August 2020

HIDEOUT TOWN

CAPITAL IMPROVEMENTS PLAN

INCLUDING

IMPACT FEE FACILITIES PLAN

IMPACT FEE ANALYSIS

A Reasonable Plan for the Future of Hideout

HIDEOUT UTAH

PSE PRECISION SYSTEMS ENGINEERING

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

_____

Brent R. Ventura, P.E.

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.

_____

Brent R. Ventura, P.E.

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Following is nontechnical summary of the Capital Facilities Plan, Impact Fee Facilities Plan and Impact Fee Analysis prepared for Hideout Town.

Demographics

As demographics form the basis of all other projections in this study, the first section prepared is a population study. Current population is approximately 314 residential units. Future population projections provide the basis for determining the proportionate share of system improvements based upon the current Level of Service (LOS). Currently, Hideout is projected to grow to approximately 2,264 residential units by the year 2033.

Water

This study identifies the City's existing water system and its cost. The culinary water infrastructure has been constructed to meet projected future needs while maintaining Hideout's current LOS. Existing water infrastructure costs are discussed in Chapter 3 and have been identified as $2,239,052.

Transportation

Population growth throughout Hideout should not require new system roads to meet future needs. The City currently provides a LOS "A". The cost of installing the transportation infrastructure for Hideout is discussed in Chapter 4 and is identified as $10,004,312.

Storm Water

Equivalent Residential Connections (ERC's) for future storm water runoff are based on an average lot having 2,700 square feet of impervious surface. The current LOS is based on the City's current standards and ordinances. In order to meet the City's future needs, storm water improvements were constructed the cost of which is identified as $1,522,398. Details are discussed in Chapter 5.

Sewer

The Town currently provides collection systems but not treatment. The sewer infrastructure is detailed in Chapter 6 and its cost has been identified as $1,954,514.

Impact Fee Plan

This study has identified a combined cost of $15,720,276 in project and system improvements installed by the Master Developer. Improvements determined to be "project improvements", as defined by state law, cannot be included in impact fee calculations. In addition, not all of the "system improvements" are eligible for inclusion in the Impact Fee Plan and Impact Fee Analysis because some were funded by alternate sources and some that would otherwise be considered system improvements have not been dedicated to the public and, therefore, are not included in the impact fee calculation. This study identifies $10,664,128 in impact fee eligible system improvements.

Impact Fee Analysis

Impact fees can be assessed to future development in order for new residents to pay a proportionate share of infrastructure that serves the entire community. They are not retroactive for existing residents. As allowed by Utah Code, impact fees have been calculated based on a reasonable plan. Impact fees are based on service areas where services are provided. Finance charges have been applied to each element considered, financing over twenty years at seven and a half percent. Although Hideout is not required to

enact impact fees exactly as outlined in this study, under state law it may not impose fees higher than what is recommended. Following are the recommended fees that correlate to the $10,664,128 of system improvements that are eligible for reimbursement across the service areas.

Element/Service Area	Units	Impact Fee
Water	ERC	
WSA1		**$1,445**
WSA2		**$0**
Transportation	ERC	
All units		**$5,215**
Storm Drain	ERC	
SDSA1		**$6,665**
SDSA2		**$4,315**
SDSA3		**$0**
Sewer	ERC	
SSA1		**$1,355**
SSA2		**$1,330**

Hideout Town is made up of many different subdivisions. Service areas, and applicable impact fees, vary per subdivision. Following is a schedule of impact fees applicable to each subdivision.

