

PAYSON PARKS AND RECREATION

IMPACT FEE FACILITIES PLAN
IMPACT FEE ANALYSIS
SEPTEMBER 2026



Impact Fee Facilities Plan Certification Page

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;
 - d. existing deficiencies documented as such and not meant for inclusion in impact analysis.
2. Does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fees Act

Horrocks Engineers

Impact Fee Analysis Certification Page

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;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
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.

Horrocks Engineers

Demographics

Demographics form the basis of the projections in each chapter of this study. Existing demographics information was obtained from the City and revised to more accurately reflect current socio-economic conditions. Current population estimates have been used to assist in determining the Level of Service (LOS) of Parks and Recreation that Payson City is currently providing its residents. Future population projections provide the basis for determining the future needs of the city based upon the current LOS. Payson City has approximately 24,093 residents (2025) and is projected to grow to nearly 52,068 by the year 2045.

Parks

This study identifies the existing public parks and recreation infrastructure in Payson. For the purpose of this study, trails are included under recreation infrastructure. Currently, the parks and recreation level of service is \$1,375.87 per resident, with the goal of 7 acres of park per thousand residents. In the future, Payson will need an additional \$76,474,767 of new parks and trails to maintain its current LOS.

Impact Fee Facilities Plan

The Impact Fee Facilities Plan illustrates six parks and recreation projects that are planned to be constructed in the next 6 years in order for the City to maintain its LOS.

Impact Fee Analysis

Impact fees have been calculated based on detailed analysis of the city parks and recreation facilities. The impact fee is based on a citywide service area.

Although Payson is not required to enact impact fees exactly as outlined in this study, it may not impose fees higher than what is calculated. The following are the Impact Fee options that Payson City can adopt.

Impact Fee Using Current LOS – (including all parks)

Parks and Recreation	Units	Impact Fee
Residential	Dwelling Unit	\$9,022

Payson City is a growing community located at the south end of Utah County and lying at the base of the Wasatch Mountains. It is bounded on the north by the unincorporated area of Benjamin and Spanish Fork, on the east by Salem and Elk Ridge, on the south by Santaquin and on the west by the unincorporated area of West Mountain. As established in the 2020 census, Payson had approximately 21,635 residents. The current population in 2025 is estimated to be 24,093. As growth continues in Utah Valley, Payson is projected to grow to 52,068 by the year 2045 as discussed in the following chapter.

This study analyzes Payson's future growth patterns, and its projected facility needs as it grows. It contains separate chapters outlining the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA). It also provides a Capital Facilities Plan, which in turn will provide the necessary data to create the Impact Fee Facilities Plan. These plans will provide a prioritized project schedule for construction, cost estimates (in planning year dollars) and recommended impact fee levels based upon the current Level of Service.

Proportionate Share

This document attempts to assign only a proportionate share of costs for future improvements due to growth from future developments. It is evident that the cost of many of the existing parks and recreational infrastructure cannot be assigned an actual dollar value per resident because very little information is available as to how existing infrastructure was financed, what share the City financed, what agency constructed the improvement, and how much the improvements actually cost. Therefore, in accordance with the Utah Impact Fees Act, Title 11, Chapter 36a, every effort has been made to evaluate impact fees considering only those costs that are attributable to future growth. As such, a current Level of Service (LOS) has been defined for the Parks and Recreational Facilities to maintain the existing standards. Impact fees have been evaluated assigning the costs associated with maintaining these standards to future development as Payson City grows.

Impact Fee Adjustments

Payson City understands that future developments will each have individualized impacts on the City and therefore, in order to impose impact fees fairly, the City may adjust standard impact fees to meet unusual circumstances as allowed by State Code and City ordinances. Adjustments may be made for any number of reasons including studies or data submitted by the developer, land dedicated as a condition of development, and/or system improvements constructed by a new development.

The first step in an impact fee analysis is to evaluate and verify the City's current demographics and future population projections. The following section discusses Payson City's population, growth trends, and projected population at key milestones. The following demographic data is based on data taken from the 2020 General Plan, current zoning map, and 2020 census data.

2.1 Existing Conditions

Current Population

In the 2020 Census, Payson City's population was estimated to be 21,635 residents. Permit information and population projections can be found in Table 2-2 (page 8). We have also included current estimates and projections from Mountainland Association of Governments (MAG) as a matter of reference. Figure 2-3 compares this study's projections with the GOPB projections through 2060.

Average Residents per Household

For purposes of this Capital Facilities Plan (CFP), the current average household density in Payson was estimated at 3.3 residents per household, per the 2020 Census.

Current Zoning and Land Use Plans

Payson City's current land use and zoning plans form the basis of evaluation for future facilities which will be built within City limits. Figures 2-1 and 2-2 on the following pages illustrate the City's approved land use and zoning plans at the time of this study. The City's current Land Use Code can be found on the City's website in PDF format.

In order to create a realistic CFP, we have reviewed with City staff, the current annexation boundary, developments that were currently in the review process and developments that are anticipated in the future.

2.2 Build-out Population

Total build-out is reached when all vacant land within the City boundaries and annexation area has been developed to the current zoning and land use plans. We do not anticipate build-out occurring in Payson City for many decades. Payson's build-out population has been estimated at approximately 49,715 as illustrated in Table 2-1.

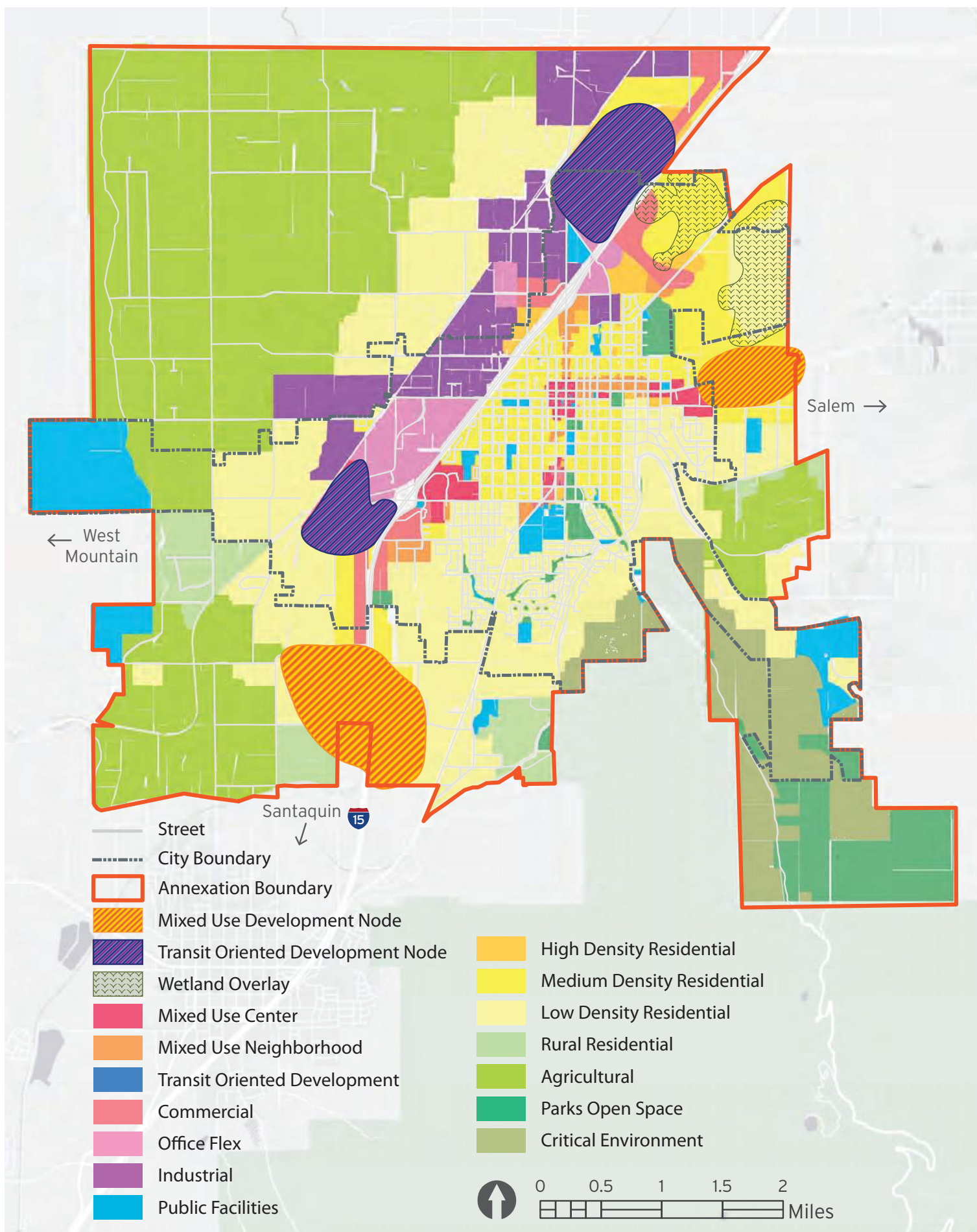
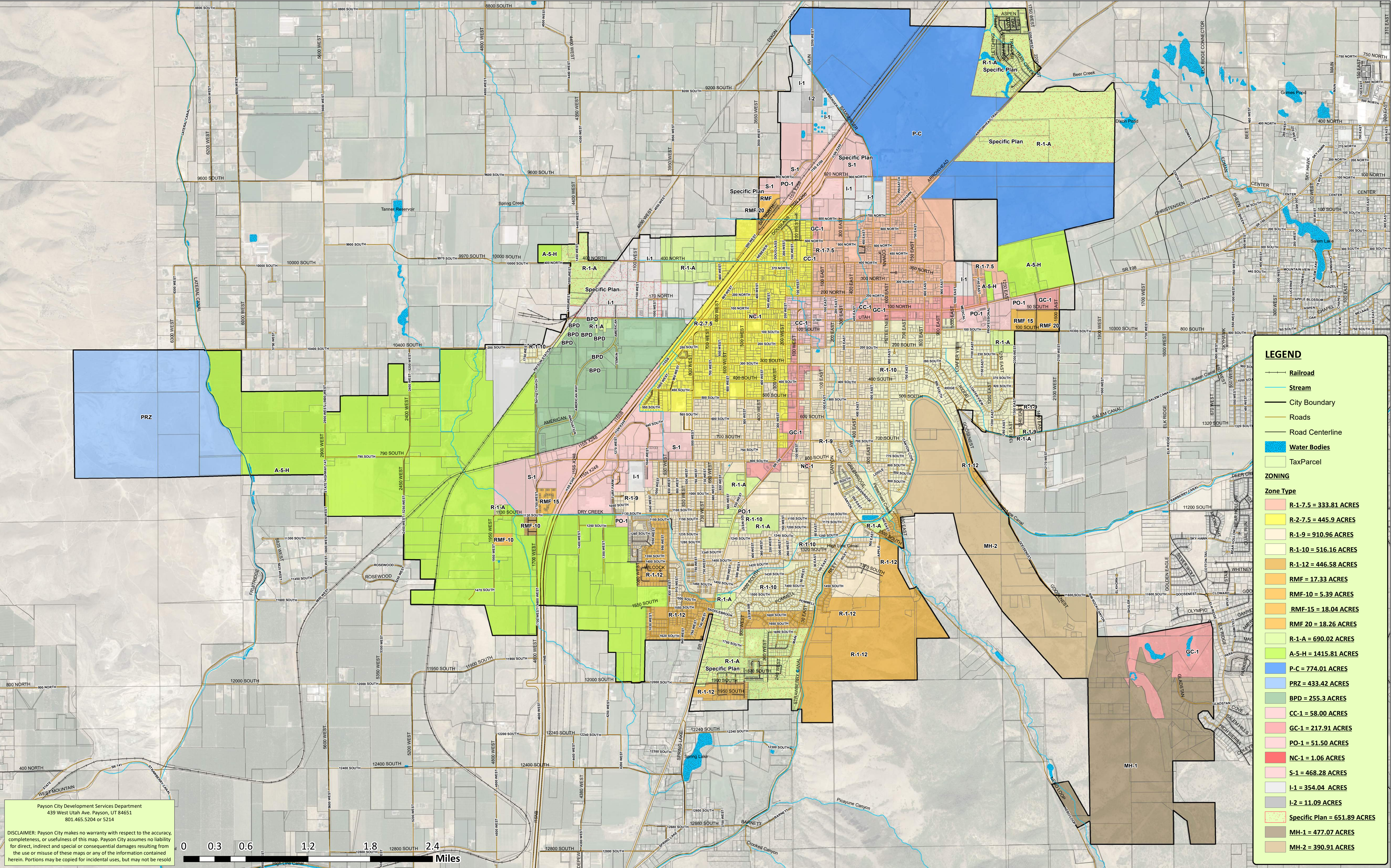
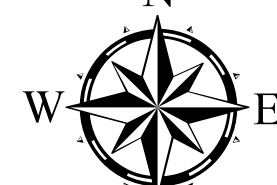


