TOQUERVILLE CITY

RESOLUTION 2026.XX

A RESOLUTION EXTENDING THE PERIOD FOR EXPENDITURE OF WATER AND STREETS IMPACT FEES

PREAMBLE

WHEREAS, Toquerville City (the "City") has adopted impact fees for water and street system improvements pursuant to the Utah Impact Fees Act, Utah Code Title 11, Chapter 36a; and

WHEREAS, Utah Code 11-36a-602 requires impact fees to be expended or encumbered for a permissible use within six years of collection, but authorizes a municipality to retain such fees for a longer period upon identifying in writing an extraordinary and compelling reason for the extension and an absolute date by which the fees will be expended; and

WHEREAS, the City has received water and street impact fees for funding system improvements necessary to accommodate growth and development, and certain collected fees have exceeded or are approaching the statutory six-year expenditure period; and

WHEREAS, the completion of Toquerville Parkway, a major transportation infrastructure project essential to facilitating anticipated residential development, was substantially delayed due to unforeseen construction circumstances; and

WHEREAS, these unanticipated delays prevented a major residential development from proceeding with construction as originally anticipated, resulting in significantly slower development activity and impact fee collections than projected; and

WHEREAS, as a result, the City has not accumulated sufficient impact fee revenues to undertake certain planned capital improvements, and the City's limited financial resources have constrained its ability to supplement these funds with other available revenues; and

WHEREAS, during this extended period, the City's existing Impact Fee Facilities Plans (IFFP) and Impact Fee Analyses (IFA) have aged, and changes in development timing, growth projections, and infrastructure needs warrant a comprehensive reassessment of the City's capital improvement priorities; and

WHEREAS, the City has budgeted funds in Fiscal Year 2027 to update its Impact Fee Facilities Plans, Impact Fee Analyses, and Capital Facilities Plan to identify and prioritize necessary infrastructure improvements and establish a financially responsible approach to the expenditure of accumulated impact fees; and

WHEREAS, the City Council finds that the combination of unforeseen infrastructure construction delays, resulting disruptions to anticipated development and impact fee revenues, limited availability of supplemental municipal funding, and the need to update capital facilities

planning constitutes extraordinary and compelling circumstances justifying the retention of certain water and street impact fees beyond the statutory six-year period; and

WHEREAS, the City Council further finds that a limited extension through June 30, 2028, will provide the City sufficient time to complete the necessary planning updates, identify eligible capital improvements, and expend the retained funds for their intended statutory purposes.

RESOLUTION

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. Findings of extraordinary and compelling circumstances. The City Council hereby adopts the foregoing recitals as its written findings of extraordinary and compelling circumstances pursuant to Utah Code 11-36a-602(2)(b), justifying the retention of water and street impact fees beyond six years from their respective dates of collection.

2. Expenditure Deadline. The City Council hereby establishes June 30, 2028, as the absolute date by which all water and street impact fees subject to this extension shall be expended for permissible uses consistent with the Utah Impact Fees Act.

3. Effective Date. This resolution shall be effective immediately upon its adoption.

PASSED AND APPROVED this 4th day of November, 2026.

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT _____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

_____
Dan Catlin, Mayor

_____
Emily Teaters, City Recorder

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