

ORDINANCE NO. 26-08

AN ORDINANCE OF ELK RIDGE CITY, UTAH, ADOPTING UPDATED IMPACT FEE STUDIES AND AMENDING PARKS, CULINARY WATER, AND WASTEWATER IMPACT FEES.

WHEREAS, Elk Ridge City (“City”) is authorized under the Utah Impact Fees Act, Utah Code Title 11, Chapter 36a, to impose fees upon new development activity in accordance with the requirements of State law; and

WHEREAS, the City retained LRB Public Finance Advisors to prepare an updated Impact Fee Facilities Plan (“IFFP”) and Impact Fee Analysis (“IFA”) for the City’s parks and recreation, culinary water, and wastewater facilities; and

WHEREAS, the IFFP and IFA identify the existing levels of service, anticipated impacts of new development, available excess capacity, growth-related system improvements, proportionate share of costs attribute to new development, and maximum impact fees that may be imposed for parks and recreation, culinary water, and wastewater facilities; and

WHEREAS, the IFFP and IFA establish a City-wide service area for the parks and recreation, culinary water, and wastewater impact fees and have been prepared and certified in accordance with the Utah Impact Fees Act; and

WHEREAS, the City provided notice and held a public hearing regarding the IFFP, IFA, and proposed impact fee enactment in accordance with applicable provisions of the Utah Impact Fees Act and Elk Ridge City Code; and

WHEREAS, the City Council finds that impact fees are necessary to equitably allocate to new development its proportionate share of the costs associated with growth-related system improvements while maintaining the City’s established levels of service; and

WHEREAS, the City Council finds that the impact fees adopted herein do not exceed the maximum impact fees justified by the IFA and are reasonable and necessary to serve new development within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS:

SECTION 1. ADOPTION OF IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS

The Elk Ridge City **Impact Fee Facilities Plan and Impact Fee Analysis for Parks and Recreation, Culinary Water, and Wastewater**, prepared by LRB Public Finance Advisors and dated _____, 2026, is hereby adopted and incorporated by reference as **Exhibit A** to this Ordinance.

The City Council adopts the findings, methodologies, levels of service, service areas, proportionate share calculations, and maximum impact fees contained in the IFFP and IFA, subject to the provisions of this Ordinance and applicable Utah law.

SECTION 2. AMENDMENT OF SECTION 9-2-2, IMPACT FEE SERVICE AREAS

Section 9-2-2 of the Elk Ridge City Code is hereby amended to read as follows:

9-2-2: IMPACT FEE SERVICE AREAS ESTABLISHED:

The entire area within the municipal boundaries of Elk Ridge City is established as the service area for the City's park and recreation, culinary water, and wastewater impact fees.

Other impact fee service areas previously established for impact fees not amended by this Chapter, including essential roadways and wastewater facilities or services provided by other entities, shall remain in effect unless separately amended by the City Council.

SECTION 3. AMENDMENT OF SECTION 9-2-3, SCHEDULE OF FEES

Section 9-2-3 of the Elk Ridge City Code is hereby amended to provide the following impact fees for parks and recreation, culinary water, and wastewater facilities:

Impact Fee Type	Development Activity/Demand Unit	Maximum Impact Fee
Parks and Recreation	Single-Family Residential Dwelling	\$8,172 per dwelling unit
Parks and Recreation	Multi-Family Residential Dwelling, including Mobile Homes	\$4,418 per dwelling unit
Culinary Water	Equivalent Residential Connection ("ERC")	\$5,817 per ERC
Wastewater – Elk Ridge	Equivalent Residential Connection ("ERC")	\$132 per ERC

The impact fees shown above constitute the maximum standard impact fees authorized under the IFA. The City Council may adopt a fee below the maximum amount justified by the IFA but shall not impose a fee exceeding the maximum amount justified by the IFA without first complying with applicable requirements of the Utah Impact Fees Act.