Figure 2-1: Payson Future Land Use Map

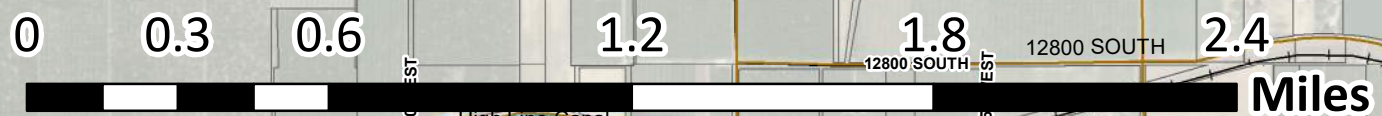


Official Zoning Map of Payson, Utah September 2021



Payson City Development Services Department
439 West Utah Ave. Payson, UT 84651
801.465.5204 or 5214

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LEGEND

- Railroad
- Stream
- City Boundary
- Roads
- Road Centerline
- Water Bodies
- TaxParcel

ZONING

Zone Type

- R-1-7.5 = 333.81 ACRES
- R-2-7.5 = 445.9 ACRES
- R-1-9 = 910.96 ACRES
- R-1-10 = 516.16 ACRES
- R-1-12 = 446.58 ACRES
- RMF = 17.33 ACRES
- RMF-10 = 5.39 ACRES
- RMF-15 = 18.04 ACRES
- RMF-20 = 18.26 ACRES
- R-1-A = 690.02 ACRES
- A-5-H = 1415.81 ACRES
- P-C = 774.01 ACRES
- PRZ = 433.42 ACRES
- BPD = 255.3 ACRES
- CC-1 = 58.00 ACRES
- GC-1 = 217.91 ACRES
- PO-1 = 51.50 ACRES
- NC-1 = 1.06 ACRES
- S-1 = 468.28 ACRES
- I-1 = 354.04 ACRES
- I-2 = 11.09 ACRES
- Specific Plan = 651.89 ACRES
- MH-1 = 477.07 ACRES
- MH-2 = 390.91 ACRES

Table 2-1: Payson Build-out Projection

<i>Payson Build-Out Population Projections</i>						
Zone	Land Use Classification	Acreage (Acre)	Density (Units/Acre)	Total Units	Residents* per Unit	Residents
A-5-H	Agriculture	1416	0.2	283	3.3	934
R-1-A	Residential-Agriculture	690	1	690	3.3	2,277
R-1-12	Residential	445	2.5	1113	3.3	3,673
R-1-10	Residential	516	3	1548	3.3	5,108
R-1-9	Residential	911	3.5	3189	3.3	10,524
R-1-75	Residential	334	4	1336	3.3	4,409
R-2-75	Residential	446	4	1784	3.3	5,887
RMF	Residential Multi-Family	17	17	289	3.3	954
RMF-10	Residential Multi-Family	5	10	50	3.3	165
RMF-15	Residential Multi-Family	18	15	270	3.3	891
RMF-20	Residential Multi-Family	18	20	360	3.3	1,188
PO-1	Professional Office	52	2	104	0	0
CC-1	Central Commercial	58	0	0	0	0
GC-1	General Commercial	218	0	0	0	0
S-1	Special Highway Service	468	1	468	0	0
I-1	Light Industrial	354	2	708	0	0
I-2	Heavy Industrial	11	1	11	0	0
NC-1	Neighborhood Commercial	1	0	0	0	0
MH-1	Mountain and Hillside	477	0.1	48	3.3	158
MH-2	Mountain and Hillside	390	1	390	3.3	1,287
P-C	Planned Community	774	4.8	3715	3.3	12,260
<i>Projected Build-Out Population</i>						49,715

*Varying densities used are based on dwelling unit types as discussed in Section 2.3

**Density for the P-C Zone has been calculated using the Bamberger Ranch approved concept plan (i.e. 3,563 units on 739.49 acres)

***RMF allows for 15-20 units/acre this study uses the average of 17 units/acre

2.3 Current & Future Growth

Current Growth Trends

Forecasting the City's future needs relies heavily upon projecting future population trends and economic growth. We have used the following data sources to project the near future's growth rates for Payson City:

- Building permits issued
- 2020 Census information
- Historic population projections and trends
- Utah Governor's Office of Planning and Budget, Demographics and Economic Analysis (DEA)
- 2020 Payson City General Plan

There are a few significant developments that are planned and will be beginning construction in the near future. These developments include Payson View Estates, Arrowhead Ranch, Village at Arrowhead Park, Red Bridge Station, and South Haven Farms. There will also be growth within the Bamberger Ranch and Spring Creek planned communities. These developments will contribute significantly to the growth of Payson over the next 15 years. As such, an effort was made to evaluate what type of units would be built in these new developments. It is estimated that at least 60% of the newest developments are in the residential and planned community zones. Payson will have mostly traditional single-family dwellings, but with increasing numbers of multi-family units similar to townhomes and condominiums.

Future Growth Trends

Population growth in Payson increased significantly in 2019 due to the upturn in the housing development market, bringing a rejuvenated development market. In recent years housing development has leveled to a more steady rate. It is expected that the City will maintain this steady rate of growth over the next few years. The major growth from Payson View Estates, Arrowhead Ranch, Village at Arrowhead Park, Red Bridge Station, and South Haven Farms is expected to be experienced between 2025 and 2036 followed by a tapering off. Figure 2-3 illustrates the estimated population growth projections.

