



Public Notice

The Hurricane City Council will hold a Public Hearing during their regular meeting at 92 S. 100 W. Hurricane, Utah (Fine Arts Building) on Thursday, June 18, 2026, commencing at 6 p.m. to take comments on the following:

1. Adopting a Storm Drain Impact Fee Facilities Plan (IFFP), a Storm Drain Impact Fee Analysis (IFA), and a Storm Drain Impact Fee.
2. 2026-2027 Fiscal Year Budget.
3. Proposed amendments to the 2025-2026 Fiscal Year Budget.
4. Wage increases within the 2026-2027 Fiscal Year Budget of up to 10% for all executive municipal officers as defined in Utah Code 10-3-818.

The IFFP, IFA, and budget are available for inspection in the office of the Hurricane City Recorder at the City Office, 147 N. 870 West, Hurricane, Utah during regular business hours or you may call 435-635-2811 x 106 to request a copy. It can also be found on the City website www.cityofhurricane.com and Utah Public Notice website <https://www.utah.gov/pmn/index.html>

If you would like to make comments, please plan to attend the meeting, or provide written comments for the City Council's consideration by 3 p.m., the day before the meeting.

REASONABLE ACCOMMODATION: Hurricane City will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs, please contact the City Recorder, 435-635-2811 x 106, at least 24 hours in advance if you have special needs.



SUMMARY FOR THE STORM DRAIN IMPACT FEE FACILITY PLAN AND IMPACT FEE ANALYSIS

Hurricane City is proposing the adoption of a Storm Drain Impact Fee and an updated Storm Drain Utility Fee to ensure the continued reliability, safety, and long-term sustainability of the City's stormwater management system. The City is proposing to update how it pays for its storm drain system to keep up with growth and ongoing maintenance needs. The City plans to add an impact fee for new development to help cover the cost of expanding the system, and it is also proposing an increase to the existing monthly fee that property owners pay to maintain and repair the current system. These changes are needed because the system is under more strain from new development, aging infrastructure, and required upkeep. The goal is to make sure there is reliable funding to prevent flooding, keep the system working properly, and fairly share costs between new development and current residents.



HURRICANE CITY
UTAH

HURRICANE CITY
STORM DRAIN IMPACT FEE
FACILITIES PLAN
April 2026

Prepared By:
J-U-B ENGINEERS, Inc.
20 North Main Street, Suite 202
St. George, Utah 84770
(435)900-1230



J-U-B ENGINEERS, INC.

TABLE OF CONTENTS

- 1. INTRODUCTION..... 1
- 2. REQUIRED IFFP ELEMENTS 1
- 3. LEVEL OF SERVICE 1
- 4. EXISTING SYSTEM EXCESS CAPACITY..... 2
- 5. FUTURE SYSTEM IMPROVEMENTS TO ACCOMMODATE GROWTH 2
- 6. POTENTIAL FUNDING SOURCES 3
- 7. IFFP CERTIFICATION..... 4

TABLES

- Table 1: Storm Drain System Improvements* 2

1. INTRODUCTION

Hurricane City is a growing community that strives to plan for future growth and to provide the infrastructure that will be required to serve its residents. Growth is generally accompanied by an increase in stormwater runoff due to an increase of hard surfaces, such as roofs and parking areas, as new homes and businesses are constructed. Hurricane City contracted with J-U-B Engineers, Inc. (J-U-B) to prepare this Storm Drain Impact Fee Facilities Plan (IFFP) in conjunction with the 2025 Storm Drain Master Plan update.

For this IFFP, Hurricane City is using an accepted planning period of 10 years for capital improvement projects. Current legislation requires that collected impact fees be spent within six years of being collected. Impact fees, which are calculated in an Impact Fee Assessment (IFA) based on the IFFP, will be collected until the IFFP is updated, which should happen no less frequently than every five years. Therefore, impact fees based on this IFFP may be collected from the time the IFFP is adopted, until a new, updated IFFP is adopted in the future.

2. REQUIRED IFFP ELEMENTS

The following general tasks and elements are required as part of the IFFP:

- ☒ Identify the existing level of service (LOS).
- ☒ Establish a proposed LOS.
- ☒ Identify any excess capacity to accommodate future growth at the proposed LOS.
- ☒ Identify demands placed upon the existing system by new development activity at the proposed LOS and how the City will meet those growth demands.
- ☒ Consider potential revenue sources to finance the recommended collection system improvements.

