

**NORTH VILLAGE SPECIAL SERVICE DISTRICT
CULINARY AND SECONDARY WATER IMPACT FEE ENACTMENT
RESOLUTION NO. 2024-02**

RECITALS

A. The North Village Special Service District (the “District”) is a special service district established in 2000 by the Wasatch County Council for the purpose of providing sewer and water services, including culinary water and secondary irrigation water, within the boundaries of the District;

B. The District is authorized by Utah law to establish impact fees in order to fund public facilities such as culinary and secondary water supply, storage, and distribution facilities; and

C. Consultants retained by the District have prepared a Culinary Water Impact Fee Facilities Plan (the “Culinary Water IFFP”) and Culinary Water Impact Fee Analysis (“Culinary Water IFA”), to identify the system-level facilities necessary to deliver culinary water throughout the District, and to determine the impact fees necessary to fund the development of that infrastructure;

D. Consultants retained by the District have prepared a Secondary Water Impact Fee Facilities Plan (the “Secondary Water IFFP”) and Secondary Water Impact Fee Analysis (“Secondary Water IFA”), to identify the system-level facilities necessary to deliver secondary water throughout the District, and to determine the impact fees necessary to fund the development of that infrastructure;

E. The District has given all notices required by law, and has held a public hearing as required by law; and

F. The District finds that it is in the best interests of the District, and the property owners served by the District, to adopt the Culinary Water IFFP, the Culinary Water IFA, the Secondary Water IFFP, and the Secondary Water IFA, and to adopt and approve the impact fees set forth therein.

NOW, THEREFORE, the Administrative Control Board (“Board”) of the District hereby resolves that:

1. Purpose and Applicability. This Resolution adopts the Culinary Water IFFP, the Culinary Water IFA, the Secondary Water IFFP, and the Secondary Water IFA, and approves and adopts the impact fees set forth in the Culinary Water IFA and the Secondary Water IFA. The impact fees adopted by this Resolution are for the purpose of funding system-level culinary and secondary water infrastructure. This Resolution does not affect or amend the District’s existing impact fees for sanitary sewer.

2. Adoption of Culinary Water IFFP and Secondary Water IFA.

(a) The Board finds (i) that there is a need to construct system-level culinary water infrastructure within the District, (ii) that it is necessary to impose impact fees in order to fund that infrastructure, and (iii) that the culinary water impact fees approved by this Resolution equitably allocate the cost of the secondary water infrastructure among new developments that create the demand for the infrastructure.

(b) The Board hereby approves and adopts the Culinary Water IFFP, attached hereto as Exhibit A, and the Culinary Water IFA, attached hereto as Exhibit B. Further, the Board hereby approves and adopts the schedule of impact fees for culinary water infrastructure set forth in the Culinary Water IFA (the “Culinary Water Impact Fees”).

3. Adoption of Secondary Water IFFP and Secondary Water IFA.

(a) The Board finds (i) that there is a need to construct system-level secondary water infrastructure within the District, (ii) that it is necessary to impose impact fees in order to fund that infrastructure, and (iii) that the secondary water impact fees approved by this Resolution equitably allocate the cost of the secondary water infrastructure among new developments that create the demand for the infrastructure.

(b) The Board hereby approves and adopts the Secondary Water IFFP, attached hereto as Exhibit C, and the Secondary Water IFA, attached hereto as Exhibit D. Further, the Board hereby approves and adopts the schedule of impact fees for secondary water infrastructure set forth in the Secondary Water IFA (the “Secondary Water Impact Fees”).

4. Service Areas. The service area subject to the Culinary Water Impact Fees and the Secondary Water Impact Fees is the entire District.

5. Adjustments.

(a) The District is authorized to adjust impact fees at the time the impact fee is charged to ensure that the impact fees are imposed fairly, and to respond to: (i) unusual circumstances in specific cases; or (ii) a request by the State, a school district, or a charter school for a prompt and individualized review of the impact fee, and an offset or credit for a public facility for which an impact fee has been or will be collected.

(b) The District is permitted to adjust the calculation of the amount of impact fees to be imposed on a particular Development, based upon studies and data submitted by a developer. Any such adjustment must be approved by the General Manager, and only on the recommendation of the District’s Chief Engineer, in the exercise of his reasonable discretion.

6. Credits and Reimbursements.

(a) The District shall allow a developer, including a school district or a charter school, to receive a credit against an impact fee if the Developer (i) dedicates land for a system improvement (ii) builds and dedicates some or all of a system improvement, or (iii) dedicates a

public facility that the District and the developer agree will reduce the need for a system improvement.

(b) The District shall allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements dedicated to the District by the developer if the facilities are system improvements or are dedicated to the public and offset the need for an identified System Improvement.

(c) If the amount of a credit due under sections 6(a) or 6(b) exceeds the amount of impact fees to be charged to a project, the District may enter into an agreement with the developer providing for reimbursement over time as impact fees are collected on subsequent projects.

7. **Accounting, Expenditure, and Refund.** The District shall account for, expend, and refund impact fees in accordance with the Impact Fees Act, Utah Code Ann. § 11-36a-101 (the “Act”).

8. **Challenges.** Any challenge to an impact fee imposed by the District must comply with the Act. Administrative appeals shall be governed by the following procedure: Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee must file a written appeal with the Board by delivering a copy of such appeal to the District’s General Manager, setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of the appeal the Board shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The Board shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed.

9. **Timing.** This Resolution takes effect 90 days after it is approved by the Board. Until the Culinary Water Impact Fees and Secondary Water Impact Fees take effect, 90 days after this approval, the District shall continue to charge impact fees at the current rates. Fees will be assessed as of the date that the District is requested to approve the issuance of a building permit by Wasatch County.

Resolution 2024-24 Approved and adopted this 10th day of September, 2024.

By: _____

District Board Chairman

Attest:

By: _____

District Treasurer

EXHIBIT A
to
NVSSD Resolution 2024-02
Culinary Water Impact Fee Facilities Plan

EXHIBIT B
to
NVSSD Resolution 2024-02
Culinary Water Impact Fee Analysis

EXHIBIT C
to
NVSSD Resolution 2024-02
Secondary Water Impact Fee Facilities Plan

EXHIBIT D
to
NVSSD Resolution 2024-02
Secondary Water Impact Fee Analysis