Figure 2-3 Projected Population Growth

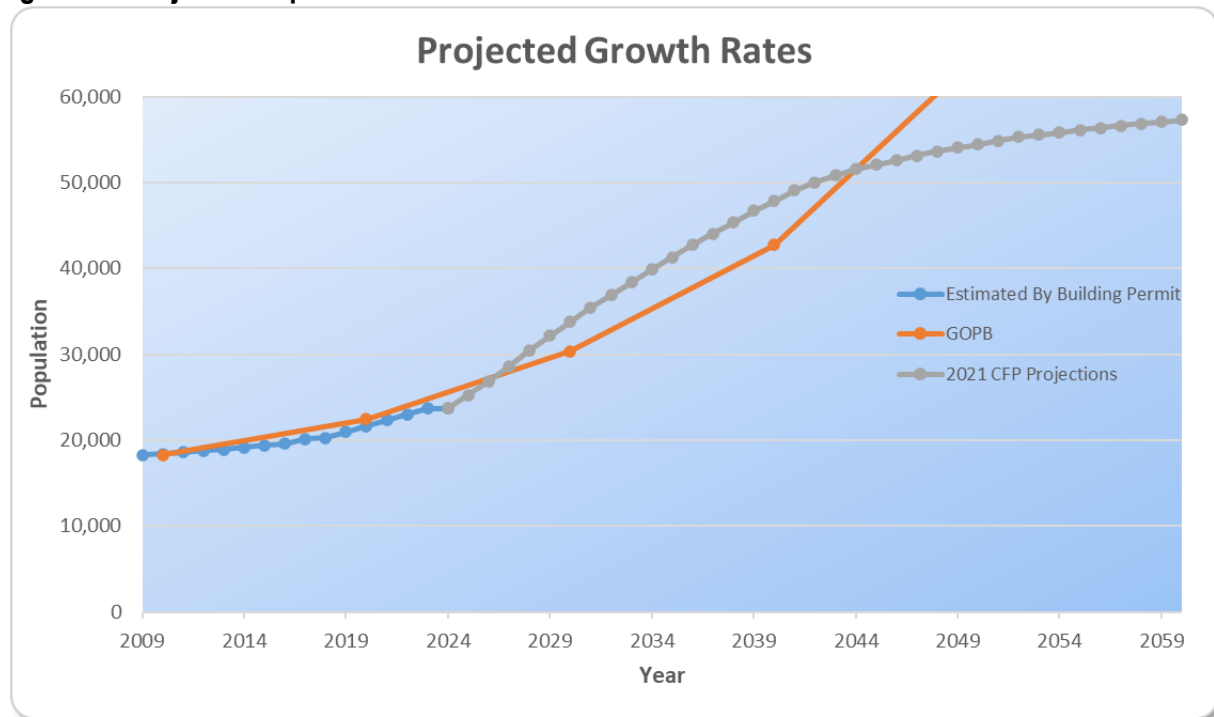


Table 2-2, gives the overall projected growth patterns as projected by various organizations (for comparison purposes) and as projected and accepted for this study for the next 20 years. Actual growth patterns and rates will vary with time and should be updated regularly. Figure A.1 in Appendix A contains the entire chart projecting population growth through build-out.

Planning Window

A 20-year window is typical throughout the industry for purposes of infrastructure and facility planning unless build-out is expected to occur soon thereafter. Therefore, we will utilize a 20-year planning window for the elements of this study. However, as per Title 11, Chapter 36a, Impact Fees Act of the Utah State Code, the impact fee planning portion of this study will utilize a six-year planning window.

Table 2-2: Various Growth Projections for Payson City

Population Estimate and Projected Growth Rate within Payson City Limits					
Fiscal Year	Estimated by Building Permit	Building permit growth Rate	2021 CFP Population Projections	2021 CFP Projected Growth Rate	MAG Projected Population
2009	18,294				
2010	18,420	0.69%			18,294
2011	18,600	0.98%			
2012	18,762	0.87%			
2013	18,881	0.63%			
2014	19,137	1.36%			
2015	19,393	1.34%			
2016	19,551	0.81%			
2017	20,122	2.92%			
2018	20,261	0.69%			
2019	20,948	3.39%			
2020	21,635	3.28%			22,436
2021	22,322	3.18%			
2022	23,009	3.08%			
2023	23,696	2.99%			
2024	23,700	0.02%	23,700	6.50%	
2025	24,093	1.66%	25,241	6.50%	
2026			26,881	6.50%	
2027			28,628	6.50%	
2028			30,489	6.50%	
2029			32,166	5.50%	
2030			33,774	5.00%	30,341
2031			35,463	5.00%	
2032			36,882	4.00%	
2033			38,357	4.00%	
2034			39,891	4.00%	
2035			41,287	3.50%	
2036			42,733	3.50%	
2037			44,015	3.00%	
2038			45,335	3.00%	
2039			46,695	3.00%	
2040			47,862	2.50%	42,728
2041			49,059	2.50%	
2042			50,040	2.00%	
2043			50,791	1.50%	
2044			51,553	1.50%	
2045			52,068	1.00%	

Payson City provides a high quality of life and health to the community through their parks and recreation facilities. To maintain this quality of life the city must continue to provide new parks and recreation facilities as the population grows.

3.1 Existing Level of Service (LOS)

The existing level of service according to the 2022 Parks and Recreation IFFP is as follows:

$$(\$36,704,739 - \$3,465,000) / 24,159 \text{ residents} = \textbf{\$1,375.87 per resident}$$

3.2 New Level of Service (LOS)

Payson will define its level of service in terms of value, with the target of 7 acres if improved park per 1000 residents. In this update, the previous level of service will be equated to a dollar value of improvements. Future improvements may be installed and measured on their value.

The newly defined LOS is based on the existing parks and recreation facilities and the current value of their land, facilities and amenities as documented in Appendix “B”. Their values are summarized in Sections 3.1 and 3.2 – Existing Facilities and calculate to be:

$$(\$69,327,612 - \$3,465,000) \text{ (current value)} / 24,093 \text{ residents} = \textbf{\$2,733.68 per resident}$$

As illustrated in the equation above we have subtracted \$3,465,000 from the current value since the new pool at Constitution Park replaced the old pool and approximately doubled the capacity.

3.3 Existing Facilities

Table 3-1 shows a current inventory of parks in Payson City and their present-day value as well as the current inventory of special purpose recreational facilities as illustrated in Figure 3-1. Table 3-2 displays the current inventory for trails in the City and their present-day value. Cost estimates include land, infrastructure and amenities, but no operation, personnel or maintenance costs.

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Table 3-1: Existing Parks and Recreation Inventory

#	Park	Size (acres)	Value*
1	Arrowhead Park	0.72	\$248,998
2	Centennial Pioneer Plaza	0.27	\$178,400
3	Constitution Park/Aquatic Center/Skate Park	5.95	\$12,521,271
4	Dry Creek Trail Parkway	3.15	\$868,684
5	Walkara Park	5.25	\$1,657,470
6	Jesse Taylor Park	4.54	\$1,444,464
7	Dry Creek Parkway Extension	0.89	\$286,586
8	Hidden Cove Park	4.68	\$2,459,287.60
9	Dry Mountain Park	4.27	\$1,329,418
10	East Hills Park	2.27	\$755,184
11	Gene Hillman Sports Complex	43.49	\$21,573,401
12	Hideaway Park	1.87	\$807,423
13	Hidden Grove Park	1.52	\$452,300
14	Hollow Park	16.08	\$4,909,047
15	Library Corner	0.62	\$195,120
16	McMullin Park	1.34	\$544,746
17	Memorial Park	7.23	\$3,495,046.87
18	Monument Park (Walker War Monument)	0.30	\$149,388
19	Payson Canyon Kiwanis Park	14.08	\$3,344,215
20	Pioneer Square	0.91	\$349,680
21	Saddlebrook Park A-70	0.26	\$93,876
22	Blackhawk Park	1.79	\$514,900
23	Temple View Park	3.18	\$1,094,525
24	Spring Lake Park	21.07	\$4,368,977
25	Wightman Park	0.21	\$149,109
26	Vincint	2.5	\$670,000
	Parks Total	148.44	\$64,461,516
Special Purpose Facilities			
1	Peteetneet Museum	7.48	\$3,426,411
2	Gladstan Golf Course	208.29	\$8,948,317
3	Forebay Recreation Area	472.81	\$94,562,000
4	Payson Cemetery	30.60	\$0
	Total	719.18	\$106,936,728

*Values are based on actual costs where available or current day cost estimates to construct similar infrastructure provided in Appendix “B”. No finance charges were evaluated.

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Table 3-2: Existing Trails Inventory

#	Park	Size (SF)	Value*
1	Arrowhead Park Trail	160,010	\$787,666
2	Peteetneet Museum Trail	6,336	\$96,984
3	North Blackhawk Park thru Hollow Park	52,800	\$764,070
4	Dry Creek Trail Parkway	10,454	\$145,014
5	Dry Mountain Park Trail	20,064	\$197,095
6	Temple View Park Trail	28,512	\$265,458
7	Dry Creek Parkway Extension	11,088	\$167,303
8	Walkara Park Trail	14,784	\$147,125
9	Spring Lake Trail	20,856	\$178,502
10	Memorial Park Trail	12,355	\$158,282
11	Jesse Taylor	3,240	\$963,255
12	Hidden Cove	5,400	\$995,342
Total		345,899	\$4,866,096

*Values are based on actual costs where available or current day cost estimates to construct similar infrastructure provided in Appendix “B”. No finance charges were evaluated.