3. LEVEL OF SERVICE

The existing LOS for the storm drain collection system in Hurricane City requires the following:

- ☒ Local storm drain collection facilities, including catch basins and collector pipes, provide flood protection during a 10-year, 3-hour storm event.
- ☒ Major storm drain detention and conveyance facilities, including storm drain trunklines, regional detention basins, bridges, creeks, and waterways, provide flood protection during a 100-year, 3-hour storm event.
- ☒ New developments detain stormwater runoff, with a maximum release rate of 0.2 cubic feet per second per acre (cfs/ac) during a 100-year, 3-hour storm event.

For this IFFP, the proposed LOS for the storm drain collection system in Hurricane City will match the existing LOS.

4. EXISTING SYSTEM EXCESS CAPACITY

While some areas of Hurricane City’s existing storm drain collection system do have excess capacity to accommodate future growth, portions of the system were installed and funded by developers, and original construction costs for the portions of the system that were not installed and funded by developers are not available. Therefore, the existing system excess capacity was not assessed as part of the IFFP and will not be included in the IFA.

5. FUTURE SYSTEM IMPROVEMENTS TO ACCOMMODATE GROWTH

Over the next 10 years, there are approximately 1,900 acres of land that are anticipated to develop throughout Hurricane City. Most of this development will consist of single-family residential homes. The 2025 Storm Drain Master Plan identifies system improvements that will be needed to accommodate future growth over the next 10 years, which are provided below in Table 1. The estimated costs for the system improvements listed in Table 1 are broken into three categories:

- ☒ **Cost to Existing** – the portion of the cost used to serve existing residents;
- ☒ **Cost to 10-year Growth** – the portion of the cost used to accommodate growth over the next 10 years; and
- ☒ **Cost to Growth Beyond 10 Years** – the portion of the cost used to accommodate growth beyond the next 10 years.

Table 1: Storm Drain System Improvements

Project No.	Project Description	Location	Estimated Construction Year	Total Construction Cost Estimate	Cost to Existing	Cost to 10-year Growth	Cost to Growth Beyond 10 Years
1	Storm Drain Piping	W 100 N	2026	\$1,029,000	\$501,855	\$527,146	--
2	Storm Drain Piping	N 1150 W	2027	\$1,019,000	\$509,500	\$509,500	--
3*	Storm Drain Piping	S 400 W	2028	\$3,485,000	\$1,985,042	\$1,499,958	--
4*	Storm Drain Piping/ Drainage Swale	W 3000 S	2029	\$3,478,000	\$251,526	\$2,519,711	\$706,763
5*	Drainage Swale	W 3000 S	2030	\$807,000	\$85,738	\$562,558	\$158,704
6*	Storm Drain Piping	W 400 S	2031	\$2,443,000	\$1,104,857	\$1,070,514	\$267,629
7	Storm Drain Piping	S 4390 W	2032	\$688,000	\$206,400	\$344,000	\$137,600
8*	Storm Drain Piping	S Sand Hollow Rd	2033	\$4,173,000	--	--	\$4,173,000
9	Detention Basin/ Drainage Swale	S 3400 W	2032	\$376,000	--	\$376,000	--
10	Storm Drain Piping	W 1300 S	2034	\$272,000	\$55,744	\$216,256	--
11	Storm Drain Piping	S 1760 W	2035	\$347,000	\$170,299	\$176,701	--
TOTAL				\$18,117,000	\$5,838,936	\$8,657,482	\$3,620,582

* Projects that can be grouped together for inclusion in a construction bond.

The 2025 Storm Drain Master Plan provides detailed project descriptions in Section 5 (Capital Improvement Plan) and detailed cost estimates in Appendix B for each of the projects listed in Table 1.

6. POTENTIAL FUNDING SOURCES

Section 302 (2) of the Impact Fee Act requires the City to “generally consider all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements.” By doing so, the City ensures fair and equitable treatment among users and concludes whether impact fees are the most appropriate method to fund the growth.

There are a number of revenue sources available for managing and expanding Hurricane City’s storm drain system, which are listed below.

