local political subdivision collected an impact fee that is subject to a refund under this Subsection (2).
 - (ii) "Claimant" means:
 - (A) the original owner;
 - (B) the person who paid an impact fee; or
 - (C) another person who, under Subsection (2)(d), submits a timely notice of the person's valid legal claim to an impact fee refund.
 - (iii) "Original owner" means the record owner of an affected lot at the time the local political subdivision collected the impact fee.
 - (iv) "Unclaimed refund" means an impact fee that:
 - (A) is subject to refund under this Subsection (2); and
 - (B) the local political subdivision has not refunded after application of Subsections (2)(b) and (c).
 - (b) If an impact fee is not spent or encumbered in accordance with Section 11-36a-602, the local political subdivision shall, subject to Subsection (2)(c):
 - (i) refund the impact fee to:
 - (A) the original owner, if the original owner is the sole claimant; or
 - (B) to the claimants, as the claimants agree, if there are multiple claimants; or
 - (ii) interplead the impact fee refund to a court of competent jurisdiction for a determination of the entitlement to the refund, if there are multiple claimants who fail to agree on how the refund should be paid to the claimants.
 - (c) If the original owner's last known address is no longer valid at the time a local political subdivision attempts under Subsection (2)(b) to refund an impact fee to the original owner, the local political subdivision shall:
 - (i) post a notice on the local political subdivision's website, stating the local political subdivision's intent to refund the impact fee and identifying the original owner;
 - (ii) maintain the notice on the website for a period of one year; and
 - (iii) disqualify the original owner as a claimant unless the original owner submits a written request for the refund within one year after the first posting of the notice under Subsection (2)(c)(i).
 - (d)
 - (i) In order to be considered as a claimant for an impact fee refund under this Subsection (2), a person, other than the original owner, shall submit a written notice of the person's valid legal claim to the impact fee refund.
 - (ii) A notice under Subsection (2)(d)(i) shall:
 - (A) explain the person's valid legal claim to the refund; and

(B) be submitted to the local political subdivision no later than 30 days after expiration of the time specified in Subsection 11-36a-602(2) for the impact fee that is the subject of the refund.

(e) A local political subdivision:

- (i) may retain an unclaimed refund; and
- (ii) shall expend any unclaimed refund on capital facilities identified in the current capital facilities plan for the type of public facility for which the impact fee was collected.

Amended by Chapter 215, 2018 General Session

Part 7

Challenges

11-36a-701 Impact fee challenge.

- (1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.
- (2)
 - (a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.
 - (b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.
- (3)
 - (a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that a local political subdivision imposed may challenge:
 - (i) if the impact fee enactment was adopted on or after July 1, 2000:
 - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
 - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
 - (ii) except as limited by Subsection (3)(c), the impact fee.
 - (b)
 - (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.
 - (ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).
 - (c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
- (4)

- (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:
 - (i) the substantially prevailing party on that cause of action:
 - (A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and
 - (B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the local political subdivision had correctly calculated the impact fee; and
 - (ii) in accordance with Section 13-43-206, a local political subdivision shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:
 - (A) the impact fee was paid on or after the day on which the advisory opinion on the impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and
 - (B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the local political subdivision within 30 days after the day on which the court issued the final ruling on the impact fee.
- (b) A local political subdivision subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the local political subdivision had correctly calculated the impact fee.
- (c) This Subsection (4) may not be construed to create a new cause of action under land use law.
- (d) Subsection (4)(a) does not apply unless the cause of action described in Subsection (4)(a) is resolved and final.
- (5) Subject to the time limitations described in Section 11-36a-702 and procedures described in Section 11-36a-703, a claimant, as defined in Section 11-36a-603, may challenge whether a local political subdivision spent or encumbered an impact fee in accordance with Section 11-36a-602.

Amended by Chapter 215, 2018 General Session

11-36a-702 Time limitations.

- (1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:
 - (a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;
 - (b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee;
 - (c) for a challenge under Subsection 11-36a-701(5):
 - (i) if the local political subdivision has spent or encumbered the impact fee, one year after the expiration of the time specified in Subsection 11-36a-602(2); or
 - (ii) if the local political subdivision has not yet spent or encumbered the impact fee, two years after the expiration of the time specified in Subsection 11-36a-602(2); or
 - (d) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.

- (2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure.

Amended by Chapter 215, 2018 General Session

11-36a-703 Procedures for challenging an impact fee.

- (1)
 - (a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.
 - (b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.
- (2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:
 - (a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
 - (b) a request for arbitration as provided in Section 11-36a-705; or
 - (c) an action in district court.
- (3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
- (4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).
- (5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
- (6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session

11-36a-704 Mediation.

- (1) In addition to the methods of challenging an impact fee under Section 11-36a-701, a specified public agency may require a local political subdivision or private entity to participate in mediation of any applicable impact fee.
- (2) To require mediation, the specified public agency shall submit a written request for mediation to the local political subdivision or private entity.
- (3) The specified public agency may submit a request for mediation under this section at any time, but no later than 30 days after the day on which an impact fee is paid.
- (4) Upon the submission of a request for mediation under this section, the local political subdivision or private entity shall:
 - (a) cooperate with the specified public agency to select a mediator; and
 - (b) participate in the mediation process.

Enacted by Chapter 47, 2011 General Session

11-36a-705 Arbitration.

- (1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.
- (2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:
 - (a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or
 - (b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:
 - (i) each party shall select an arbitrator within 20 days after the date the request is filed; and
 - (ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.
- (3) The arbitration panel shall hold a hearing on the challenge no later than 30 days after the day on which:
 - (a) the single arbitrator is agreed on under Subsection (2)(a); or
 - (b) the two arbitrators are selected under Subsection (2)(b)(i).
- (4) The arbitrator or arbitration panel shall issue a decision in writing no later than 10 days after the day on which the hearing described in Subsection (3) is completed.
- (5) Except as provided in this section, each arbitration shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- (6) The parties may agree to:
 - (a) binding arbitration;
 - (b) formal, nonbinding arbitration; or
 - (c) informal, nonbinding arbitration.
- (7) If the parties agree in writing to binding arbitration:
 - (a) the arbitration shall be binding;
 - (b) the decision of the arbitration panel shall be final;
 - (c) neither party may appeal the decision of the arbitration panel; and
 - (d) notwithstanding Subsection (10), the person or entity challenging the impact fee may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (8)
 - (a) Except as provided in Subsection (8)(b), if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
 - (b) For purposes of applying Title 63G, Chapter 4, Administrative Procedures Act, to a formal, nonbinding arbitration under this section, notwithstanding Section 63G-4-502, "agency" means a local political subdivision.
- (9)
 - (a) An appeal from a decision in an informal, nonbinding arbitration may be filed with the district court in which the local political subdivision is located.
 - (b) An appeal under Subsection (9)(a) shall be filed within 30 days after the day on which the arbitration panel issues a decision under Subsection (4).
 - (c) The district court shall consider de novo each appeal filed under this Subsection (9).

- (d) Notwithstanding Subsection (10), a person or entity that files an appeal under this Subsection (9) may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (10)
 - (a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be construed to prohibit a person or entity from challenging an impact fee as provided in Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
 - (b) The filing of a written request for arbitration within the required time in accordance with Subsection (1) tolls all time limitations under Section 11-36a-702 until the day on which the arbitration panel issues a decision.
- (11) The person or entity filing a request for arbitration and the local political subdivision shall equally share all costs of an arbitration proceeding under this section.

Enacted by Chapter 47, 2011 General Session



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 09/20/2023

Presenter: Danyce Steck

Deadline of item : 10/15/2023

Applicant:

Department Sponsor: Admin. Services

Agenda Type: DISCUSSION TOPICS

Presentation Time: 45 minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Public Infrastructure District (PID) Policy Review – Assessment Model

2. EXECUTIVE SUMMARY

Council is being asked to review the current PID policy and consider a possible amendment for an assessment model.

In August 2020, the City adopted a policy establishing the criteria for creating Public Infrastructure Districts (PID's). In August 2023, the City received its first letter of interest (LOI) and petition for the establishment of a PID from Third Cadence in relation to the Wood Ranch development. The petition does not request taxing authority but is instead focused on an assessment model of repayment. This work session will introduce how assessment models may work and discuss a possible amendment to the City's current PID policy.

3. TIME SENSITIVITY / URGENCY

This work session will focus on explaining the assessment model. While the Wood Ranch petition may be considered under the current policy, it may be better if the Council would consider amending the policy prior to consideration of a proposed governing document.

4. PACKET ATTACHMENT(S)

2019 Senate Bill 228
WJC Resolution 20-54
Draft PID Policy Amendment
Presentation on a PID Assessment Model

5. OTHER INFORMATION

- In May 2019, Senate Bill 228 became effective granting cities the power to create PID's.
- In August 2020, the City established a policy outlining the criteria and process to petition the City for the creation of a PID.
- In August 2023, the City received its first petition for the creation of a PID in Wood Ranch. The petition is not requesting taxing authority but is focused on an assessment model.