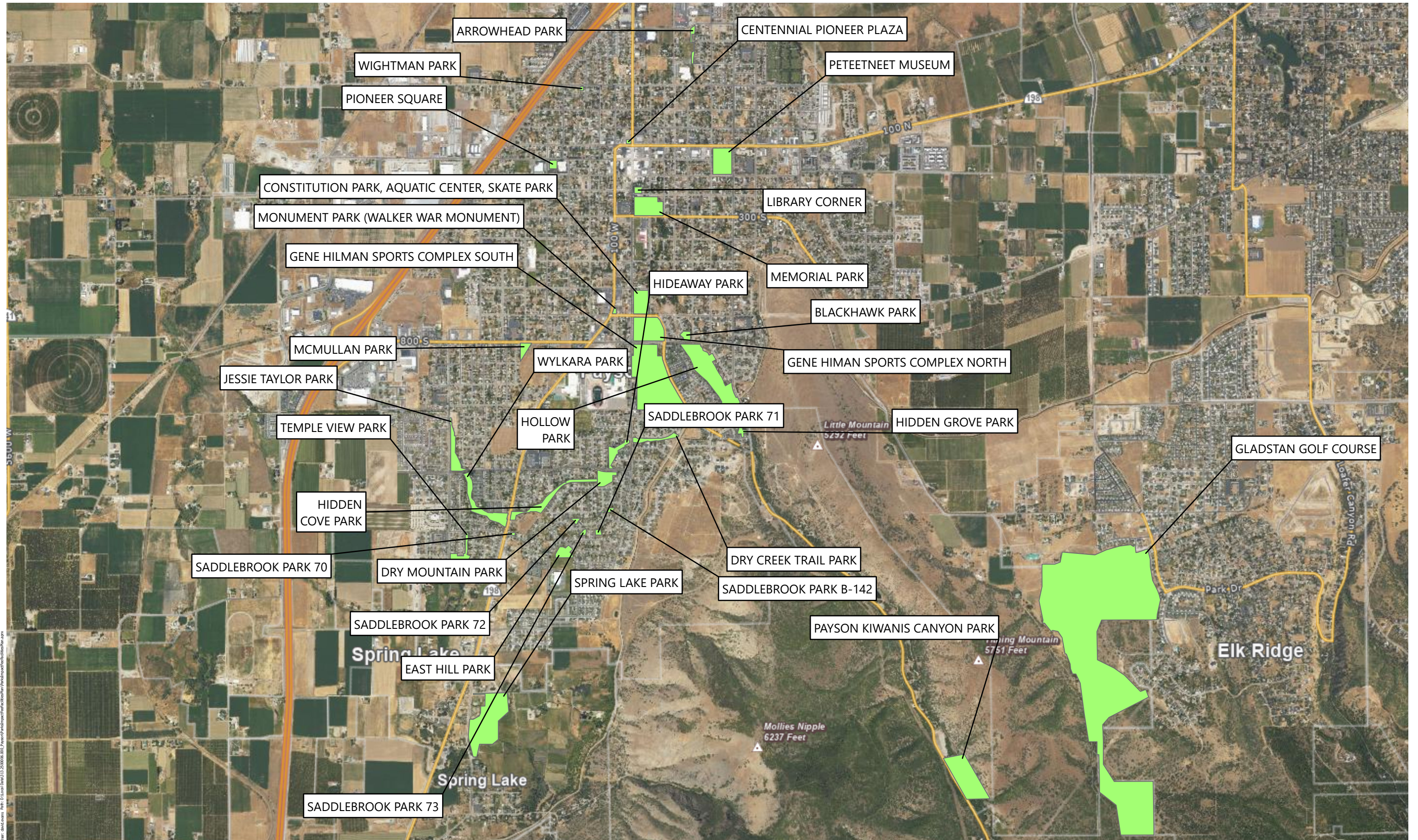
345,899 Square feet is equivalent to 7.94 acres.

The total value for all the existing recreational facilities is as follows:

$$\$64,461,516 \text{ (parks total)} + \$4,866,096 \text{ (trails total)} = \mathbf{\$69,327,612}$$

Table 3-3: Summary of Unit Costs

Item	Unit	Unit Cost
Land purchase	Acres	\$200,000
Excavation	CY	\$ 10.00
Landscaping	LS	\$20,000.00
Clearing & Grubbing	SF	\$ 1.10
Grading	SF	\$ 1.10
Asphalt Trail	TONS	\$ 110.00
Signage	EA	\$10,000.00
Benches	EA	\$ 5,500.00
Trashcans	EA	\$ 1,155.00
Sod	SF	\$ 0.60
Sprinkler System	Acres	\$43,560.00
Misc. Concrete	SF	\$ 14.00
Misc. Structures	EA	\$25,000.00
Misc. Asphalt	TONS	\$ 110.00
Parking Lot	SF	\$ 6.63
Restrooms	EA	\$88,384.00
Trail Markers	EA	\$ 552.00
Untreated Base Course	CY	\$ 55.00



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Horrocks.

2162 West Grove Parkway
Ste. 100
Pleasant Grove, UT 84062
801 763-5100

Payson City

Parks and Rec Impact Fee Facilities Plan

Date: 4/6/2026



3.4 Future Facilities

This chapter analyzes the growth period of 2025 to 2045 when the projected population will be approximately 52,068. In order to maintain the existing LOS, Payson will need to continue to provide recreational facilities at the LOS of \$2,733.68 per 1,000 residents with the target of 7 acres per 1000 residents. In other words, to provide the necessary facilities, Payson will need to construct additional facilities valuing approximately \$58,604,547 to provide for the 2045 population. This is calculated as follows:

$$52,068 \text{ (2045 population)} - 24,093 \text{ (2025 population)} = 27,975 \text{ new residents}$$

$$27,975 \text{ (new residents)} \times \$2,733,682.48 / 1,000 \text{ residents} = \$76,474,767.39 \text{ of new facilities with the goal of 7 acres of improved park space per 1000 residents}$$

3.5 Capital Facilities Plan

As Payson grows, it will need additional facilities to help meet the needs of a growing population and to maintain its unique position as a leader in recreation activities.

As calculated in Section 3.4, Payson will require an additional \$76,474,767 of recreational facilities to provide the existing LOS to its future residents. Table 3-3 illustrates a conceptual plan for developing the required future parks and trails to maintain its current LOS. Recreation facilities that are planned to be constructed are detailed below and included in Table 3-3.

Regional Park Land Purchase – Payson City recognizes the need for a regional park. The city does not plan to construct the park soon but recognizes the need to acquire land so that the park will be viable in the future. This park will serve future residents and is impact fee eligible.

Wilson Elementary – The Wilson Elementary park consists of 8.42 acres of recreational land and playground.

Spring Side Meadows Park – Spring Side Meadows subdivision is under construction and will be setting aside property for the City to improve. This project does not include land purchase, but improvements to the park to serve new development and is impact fee eligible.

Salem Canal Trail – The Salem Canal Trail will be a 3.75-mile, hard-surface trail. It will connect to a trail along the Highline Canal and then follow along the Salem Canal Road. It was assumed that this trail will be ten feet wide. The land contributing to the trail will need to be purchased and improved. It is impact fee eligible.

Regional Park Improvements – In the future, Payson City will improve the 40 acres that have been purchased. When the project becomes imminent and is more specifically planned, it will be impact fee eligible.

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Payson Canyon Trail – The Payson Canyon Trail will be a 4.5-mile, 10-foot wide, asphalt trail. It will start at the base of the canyon and connect the road to the boy scout camp. It is impact fee eligible.

Spring Lake Trail Improvements – The Spring Lake Trail is a 0.8-mile long, five-foot-wide dirt trail. In the future the City plans to improve this trail by paving it with asphalt. The improvements to this trail are impact fee eligible.

Hiatt Creek Trail (Plat B Phase 2) – The Hiatt Creek Trail is anticipated to be 1.0 miles long and is impact fee eligible.

New Parks 1 – 6 – The City will need to construct additional miscellaneous parks to maintain the level of service of 7 acres of improved parks per 1000 residents over the next 20 years. There are not specific plans for these parks so new parks one through six have been included as a place holder. The City is not required to construct these parks as shown in the table but will need to provide additional parks and recreation to maintain the defined level of service.

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Table 3-3 – Conceptual Parks and Recreation Capital Facilities Estimates

Project	Area (acres)	Constr. Year	Cost (Construction Year)	Source
Regional Park Land Purchase	40	2026	\$8,000,000	Impact Fees
Wilson Park	8.42	2027	\$1,684,000	Impact Fees
Spring Side Meadows Park	5	2027	\$1,837,447	Impact Fees
Salem Canal Trail	4.5	2027	\$1,842,475	Impact Fees
Regional Park Improvements		2028	\$13,243,862	Impact Fees
New Park 1	10	2028	\$2,824,055	Impact Fees
Payson Canyon Trail	5.45	2028	\$2,383,598	Impact Fees
Hiatt Creek Trail	0.61	2029	\$265,679	Impact Fees
Vincint Park, Trailhead Improvements		2029	\$300,000	Impact Fees
Non-Motorized Trail	2.5	2029	\$265,679	Impact Fees
New Park 2	10	2029	\$2,962,774	Impact Fees
New Park 3	10	2030	\$3,109,815	Impact Fees
New Park 4	10	2031	\$3,265,681	Impact Fees
Spring Lake Trail Improvements		2032	\$336,610	Impact Fees
New Park 5	10	2034	\$3,791,666	Impact Fees
New Park 6	10	2036	\$4,197,025	Impact Fees
New Park 7	10	2038	\$4,652,486	Impact Fees
New Park 8	10	2040	\$4,906,632	Impact Fees
New Park 9	10	2042	\$4,864,247	Impact Fees
New Park 10	10	2044	\$5,689,867	Impact Fees
New Park 11	10	2046	\$6,051,169	Impact Fees
Total	166.48		\$76,474,767	

Only infrastructure projects that are required by future development are impact fee eligible. In the case of Parks and Recreation, projects are often constructed large enough to accommodate future needs and are then reimbursed by impact fees. As such, this chapter outlines how the projects found in Chapter 3 – Parks and Recreation Planning are eligible for the Impact Fee Facilities Plan.

4.1 Parks and Recreation Impact Fees

The parks and recreation capital facilities plan indicates scheduled improvements that should be implemented in the future to upgrade Payson's parks and trails. Table 3-3 outlines known parks and recreation facilities that are currently planned as well as conceptual facilities including project costs in construction year dollars. Projects that are projected to be constructed within the next six years and are eligible to be funded by impact fees total \$43,816,759 and are detailed below and summarized in Table 4-1. These projects and costs are conceptual.

Table 4-1: Parks and Recreation Impact Fee Facilities Estimates

Future Facility	Construction Year Estimate	Construction Year	Funding Source
Regional Park Land Purchase	\$8,000,000	2026	Impact Fees
Hancock Trail Connection	\$218,776	2026	Impact Fees
Spring Side Meadows Park	\$1,837,447	2027	Impact Fees
Salem Canal Trail	\$1,842,475	2027	Impact Fees
Regional Park Improvements	\$13,243,862	2028	Impact Fees
New Park 1	\$2,824,055	2028	Impact Fees
Payson Canyon Trail	\$2,383,598	2028	Impact Fees
New Park 2	\$2,962,774	2029	Impact Fees
New Park 3	\$3,109,815	2030	Impact Fees
New Park 4	\$3,265,681	2031	Impact Fees
Spring Lake Trail Improvements	\$336,610	2032	Impact Fees
New Park 5	\$3,791,666	2032	Impact Fees
TOTAL	\$43,816,759		

Impact fees provide communities with a legal means to obtain funds from new developments to finance the construction of infrastructure improvements that are needed to serve new growth. State law requires that impact fees be used only for projects made necessary by new growth and not for existing deficiencies. Throughout this study, existing conditions have been analyzed as well as future needs due to development and growth. This section defines the financial impact that new development will have and/or has had upon Payson City and recommends impact fees for Parks and Recreation. These fees are needed to maintain the existing level of service throughout the City. It does not include existing deficiencies.