1. **Utility Fee:** The City collects user fees for storm drain services, which pay for the collected stormwater within the collection system. User fees are the primary source of funding for the operation and maintenance expenses associated with the City’s storm drain system.
2. **Grants, Low Interest Loans, and Donations:** Grants and low interest loans can also be used to fund storm drain projects. Impact fees may not reimburse projects funded through grants. No grants have been included in the project costs. If grants are received, costs shall be adjusted accordingly. Additionally, some infrastructure may be donated, though this typically is at the project improvement level rather than at the system improvement level.
3. **Bonds:** No bonds are currently planned for improvements. Therefore, no costs associated with bond issuance have been included in the calculation of impact fees. However, the City may elect to issue bonds to maintain a steady flow of funds to pay for needed facilities. Bonds may be issued in addition to collecting impact fees. Table 1 identifies projects that may be included in a construction bond.
4. **Impact Fees:** Impact fees are a common and equitable method of funding new system improvements as they impose the cost of providing capacity for new growth upon the new growth. The detailed analysis required to impose impact fees accurately allocates the true impact on a system or facility to those creating the impact. Those creating the most impact, therefore, pay more.
5. **Anticipated or Accepted Dedications of System Improvements:** Any item that is funded by a developer must be included in the IFFP, if a credit against impact fees is to be issued. Additionally, the developer-funded items must be agreed upon with the City before construction of the improvements. This type of arrangement is typically accomplished with a reimbursement agreement between the City and the developer, with the private funds being spent for initial improvements and the developer issued impact fee vouchers as reimbursement in accordance with planned expenditures.

All the above forms of financing associated with a storm drain system have a place and are needed. For instance, user rates are needed for ongoing operation and maintenance costs, grants and low interest loans may be necessary for major infrastructure improvements, bonds can work well as a tool to build infrastructure to spur development, and impact fees are the equitable, appropriate, and needed means of funding system improvements to accommodate future growth.

7. IFFP CERTIFICATION

In accordance with 11-36a-306, Certification of impact fee analysis,
"I certify that the attached impact fee facilities plan:

1. includes only the costs of public facilities that are:
 - b. allowed under the Impact Fees Act; and
 - c. actually incurred; or
 - d. 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."

Dated: April 16, 2026

J-U-B ENGINEERS, INC.



HURRICANE CITY
UTAH

APPENDIX A

UTAH IMPACT FEE ACT

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 10-20-102:
 - (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, 2025 Special Session 1

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) an institution of higher education or private postsecondary educational institution, as defined in Section 53H-1-101, that has a police force;
 - (v) on development activity on state-owned land, as defined in Section 11-70-101; or
 - (vi) on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Section 10-21-303, 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 15, 2025 Special Session 1

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 10-20-401 or 17-79-401, 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 15, 2025 Special Session 1

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 Sections 10-20-304 and 17-79-305, 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 15, 2025 Special Session 1

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 10-20-205 and 10-20-1109 and Subsection 10-20-502(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 17-79-205 and 17-79-1009 and Subsection 17-79-502(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 15, 2025 Special Session 1

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 10-20-205 as if the impact fee enactment were a land use regulation;
 - (ii) hold a hearing in accordance with Section 10-20-502 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 10-9-1109 as if the impact fee were a land use regulation;
 - (b) a county legislative body shall:
 - (i) comply with the notice requirements of Section 17-79-205 as if the impact fee enactment were a land use regulation;
 - (ii) hold a hearing in accordance with Section 17-79-502 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 17-79-1009 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 15, 2025 Special Session 1

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 10-20-1109 and to a county under Section 17-79-1009 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 15, 2025 Special Session 1

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



Zions Public Finance, Inc
for
Hurricane City

Storm Water Impact Fee
Analysis

April 2026

Table of Contents

Table of Contents.....	2
Executive Summary of Impact Fee Analysis.....	3
Background Information	3
Impact on Consumption of Existing Capacity	3
Impact on System Improvements by Anticipated New Development	3
Proportionate Share Analysis and Impact Fee Calculation	4
Utah Code Legal Requirements	5
Notice of Intent to Prepare Impact Fee Analysis.....	5
Preparation of Impact Fee Analysis	5
Calculating Impact Fees	6
Certification of Impact Fee Analysis	7
Impact Fee Enactment	7
Consumption of Existing Capacity, Impact on System Improvements, and How Impacts are Related to Anticipated Development Activity	7
Growth in Demand	7
Consumption of Existing Capacity by Anticipated New Development	7
Impact on System Improvements by Anticipated New Development	8
Relation of Anticipated Development Activity to Impacts on Existing Capacity and System Improvements.....	8
Proportionate Share Analysis	9
Costs of System Improvements Related to New Development Activity.....	9
Impact Fee Calculation	9
Manner of Financing, Credits, Etc.	9
Certification	11

Executive Summary of Impact Fee Analysis

Background Information

Hurricane City (the “City”) retained J-U-B Engineers, Inc. to prepare an Impact Fee Facilities Plan (IFFP) for storm water and retained Zions Public Finance, Inc. to prepare this Impact Fee Analysis (IFA) for the calculation of appropriate storm water impact fees. This IFA relies on the information provided in the IFFP regarding current system capacity and future stormwater public facility needs, cost, and timing.