PUBLIC INFRASTRUCTURE DISTRICT ACT

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill enacts the Public Infrastructure District Act.

Highlighted Provisions:

This bill:

- defines terms;
- imposes a limit on a property tax levy for the operation of a public infrastructure district;
- imposes a limit on certain bonds that a public infrastructure district may issue;
- allows for local entities to create public infrastructure districts;
- provides for the appointment and potential election, in certain circumstances, of members of the board of trustees of a public infrastructure district;
- provides for the issuance of bonds for certain purposes;
- allows a public infrastructure district to charge certain fees;
- imposes certain transparency requirements on public infrastructure districts;
- allows a public infrastructure district to impose a property tax penalty in the event of nonpayment;
- limits the time period during which a person may bring certain legal challenges against a public infrastructure district;
- requires the inclusion of a certain property tax penalty on the property tax notice;
- and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-42-201, as last amended by Laws of Utah 2015, Chapter 396

17B-1-102, as last amended by Laws of Utah 2016, Chapter 176

17B-1-1102, as last amended by Laws of Utah 2015, Chapter 352

59-2-1317, as last amended by Laws of Utah 2018, Chapter 197

ENACTS:

17B-2a-1201, Utah Code Annotated 1953

17B-2a-1202, Utah Code Annotated 1953

17B-2a-1203, Utah Code Annotated 1953

17B-2a-1204, Utah Code Annotated 1953

17B-2a-1205, Utah Code Annotated 1953

17B-2a-1206, Utah Code Annotated 1953

17B-2a-1207, Utah Code Annotated 1953

17B-2a-1208, Utah Code Annotated 1953

17B-2a-1209, Utah Code Annotated 1953

17B-2a-1210, Utah Code Annotated 1953

17B-2a-1211, Utah Code Annotated 1953

17B-2a-1212, Utah Code Annotated 1953

17B-2a-1213, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-42-201** is amended to read:

11-42-201. Resolution or ordinance designating an assessment area --

Classifications within an assessment area -- Preconditions to adoption of a resolution or

58 **ordinance.**

59 (1) (a) Subject to the requirements of this part, a governing body of a local entity
60 intending to levy an assessment on property to pay some or all of the cost of providing
61 improvements benefitting the property, performing operation and maintenance benefitting the
62 property, or conducting economic promotion activities benefitting the property shall adopt a
63 resolution or ordinance designating an assessment area.

64 (b) A designation resolution or designation ordinance described in Subsection (1)(a)
65 may divide the assessment area into multiple classifications to allow the governing body to:

- 66 (i) levy a different level of assessment; or
67 (ii) use a different assessment method in each classification to reflect more fairly the
68 benefits that property within the different classifications is expected to receive because of the
69 proposed improvement, operation and maintenance, or economic promotion activities.

70 (c) The boundaries of a proposed assessment area:
71 (i) may include property that is not intended to be assessed; and
72 (ii) except for an assessment area within a public infrastructure district as defined in
73 Section 17B-1-102, may not be coextensive or substantially coterminous with the boundaries of
74 the local entity.

75 (2) Before adopting a designation resolution or designation ordinance described in
76 Subsection (1)(a), the governing body of the local entity shall:

- 77 (a) give notice as provided in Section 11-42-202;
78 (b) receive and consider all protests filed under Section 11-42-203; and
79 (c) hold a public hearing as provided in Section 11-42-204.

80 Section 2. Section **17B-1-102** is amended to read:

81 **17B-1-102. Definitions.**

82 As used in this title:

83 (1) "Appointing authority" means the person or body authorized to make an
84 appointment to the board of trustees.

85 (2) "Basic local district":

86 (a) means a local district that is not a specialized local district; and

87 (b) includes an entity that was, under the law in effect before April 30, 2007, created
88 and operated as a local district, as defined under the law in effect before April 30, 2007.

89 (3) "Bond" means:

90 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
91 warrant, certificate of indebtedness, or otherwise; and

92 (b) a lease agreement, installment purchase agreement, or other agreement that:

93 (i) includes an obligation by the district to pay money; and

94 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
95 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
96 Act.

97 (4) "Cemetery maintenance district" means a local district that operates under and is
98 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District
99 Act, including an entity that was created and operated as a cemetery maintenance district under
100 the law in effect before April 30, 2007.

101 (5) "Drainage district" means a local district that operates under and is subject to the
102 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that
103 was created and operated as a drainage district under the law in effect before April 30, 2007.

104 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
105 water, or other real or personal property required to provide a service that a local district is
106 authorized to provide, including any related or appurtenant easement or right-of-way,
107 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

108 (7) "Fire protection district" means a local district that operates under and is subject to
109 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an
110 entity that was created and operated as a fire protection district under the law in effect before
111 April 30, 2007.

112 (8) "General obligation bond":

113 (a) means a bond that is directly payable from and secured by ad valorem property

114 taxes that are:

115 (i) levied:

116 (A) by the district that issues the bond; and

117 (B) on taxable property within the district; and

118 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

119 and

120 (b) does not include:

121 (i) a short-term bond;

122 (ii) a tax and revenue anticipation bond; or

123 (iii) a special assessment bond.

124 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other

125 security:

126 (a) to guarantee the proper completion of an improvement;

127 (b) that is required before a local district may provide a service requested by a service

128 applicant; and

129 (c) that is offered to a local district to induce the local district before construction of an

130 improvement begins to:

131 (i) provide the requested service; or

132 (ii) commit to provide the requested service.

133 (10) "Improvement assurance warranty" means a promise that the materials and

134 workmanship of an improvement:

135 (a) comply with standards adopted by a local district; and

136 (b) will not fail in any material respect within an agreed warranty period.

137 (11) "Improvement district" means a local district that operates under and is subject to

138 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an

139 entity that was created and operated as a county improvement district under the law in effect

140 before April 30, 2007.

141 (12) "Irrigation district" means a local district that operates under and is subject to the

provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that was created and operated as an irrigation district under the law in effect before April 30, 2007.

(13) "Local district" means a limited purpose local government entity, as described in Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

(a) this chapter; or

(b) (i) this chapter; and

(ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

(B) Chapter 2a, Part 2, Drainage District Act;

(C) Chapter 2a, Part 3, Fire Protection District Act;

(D) Chapter 2a, Part 4, Improvement District Act;

(E) Chapter 2a, Part 5, Irrigation District Act;

(F) Chapter 2a, Part 6, Metropolitan Water District Act;

(G) Chapter 2a, Part 7, Mosquito Abatement District Act;

(H) Chapter 2a, Part 8, Public Transit District Act;

(I) Chapter 2a, Part 9, Service Area Act;

(J) Chapter 2a, Part 10, Water Conservancy District Act; ~~or~~

(K) Chapter 2a, Part 11, Municipal Services District Act~~[-];~~ or

(L) Chapter 2a, Part 12, Public Infrastructure District Act.

(14) "Metropolitan water district" means a local district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District Act, including an entity that was created and operated as a metropolitan water district under the law in effect before April 30, 2007.

(15) "Mosquito abatement district" means a local district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District Act, including an entity that was created and operated as a mosquito abatement district under the law in effect before April 30, 2007.

(16) "Municipal" means of or relating to a municipality.

(17) "Municipality" means a city, town, or metro township.

(18) "Municipal services district" means a local district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District Act.

(19) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or other legal entity.

(20) "Political subdivision" means a county, city, town, metro township, local district under this title, special service district under Title 17D, Chapter 1, Special Service District Act, an entity created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity designated in statute as a political subdivision of the state.

(21) "Private," with respect to real property, means not owned by the United States or any agency of the federal government, the state, a county, or a political subdivision.

(22) "Public entity" means:

(a) the United States or an agency of the United States;

(b) the state or an agency of the state;

(c) a political subdivision of the state or an agency of a political subdivision of the state;

(d) another state or an agency of that state; or

(e) a political subdivision of another state or an agency of that political subdivision.

(23) "Public infrastructure district" means a local district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 12, Public Infrastructure District Act.

~~[(23)]~~ (24) "Public transit district" means a local district that operates under and is subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an entity that was created and operated as a public transit district under the law in effect before April 30, 2007.

~~[(24)]~~ (25) "Revenue bond":

(a) means a bond payable from designated taxes or other revenues other than the local

198 district's ad valorem property taxes; and

199 (b) does not include:

200 (i) an obligation constituting an indebtedness within the meaning of an applicable
201 constitutional or statutory debt limit;

202 (ii) a tax and revenue anticipation bond; or

203 (iii) a special assessment bond.

204 ~~[(25)]~~ (26) "Rules of order and procedure" means a set of rules that govern and
205 prescribe in a public meeting:

206 (a) parliamentary order and procedure;

207 (b) ethical behavior; and

208 (c) civil discourse.