Impact fees charged for new development are based on the ERU's of proposed developments. According to the current state law, impact fees must be encumbered within a six year planning window to be impact fee eligible. Fees can be used for infrastructure or purchase of property for infrastructure.

5.1 Parks and Recreation Impact Fees

The parks and recreation system capital facilities plan indicates three projects that are scheduled to be implemented in the next six years. City staff provided three additional projects that will be constructed within the six year planning window. Following are the calculations to recommend impact fees to fund these future projects. Payson has chosen to begin tracking its LOS in value instead of acreage as outlined in Section 3.2 – New Level of Service.

ERU

This study considers one ERU to be a residential unit. Residential units built in Payson average 3.3 residents per household as reported in the 2020 Census. Therefore, for purposes of the study, ERU's are calculated as follows:

$$\text{Residential Dwelling Unit} = 1.0 \text{ ERU}$$

Eligible Projects

Tables 3-1 outlines the projects that have already been constructed and their costs to Payson in 2026 dollars. These tables illustrate that the value of the current parks and recreation system that current residents have funded is \$64,461,516.

Ultimately, new development will require \$76,474,767 of new parks and recreation facilities. As calculated in Chapter 3, LOS for parks and recreation facilities is \$2,733.68 of new recreation facilities per resident. Therefore, these planned facilities from Chapter 4 would serve 16,029 residents (i.e. \$43,816,759/ \$2,733.68).

Since the parks and recreation impact fees are calculated per resident and it is apparent that new types of development are coming to Payson, the following schedule of impact fees is currently recommended based on typical occupancy rates of different types of housing.

Current LOS including all parks: \$2,733.68/ resident

Using the current LOS the Parks and Recreation Impact Fee would be:

Single Family (3.3 residents/unit) = $3.3 \times \$2,733.68 = \$9,021.14$ (use \$9,022)

Appendix “A”

Demographics

FIGURE A.1

Population Estimate and Projected Growth Rate within Payson City Limits					
Fiscal Year	Estimated by Building Permit	Building permit growth Rate	2021 CFP Population Projections	2021 CFP Projected Growth Rate	MAG Projected Population
2009	18,294				
2010	18,420	0.69%			18,294
2011	18,600	0.98%			
2012	18,762	0.87%			
2013	18,881	0.63%			
2014	19,137	1.36%			
2015	19,393	1.34%			
2016	19,551	0.81%			
2017	20,122	2.92%			
2018	20,261	0.69%			
2019	20,948	3.39%			
2020	21,635	3.28%			22,436
2021	22,322	3.18%			
2022	23,009	3.08%			
2023	23,696	2.99%			
2024	23,700	0.02%	23,700	6.50%	
2025	24,093	1.66%	25,241	6.50%	
2026			26,881	6.50%	
2027			28,628	6.50%	
2028			30,489	6.50%	
2029			32,166	5.50%	
2030			33,774	5.00%	30,341
2031			35,463	5.00%	
2032			36,882	4.00%	
2033			38,357	4.00%	
2034			39,891	4.00%	
2035			41,287	3.50%	
2036			42,733	3.50%	
2037			44,015	3.00%	
2038			45,335	3.00%	
2039			46,695	3.00%	
2040			47,862	2.50%	42,728
2041			49,059	2.50%	
2042			50,040	2.00%	

2043			50,791	1.50%	
2044			51,553	1.50%	
2045			52,068	1.00%	
2046			52,589	1.00%	
2047			53,115	1.00%	
2048			53,646	1.00%	
2049			54,048	0.75%	
2050			54,454	0.75%	64,887
2051			54,862	0.75%	
2052			55,273	0.75%	
2053			55,550	0.50%	
2054			55,827	0.50%	
2055			56,107	0.50%	
2056			56,387	0.50%	
2057			56,613	0.40%	
2058			56,839	0.40%	
2059			57,067	0.40%	
2060			57,296	0.40%	

**Figure
A.2**

Payson City

Population Projections Using Building Permits

Year	Population	New Single Family Permits	Single Family Occupancy Rates	New Multi- family Permits	Multi-family Occupancy Rates	New Residents
2020	21,635	80	3.6	375	2.9	
2021	22,322	85	3.6	394	2.9	1,449
2022	23,009	96	3.6	37	2.9	453
2023	23,696	51	3.6	9	2.9	210
2024	23,700	67	3.6	8	2.9	4
2025	24,093	57	3.6	10	2.9	393

Appendix “B”

Parks and Recreation

Figure B.1 – Parks and Recreation: Existing Facilities Cost Estimates

Arrowhead Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.72	\$200,000	\$144,000
Excavation	CY	1,162	\$ 10.00	\$11,620
Landscaping	LS	1	\$ 20,000.00	\$20,000
Sod	SF	31,363	\$ 0.60	\$18,818
Sprinkler System	Acres	1	\$ 43,560.00	\$43,560
Misc. Asphalt - Trails	Tons	100	\$ 110.00	\$11,000
Cost				\$248,998

Dedicated w/Development (2005)

Centennial Pioneer Plaza				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.27	\$200,000	\$54,000
Excavation	CY	436.00	\$ 10.00	\$4,360
Landscaping	LS	1.00	\$ 20,000.00	\$20,000
Sod	SF	11,761.00	\$ 0.60	\$7,057
Sprinkler System	Acres	0.26	\$ 43,560.00	\$11,326
Misc. Asphalt Trail	Tons	0.00	\$ 110.00	\$0
Information Sign	Each	1.00	\$ 67,895.48	\$67,895
Benches	Each	2.00	\$ 5,500.00	\$11,000
Concrete	CY	25.00	\$ 110.48	\$2,762
Cost				\$178,400

Purchased 1996

Constitution Park / Aquatic Center / Skate Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	5.95	\$200,000	\$1,190,000
Pool and Skate Park	LS	1.00	\$ 11,331,270.72	\$11,331,271
Cost				\$12,521,271

**Total costs based on actual costs plus estimated land costs. Actual costs provided in the Appendix*

Dry Creek Trail Parkway				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	3.15	\$200,000	\$630,000
Excavation	CY	3,388.00	\$ 10.00	\$33,880
Landscaping	LS	1.00	\$ 20,000.00	\$20,000
Sod	SF	137,214.00	\$ 0.60	\$82,328
Sprinkler System	Acres	2.10	\$ 43,560.00	\$91,476
Trail (Asphalt)	CY	100.00	\$ 110.00	\$11,000
Cost				\$868,684

Dedicated w/Development (2002 & 2003)

Walkara Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	5.25	\$200,000	\$1,050,000
Excavation	CY	8,470.00	\$ 10.00	\$84,700
Landscaping	LS	1.00	\$ 20,000.00	\$20,000
Sod	SF	228,690.00	\$ 0.60	\$137,214
Sprinkler System	Acres	7.10	\$ 43,560.00	\$309,276
Parking Lot	SF	6,000.00	\$ 6.63	\$39,780
Misc. Asphalt - Trails	Tons	150.00	\$ 110.00	\$16,500
Cost				\$1,657,470

Dedicated w/Development (2002 & 2003)

Jesse Taylor Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	4.54	\$200,000	\$908,000
Excavation	CY	7,325.00	\$ 10.00	\$73,250
Landscaping	LS	1.00	\$ 20,000.00	\$20,000
Sod	SF	197,762.00	\$ 0.60	\$118,657
Sprinkler System	Acres	6.47	\$ 43,560.00	\$281,833
Misc. Asphalt	Tons	150.00	\$ 110.00	\$16,500
Picnic Facilities	Each	1.00	\$ 5,524.00	\$5,524
Additional Trails	LS	1.00	\$ 18,900.00	\$18,900
Trees	Each	6.00	\$ 300.00	\$1,800
Cost				\$1,444,464

Dedicated w/Development (2002)

Dry Creek Parkway Extension				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.89	\$200,000	\$178,000
Excavation	CY	1,436.00	\$ 10.00	\$14,360
Landscaping	LS	1.00	\$ 20,000.00	\$20,000
Sod	SF	38,768.00	\$ 0.60	\$23,261
Sprinkler System	Acres	1.17	\$ 43,560.00	\$50,965
Cost				\$286,586

Dedicated w/Development (2002 & 2003)

Hidden Cove Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	4.68	\$200,000	\$936,000
Excavation	CY	7,550.00	\$ 10.00	\$75,500
Landscaping	LS	1.00	\$ 20,000.00	\$20,000
Sod	SF	203,861.00	\$ 0.60	\$122,317
Sprinkler System	Acres	5.00	\$ 43,560.00	\$217,800
Playground	LS	1.00	\$ 49,716.00	\$49,716
Picnic Area	LS	1.00	\$ 5,524.00	\$5,524
Misc. Asphalt	Tons	198.00	\$ 110.00	\$21,780
Cost				\$1,448,637
<i>Dedicated w/Development (1999 & 2003)</i>			2022 Improvements	\$ 1,010,651.00
			Total Cost	\$ 2,459,287.60

Dry Mountain Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	4.27	\$200,000	\$854,000
Excavation	CY	6,889.	\$ 10.00	\$68,890
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	186,001.	\$ 0.60	\$111,601
Sprinkler System	Acres	3.2	\$ 43,560.00	\$139,392
Parking lot	SF	5,124.	\$ 6.63	\$33,966
Playground	LS	1.	\$ 49,716.00	\$49,716
Misc. Asphalt	Tons	150.	\$ 110.00	\$16,500
Pavilion	Each	1.	\$ 27,620.00	\$27,620
Fencing	LF	700.	\$ 11.05	\$7,734
Cost				\$1,329,418