For development activity that does not reasonably correspond to a standard development category, or where an individualized calculation is otherwise appropriate, the following formulas may be used, consistent with the IFA:

A. Parks and Recreation:

Estimated Population attributable to the development x \$2,209 = Parks and Recreation Impact Fee.

B. Culinary Water:

Number of ERCs attributable to the development x \$5,817 = Culinary Water Impact Fee.

C. Wastewater:

Number of ERCs attributable to the development x \$132 = Elk Ridge Wastewater Impact Fee.

The number of ERCs or estimated population attributable to a development shall be determined according to the demand characteristics, levels of service, methodologies, and other applicable standards established in the adopted IFFP and IFA and applicable City standards.

The essential roadway impact fee and wastewater fee or charge attributable to Payson City, Salem City, or another entity are not established, amended, or repealed by this Ordinance and shall remain subject to their existing legal authority until separately amended.

SECTION 4. AMENDMENT OF SECTION 9-2-10

Section 9-2-10 of the Elk Ridge City Code is hereby amended and retitled to read as follows:

9-2-10: EXEMPTIONS; INDIVIDUALIZED ADJUSTMENTS; DEVELOPER STUDIES; CREDITS AND REIMBURSEMENTS:

- A. **Exemptions.** Impact fees shall not be imposed where prohibited by the Utah Impact Fees Act or other applicable law. The City may provide exemptions from impact fees to the extent authorized by Utah law, provided that any funding requirements applicable to an exemption are satisfied.
- B. **Individualized Adjustments and Unusual Circumstances.** The City may adjust a standard impact fee at the time the fee is charged in order to:
 - 1. Respond to unusual circumstances in a specific case;
 - 2. Provide a prompt and individualized impact fee review for development activity of the State of Utah, a school district, or a charter school, including consideration of any applicable offset or credit for a public facility for which an impact fee has been or will be collected; and
 - 3. Ensure that impact fees are imposed fairly and are proportionate to the impacts attributable to the development activity.
- C. **Developer-Submitted Studies and Data.** A developer may submit studies, data, calculations, or other credible evidence demonstrating that the impacts of a particular development activity differ from the assumptions applicable to the standard impact fee.

Upon receipt of such information, the City shall conduct an individualized review and may adjust the impact fee to reasonably reflect the development's actual proportionate impact upon the applicable public facility.

Any adjustment shall be consistent with the Utah Impact Fees Act and shall not result in an impact fee exceeding the maximum amount justified by the applicable IFA.

- D. **Credits and Proportionate Reimbursement.** A developer, including a school district or charter school, shall be entitled to a credit against or proportionate reimbursement of an impact fee when the developer;
 - 1. Dedicates land for a system improvement;
 - 2. Constructs and dedicates some or all of a system improvement; or
 - 3. Dedicates another public facility that the City and developer agree will reduce the need for a system improvement.
- E. **Mandatory Credits.** The City shall provide a credit against impact fees for a developer's dedication of land for, improvement to, or new construction of a facility when the facility:
 - 1. Qualifies as a system improvement; or

2. Is dedicated to the public and offsets the need for an identified system improvement.
- F. **Amount of Credit or Reimbursement.** The amount of any credit or proportionate reimbursement shall be reasonably related to the value of the dedication, construction, or improvement and the extent to which the dedication, construction, or improvement offsets the need for a system improvement for which the applicable impact fee is imposed.

When appropriate, the terms and amount of a reimbursement may be established by written agreement between the City and developer.

- G. **Administration.** Requests for an individualized adjustment, credit, or reimbursement shall be submitted in writing with information reasonably necessary for the City to evaluate the request. The City official designated to administer impact fees may obtain assistance from the City Engineer, City Attorney, financial consultant, or other qualified professional in evaluating a request.

Nothing in this section shall be interpreted to eliminate or restrict an exemption, adjustment, credit, reimbursement, or other protection required by the Utah Impact Fees Act.