209 ~~[(26)]~~ (27) "Service applicant" means a person who requests that a local district
210 provide a service that the local district is authorized to provide.

211 ~~[(27)]~~ (28) "Service area" means a local district that operates under and is subject to the
212 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was
213 created and operated as a county service area or a regional service area under the law in effect
214 before April 30, 2007.

215 ~~[(28)]~~ (29) "Short-term bond" means a bond that is required to be repaid during the
216 fiscal year in which the bond is issued.

217 ~~[(29)]~~ (30) "Special assessment" means an assessment levied against property to pay all
218 or a portion of the costs of making improvements that benefit the property.

219 ~~[(30)]~~ (31) "Special assessment bond" means a bond payable from special assessments.

220 ~~[(31)]~~ (32) "Specialized local district" means a local district that is a cemetery
221 maintenance district, a drainage district, a fire protection district, an improvement district, an
222 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit
223 district, a service area, a water conservancy district, ~~[or]~~ a municipal services district, or a
224 public infrastructure district.

225 ~~[(32)]~~ (33) "Taxable value" means the taxable value of property as computed from the

226 most recent equalized assessment roll for county purposes.

227 ~~[(33)]~~ (34) "Tax and revenue anticipation bond" means a bond:

228 (a) issued in anticipation of the collection of taxes or other revenues or a combination
229 of taxes and other revenues; and

230 (b) that matures within the same fiscal year as the fiscal year in which the bond is
231 issued.

232 ~~[(34)]~~ (35) "Unincorporated" means not included within a municipality.

233 ~~[(35)]~~ (36) "Water conservancy district" means a local district that operates under and
234 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District
235 Act, including an entity that was created and operated as a water conservancy district under the
236 law in effect before April 30, 2007.

237 ~~[(36)]~~ (37) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,
238 tunnel, power plant, and any facility, improvement, or property necessary or convenient for
239 supplying or treating water for any beneficial use, and for otherwise accomplishing the
240 purposes of a local district.

241 Section 3. Section **17B-1-1102** is amended to read:

242 **17B-1-1102. General obligation bonds.**

243 (1) Except as provided in Subsection (3), if a district intends to issue general obligation
244 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at
245 an election held for that purpose as provided in Title 11, Chapter 14, Local Government
246 Bonding Act.

247 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
248 the district, subject~~[-]~~ to:

249 (a) for a water conservancy district, ~~[to]~~ the property tax levy limits of Section
250 [17B-2a-1006](#)~~[-]~~; and

251 (b) for a limited tax bond as defined in Section [17B-2a-1202](#) that a public
252 infrastructure district issues, the property tax levy limits of Section [17B-2a-1209](#).

253 (3) A district may issue refunding general obligation bonds, as provided in Title 11,

Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

(4) (a) A local district may not issue general obligation bonds if the issuance of the bonds will cause the outstanding principal amount of all of the district's general obligation bonds to exceed the amount that results from multiplying the fair market value of the taxable property within the district, as determined under Subsection 11-14-301(3)(b), by a number that is:

- (i) .05, for a basic local district;
- (ii) .004, for a cemetery maintenance district;
- (iii) .002, for a drainage district;
- (iv) .004, for a fire protection district;
- (v) .024, for an improvement district;
- (vi) .1, for an irrigation district;
- (vii) .1, for a metropolitan water district;
- (viii) .0004, for a mosquito abatement district;
- (ix) .03, for a public transit district;
- (x) .12, for a service area; ~~or~~
- (xi) .05 for a municipal services district~~[-];~~ or
- (xii) except for a limited tax bond as defined in Section 17B-2a-1202, .15 for a public infrastructure district.

(b) Bonds or other obligations of a local district that are not general obligation bonds are not included in the limit stated in Subsection (4)(a).

(5) A district may not be considered to be a municipal corporation for purposes of the debt limitation of the Utah Constitution, Article XIV, Section 4.

(6) Bonds issued by an administrative or legal entity created under Title 11, Chapter 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that participates in the agreement creating the administrative or legal entity.

Section 4. Section 17B-2a-1201 is enacted to read:

Part 12. Public Infrastructure District Act

282 **17B-2a-1201. Title.**

283 This part is known as "Public Infrastructure District Act."

284 Section 5. Section **17B-2a-1202** is enacted to read:

285 **17B-2a-1202. Definitions.**

286 As used in this part:

287 (1) "Board" means the board of trustees of a public infrastructure district.

288 (2) "Creating entity" means the county or municipality that approves of the creation of
289 the public infrastructure district.

290 (3) "District applicant" means the person proposing the creation of the public
291 infrastructure district.

292 (4) "Division" means a division of a public infrastructure district:

293 (a) that is relatively equal in number of eligible voters or potential eligible voters to all
294 other divisions within the public infrastructure district, taking into account existing or potential
295 developments which, when completed, would increase or decrease the population within the
296 public infrastructure district; and

297 (b) which a member of the board represents.

298 (5) "Governing document" means the document governing the public infrastructure
299 district to which the creating entity agrees before the creation of the public infrastructure
300 district, as amended from time to time, and subject to the limitations of Chapter 1, Provisions
301 Applicable to All Local Districts, and this part.

302 (6) (a) "Limited tax bond" means a bond:

303 (i) that is directly payable from and secured by ad valorem property taxes that are
304 levied:

305 (A) by the public infrastructure district that issues the bond; and

306 (B) on taxable property within the district;

307 (ii) that is a general obligation of the public infrastructure district; and

308 (iii) for which the ad valorem property tax levy for repayment of the bond does not
309 exceed the mill rate limit established under Section [17B-2a-1209](#) for any fiscal year, except as

provided in Subsection [17B-2a-1207](#)(8).

(b) "Limited tax bond" does not include:

(i) a short-term bond;

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

Section 6. Section **17B-2a-1203** is enacted to read:

17B-2a-1203. Provisions applicable to public infrastructure districts.

(1) Each public infrastructure district is governed by and has the powers stated in:

(a) this part; and

(b) Chapter 1, Provisions Applicable to All Local Districts.

(2) This part applies only to a public infrastructure district.

(3) A public infrastructure district is not subject to the provisions of any other part of this chapter.

(4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.

Section 7. Section **17B-2a-1204** is enacted to read:

17B-2a-1204. Creation.

(1) In addition to the provisions regarding creation of a local district in Chapter 1, Provisions Applicable to All Local Districts, a public infrastructure district may not be created unless:

(a) if there are any registered voters within the applicable area, a petition is filed with the creating entity that contains the signatures of 100% of registered voters within the applicable area approving the creation of the public infrastructure district; and

(b) a petition is filed with the creating entity that contains the signatures of 100% of surface property owners within the applicable area consenting to the creation of the public infrastructure district.

(2) The election requirement of Section [17B-1-214](#) does not apply to a petition meeting the requirements of Subsection (1).

338 (3) (a) Notwithstanding Chapter 1, Part 4, Annexation, an area outside of the
339 boundaries of a public infrastructure district may be annexed into the public infrastructure
340 district after:

341 (i) adoption of resolutions of the board and the creating entity, each approving of the
342 annexation;

343 (ii) if there are any registered voters within the area proposed to be annexed, a petition
344 is filed with the creating entity that contains the signatures of 100% of registered voters within
345 the area and approves of the annexation into the public infrastructure district; and

346 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
347 surface property owners within the area proposed to be annexed and consents to the annexation
348 into the public infrastructure district.

349 (b) Upon meeting the requirements of Subsection (3)(a), the board shall comply with
350 the resolution and filing requirements of Subsections [17B-1-414](#)(1) and (2).

351 (c) (i) Notwithstanding Chapter 1, Part 5, Withdrawal, property may be withdrawn
352 from a public infrastructure district after:

353 (A) adoption of resolutions of the board and the creating entity, each approving of the
354 annexation;

355 (B) if there are any registered voters within the area proposed to be withdrawn, a
356 petition is filed with the creating entity that contains the signatures of 100% of registered voters
357 within the area and approves of the withdrawal from the public infrastructure district; and

358 (C) a petition is filed with the creating entity that contains the signatures of 100% of
359 surface property owners within the area proposed to be withdrawn and consents to the
360 withdrawal from the public infrastructure district.

361 (ii) If any bonds that the public infrastructure district issues are allocable to the area to
362 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains
363 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the
364 bonds or any associated refunding bonds are paid.

365 (d) Upon meeting the requirements of Subsection (3)(c), the board shall comply with

the requirements of Section [17B-1-512](#).

(4) The creating entity may impose limitations on the powers of the public infrastructure district through the governing document.

(5) (a) A public infrastructure district is separate and distinct from the creating entity.

(b) (i) Except as provided in Subsection (5)(b)(ii), any financial burden of a public infrastructure district:

(A) is borne solely by the public infrastructure district; and

(B) is not borne by the creating entity or any municipality, county, the state, or any other political subdivision.