Dedicated w/Development (2002)

East Hills Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	2.27	\$200,000	\$454,000
Excavation	CY	3,662.	\$ 10.00	\$36,620
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	98,881.	\$ 0.60	\$59,329
Sprinkler System	Acres	3.2	\$ 43,560.00	\$139,392
Playground	LS	1.	\$ 5,524.00	\$5,524
Parking lot	SF	2,760.	\$ 6.63	\$18,295
Misc. Asphalt	Tons	150.	\$ 110.00	\$16,500
Picnic Facilities	Each	1.	\$ 5,524.00	\$5,524
Cost				\$755,184

Dedicated w/Development (1999)

Gene Hillman Sports Complex				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	43.49	\$200,000	\$8,698,000
Site Clearing	LS	1.	\$ 77,175.80	\$77,176
Mass Grading	LS	1.	\$ 98,080.83	\$98,081
Sewer System	LS	1.	\$ 3,979.49	\$3,979
Culinary Water Service	LS	1.	\$ 2,009.63	\$2,010
Pressurized Irrigation System	Acres	43.49	\$ 7,899.32	\$343,541
Storm Drain	LS	1.	\$ 36,798.68	\$36,799
West Parking Lot	LS	1.	\$ 110,697.65	\$110,698
Softball 4-plex	LS	1.	\$ 476,263.81	\$476,264
Lighted Soccer Field	LS	1.	\$ 396,733.68	\$396,734
Power & Lights	LS	1.	\$ 303,827.73	\$303,828
Pavilion	LS	1.	\$ 27,620.00	\$27,620
Playground	LS	1.	\$ 49,716.00	\$49,716
Landscaping	LS	1.	\$ 143,450.55	\$143,451
Score Keeper Concessions Bldg	LS	1.	\$ 347,551.30	\$347,551
Cost				\$11,115,447
			2020 Improvments	\$8,463,182
			2025 Improvements Present value	\$10,457,954
			2025 Total Cost	\$21,573,401

*Purchased (2006). *Total Cost based upon actual costs plus estimated land purchase. Enginee*

Hideaway Park				
Item	Units	Quantity	Unit Price	Cost
Land Purchase	Acres	1.87	\$200,000	\$374,000
Excavation	CY	3,017.	\$ 10.00	\$30,170
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	81,457.	\$ 0.60	\$48,874
Sprinkler System	Acres	3.24	\$ 43,560.00	\$141,134
Picnic Facilities	Each	1.	\$ 5,524.00	\$5,524
Trails (asphalt)	Tons	200.	\$ 110.00	\$22,000
Playground	LS	1.	\$ 49,716.00	\$49,716
Restrooms	Each	1.	\$ 88,384.00	\$88,384
Pavilion	Each	1.	\$ 27,620.00	\$27,620
Cost				\$807,423

Dedicated w/Development (2000 & 2001)

Hidden Grove Park				
Item	Units	Quantity	Unit Price	Cost
Land Purchase	Acres	1.52	\$200,000	\$304,000
Excavation	CY	1,067.	\$ 10.00	\$10,670
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	28,800.	\$ 0.60	\$17,280
Sprinkler System	Acres	1.52	\$ 43,560.00	\$66,211
Picnic Facilities	Each	1.	\$ 5,524.00	\$5,524
Trails (concrete)	Tons	250.	\$ 110.48	\$27,620
Parking Lot	Tons	15.	\$ 66.29	\$994
Cost				\$452,300

Dedicated w/Development (2000 & 2001)

Hollow Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	16.08	\$200,000	\$3,216,000
Excavation	CY	25,942.	\$ 10.00	\$259,420
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	700,445.	\$ 0.60	\$420,267
Sprinkler System	Acres	19.	\$ 43,560.00	\$827,640
Playground	LS	1.	\$ 49,716.00	\$49,716
Picnic Facilities	LS	11.	\$ 5,524.00	\$60,764
Misc. Concrete - Trails	CY	500.	\$ 110.48	\$55,240
Cost				\$4,909,047

Dedicated w/Development (1998, 2005 & 2013)

Library Corner				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.62	\$200,000	\$124,000
Excavation	CY	1,000.	\$ 10.00	\$10,000
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	27,007.	\$ 0.44	\$11,935
Sprinkler System	Acres	0.67	\$ 43,560.00	\$29,185
Cost				\$195,120

Purchased (1920)

McMullin Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	1.34	\$200,000	\$268,000
Excavation	CY	2,162.	\$ 10.00	\$21,620
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	58,370.	\$ 0.60	\$35,022
Sprinkler System	Acres	1.36	\$ 43,560.00	\$59,242
Picnic Facilities	LS	1.	\$ 5,524.00	\$5,524
Pavilion	Each	1.	\$ 27,620.00	\$27,620
Restrooms	LS	1.	\$ 88,384.00	\$88,384
Kitchen	Each	1.	\$ 11,048.00	\$11,048
Parking Lot	Tons	75.	\$ 66.29	\$4,972
Fencing	LF	300.	\$ 11.05	\$3,314
Cost				\$544,746

Donated (1984)

Memorial Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	7.23	\$200,000	\$1,446,000
Excavation	CY	11,664.	\$ 10.00	\$116,640
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	314,939.	\$ 0.60	\$188,963
Sprinkler System	Acres	7.5	\$ 43,560.00	\$326,700
Parking lot	SF	8,676.	\$ 6.63	\$57,511
Playground	LS	1.	\$ 49,716.00	\$49,716
Bandstand	LS	1.	\$ 165,720.00	\$165,720
Lighted Basketball Courts	LS	1.	\$ 220,960.00	\$220,960
Lighted Pickleball Courts	LS	1.	\$ 331,440.00	\$331,440
Picnic Facilities	Each	6.	\$ 5,524.00	\$33,144
Restrooms	LS	2.	\$ 88,384.00	\$176,768
Trails (concrete)	CY	1,000.	\$ 110.48	\$110,480
Trails (Asphalt)	Tons	500.	\$ 66.29	\$33,144
Pavilions	Each	3.	\$ 27,620.00	\$82,860
Cost				\$3,360,047

Purchased (1919)

2022 & 2023
Improvements

\$ 135,000.00

Total Cost

\$ 3,495,046.87

Monument Park (Walker War Monument)				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.3	\$200,000	\$60,000
Excavation	CY	484.	\$ 10.00	\$4,840
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	13,068.	\$ 0.60	\$7,841
Sprinkler System	Acres	0.3	\$ 43,560.00	\$13,068
Bus Shelter	LS	1.	\$ 22,096.00	\$22,096
Historical Marker	LS	1.	\$ 8,838.40	\$8,838
Parking Lot	Tons	25.	\$ 66.29	\$1,657
Pavilion	Each	1.	\$ 11,048.00	\$11,048
Cost				\$149,388

Partnership - Payson City and UDOT (1960)

Payson Canyon Kiwanis Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	14.08	\$200,000	\$2,816,000
Excavation	CY	22,716.	\$ 10.00	\$227,160
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Fencing	LF	300.	\$ 11.05	\$3,314
Parking lot	SF	16,896.	\$ 6.63	\$112,020
Picnic Facilities	Each	8.	\$ 5,524.00	\$44,192
Restrooms	LS	1.	\$ 88,384.00	\$88,384
Pavilion	Each	1.	\$ 27,620.00	\$27,620
Bridge				\$0
Frisbee Golf	Each	1.	\$ 5,524.00	\$5,524
Cost				\$3,344,215

Purchased (1995)

Pioneer Square				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.91	\$200,000	\$182,000
Excavation	CY	1,468.	\$ 10.00	\$14,680
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	39,640.	\$ 0.60	\$23,784
Sprinkler System	Acres	2.	\$ 43,560.00	\$87,120
Historical Cabin	Each	1.	\$ 22,096.00	\$22,096
Cost				\$349,680

Purchased (prior to 1935)

Saddlebrook Park A-70 (Pocket Park)				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.26	\$200,000	\$52,000
Excavation	CY	419.	\$ 10.00	\$4,190
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	11,326.	\$ 0.60	\$6,796
Sprinkler System	Acres	0.25	\$ 43,560.00	\$10,890
Cost				\$93,876

Dedicated w/Development (1999)

Blackhawk Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	1.79	\$200,000	\$358,000
Excavation	CY	2,888.	\$ 10.00	\$28,880
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	77,972.	\$ 0.60	\$46,783
Sprinkler System	Acres	1.	\$ 43,560.00	\$43,560
Picnic Facilities	LS	2.	\$ 5,524.00	\$11,048
Trail (concrete)	CY	60.	\$ 110.48	\$6,629
Cost				\$514,900

Purchased (1999)

Temple View Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	3.18	\$200,000	\$636,000
Excavation	CY	5,130.	\$ 10.00	\$51,300
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	138,521.	\$ 0.60	\$83,113
Sprinkler System	Acres	2.9	\$ 43,560.00	\$126,324
Playground	Each	1.	\$ 49,716.00	\$49,716
Parking Lot	SF	10,000.	\$ 6.63	\$66,300
Fencing	LF	600.	\$ 11.05	\$6,629
Pavilion	Each	1.	\$ 27,620.00	\$27,620
Basketball Courts	LS	1.	\$ 5,524.00	\$5,524
Misc. Asphalt	Tons	200.	\$ 110.00	\$22,000
Cost				\$1,094,525

Dedicated w/Development (2004)

Spring Lake Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	21.07	\$200,000	\$4,214,000
Excavation	CY	1.	\$ 10.00	\$10
Picnic Facilities	Each	10.	\$ 5,524.00	\$55,240
Vaulted Toilet	LS	1.	\$ 73,000.00	\$73,000
Boat Dock	LS	1.	\$ 16,227.00	\$16,227
Story Walk	LS	1.	\$ 10,500.00	\$10,500
Cost				\$4,368,977