Service Areas. There is one service area in Hurricane City for the purpose of calculating storm water impact fees, which includes the City’s incorporated limits.

Level of Service. The IFFP identifies the existing level of service as follows.

- Local storm drain collection facilities, including catch basins and collector pipes, provide flood protection during a 10-year, 3-hour storm event;
- Major storm drain detention and conveyance facilities, including storm drain trunklines, regional detention basins, bridges, creeks, and waterways, provide flood protection during a 100-year, 3-hour storm event; and
- New developments detain stormwater runoff, with a maximum release rate of 0.2 cubic feet per second per acre (cfs/ac) during a 100-year, 3-hour storm event.

The proposed level of service during this impact fee collection period is the same as the existing level of service.

Growth Projections.

The City is projected to grow by 4,473 equivalent residential units (ERUs) between 2026 and 2036.

Impact on Consumption of Existing Capacity

Utah Code 11-36a-304(1)(a)

The IFFP does not identify any existing excess capacity, for which new development activities would benefit or to which it would “Buy-In.”¹

Impact on System Improvements by Anticipated New Development

Utah Code 11-36a-304(1)(b)

The City has determined that, to maintain its current level of stormwater service, additional storm water improvements will cost \$18,117,000. However, the improvements set forth in the IFFP also contain improvements necessary to cure existing deficiencies. These deficiencies cannot be, and are not, included in the calculation of impact fees. The cost of new system improvements

¹ Hurricane Storm Drain IFFP, January 2026, p. 2

necessitated by new development activity, and eligible for impact fees within the impact fee collection period, is only \$7,802,343.

Proportionate Share Analysis and Impact Fee Calculation

Utah Code 11-36a-304(1)(d) and (e) and (2)(a) and (b)

The impact fee calculation includes costs for the construction of new system improvements and for consultant costs in preparing the IFFP and IFA

TABLE 1: PROPORTIONATE SHARE GROSS FEE CALCULATION BEFORE CREDITS

Gross Fee	Amount
New Construction	\$1,744.20
Consultant Cost	\$2.35
Fund Balance	\$0.00
Gross Fee Before Credits	\$1,746.55

Credits must be made for future projects, estimated at \$4,870,961, that will benefit existing development. The total project amount can be reduced by cash on hand of \$1,292. The remaining cost is then spread over 20 years with an average cost of \$243,483 per year.

TABLE 2: CREDIT TO EXISTING DEVELOPMENT

Credit to Existing Development	Amount
Existing Development Cost	\$4,870,961
Cash Payment	(\$1,292)
Remaining Amount	\$4,869,669
Term in Years	20
Cost per Year	\$243,483
Discount Rate	4.5%

The average cost per year is then divided by the total ERUs per year to arrive at an average cost per ERU per year. The net present value of future higher rates (to cover the benefit to existing development) is then calculated and subtracted from the gross fee calculated in Table 1.

TABLE 3: MAXIMUM FEE PER ERU BY YEAR

Year	Payment	ERUs	Payment per ERU	NPV*	Max Fee per ERU
2026	\$243,483	12,009	\$20.28	\$207.51	\$1,539.04
2027	\$243,483	12,390	\$19.65	\$196.57	\$1,549.98
2028	\$243,483	12,784	\$19.05	\$185.76	\$1,560.79
2029	\$243,483	13,192	\$18.46	\$175.08	\$1,571.47
2030	\$243,483	13,614	\$17.88	\$164.50	\$1,582.05
2031	\$243,483	14,051	\$17.33	\$154.02	\$1,592.54
2032	\$243,483	14,504	\$16.79	\$143.62	\$1,602.93
2033	\$243,483	14,973	\$16.26	\$133.29	\$1,613.26

Year	Payment	ERUs	Payment per ERU	NPV*	Max Fee per ERU
2034	\$243,483	15,458	\$15.75	\$123.03	\$1,623.52
2035	\$243,483	15,961	\$15.25	\$112.82	\$1,633.74
2036	\$243,483	16,482	\$14.77	\$102.64	\$1,643.91

*NPV = net present value discounted at 4.5 percent

Impact fees will be charged as follows:

Single-Family Residential	1 ERU
Multi-Family Residential	0.37 ERU
Non-Residential	1 ERU for every 5,000 sf of impervious surface or portion thereof

The City, at its discretion, may choose to adjust or waive impact fees for special circumstances which may include but are not limited to affordable housing, retention of storm water onsite, etc.