(ii) Notwithstanding Subsection (5)(b)(i) and Section [17B-1-216](#), the governing document may require:

(A) the district applicant to bear the initial costs of the public infrastructure district;

and

(B) the public infrastructure district to reimburse the district applicant for the initial costs the creating entity bears.

(c) Any liability, judgment, or claim against a public infrastructure district:

(i) is the sole responsibility of the public infrastructure district; and

(ii) does not constitute a liability, judgment, or claim against the creating entity, the state, or any municipality, county, or other political subdivision.

(d) (i) (A) The public infrastructure district solely bears the responsibility of any collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment the public infrastructure district imposes.

(B) The creating entity does not bear the responsibility described in Subsection (5)(d)(i)(A).

(ii) A public infrastructure district, and not the creating entity, shall undertake the enforcement responsibility described in, as applicable, Subsection (5)(d)(i) in accordance with Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

(6) The creating entity may establish criteria in determining whether to approve or

disapprove of the creation of a public infrastructure district, including:

(a) historical performance of the district applicant;

(b) compliance with the creating entity's master plan;

(c) credit worthiness of the district applicant;

(d) plan of finance of the public infrastructure district; and

(e) proposed development within the public infrastructure district.

(7) (a) The creation of a public infrastructure district is subject to the sole discretion of the creating entity responsible for approving or rejecting the creation of the public infrastructure district.

(b) The proposed creating entity bears no liability for rejecting the proposed creation of a public infrastructure district.

Section 8. Section **17B-2a-1205** is enacted to read:

17B-2a-1205. Public infrastructure district board -- Governing document.

(1) The legislative body of the entity that approves the creation of a public infrastructure district shall appoint the members of the board, in accordance with the governing document.

(2) (a) Unless otherwise limited in the governing document and except as provided in Subsection (2)(b), the initial term of each member of the board is four years.

(b) Notwithstanding Subsection (2)(a), approximately half of the members of the initial board shall serve a six-year term so that, after the expiration of the initial term, the term of approximately half the board members expires every two years.

(c) A board may elect that a majority of the board serve an initial term of six years.

(d) After the initial term, the term of each member of the board is four years.

(3) (a) Notwithstanding Subsection [17B-1-302\(1\)\(b\)](#), a board member is not required to be a resident within the boundaries of the public infrastructure district if:

(i) all of the surface property owners consent to the waiver of the residency requirement;

(ii) there are no residents within the boundaries of the public infrastructure district;

422 (iii) no qualified candidate timely files to be considered for appointment to the board;

423 or

424 (iv) no qualified individual files a declaration of candidacy for a board position in
425 accordance with Subsection 17B-1-306(4).

426 (b) Except under the circumstances described in Subsection (3)(a)(iii) or (iv), the
427 residency requirement in Subsection 17B-1-302(1)(b) is applicable to any board member
428 elected for a division or board position that has transitioned from an appointed to an elected
429 board member in accordance with this section.

430 (c) An individual who is not a resident within the boundaries of the public
431 infrastructure district may not serve as a board member unless the individual is:

432 (i) an owner of land or an agent or officer of the owner of land within the boundaries of
433 the public infrastructure district; and

434 (ii) a registered voter at the individual's primary residence.

435 (4) (a) A governing document may provide for a transition from legislative body
436 appointment under Subsection (1) to a method of election by registered voters based upon
437 milestones or events that the governing document identifies, including a milestone for each
438 division or individual board position providing that when the milestone is reached:

439 (i) for a division, the registered voters of the division elect a member of the board in
440 place of an appointed member at the next municipal general election for the board position; or

441 (ii) for an at large board position established in the governing document, the registered
442 voters of the public infrastructure district elect a member of the board in place of an appointed
443 member at the next municipal general election for the board position.

444 (b) Regardless of whether a board member is elected under Subsection (4)(a), the
445 position of each remaining board member shall continue to be appointed under Subsection (1)
446 until the member's respective division or board position surpasses the density milestone
447 described in the governing document.

448 (5) (a) Subject to Subsection (5)(c), the board may, in the board's discretion but no
449 more frequently than every four years, reestablish the boundaries of each division so that each

division that has reached a milestone specified in the governing document, as described in Subsection (4)(a), has, as nearly as possible, the same number of eligible voters.

(b) In reestablishing division boundaries under Subsection (5)(a), the board shall consider existing or potential developments within the divisions which, when completed, would increase or decrease the number of eligible voters within the division.

(c) The governing document may prohibit the board from reestablishing, without the consent of the creating entity, the division boundaries as described in Subsection (5)(a).

(6) The public infrastructure district may not compensate a board member for the member's service on the board under Section [17B-1-307](#) unless the board member is a resident within the boundaries of the public infrastructure district.

(7) The governing document shall:

(a) include a boundary description and a map of the public infrastructure district;

(b) state the number of board members;

(c) describe any divisions of the public infrastructure district;

(d) establish any applicable mill rate limit for the public infrastructure district;

(e) establish any applicable limitation on the principal amount of indebtedness for the public infrastructure district; and

(f) include other information that the public infrastructure district or the creating entity determines to be necessary or advisable.

(8) (a) Except as provided in Subsection (8)(b), the board and the governing body of the creating entity may amend a governing document by each adopting a resolution that approves the amended governing document.

(b) Notwithstanding Subsection (8)(a), any amendment to a property tax mill limitation requires:

(i) before the adoption of the resolution of the creating entity described in Subsection (8)(a), the public infrastructure district to comply with the notice and public hearing requirements of Section 59-2-919, with at least one member of the governing body of the creating entity attending the public hearing required in Subsection 59-2-919(3)(a)(v) or (4)(b);

478 or

479 (ii) the consent of:

480 (A) 100% of surface property owners within the boundaries of the public infrastructure
481 district; and

482 (B) 100% of the registered voters, if any, within the boundaries of the public
483 infrastructure district.

484 (9) A board member is not in violation of Section [67-16-9](#) if the board member:

485 (a) discloses a business relationship in accordance with Sections [67-16-7](#) and [67-16-8](#)
486 and files the disclosure with the creating entity:

487 (i) before any appointment or election; and

488 (ii) upon any significant change in the business relationship; and

489 (b) conducts the affairs of the public infrastructure district in accordance with this title
490 and any parameters described in the governing document.

491 Section 9. Section **17B-2a-1206** is enacted to read:

492 **17B-2a-1206. Additional public infrastructure district powers.**

493 In addition to the powers conferred on a public infrastructure district under Section
494 [17B-1-103](#), a public infrastructure district may:

495 (1) issue negotiable bonds to pay:

496 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending
497 any of the improvements, facilities, or property allowed under Section [11-14-103](#);

498 (b) capital costs of improvements in an energy assessment area, as defined in Section
499 [11-42a-102](#), and other related costs, against the funds that the public infrastructure district will
500 receive because of an assessment in an energy assessment area, as defined in Section

501 [11-42a-401](#);

502 (c) public improvements related to the provision of housing; and

503 (d) capital costs related to public transportation;

504 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,
505 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers

of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal Cooperation Act, without the consent of the creating entity;

(3) acquire completed or partially completed improvements for fair market value as reasonably determined by:

(a) the board;

(b) the creating entity, if required in the governing document; or

(c) a surveyor or engineer that a public infrastructure district employs or engages to perform the necessary engineering services for and to supervise the construction or installation of the improvements; and

(4) contract with the creating entity for the creating entity to provide administrative services on behalf of the public infrastructure district, when agreed to by both parties, in order to achieve cost savings and economic efficiencies, at the discretion of the creating entity.

Section 10. Section **17B-2a-1207** is enacted to read:

17B-2a-1207. Public infrastructure district bonds.

(1) A public infrastructure district may issue negotiable bonds for the purposes described in Section [17B-2a-1206](#), as provided in, as applicable:

(a) Title 11, Chapter 14, Local Government Bonding Act;

(b) Title 11, Chapter 27, Utah Refunding Bond Act;

(c) Title 11, Chapter 42, Assessment Area Act; and

(d) this section.

(2) A public infrastructure district bond:

(a) shall mature within 40 years of the date of issuance; and

(b) may not be secured by any improvement or facility paid for by the public infrastructure district.

(3) (a) A public infrastructure district may issue a limited tax bond, in the same manner as a general obligation bond:

(i) with the consent of 100% of surface property owners within the boundaries of the public infrastructure district and 100% of the registered voters, if any, within the boundaries of

the proposed public infrastructure district; or

(ii) upon approval of a majority of the registered voters within the boundaries of the public infrastructure district voting in an election held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

(b) A limited tax bond described in Subsection (3)(a):

(i) is not subject to the limitation on a general obligation bond described in Subsection 17B-1-1102(4)(a)(xii); and

(ii) is subject to a limitation, if any, on the principal amount of indebtedness as described in the governing document.