Wightman Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.21	\$200,000	\$42,000
Excavation	CY	339.	\$ 10.00	\$3,390
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	9,148.	\$ 0.60	\$5,489
Sprinkler System	Acres	0.5	\$ 43,560.00	\$21,780
Playground	Each	1.	\$ 49,716.00	\$49,716
Picnic	Each	1.	\$ 5,524.00	\$5,524
Misc. Asphalt	CY	11.	\$ 110.00	\$1,210
Cost				\$149,109

Purchased (2003)

Vincint Park				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	4.5	\$200,000	\$900,000
Shared Cost with County	LS	1.	\$ (230,000.00)	-\$230,000
Cost				\$670,000

Figure B.2 – Existing Special Purpose Facility Inventory

Peteetneet Museum				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	7.48	\$200,000	\$1,496,000
Excavation	CY	12,068.	\$ 10.00	\$120,680
Landscaping	LS	1.	\$ 20,000.00	\$20,000
Sod	SF	325,829.	\$ 0.60	\$195,497
Sprinkler System	Acres	7.	\$ 43,560.00	\$304,920
Playground	LS	1.	\$ 49,716.00	\$49,716
Parking lot	SF	10,000.	\$ 6.63	\$66,300
Community Building	LS	1.	\$ 441,920.00	\$441,920
Museum	LS	1.	\$ 165,720.00	\$165,720
Art Museum	LS	1.	\$ 165,720.00	\$165,720
Dance Studio	LS	1.	\$ 110,480.00	\$110,480
Reception Hall	LS	1.	\$ 110,480.00	\$110,480
Amphitheater	LS	1.	\$ 110,480.00	\$110,480
Fencing	LF	200.	\$ 11.05	\$2,210
Misc. Concrete	CY	200.	\$ 110.48	\$22,096
Fountains/Rose Gardens	Each	1.	\$ 44,192.00	\$44,192
Cost				\$3,426,411

Gladstan Golf Course				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	208.29	\$ -	\$0
Excavation	CY	336,041.	\$ 6.63	\$2,227,549
Landscaping	LS	18.	\$ 11,048.00	\$198,864
Sod	SF	9,073,112.	\$ 0.44	\$4,009,590
Sprinkler System	Acres	140.	\$ 7,899.32	\$1,105,905
Parking lot	SF	6,000.	\$ 6.63	\$39,773
Clubhouse	LS	1.	\$ 552,400.00	\$552,400
Driving Range	LS	1.	\$ 276,200.00	\$276,200
RV Parking	LS	1.	\$ 220,960.00	\$220,960
Misc. Asphalt	Tons	950.	\$ 66.29	\$62,974
Misc. Concrete	CY	700.	\$ 110.48	\$77,336
Restrooms	LS	2.	\$ 88,384.00	\$176,768
Cost				\$8,948,317

Forebay Recreation Area				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	472.81	\$200,000	\$94,562,000
Cost				\$94,562,000

Payson City Cemetery				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	30.6	\$0.00	\$0
Cost				\$0

Existing Facilities Cost Estimates

March 2026

Arrowhead Park Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	3.67	\$200,000	\$734,665
Clearing & Grubbing	SF	160,010	\$ 1.10	\$176,779
Grading	SF	160,010	\$ 1.10	\$176,011
Asphalt Trail	TONS	2,900	\$ 110.00	\$319,020
Untreated Base Course	CY	1,975	\$ 55.00	\$108,649
Trail Markers	EA	1	\$ 552.00	\$552
Benches	EA	1	\$ 5,500.00	\$5,500
Trashcans	EA	1	\$ 1,155.00	\$1,155
Cost				\$787,666

Peteetneet Museum Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.15	\$ 200,000	\$29,091
Clearing & Grubbing	SF	6,336	\$ 1	\$6,970
Grading	SF	6,336	\$ 1	\$6,970
Concrete Trail	SF	6,336	\$ 7	\$42,000
Untreated Base Course	CY	117	\$ 55	\$6,453
Benches	EA	1	\$ 5,500	\$5,500
Cost				\$96,984

North Blackhawk thru Hollow Park				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	1.21	\$ 200,000	\$242,424
Clearing & Grubbing	SF	52,800	\$ 1	\$58,080
Grading	SF	52,800	\$ 1	\$58,080
Concrete Trail	SF	52,800	\$ 7	\$350,001
Untreated Base Course	CY	978	\$ 55	\$53,778
Trail Markers	EA	1	\$ 552	\$552
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$764,070

Dry Creek Trail Parkway				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.24	\$ 200,000	\$47,998
Clearing & Grubbing	SF	10,454	\$ 1	\$11,499
Grading	SF	10,454	\$ 1	\$11,499
Concrete Trail	SF	7,920	\$ 7	\$52,500
Asphalt Trail	TONS	46	\$ 110	\$5,074
Untreated Base Course	CY	178	\$ 55	\$9,787
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$145,014

Dry Mountain Park Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.46	\$ 200,000	\$92,121
Clearing & Grubbing	SF	20,064	\$ 1	\$22,070
Grading	SF	20,064	\$ 1	\$22,070
Asphalt Trail	TONS	364	\$ 110	\$40,003

Untreated Base Course	CY	248	\$ 55	\$13,624
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$197,095

Temple View Park Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.65	\$ 200,000	\$130,909
Clearing & Grubbing	SF	28,512	\$ 1	\$31,363
Grading	SF	28,512	\$ 1	\$31,363
Dirt Trail	SF	7,392	\$ 1	\$8,167
Asphalt Trail	TONS	383	\$ 110	\$42,108
Untreated Base Course	CY	261	\$ 55	\$14,341
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$265,458

Dry Creek Parkway Extension				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.25	\$ 200,000	\$50,909
Clearing & Grubbing	SF	11,088	\$ 1	\$12,197
Grading	SF	11,088	\$ 1	\$12,197
Concrete Trail	SF	11,088	\$ 7	\$73,500
Untreated Base Course	CY	205	\$ 55	\$11,293
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$167,303

Walkara Park Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.34	\$ 200,000	\$67,879
Clearing & Grubbing	SF	14,784	\$ 1	\$16,262
Grading	SF	14,784	\$ 1	\$16,262
Asphalt Trail	TONS	268	\$ 110	\$29,476
Untreated Base Course	CY	183	\$ 55	\$10,039
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$147,125

Spring Lake Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.48	\$ 200,000	\$95,758
Clearing & Grubbing	SF	20,856	\$ 1	\$22,942
Grading	SF	20,856	\$ 1	\$22,942
Dirt Trail	SF	20,856	\$ 1	\$23,042
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	2	\$ 1,155	\$2,310
Tables	EA	4	\$ 1,364	\$5,458
Cost				\$178,502

Memorial Park Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.28	\$ 200,000	\$56,726
Clearing & Grubbing	SF	12,355	\$ 1	\$13,591
Grading	SF	12,355	\$ 1	\$13,591
Concrete Trail	SF	6,864	\$ 7	\$45,500
Asphalt Trail	TONS	100	\$ 110	\$10,948
Untreated Base Course	CY	195	\$ 55	\$10,720
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$158,282

Jesse Taylor Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	4.54	\$ 200,000	\$908,000
Clearing & Grubbing	SF	3,240	\$ 1	\$3,564
Grading	SF	3,240	\$ 1	\$3,564
Asphalt Trail	TONS	352	\$ 110	\$38,720
Untreated Base Course	CY	40	\$ 55	\$2,200
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$963,255

Hidden Cove Trail				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	4.54	\$ 200,000	\$908,000
Clearing & Grubbing	SF	5,400	\$ 1	\$5,940
Grading	SF	5,400	\$ 1	\$5,940
Asphalt Trail	TONS	587	\$ 110	\$64,570
Untreated Base Course	CY	67	\$ 55	\$3,685
Trail Markers	EA	1	\$ 552	\$552
Benches	EA	1	\$ 5,500	\$5,500
Trashcans	EA	1	\$ 1,155	\$1,155
Cost				\$995,342

Figure B.5

**Parks and Recreation Capital Facilities Projects
Cost Estimates**

Regional Park Land Purchase 2026 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	40	\$200,000.00	\$8,000,000
Cost				\$8,000,000
2026				\$8,000,000

Spring Side Meadows Park 2027 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	5	\$200,000.00	\$1,000,000
Excavation	CY	8,067	\$10.00	\$80,667
Landscaping	LS	1	\$20,000.00	\$20,000
Sod	SF	217,800	\$0.60	\$130,680
Sprinkler System	Acres	5	\$43,560.00	\$217,800
Parking lot	SF	6,000	\$6.63	\$39,780
Playground	LS	1	\$45,000.00	\$45,000
Misc. Asphalt	Tons	800	\$110.00	\$88,000
Misc. Concrete	CY	400	\$100.00	\$40,000
Misc. Structures	Each	1	\$25,000.00	\$25,000
Restrooms	LS	1	\$88,384.00	\$88,384
Cost				\$1,775,311
Construction Year Cost				\$1,837,447

Salem Canal Trail 2027 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	4.53	\$200,000	\$906,474
Clearing & Grubbing	SF	197,430	\$1.10	\$217,173
Grading	SF	197,460	\$1.10	\$217,206
Asphalt Trail	TONS	3,579	\$110.00	\$393,686
Untreated Base Course	CY	66	\$55.00	\$3,645
Cost				\$1,738,184
Construction Year Cost				\$1,842,475

Hancock Trail Connection 2026 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	0.5	\$200,000.00	\$100,000
Excavation	CY	807	\$10.00	\$8,067
Misc. Asphalt	Tons	350	\$110.00	\$38,500
Landscaping	LS	1	\$20,000.00	\$20,000
Misc. Concrete	CY	20	\$110.48	\$2,210
Misc. Structures	Each	2	\$25,000.00	\$50,000
Cost				\$218,776
Construction Year Cost				\$218,776