Utah Code Legal Requirements

Utah law requires that cities prepare an Impact Fee Analysis (IFA) based on the information presented in the Impact Fee Facilities Plan (IFFP) before enacting an impact fee. Utah law also requires that cities give notice of their intent to prepare and adopt an IFA. This IFA follows all legal requirements as outlined below.

Notice of Intent to Prepare Impact Fee Analysis

A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Analysis (Utah Code 11-36a-503(1)). This notice must be posted on the Utah Public Notice website. The City has complied with this noticing requirement for the IFA by posting notice.

Preparation of Impact Fee Analysis

Utah Code requires that “each local political subdivision... intending to impose an impact fee shall prepare a written analysis of each impact fee” (Utah Code 11-36a-303).

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis, which is required to identify the following:

- (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) demonstrate how anticipated impacts are reasonably related to the anticipated development activity;
- (d) estimate the proportionate share of:
 - (i) The costs for existing capacity that will be recouped (buy-in); and
 - (ii) The costs of impacts on system improvement that are reasonably related to the new development activity; and

- (e) based on the requirements of this chapter (in Utah Code), identify how the impact fee was calculated.

Further, in analyzing whether or not the proportionate share of the costs of public facilities is 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 means such 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.

Calculating Impact Fees

Utah Code states that for purposes of 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) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
- (d) for 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.

Additionally, the Code states that each political subdivision or private entity shall base impact fee amounts on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Certification of Impact Fee Analysis

Utah Code states that an impact fee analysis shall include a written certification from the person or entity that prepares the impact fee facilities analysis. This certification is included as part of this Impact Fees Analysis.

Impact Fee Enactment

Utah Code states that 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. Additionally, an impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis. An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Consumption of Existing Capacity, Impact on System Improvements, and How Impacts are Related to Anticipated Development Activity

Utah Code 11-36a-304(1)(a),(b),and (c)

Growth in Demand

Growth in ERUs will generate demand for storm water facilities. Table 4 shows the projected growth in the City.

TABLE 4: PROJECTED ERU GROWTH

Year	ERUs
2026	12,009
2027	12,390
2028	12,784
2029	13,192
2030	13,614
2031	14,051
2032	14,504
2033	14,973
2034	15,458
2035	15,961
2036	16,482
Growth in ERUs, 2026-2036	4,473

Consumption of Existing Capacity by Anticipated New Development

According to J-U-B Engineers, Inc., the City's storm water engineers, there is no existing excess capacity in the storm water system for the purpose of calculating impact fees.²

² Hurricane Storm Drain IFFP, January 2026, p. 2

Impact on System Improvements by Anticipated New Development

The City has determined to maintain its current level of stormwater service. Therefore, additional stormwater improvements will be required to maintain the existing stormwater level of service. The IFFP identifies the level of service as follows:³

- Local storm drain collection facilities, including catch basins and collector pipes, provide flood protection during a 10-year, 3-hour storm event;
- Major storm drain detention and conveyance facilities, including storm drain trunklines, regional detention basins, bridges, creeks, and waterways, provide flood protection during a 100-year, 3-hour storm event; and
- New developments detain stormwater runoff, with a maximum release rate of 0.2 cubic feet per second per acre (cfs/ac) during a 100-year, 3-hour storm event.

The following projects have been identified in the IFFP as necessary for existing and new development activity to maintain the existing level of service.