(c) Unless limited tax bonds are initially purchased exclusively by one or more qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public infrastructure district may only issue limited tax bonds in denominations of not less than \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.

(d) (i) Without any further election or consent of property owners or registered voters, a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to a general obligation bond if the principal amount of the related limited tax bond together with the principal amount of other related outstanding general obligation bonds of the public infrastructure district does not exceed 15% of the fair market value of taxable property in the public improvement district securing the general obligation bonds, determined by:

(A) an appraisal from an appraiser who is a member of the Appraisal Institute that is addressed to the public infrastructure district or a financial institution; or

(B) the most recent market value of the property from the assessor of the county in which the property is located.

(ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is sufficient to meet any statutory or constitutional election requirement necessary for the issuance of the limited tax bond and any general obligation bond to be issued in place of the limited tax bond upon meeting the requirements of this Subsection (3)(d).

(iii) A general obligation bond resulting from a conversion of a limited tax bond under

this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in Subsection 17B-1-1102(4)(a)(xii).

(4) There is no limitation on the duration of revenues that a public infrastructure district may receive to cover any shortfall in the payment of principal of and interest on a bond that the public infrastructure district issues.

(5) A public infrastructure district is not a municipal corporation for purposes of the debt limitation of Utah Constitution, Article XIV, Section 4.

(6) The board may, by resolution, delegate to one or more officers of the public infrastructure district the authority to:

(a) in accordance and within the parameters set forth in a resolution adopted in accordance with Section 11-14-302, approve the final interest rate, price, principal amount, maturity, redemption features, and other terms of the bond;

(b) approve and execute any document relating to the issuance of a bond; and

(c) approve any contract related to the acquisition and construction of the improvements, facilities, or property to be financed with a bond.

(7) (a) Any person may contest the legality of the issuance of a public infrastructure district bond or any provisions for the security and payment of the bond for a period of 30 days after:

(i) publication of the resolution authorizing the bond; or

(ii) publication of a notice of bond containing substantially the items required under Subsection 11-14-316(2).

(b) After the 30-day period described in Subsection (7)(a), no person may bring a lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any reason.

(8) (a) In the event of any statutory change in the methodology of assessment or collection of property taxes in a manner that reduces the amounts which are devoted or pledged to the repayment of limited tax bonds, a public infrastructure district may charge a rate sufficient to receive the amount of property taxes or assessment the public infrastructure

district would have received before the statutory change in order to pay the debt service on
outstanding limited tax bonds.

(b) The rate increase described in Subsection (8)(a) may exceed the limit described in
Section 17B-2a-1209.

(c) The public infrastructure district may charge the rate increase described in
Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,
together with applicable interest, are fully met and discharged.

Section 11. Section **17B-2a-1208** is enacted to read:

17B-2a-1208. Fees.

A public infrastructure district may charge a fee or other charge for an administrative
service that the public infrastructure district provides, to pay some or all of the public
infrastructure district's:

(1) costs of acquiring, improving, or extending improvements, facilities, or property; or

(2) costs associated with the enforcement of a legal remedy.

Section 12. Section **17B-2a-1209** is enacted to read:

**17B-2a-1209. Limits on public infrastructure district property tax levy -- Notice
requirements.**

(1) The property tax levy of a public infrastructure district, for all purposes, including
payment of debt service on limited tax bonds, may not exceed .015 per dollar of taxable value
of taxable property in the district.

(2) The limitation described in Subsection (1) does not apply to the levy by the public
infrastructure district to pay principal of and interest on a general obligation bond that the
public infrastructure district issues.

(3) (a) Within 30 days after the day on which the creating entity adopts the resolution
creating the public infrastructure district, the board shall record a notice with the recorder of
the county in which property within the public infrastructure district is located.

(b) The notice described in Subsection (3)(a) shall:

(i) contain a description of the boundaries of the public infrastructure district;

(ii) state that a copy of the governing document is on file at the office of the creating entity;

(iii) state that the public infrastructure district may finance and repay infrastructure and other improvements through the levy of a property tax; and

(iv) state the maximum rate that the public infrastructure district may levy.

Section 13. Section **17B-2a-1210** is enacted to read:

17B-2a-1210. Property tax penalty for nonpayment.

In the event of nonpayment of any tax, fee, or charge that a public infrastructure district imposes, the public infrastructure district may impose a property tax penalty at an annual rate of .07, in addition to any other lawful penalty for nonpayment of property tax.

Section 14. Section **17B-2a-1211** is enacted to read:

17B-2a-1211. Relation to other local entities.

(1) Notwithstanding the creation of the public infrastructure district, the creating entity and any other public entity, as applicable, retains all of the entity's authority over all zoning, planning, design specifications and approvals, and permitting within the public infrastructure district.

(2) The inclusion of property within the boundaries of a public infrastructure district does not preclude the inclusion of the property within any other local district.

(3) (a) All infrastructure that is connected to another public entity's system:

(i) belongs to that public entity, regardless of inclusion within the boundaries of a public infrastructure district, unless the public infrastructure district and the public entity otherwise agree; and

(ii) shall comply with the design, inspection requirements, and other standards of the public entity.

(b) The public infrastructure district shall convey or transfer the infrastructure described in Subsection (3)(a) free of liens or financial encumbrances to the public entity at no cost to the public entity.

Section 15. Section **17B-2a-1212** is enacted to read:

17B-2a-1212. Transparency.

A public infrastructure district shall file annual reports with the creating entity regarding the public infrastructure district's actions as provided in the governing document.

Section 16. Section **17B-2a-1213** is enacted to read:

17B-2a-1213. Action to contest tax, fee, or proceeding -- Requirements --
Exclusive remedy -- Bonds, taxes, and fees incontestable.

(1) A person who contests a tax or fee or any proceeding to create a public infrastructure district, levy a tax, or impose a fee may bring a civil action against the public infrastructure district or the creating entity to:

(a) set aside the proceeding; or

(b) enjoin the levy, imposition, or collection of a tax or fee.

(2) The person bringing an action described in Subsection (1):

(a) shall bring the action in the district court with jurisdiction in the county in which the public infrastructure district is located; and

(b) may not bring the action against or serve a summons relating to the action on the public infrastructure district more than 30 days after the effective date of the:

(i) creation of the public infrastructure district, if the challenge is to the creation of the public infrastructure district; or

(ii) tax or fee, if the challenge is to a tax or fee.

(3) An action under Subsection (1) is the exclusive remedy of a person who:

(a) claims an error or irregularity in a tax or fee or in any proceeding to create a public infrastructure district, levy a tax, or impose a fee; or

(b) challenges a bondholder's right to repayment.

(4) After the expiration of the 30-day period described in Subsection (2)(b):

(a) a bond issued or to be issued with respect to a public infrastructure district and any tax levied or fee imposed becomes incontestable against any person who has not brought an action and served a summons in accordance with this section;

(b) a person may not bring a suit to:

(i) enjoin the issuance or payment of a bond or the levy, imposition, collection, or enforcement of a tax or fee; or

(ii) attack or question in any way the legality of a bond, tax, or fee; and

(c) a court may not inquire into the matters described in Subsection (4)(b).

(5) (a) This section does not insulate a public infrastructure district from a claim of misuse of funds after the expiration of the 30-day period described in Subsection (2)(b).

(b) (i) Except as provided in Subsection (5)(b)(ii), an action in the nature of mandamus is the sole form of relief available to a party challenging the misuse of funds.

(ii) The limitation in Subsection (5)(b)(i) does not prohibit the filing of criminal charges against or the prosecution of a party for the misuse of funds.

Section 17. Section **59-2-1317** is amended to read:

59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for providing notice.

(1) As used in this section, "political subdivision lien" means the same as that term is defined in Section **11-60-102**.

(2) Subject to the other provisions of this section, the county treasurer shall:

(a) collect the taxes and tax notice charges; and

(b) provide a notice to each taxpayer that contains the following:

(i) the kind and value of property assessed to the taxpayer;

(ii) the street address of the property, if available to the county;

(iii) that the property may be subject to a detailed review in the next year under Section **59-2-303.1**;

(iv) the amount of taxes levied;

(v) a separate statement of the taxes levied only on a certain kind or class of property for a special purpose;

(vi) property tax information pertaining to taxpayer relief, options for payment of taxes, and collection procedures;

(vii) any tax notice charges applicable to the property, including:

(A) if applicable, a political subdivision lien for road damage that a railroad company causes, as described in Section 10-7-30;

(B) if applicable, a political subdivision lien for municipal water distribution, as described in Section 10-8-17, or a political subdivision lien for an increase in supply from a municipal water distribution, as described in Section 10-8-19;

(C) if applicable, a political subdivision lien for unpaid abatement fees as described in Section 10-11-4;

(D) if applicable, a political subdivision lien for the unpaid portion of an assessment assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and interest as of the date the local entity certifies the unpaid amount to the county treasurer;

(E) if applicable, for a local district in accordance with Section 17B-1-902, a political subdivision lien for an unpaid fee, administrative cost, or interest;

(F) if applicable, a political subdivision lien for an unpaid irrigation district use charge as described in Section 17B-2a-506; ~~and~~

(G) if applicable, a political subdivision lien for a contract assessment under a water contract, as described in Section 17B-2a-1007; and

(H) if applicable, a property tax penalty that a public infrastructure district imposes, as described in Section 17B-2a-1210;

(viii) a statement that, due to potentially ongoing charges, costs, penalties, and interest, payment of a tax notice charge may not:

(A) pay off the full amount the property owner owes to the tax notice entity; or

(B) cause a release of the lien underlying the tax notice charge;

(ix) the date the taxes and tax notice charges are due;

(x) the street address at which the taxes and tax notice charges may be paid;

(xi) the date on which the taxes and tax notice charges are delinquent;

(xii) the penalty imposed on delinquent taxes and tax notice charges;

(xiii) a statement that explains the taxpayer's right to direct allocation of a partial

730 payment in accordance with Subsection (9);

731 (xiv) other information specifically authorized to be included on the notice under this
732 chapter; and

733 (xv) other property tax information approved by the commission.