Regional Park Improvements 2028 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	40	\$200,000.00	\$8,000,000
Excavation	CY	64,533	\$10.00	\$645,333
Landscaping	LS	1	\$20,000.00	\$20,000
Sod	SF	1,742,400	\$0.60	\$1,045,440
Sprinkler System	Acres	40	\$43,560.00	\$1,742,400
Parking lot	SF	10,000	\$6.63	\$66,300
Playground	LS	2	\$49,716.00	\$99,432
Misc. Sports Fields	Each	2	\$110,480.00	\$220,960
Misc. Asphalt	Tons	2,000	\$110.00	\$220,000
Misc. Concrete	CY	2,000	\$110.48	\$220,960
Misc. Structures	Each	5	\$25,000.00	\$125,000
Restrooms	LS	1	\$88,384.00	\$88,384
Cost				\$12,494,209
Construction Year Cost				\$13,243,862

Payson Canyon Trail 2028 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	5.45	\$200,000	\$1,090,909
Clearing & Grubbing	SF	237,600	\$1.10	\$261,360
Grading	SF	237,600	\$1.10	\$261,360
Asphalt Trail	TONS	4,307	\$110.00	\$473,715
Untreated Base Course	CY	2,933	\$55.00	\$161,333
Cost				\$2,248,677
Construction Year Cost				\$2,383,598

Spring Lake Park 2032 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.48	\$200,000	\$95,758
Grading	SF	20,856	\$1	\$22,942
Dirt Trail	SF	20,856	\$1	\$21,899
Vaulted Toilet	LS	1	\$73,000	\$73,000
Boat Dock	LS	1	\$16,227	\$16,227
Story Walk	LS	1	\$10,500	\$10,500
Asphalt Trail	TONS	378	\$110	\$41,582
Cost				\$281,907
Construction Year Cost				\$336,611

New Large Park (10-25 Acres) 2037 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	10	\$200,000.00	\$2,000,000
Excavation	CY	16,133	\$10.00	\$161,333
Landscaping	LS	1	\$20,000.00	\$20,000
Sod	SF	435,600	\$0.60	\$261,360
Sprinkler system	Acres	10	\$43,560.00	\$435,600
Parking lot	SF	5,000	\$6.29	\$31,440
Playground	LS	1	\$47,160.00	\$47,160
Misc. Asphalt	Tons	1,000	\$110.00	\$110,000
Misc. Concrete	CY	500	\$104.80	\$52,400
Misc. Structures	Each	1	\$25,000.00	\$25,000
Restrooms	LS	1	\$88,384.00	\$88,384
Cost				\$3,232,677
10 Year Construction Cost (10 acre)				\$5,789,233

Wilson Park Land Purchase 2026 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land purchase	Acres	8.42	\$200,000.00	\$1,684,000
Cost				\$1,684,000
2026				\$1,684,000

Hiatt Creek Trail 2028 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.61	\$200,000	\$122,000
Clearing & Grubbing	SF	26,400	\$1.10	\$29,040
Grading	SF	26,400	\$1.10	\$29,040
Asphalt Trail	TONS	479	\$110.00	\$52,635
Untreated Base Course	CY	326	\$55.00	\$17,926
Cost				\$250,641
Construction Year Cost				\$265,679

Non-Motorized Trail 2028 Cost Estimate				
Item	Units	Quantity	Unit Price	Cost
Land Acquisition	AC	0.61	\$200,000	\$122,000
Clearing & Grubbing	SF	26,400	\$1.10	\$29,040
Grading	SF	26,400	\$1.10	\$29,040
Asphalt Trail	TONS	479	\$110.00	\$52,635
Untreated Base Course	CY	326	\$55.00	\$17,926
Cost				\$250,641
Construction Year Cost				\$265,679

Appendix “C”

Applicable State Codes

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, local district under Title 17B, Limited Purpose Local Government Entities - Local 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, local 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 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
 - (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- (3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (4) "Development approval" means:
 - (a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
 - (b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
 - (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
 - (i) to reserve or provide:
 - (A) a water right;
 - (B) a system capacity; or
 - (C) a distribution facility; or
 - (ii) to deliver for a development activity:
 - (A) culinary water; or

- (B) irrigation water; or
- (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
 - (i) to reserve or provide:
 - (A) sewer collection capacity; or
 - (B) treatment capacity; or
 - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
 - (a) a municipal ordinance, for a municipality;
 - (b) a county ordinance, for a county; and
 - (c) a governing board resolution, for a local 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) "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, local district, special service district, or private entity.
- (8)
 - (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.
- (9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (11) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (12)
 - (a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
 - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
- (13) "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.
- (14)
 - (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.
- (15) "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.
- (16) "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; or
 - (h) environmental mitigation as provided in Section 11-36a-205.
- (17)
 - (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.
- (18)
 - (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.
- (19)
 - (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.
- (20) "Specified public agency" means:
 - (a) the state;
 - (b) a school district; or
 - (c) a charter school.
- (21)
 - (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 363, 2014 General Session

Part 2

Impact Fees

11-36a-201 Impact fees.

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

Enacted by Chapter 47, 2011 General Session

11-36a-202 Prohibitions on impact fees.

- (1) A local political subdivision or private entity may not:
 - (a) impose an impact fee to:
 - (i) cure deficiencies in a public facility serving existing development;
 - (ii) raise the established level of service of a public facility serving existing development;
 - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or
 - (iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:
 - (A) generally accepted cost accounting practices; and
 - (B) the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
 - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2)
 - (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
 - (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
 - (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
 - (iii) on a school district or charter school unless:
 - (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
 - (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;

- (iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
 - (A) the Utah National Guard;
 - (B) the Utah Highway Patrol; or
 - (C) a state institution of higher education that has its own police force; or
 - (v) on development activity on the state fair park, as defined in Section 63H-6-102.
- (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 53A-20-100.5.

Amended by Chapter 2, 2016 Special Session 3

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 local 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.

Enacted by Chapter 47, 2011 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.

Part 3
Establishing an Impact Fee

11-36a-301 Impact fee facilities plan.

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

Amended by Chapter 200, 2013 General Session

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

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

- (4)
- (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
 - (i) through the planning process; or
 - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
 - (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
 - (c)
 - (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
 - (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

11-36a-303 Impact fee analysis.

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

Enacted by Chapter 47, 2011 General Session

11-36a-304 Impact fee analysis requirements.

- (1) An impact fee analysis shall:
 - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
 - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
 - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
 - (d) estimate the proportionate share of:
 - (i) the costs for existing capacity that will be recouped; and
 - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
 - (e) based on the requirements of this chapter, identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
 - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;

- (b) the cost of system improvements for each public facility;
- (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
- (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
- (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
- (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
- (g) extraordinary costs, if any, in servicing the newly developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

11-36a-305 Calculating impact fees.

- (1) In calculating an impact fee, a local political subdivision or private entity may include:
 - (a) the construction contract price;
 - (b) the cost of acquiring land, improvements, materials, and fixtures;
 - (c) 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 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.
- (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.

Enacted by Chapter 47, 2011 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;
 - 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; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and

3. complies 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;
 - 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; or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 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 278, 2013 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 posted on the Utah Public Notice Website created under Section 63F-1-701.
- (3) For a private entity required to post notice on the Utah Public Notice Website 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.

Enacted by Chapter 47, 2011 General Session

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

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

Enacted by Chapter 47, 2011 General Session

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

- (1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.
- (2) For a private entity required to post notice on the Utah Public Notice Website 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.

Enacted by Chapter 47, 2011 General Session

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

- (1) Before adopting an impact fee enactment:
 - (a) a municipality legislative body shall:
 - (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use regulation;
 - (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use regulation; and
 - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use regulation;
 - (b) a county legislative body shall:
 - (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use regulation;
 - (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use regulation; and
 - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use regulation;
 - (c) a local 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) post 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, on the Utah Public Notice Website created under Section 63F-1-701; 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 84, 2017 General Session

Part 6

Impact Fee Proceeds

11-36a-601 Accounting of impact fees.

A local political subdivision that collects an impact fee shall:

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

Amended by Chapter 394, 2017 General Session

11-36a-602 Expenditure of impact fees.

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

Amended by Chapter 190, 2017 General Session

11-36a-603 Refunds.

- (1) A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:
 - (a) the developer does not proceed with the development activity and has filed a written request for a refund;
 - (b) the fee has not been spent or encumbered; and
 - (c) no impact has resulted.
- (2)
 - (a) As used in this Subsection (2):
 - (i) "Affected lot" means the lot or parcel with respect to which a local political subdivision collected an impact fee that is subject to a refund under this Subsection (2).
 - (ii) "Claimant" means:
 - (A) the original owner; or
 - (B) 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 within the time specified in Subsection 11-36a-602(2), 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 190, 2017 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 was imposed by a local political subdivision may challenge:
 - (i) if the impact fee enactment was adopted on or after July 1, 2000:
 - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
 - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
 - (ii) except as limited by Subsection (3)(c), the impact fee.
 - (b)
 - (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.
 - (ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).
 - (c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
- (4)
 - (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:
 - (i) the substantially prevailing party on that cause of action:

- (A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and
- (B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee; and
- (ii) in accordance with Section 13-43-206, a government entity 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 government entity within 30 days after the day on which the court issued the final ruling on the impact fee.
- (b) A government entity 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 government entity had correctly calculated the impact fee.
- (c) Subsection (4) may not be construed to create a new cause of action under land use law.
- (d) Subsection (3)(a) does not apply unless the resolution described in Subsection (3)(a) is final.

Enacted by Chapter 47, 2011 General Session

11-36a-702 Time limitations.

- (1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:
 - (a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;
 - (b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or
 - (c) 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.

Enacted by Chapter 47, 2011 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