TABLE 5: NEW SYSTEM IMPROVEMENTS NECESSITATED BY EXISTING AND NEW DEVELOPMENT

Project #	Description	Estimated Cost	Cost to Existing	Cost to 10-Yr Growth	Beyond 10 yrs
1	Storm Drain Piping - W 100 N	\$1,029,000	\$501,855	\$527,145	\$0
2	Storm Drain Piping - N 1150 W	\$1,019,000	\$509,500	\$509,500	\$0
3	Storm Drain Piping - S 400 W	\$3,485,000	\$1,985,042	\$1,499,958	\$0
4	Storm Drain Piping/Drainage Swale - W 3000 S	\$3,478,000	\$251,526	\$2,519,711	\$706,763
5	Drainage Swale	\$807,000	\$85,738	\$562,558	\$158,704
6	Storm Drain Piping	\$2,443,000	\$1,104,857	\$1,070,514	\$267,629
7	Storm Drain Piping	\$688,000	\$206,400	\$344,000	\$137,600
8	Storm Drain Piping	\$4,173,000	\$0	\$0	\$4,173,000
9	Detention Basin/Drainage Swale	\$376,000	\$0	\$376,000	\$0
10	Storm Drain Piping	\$272,000	\$55,744	\$216,256	\$0
11	Storm Drain Piping	\$347,000	\$170,299	\$176,701	\$0
	TOTAL	\$18,117,000	\$4,870,961	\$7,802,343	\$5,443,696

Relation of Anticipated Development Activity to Impacts on Existing Capacity and System Improvements

Based on information provided in the IFFP and shown in Table 5 above, new development activity's share of the new system improvements, over the planning window (2026-2036), is \$7,802,343.

³ Hurricane Storm Drain IFFP, January 2026, p. 1

Proportionate Share Analysis

Utah Code 11-36a-304(1)(d)(i) and (ii), (e)

Costs of System Improvements Related to New Development Activity

The City intends to maintain its existing level of service for storm water services through adding the new system improvements described in the Impact Fee Facilities Plan and previously included in this Impact Fee Analysis. In addition, engineering and consultant fees are considered a legitimate cost in calculating impact fees. These costs are also summarized below.

Total impact-fee eligible costs for new system improvements, attributable to new development activity over 10 years, are \$7,802,343. Consultant costs for the IFFP and IFA were \$10,500 to prepare the impact fee facility plans and impact fee analysis that are necessary to calculate defensible impact fees.

TABLE 6: NEW SYSTEM IMPROVEMENTS PROPORTIONATE SHARE

New Construction	Amount
10-Yr Improvements	\$7,802,343
Growth in ERUs, 2026-2036	4,473
Cost per ERU	\$1,744.20

Impact Fee Calculation

The maximum impact fee allowable under law includes new system costs of \$1,744.20 per ERU, plus consultant costs of \$2.35 per ERU for a total gross fee of \$1,746.55.

TABLE 7: PROPORTIONATE SHARE IMPACT FEE CALCULATION

SUMMARY	
New Construction	\$1,744.20
Consultant Cost	\$2.35
Fund Balance	\$0.00
Gross Fee Before Credits	\$1,746.55

Manner of Financing, Credits, Etc.

Utah Code 11-36a-304(2)

Credits must be made for future projects, estimated at \$4,870,961, that will benefit existing development. The total project amount can be reduced by cash on hand of \$1,292. The remaining cost is then spread over 20 years with an average cost of \$243,483 per year.

TABLE 8: CREDIT TO EXISTING DEVELOPMENT

Credit to Existing Development	Amount
Existing Development Cost	\$4,870,961
Cash Payment	(\$1,292)

Credit to Existing Development	Amount
Remaining Amount	\$4,869,669
Term in Years	20
Cost per Year	\$243,483
Discount Rate	4.5%

The average cost per year is then divided by the total ERUs per year to arrive at an average cost per ERU per year. The net present value of future higher rates (to cover the benefit to existing development) is then calculated and subtracted from the gross fee calculated in Table 7.

TABLE 9: MAXIMUM FEE PER ERU BY YEAR

Year	Payment	ERUs	Payment per ERU	NPV*	Max Fee per ERU
2026	\$243,483	12,009	\$20.28	\$207.51	\$1,539.04
2027	\$243,483	12,390	\$19.65	\$196.57	\$1,549.98
2028	\$243,483	12,784	\$19.05	\$185.76	\$1,560.79
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2036	\$243,483	16,482	\$14.77	\$102.64	\$1,643.91

*NPV = net present value discounted at 4.5 percent

Impact fees will be charged as follows:

Single-Family Residential	1 ERU
Multi-Family Residential	0.37 ERU
Non-Residential	1 ERU for every 5,000 sf of impervious surface or portion thereof

The City, at its discretion, may choose to adjust or waive impact fees for special circumstances which may include but are not limited to affordable housing, retention of storm water onsite, etc.

Other than impact fees, the City has not identified any other means (such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants) of financing system improvements created by new development activity.

Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. includes only the cost 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. cost 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. offset costs with grants or other alternate sources of payment; and
4. complies in each and every relevant respect with the Impact Fees Act.