734 (3) (a) Unless expressly allowed under this section or another statutory provision, the
735 treasurer may not add an amount to be collected to the property tax notice.

736 (b) If the county treasurer adds an amount to be collected to the property tax notice
737 under this section or another statutory provision that expressly authorizes the item's inclusion
738 on the property tax notice:

739 (i) the amount constitutes a tax notice charge; and

740 (ii) (A) the tax notice charge has the same priority as property tax; and

741 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
742 Section [59-2-1343](#).

743 (4) For any property for which property taxes or tax notice charges are delinquent, the
744 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent
745 on this parcel."

746 (5) Except as provided in Subsection (6), the county treasurer shall:

747 (a) mail the notice required by this section, postage prepaid; or

748 (b) leave the notice required by this section at the taxpayer's residence or usual place of
749 business, if known.

750 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at
751 the county treasurer's discretion, provide the notice required by this section by electronic mail if
752 a taxpayer makes an election, according to procedures determined by the county treasurer, to
753 receive the notice by electronic mail.

754 (b) A taxpayer may revoke an election to receive the notice required by this section by
755 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

756 (c) A revocation of an election under this section does not relieve a taxpayer of the
757 duty to pay a tax or tax notice charge due under this chapter on or before the due date for

758 paying the tax or tax notice charge.

759 (d) A county treasurer shall provide the notice required by this section using a method
760 described in Subsection (5), until a taxpayer makes a new election in accordance with this
761 Subsection (6), if:

762 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the
763 notice required by this section by electronic mail; or

764 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

765 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)
766 regardless of whether the property that is the subject of the notice required by this section is
767 exempt from taxation.

768 (7) (a) The county treasurer shall provide the notice required by this section to a
769 taxpayer on or before November 1.

770 (b) The county treasurer shall keep on file in the county treasurer's office the
771 information set forth in the notice.

772 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

773 (8) This section does not apply to property taxed under Section 59-2-1302 or
774 59-2-1307.

775 (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax
776 notice may, on a form provided by the county treasurer, direct how the county treasurer
777 allocates the partial payment between:

778 (i) the total amount due for property tax;

779 (ii) the amount due for assessments, past due local district fees, and other tax notice
780 charges; and

781 (iii) any other amounts due on the property tax notice.

782 (b) The county treasurer shall comply with a direction submitted to the county treasurer
783 in accordance with Subsection (9)(a).

784 (c) The provisions of this Subsection (9) do not:

785 (i) affect the right or ability of a local entity to pursue any available remedy for

786 non-payment of any item listed on a taxpayer's property tax notice; or
787 (ii) toll or otherwise change any time period related to a remedy described in
788 Subsection (9)(c)(i).

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 20-54

**A RESOLUTION ADOPTING A POLICY STATEMENT REGARDING THE
ESTABLISHMENT OF PUBLIC INFRASTRUCTURE DISTRICTS**

WHEREAS, in the 2019 General Session S.B. 228 the State Legislature adopted the Public Infrastructure District Act; and

WHEREAS, S.B. 228 allows for local entities to create public infrastructure districts as a financing tool to assist in development; and

WHEREAS, the magnitude of local and regional infrastructure needed in the City of West Jordan's (the "City") new development and redevelopment areas requires the availability of a broad range of financing tools.; and

WHEREAS, the City desires to formally adopt a policy statement establishing criteria for considering the creation of public infrastructure districts.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. The Policy Statement: Public Infrastructure Districts (Exhibit A) is hereby adopted.

Section 2. This Resolution shall take effect immediately upon adoption.

Adopted by the City Council of West Jordan, Utah this 12th day of August 2020.

CITY COUNCIL OF WEST JORDAN CITY



CHRISTOPHER MCCONNEHEY
Council Chair

ATTEST:

ALAN ANDERSON
Interim Council Office Director

Voting by the City Council

	"YES"	"NO"
Council Member Kelvin Green	☒	☐
Council Member Zach Jacob	☐	☒
Council Member Chad R. Lamb	☒	☐
Council Chair Chris McConnehey	☒	☐
Council Member David Pack	☒	☐
Council Member Kayleen Whitelock	☒	☐
Council Member Melissa Worthen	☒	☐

Exhibit A

Policy Statement: Public Infrastructure Districts

POLICY STATEMENT: PUBLIC INFRASTRUCTURE DISTRICTS

The purpose of this policy statement is to provide criteria under which the City will consider letters of intent and application for the establishment of Public Infrastructure Districts (the “District”). Compliance with these criteria shall not obligate the City to approve formation of a District. The decision to allow for the creation of any PID shall be in the sole discretion of the City. The Governing Document will be subject to approval by the City in both form and substance. The criteria are intended to serve as guidelines for the review of letters of intent and Governing Documents.

The magnitude of local and regional infrastructure needed in the City of West Jordan’s (the “City”) new development and redevelopment areas requires the availability of a broad range of financing tools. The Utah State Legislature adopted the Public Infrastructure District Act (SB228) in the 2019 General Session to permit the use of this financing tool with the approval and support of the local entity.

The policy statement has three sections:

- I. Process for applying including fees charged
 - II. The City’s decision-making criteria
 - III. Governing Document requirements
-

I. Process and Fees

Any proposed Public Infrastructure District will be considered in relation to the best interests of the City of West Jordan. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the City.

A. Letter of intent to form a Public Infrastructure District

The district applicant (the “Applicant”) shall submit a letter of intent containing the following information in summary form. This letter will be used by staff to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. A positive staff response to the Letter of Intent does not assure approval of the Governing Document.

Letter of Intent contents:

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;
2. Summary of needed infrastructure, services and facilities:
 - a. Currently expected development scenario;
 - b. Required local and regional infrastructure and facilities for such development;
 - c. Regional and local infrastructure the proposed District is to provide;

- d. Estimated construction costs for the proposed District improvements;
 - e. Plan of ownership and/or maintenance of said infrastructure;
 - f. General description of phasing of construction based on development projections;
 - g. Proposal of net proceeds from the issuance of debt, debt term, and mill levy; and
 - h. A sample plan of finance depicting the possible sources and uses of funds for the District.
3. Proposed timeline for District creation.
4. Disclosure of any intent to overlap with any existing public infrastructure districts and any provisions related to such overlapping boundaries.
5. Summary, description, and cost of unique enhancements. Unique enhancements are defined as enhancements in excess of the standard development requirements which will benefit both the District and the City as a whole. This will serve as the measurement of how much debt issuance may be authorized. This limit represents net proceeds of the debt. The amount of debt authorized may be adjusted to compensate for the cost of issuance, capitalized interest, discounts, legal fees, and other expenses outside of the public benefit formula.
6. Acknowledgement that a petition must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.
7. Disclosure of any conflicts of interest between the Applicant and the officers and employees of the City.
8. Copies of signed engagement letters between the Applicant and applicable consultants and legal counsel retained by the City or the proposed District, or both, whereby Applicant agrees to pay fees related to the review of the application and governing document.

B. Review Process

1. The District Advisory Committee (“DAC”) is a City of West Jordan committee that advises the Mayor, City Council and other policymakers about District issues. The DAC must include representatives from the Mayor’s Office, City Attorney, Community Development, Public Works, and Finance departments, and may include other agencies and/or departments as needed.
2. The DAC will review the letter of intent based upon the criteria set forth in Article II below to determine whether to direct the Applicant to proceed with preparation of a draft Governing Document for submittal. Conceptual approval does not assure approval of the governing document.

C. Governing Document

1. If the concept for the District as contained in the letter of intent is approved, the Applicant, may begin to work on a draft Governing Document with legal counsel appointed by the City (and paid for by Applicant). Upon final drafting and approval of the draft Governing Document by legal counsel, the Applicant shall submit a draft Governing Document to the Mayor's Office.
2. The draft Governing Document will be reviewed by the DAC for compliance with the criteria and requirements contained herein. The DAC will discuss issues that arise during this drafting period with appropriate policymakers to have such issues resolved.
3. The final Governing Document will be forwarded to City Council for action through the standard legislative processes.

