

CLARKSTON TOWN

ORDINANCE NO. 19-01

AN ORDINANCE AMENDING CHAPTER 1A OF TITLE 9 OF THE CLARKSTON TOWN CODE WITH NEW AMOUNTS FOR WATER IMPACT FEES AND ADOPTING AMOUNTS FOR ROAD IMPACT FEES.

WHEREAS, Clarkston Town previously enacted impact fees for water through Ordinance 01-05 which was subsequently codified in Chapter 1A of Title 9 of the Clarkston Town Code;

WHEREAS, Clarkston Town has continued to experience substantial growth and development which creates a demand for adequate public facilities and infrastructure which are reasonably related to and necessary in order to service anticipated future growth;

WHEREAS, the Clarkston Town Council caused a written analysis to be prepared by Sunrise Engineering, Inc. in accordance with the Utah Impact Fees Act, Utah Code Ann. § 11-36a-101 et. seq., for water impact fees and road impact fees, which identified and analyzed the proportionate share of the costs of the impacts on public facilities which are reasonably related to and necessary to service anticipated growth; and

WHEREAS, the Clarkston Town has identified and analyzed through the Clarkston Town Culinary Water and Road Impact Fee Analysis produced by Sunrise Engineering in February 2019 (the "Study") the statutory criteria as to whether a proportionate share of the cost of such existing and new facilities is reasonably related to new development activity as set forth in the Utah Impact Fees Act;

WHEREAS, following proper notice in accordance with the Utah Impact Fees Act, a public hearing was held before the Clarkston Town Council on March 19, 2019 to receive public input and comment on the proposed adoption of the impact fees enactment set forth in this ordinance;

WHEREAS, the impact fees established by this ordinance are reasonably related to the cost of providing such public facilities necessitated by anticipated future growth within the Town or area reasonably related to the public facility costs previously incurred by the Town to the extent that new growth and development will be served by the previously constructed improvements and said fees do not exceed the highest fee justified by the written analysis; and

WHEREAS, after consideration of all the relevant factors, the Clarkston Town council finds and determines that it is in the best interests of the health, safety and general welfare of its current and future residents to adopt this ordinance in order to provide for adequate public facilities to service anticipated future growth and development, the need for which is reasonably related to an created by the anticipated future growth;

NOW, THEREFORE, BE IT ORDAINED, by the Council of Clarkston Town, Cache County, State of Utah, as follows:

1. Chapter 1A of Title 9 of the Clarkston Town Code is hereby repealed and replaced in its entirety to read as follows:

9-1A-1: REPORT ADOPTED:

The reports from Sunrise Engineering, Inc., entitled "Clarkston Town Culinary Water and Road Impact Fee Analysis", dated February 2019 (the "Study"), and the analysis reflected therein for water and road impact fees are hereby adopted as the Town's impact fee facilities plan and impact fees analysis required by the Utah Impact Fees Act.

9-1A-2: IMPACT FEES IMPOSED:

A. No building permit shall be issued for development activity within the service area unless an impact fee is calculated and imposed pursuant to the provisions of this chapter. The following impact fees are hereby imposed as a condition to the issuance of a building permit by the town for development activity:

IMPACT FEE SCHEDULE	
Water	\$5,000.00 per ERC
Road	\$2,500.00

B. The Equivalent Residential Connection ("ERC") is defined as the average water use by a residential unit or single-family dwelling as calculated and set forth in the Study. The water impact fee imposed under this Section shall be calculated by multiplying the ERC factor for the project by schedule listed above. The ERC factor shall be calculated based on the estimated water use of the project evaluated for the winter season and summer season separately and in consideration of the size and number of water connections.

9-1A-3: SERVICE AREA:

The Service Area for the impact fees imposed by this Chapter includes the entire political boundaries of the Town of Clarkston.

9-1A-4: TIME OF COLLECTION:

Unless otherwise provided by the Town Council, impact fees shall be paid to the Town prior to the issuance of a building permit.

9-1A-5: ADJUSTMENT OF IMPACT FEES:

A. The Town may adjust the impact fees imposed pursuant to this article as necessary in order to:

1. Respond to:
 - (i) unusual circumstances in specific cases; or
 - (ii) 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
2. Ensure that the impact fees are imposed fairly.

B. The Town may also adjust the impact fees for a particular development based upon studies and data submitted by the developer of the particular development.

C. The Town may adopt other policies consistent with this chapter to assist in the implementation, administration and interpretation of this chapter.

D. A developer may receive a credit against or proportionate reimbursement of an impact fee if the developer:

1. dedicates land for a system improvement;
2. builds and dedicates some or all of a system improvement; or
3. dedicates a public facility that the town and the developer agree will reduce the need for a system improvement.

E. A developer shall receive 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:

1. are system improvements; or
2. are dedicated to the public and offset the need for an identified system improvement.