SECTION 5. AMENDMENT OF SECTION 9-2-11, APPEALS

Section 9-2-11 of the Elk Ridge City Code is hereby amended to read as follows:

9-2-11: APPEAL AND CHALLENGES:

A person or entity subject to an impact fee may request information, challenge an impact fee, seek administrative or judicial review, or pursue any other remedy available under **Utah Code Title 11, Chapter 36a, including Part 7 thereof, as amended**, and other applicable law.

The City shall provide information and process any request, appeal, challenge, mediation, or other proceeding within the time and in the manner required by applicable Utah law.

SECTION 6. LIMITATIONS ON IMPACT FEES AND USE OF IMPACT FEE REVENUES

Impact fees imposed pursuant to this Ordinance shall be administered and expended in accordance with the Utah Impact Fees Act and the adopted IFFP and IFA.

Impact fee revenues shall be used only for system improvements authorized by applicable law, identified in the applicable IFFP, and associated with the specific type of public facility for which the impact fee was collected.

Impact fees shall not be used to:

- A. Cure deficiencies in public facilities serving existing development;
- B. Increase the established level of service in existing development through the use of impact fees;
- C. Recover more than the City's actual cost of excess capacity in an existing system improvement;
or

D. Pay costs that are not properly attributable to new development under the Utah Impact Fees Act.

Impact fee proceeds shall be separately accounted for and expended or encumbered within the time required by Utah law.

SECTION 7. EXISTING IMPACT FEES NOT INCLUDED IN THE 2026 IFFP AND IFA

This Ordinance adopts and amends impact fees only **for parks and recreation, culinary water, and the Elk Ridge wastewater system** as supported by the IFFP and IFA adopted in Section 1.

Nothing in this Ordinance is intended to amend, repeal, increase, decrease, or otherwise modify any existing essential roadway impact fee or wastewater fee imposed on behalf of, payable to, or associated with Payson City, Salem City, or another governmental entity unless expressly stated herein.

SECTION 8. CODIFICATION

Sections 2 through 7 of this Ordinance shall be incorporated into Title 9, Chapter 2 of the Elk Ridge City Code as appropriate.

The City Recorder and the City's codifier are authorized to make non-substantive formatting, numbering, capitalization, grammatical, and cross-reference corrections necessary to incorporate this Ordinance into the Elk Ridge City Code, provided that no such correction alters the substantive meaning of the provisions adopted by the City Council.

SECTION 9. REPEAL OF CONFLICTING PROVISIONS

All ordinances and provisions of the Elk Ridge City Code, or portions thereof, that conflict with the provisions of this Ordinance are hereby repealed or superseded to the extent of such conflict.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. EFFECTIVE DATE

In accordance with Utah Code Section 11-36a-401, the impact fee enactment and impact fees adopted by this Ordinance shall become effective **ninety (90) days after the date this Ordinance is approved**, provided that all publication, posting, and other requirements of applicable law have been satisfied.

PASSED AND ADOPTED by the City Council of Elk Ridge City, Utah, this ____ day of _____, 20 ____.

Approved by the Mayor:

Mayor – Robert Haddock

Voted _____
Voted _____
Voted _____
Voted _____
Voted _____

STATE OF UTAH)
COUNTY OF UTAH)

I, SPENCER FOSTER, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance # 26-08, passed by the City Council of the City of Elk Ridge, Utah, on the _____ day of _____, 2026, entitled

“AN ORDINANCE OF ELK RIDGE CITY, UTAH, ADOPTING UPDATED IMPACT FEE STUDIES AND AMENDING PARKS, CULINARY WATER, AND WASTEWATER IMPACT FEES.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this _____ day of ____ 2026.

SPENCER FOSTER
Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Spencer Foster, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #26-08 which is attached hereto on the ____ day of _____ 2026.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The Elk Ridge City Website elkridgecity.org
3. The Utah Public Notice Website Utah.gov

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

SPENCER FOSTER
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 2026 by SPENCER FOSTER.

My Commission Expires:

Notary Public

Residing at: Utah County