D. Fees

No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to the City of West Jordan and sent to the Finance Department.

1. Concurrent with the submittal of a letter of intent, a \$2,500 fee shall be paid to cover the cost of staff review.
2. Concurrent with the submittal of a draft Governing Document, an application fee of \$5,000 shall be paid to cover the cost of staff review.
3. Other Expenses: In the event the costs of review exceed the application fee, the Applicant shall pay all reasonable consultant, legal, and other fees and expenses incurred by the City in the process of reviewing the draft Governing Document prior to adoption, documents related to a bond issue and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.

II. Conditions and Criteria for Evaluating Proposed Public Infrastructure Districts

A. Public Benefit

1. Formation of a District must provide public benefit in the form of unique enhancements consistent with the City's policy goals.
2. For purposes of this criteria, public benefit is defined as public infrastructure in excess of the project and system improvements the City would typically require for a development area. The value of this excess public benefit will serve as a limit on the net proceeds from the debt issuance allowed in the District.

B. Condition of Approval

1. All Public Infrastructure Districts shall conform to the following conditions before approval may be granted:
2. Proposed districts must not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing

Document. In such cases, the relationship with the existing districts must be addressed in the Governing Document.

3. When an overlapping proposed District boundary is justified, the sum of the mill levies for the proposed and current Districts combined must not exceed highest of the authorized levies of the individual districts.
4. Proposed districts with any residential taxpayers may levy to an amount equal to four (4) mills for repayment of the limited tax bonds with sufficient justification as to the levy being requested.
5. Proposed districts with exclusively commercial taxpayers may levy up to fifteen (15) mills for repayment of the limited tax bonds with sufficient justification as to the levy being requested.
6. Proposed districts must not include a debt term in excess of the life of the infrastructure being financed up to a maximum of 30 years.
7. Proposed districts must not propose issuance of debt in excess of the value of unique enhancements. This limit represents net proceeds of the debt. The amount of debt authorized by the City may include costs allowed by law, including the cost of issuance, capitalized interest, discounts, premiums, legal fees, and other administrative overhead expenses related to the issuance of debt.

B. Evaluation of Applicant

The following criteria relating to the Applicant and the development will be considered:

1. Historical performance of the Applicant (within and outside of the City);
2. The current proposed plan of finance of the District;
3. The current development plans relationship to the master plans of the City;
4. The regional or overall benefits to the City of West Jordan from the proposed plan of finance; and
5. The credit worthiness of the Applicant.

III. Governing Document Requirements

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the City of West Jordan, as well as the considerations that compelled the City to authorize the formation of the District. The Governing Document for the proposed District shall not contain and will be reviewed for compliance with the following policies and requirements.

A. District Description

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and

- proposed development scenario (land uses by type and intensity and general urban design character);
2. Description of the public benefit resulting from the creation of the District and its undertakings;
 3. Description of proposed development within the boundaries of the proposed District including general distribution of land uses and densities and phasing of development;
 4. If the District boundaries overlap with another district, an explanation of the relationship between the districts;
 5. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area;
 6. Estimated construction costs of such infrastructure;
 7. General description of phasing of construction based on development projections and phasing;
 8. Provide the following financial plan information:
 - a. Proforma financial overview of total costs and total revenues from all revenue sources;
 - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the "Board") within the parameters of this Governing Document;
 - c. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
 - d. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;
 - e. Comparison of the mill levies of similar taxing entities in the area;
 - f. Proposed operating budgets for the District's first three years of existence; and
 - g. Any other forms of public financing and assistance being sought, including assessment areas.
 9. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
 10. Description of any proposed divisions and an inclusion/exclusion process as appropriate.
 11. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

B. Requirements and Expectations

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. Land, easements or improvements to be conveyed or dedicated to the City of West Jordan and any other local government entity shall be conveyed in accordance with the related standards at no cost to the City.
4. All public infrastructure within the District which will be connected to the City's public infrastructure or is dedicated and owned by the City shall be subject to all design and inspection requirements and other standards of the City. The City must approve the public infrastructure before any dedication to the City may occur. The City shall not be liable or responsible for not approving the public infrastructure for dedication.
5. The District shall not pledge as security any land, assets or funds to be transferred to the City.
6. The District shall be subject to City zoning, subdivision, building codes, and all other applicable City ordinances and regulations. Approval of the Governing Document shall not bind the City to approve other matters which the District or developer may request.
7. The District shall pay all fees and expenses as provided in the Governing Document.
8. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof; any end user for the costs of Improvements.

C. Disclosure and Reporting Requirements

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
 - a. Containing a description of the boundaries of the District;
 - b. Stating that a copy of the Governing Document is on file at the West Jordan City Recorder's office;
 - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
 - d. Stating the maximum rate that the District may levy; and
 - e. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.

2. At least annually following the formation of the District, the District shall notify (by mail, e-mail, or posting to the District's website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and addresses of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by the City of West Jordan as described below.
3. The District shall provide the following information to the City of West Jordan City Recorder's Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
 - a. Annual District budget;
 - b. Annual audited financial statements of the District;
 - c. Total debt authorized and total debt issued and presently planned debt issuances;
 - d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
 - e. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
 - f. List of current interlocal agreements, if changed (to be delivered to the City upon request);
 - g. List of all current contracts for services or construction (to be delivered to the City upon request);
 - h. Official statements of current outstanding bonded indebtedness, if not previously received by the City;
 - i. Current approved Governing Document, if changed; and
 - j. District Office contact information.
4. The following shall be considered significant changes to the Governing Document, thereby requiring approval by the City of West Jordan:
 - a. Exclusion or inclusion of property without the Governing Document and Statutorily required approvals;
 - b. Change in the maximum mill levy;
 - c. Consolidation with any other district; and
 - d. Change in the dissolution date.

IV. Submittal Instructions

Information and/or documents should be submitted to the following address.

- Annual Financial Information: Submit one copy of each of the annual financial information, as described in Section III-C-3-b.
- All other documents: Submit letters of intent, draft Governing Documents, and all other documents (with the required number of copies).
- Further Information: For further information.

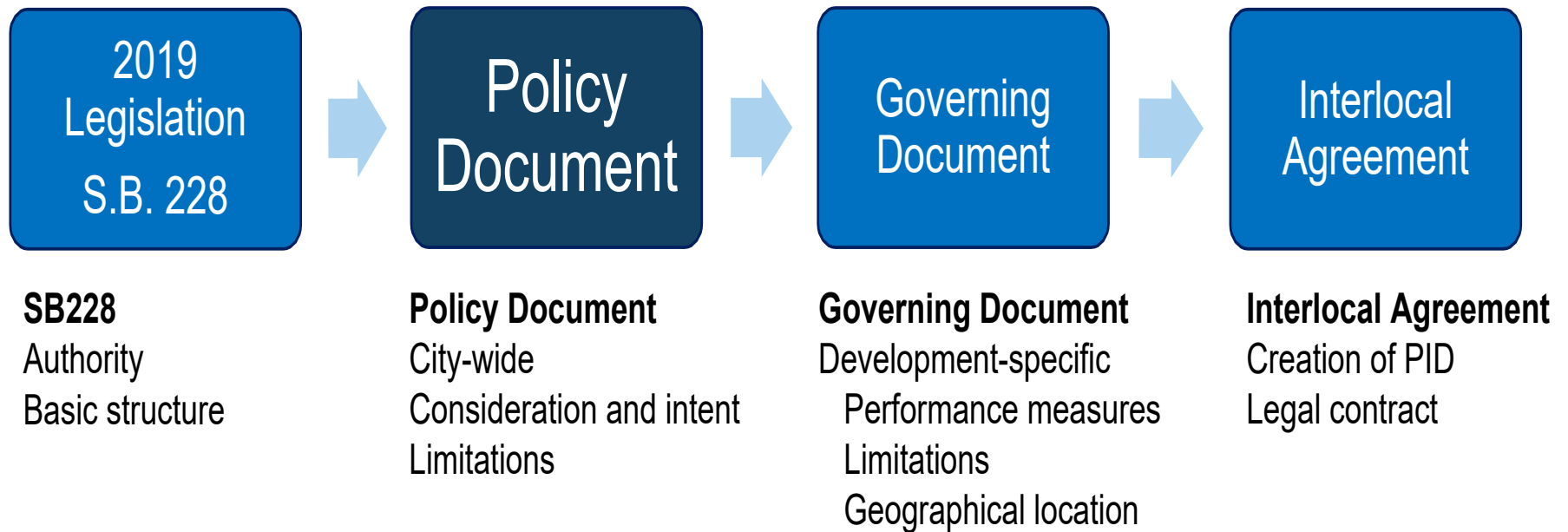
City of West Jordan
Attn: Director of Administrative Services
8000 West Redwood Road
West Jordan, Utah 84088
(801) 569-50

POLICY STATEMENT REVIEW: PUBLIC INFRASTRUCTURE DISTRICTS

SEPTEMBER 20, 2023

COUNCIL WORK SESSION

PROCESS



DEFINITIONS

Public Infrastructure - Basic structures and facilities based on zone and demand (streets and utility systems)

Publicly-dedicated Amenities - Not infrastructure, dedicated to the City (open space, improved parks, trails, signage, street furniture)

Unique Enhancements - Difference between cost of the required Publicly-dedicated Amenities and the City's determined value of a developer's additional obligated Publicly-dedicated Amenities.