9-1A-6: ADMINISTRATIVE CHALLENGES AND APPEALS PROCEDURE:

A. Authority: Any person or entity required to pay an impact fee imposed by the Town who believes the fee does not meet the requirements of law may file a written request for information with the Town as provided by law.

B. Written Analysis: Within two (2) weeks of the receipt of the request for

information, the Town shall provide the person or entity with the information required by law.

C. Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the Town Clerk setting forth in detail all factual and legal grounds in support of the appeal and challenge to the impact fee, and which is relied upon by the appealing party with respect to the fees challenged.

D. Upon receipt of the written appeal, the Town Clerk shall forward the appeal, together with a recommendation, to the Town Council and shall schedule a public hearing before the town council on the appeal for the purpose of receiving input from all interested persons. The Town Council shall thereafter render its decision on the appeal no later than thirty (30) days after the date the appeal was filed with the Town Clerk.

2. If any provision of this ordinance is declared to be invalid or enforceable by a court of competent jurisdiction, the remainder shall not be affected thereby.

3. In accordance with Utah Code Ann. § 11-36a-401(2), this Ordinance shall become effective 90 days after the date it is adopted and passed by the Town Council.

ADOPTED AND PASSED, by the CLARKSTON TOWN COUNCIL this 19th day of March, 2019.

Voting as follows:

Mayor Hidalgo	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember N. Sparks	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember L. Bytheway	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember R. Thompson	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember E. Goodey	☒ Aye	☐ No	☐ Abstain	☐ Absent

CLARKSTON TOWN CORPORATION

ATTEST:

By: N. Craig Hidalgo
Mayor

Kristi Hidalgo
Town Recorder

Posting Date: March 20, 2019



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RESOLUTION 19-04

A RESOLUTION CREATING THE CLARKSTON TOWN NEW TOWN HALL CITIZEN ADVISORY COMMITTEE

WHEREAS, the Town Council of Clarkston, Utah recognizes the need for the construction of a new town hall, and

WHEREAS, the Town Council of Clarkston finds that this objective can be best accomplished by the creation of a bipartisan Citizen Advisory Committee, and

WHEREAS, this Committee will be a temporary commission created to assist in the designing, funding, and building of a new Clarkston Town Hall, and

WHEREAS, this Committee will consist of the following appointed members:

- Brent Godfrey - Chairman
- Kathy Ravsten
- Jason Jeppson
- Rebecca Jeppson
- Dan Smith

NOW THEREFORE BE IT RESOLVED by the Mayor of Clarkston with the advice and consent of the Clarkston Town Council, that the New Town Hall Advisory Committee have been appointed, and conditions determined.

PASSED AND APPROVED by the Town Council of Clarkston, Utah,
this 19th day of March, 2019.



Voting:

Mayor Hidalgo	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember E. Goodey	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember R. Thompson	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember N. Sparks	☒ Aye	☐ No	☐ Abstain	☐ Absent
Councilmember L. Bytheway	☒ Aye	☐ No	☐ Abstain	☐ Absent

CLARKSTON TOWN, a Utah Municipal Corp.

N. Craig Hidalgo
MAYOR

ATTEST:

Kristi Hidalgo
TOWN CLERK



Attachment A

CRAIG W BUTTARS
COUNTY EXECUTIVE

199 NORTH MAIN
LOGAN, UTAH 84321
TEL: 435-755-1850
FAX: 435-755-1981

craig.buttars@cachecounty.org

March 5, 2019

Craig Hidalgo
50 South Main, PO Box 305
Clarkston, UT 84305

Dear Mayor Hidalgo,

I greatly appreciate the efforts of your firefighters as they provide fire service to the county and to other cities throughout the county. Their dedication to training and their unselfish response to emergencies is a model of community service that few organizations are able to achieve.

I am sure you have heard of the difficulties several cities have had finding volunteer firefighters who are available during the day. You may have experienced this yourself. Last year, I directed Chief Hammer to conduct an evaluation of the fire service in Cache County. One of his findings was that daytime staffing is becoming more and more of a challenge because fewer firefighters work in their home communities or because job and family requirements are limiting the number of people who volunteer. Two departments were regularly going out of service during the daytime because of the lack of available responders.

In an effort to assist cities with reduced staffing during the day, the Cache County council recently approved the hiring of four full-time firefighters. The intent is to place two firefighters in the north part of the county and two in the south. They will be available from 8:00 am to 5:00 pm, Monday through Friday to assist your fire department with fire calls and to help your personnel return to service after a call. They can also assist with fuels mitigation projects if your city needs help to meet your state wildland contract. Basically, these firefighters are here to help your fire department provide service to the communities in Cache County.

I am aware that hiring firefighters in the county is new to everyone and some concerns have been expressed. I can assure you that the two county firefighters in your area are there to support your department and add to the daytime staffing that protects your community. If you have any questions or concerns about our firefighters, please don't hesitate to call me or Chief Hammer at any time.

Sincerely,

Craig W Buttars
Cache County Executive