Mill Levy – \$1 per \$1,000 of assessed value (residential discount = 45%)

CURRENT POLICY

Adopted 08/12/2020

Mill Levy

- a) Residential: Up to 4 mills
- b) Commercial: Up to 15 mills

Debt Term – Up to 30 years or useful life of the enhancement

Home Valued = \$675,000

Annual Property tax at 4 mills = \$1,485

Per month = \$124

- Levy is not subject to truth-in-taxation, based on debt service requirements
- Participation is based on assessed value
- First residents will have the highest contribution (longest participation)
- Debt limited to the value of unique enhancements

WOOD RANCH PROPOSAL

Governing document to come to Council on October 11

- 10 to 15-year buildout (220-340 units per yr)
- Improvements: Parks, roads, sidewalks, lanes, streetlights and utilities
- Improvements = \$100 million
- Unique enhancements = \$51+ million
- Debt Issuance = \$45m (net proceeds)
- Term: 20 years
- Repayment source: Assessment

ASSESSMENT – WOOD RANCH

- No property tax levy requested
- Assessment based on lot size
- Equalizes participation of owners
- Average assessment based on debt structure estimates = \$43,000
- Assessment may be shared between the developer and the buyer
- Amount is disclosed to the buyer at contract or deposit
- Buyer may choose to finance the obligation or may choose to make monthly payment towards the obligation over a period of time
- Assessment revenue is used to redeem debt annually

WOOD RANCH REVIEW

Review Committee Recommendation:

Wood Ranch meets all the requirements for consideration under the City's current PID Policy

- No mill levy
- Unique enhancements = \$51+ million
- Debt Issuance = \$45m (net proceeds)
- Term: 20 years



PID POLICY AMENDMENT

Do you want to start the process to amend the PID policy to include assessments as a repayment source?

- Assessment model had not been used or proposed when original policy was adopted
- May provide more solutions for infrastructure funding



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 09/20/2023

Presenter: Brian Clegg

Deadline of item : 09/20/2023

Applicant:

Department Sponsor: Public Works Admin

Agenda Type: DISCUSSION TOPICS

Presentation Time: 10 minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Transportation Updates

2. EXECUTIVE SUMMARY

City Council previously allocated \$500,000 in funding to improve walls along 9000 South with the UDOT widening project. After receiving the final construction plans from UDOT for the project, it was discovered that they have planned to install CMU wall (Concrete Masonry Units) on certain sections of the widening project on the north side of the road. UDOT will be replacing the dilapidated fencing with CMU walls which will have a more uniform look along this road section other than the pre-cast wall that is currently installed on Midvalley Drive. We are asking that the allocated funding be used for refurbishing existing walls and to add additional landscaping to the entryway of the City on 9000 South. This will improve the aesthetic appeal and overall atmosphere of the 9000 South entrance.

3. TIME SENSITIVITY / URGENCY

We would like to receive a decision quickly. If approved, staff can start the process of establishing a landscape agreement with UDOT, have the project designed by a landscape architect, and hire a contractor to refurbish the existing walls.

4. FISCAL NOTE

The cost for additional landscaping, design, City Entrance sign, and electrical is estimated at \$350,000.

The wall refurbishing cost for replacing caps, re-grouting, replacing broken block, and graffiti treatment is estimated at \$125,000 - \$150,000.

These costs are estimated and could change with the current construction material volatility.

5. PLANNING COMMISSION RECOMMENDATION

This does not require Planning Commission review.

6. STAFF ANALYSIS

Refurbishing existing walls and adding additional landscaping at the entryway on 9000 South will significantly enhance the visual appeal of the area, creating a more inviting and attractive environment for residents and visitors.

7. MAYOR RECOMMENDATION

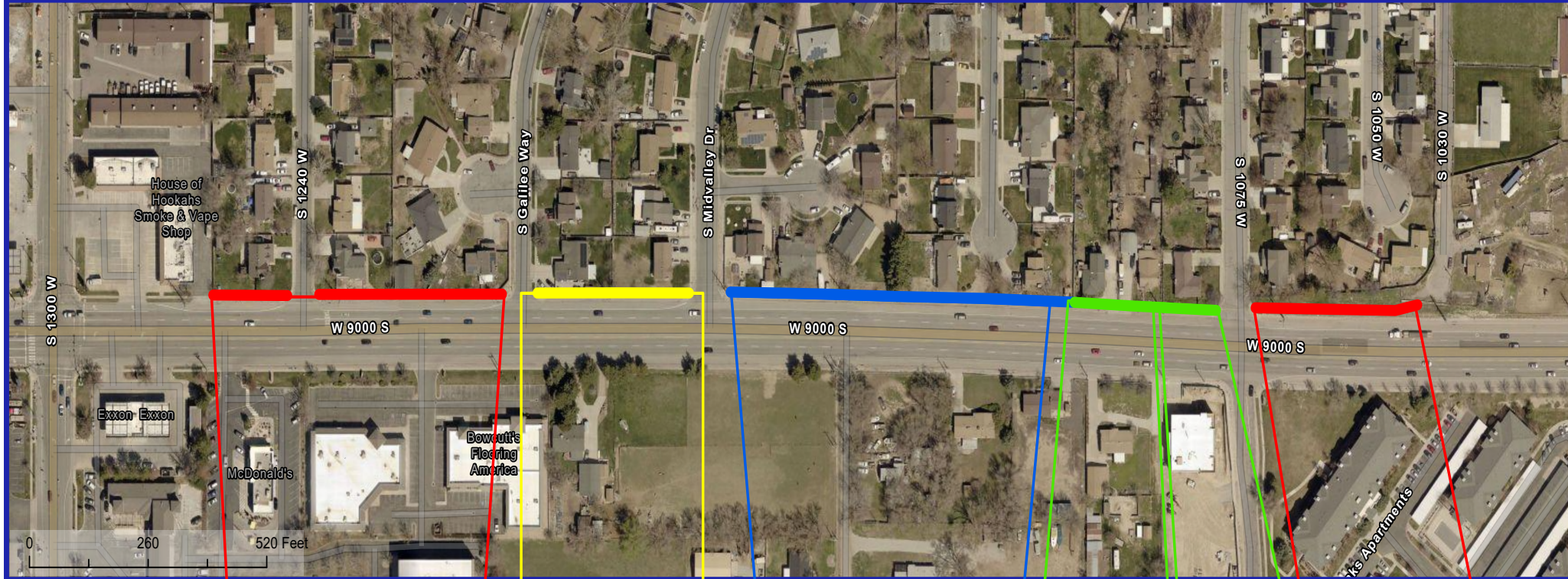
The mayor recommends moving forward with the refurbishing of existing walls and also adding additional landscape to the 9000 South entryway.

8. OTHER INFORMATION

Please see additional attachments

- 1) Map showing the area and current and future walls in the 9000 South widening area.
- 2) Map showing proposed additional landscaped area.
- 3) Map showing park strip areas that will be landscaped with the UDOT betterment.

Walls 9000th South 1030W - 1300W



Legend

- Existing Pre-Cast Wall
- Existing CMU Wall
- UDOT Install
- City Install



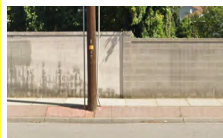
Note: North side of road has overhead power

The attached map may not be accurate and should not be relied upon; it is for reference purposes only. Each party who uses this map does so at their own risk. The City of West Jordan does not guarantee that the attached map is sufficient for your intended use and disclaims responsibility for any claims or damages that might result from anyone who relies on the attached mapping information.

UDOT Install
7' CMU Wall as per
final construction plans



Current CMU Wall 300'



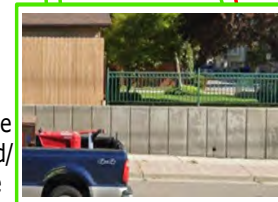
Existing Pre-cast Wall 600'



City Install
4' CMU Frontage
to replace wood/
chain link fence



City Install
100' CMU
if resident is
willing



UDOT Install
6' CMU wall as per
final construction
plans



Proposed Landscaping



Legend

- UDOT Install Wall
- Proposed Landscaping Area