Subdivision	Water	Roads	Storm Drain	Sewer	Total Impact Fee
ADA LLC	$1,445	$5,215	$0	$1,330	$7,990
Apartments at Deer Mountain	$0	$5,215	$0	$0	$5,215
Deer Springs (tentative)	$0	$5,215	$0	$0	$5,215
Deer Waters	$0	$5,215	$0	$0	$5,215
Forevermore	$1,445	$5,215	$6,665	$1,330	$14,655
Glistening Ridge	$1,445	$5,215	$6,665	$1,330	$14,655
Golden Eagle	$0	$5,215	$0	$1,330	$6,545
KLAIM	$0	$5,215	$0	$0	$5,215
New Town Center	$1,445	$5,215	$4,315	$1,330	$12,305
Overlook Village	$1,445	$5,215	$4,315	$1,330	$12,305
Perch (The Settlement)	$1,445	$5,215	$4,315	$1,330	$12,305
Plumb	$1,445	$5,215	$4,315	$1,330	$12,305
Reflection Lane	$0	$5,215	$4,315	$1,330	$10,860
Reflection Ridge	$0	$5,215	$4,315	$1,330	$10,860
Ross Creek Entrance	$0	$5,215	$0	$0	$5,215
Rustler	$1,445	$5,215	$6,665	$1,330	$14,655
Salzman	$1,445	$5,215	$0	$1,330	$7,990
Shoreline Phase I	$1,445	$5,215	$0	$1,330	$7,990
Shoreline Phase II	$1,445	$5,215	$0	$1,330	$7,990
Shoreline Remaining (tentative)	$1,445	$5,215	$0	$1,330	$7,990
Silver Sky	$1,445	$5,215	$4,315	$1,355	$12,330
Soaring Hawk	$0	$5,215	$0	$1,355	$6,570
Sunrise	$1,445	$5,215	$0	$1,330	$7,990
Van Den Akker	$0	$5,215	$0	$0	$5,215
Venturi	$1,445	$5,215	$4,315	$1,330	$12,305
Woolf	$0	$5,215	$0	$1,355	$6,570

The Town of Hideout is a growing community located in the Wasatch Mountains to the west of Kamas and bordering the east shore of Jordanelle Lake south of Deer Mountain. Established in 2008, Hideout now has approximately 314 units (an estimated 820 residents). As growth continues, Hideout is projected to grow to 2,264 residential units in the next 20 year, as discussed in the following chapter.

This Capital Improvements Plan (CIP) evaluates Hideout's current infrastructure supporting future growth and analyzes its potential future growth. Services addressed are: (1) water, (2) transportation, (3) storm drain, and (4) sewer. It provides an inventory of existing facilities for each element and outlines facilities already constructed that have been financed for future growth. Identification of these facilities will lay the foundation for calculating impact fees for each element in each service area.

Proportionate Share

This document attempts to assign only a proportionate share of costs for existing and future improvements due to development activity. Every effort has been made to evaluate impact fees considering only those costs that are allowed under the Impact Fee Act including Utah Code Section 11-36a-305. As such, a current Level of Service (LOS) has been defined for each element and master planning performed to maintain the existing standards. Impact fees have been evaluated assigning the costs associated with maintaining these standards to future development as Hideout grows.

Impact Fee Adjustments

Hideout understands that future developments will each have individualized impacts on the Town and therefore, in order to impose impact fees fairly, the Town may adjust standard impact fees to meet unusual circumstances as allowed by State Code. Adjustments may be made for any of a 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 creating an impact fee study is to evaluate and verify the Town's current demographics and future population projections. The following section discusses Hideout's population, growth trends, and projected build-out population. This will be the first effort to evaluate Hideout's future population.

2.1 Existing Conditions

Current Population

Hideout's population estimate is based on a current count of approximately 314 residential units. Population data and projections were obtained from Hideout Town. It should be noted, that consideration of the Apartments at Deer Mountain, for purposes of this impact fee analysis, has been limited to the number of registered voters, estimated to be approximately 71, as of November 2017.

Current Zoning and Land Use Plans

Hideout's current projections include only residential growth on properties included in the Town of Hideout boundaries. Figure 2-1 illustrates the Town boundaries and various parcels within the Town.

2.2 Build-out Population

Total build-out for a municipality is reached when all vacant land within city boundaries has been developed to the current zoning and land use plans. Currently constructed, approved and anticipated subdivisions are shown in Figure 2-1. Extrapolating from approved and projected subdivision plans, build-out population has been estimated at approximately 2,264 units as illustrated in Table 2-1.

Table 2-1: Hideout Build-out Projection

Subdivision	Residential Units
ADA LLC	67
Apartments at Deer Mountain	71
Deer Springs (tentative)	248
Deer Waters	112
Forevermore	13
Glistening Ridge	63
Golden Eagle	316
KLAIM	88
New Town Center	4
Overlook Village	47
Perch (The Settlement)	92
Plumb	4
Reflection Lane	9
Reflection Ridge	15
Ross Creek Entrance (City owned)	18
Rustler	88
Salzman	42
Shoreline Phase I	50

Shoreline Phase II	103
Shoreline Remaining (tentative)	547
Silver Sky	26
Soaring Hawk	148
Sunrise	51
Van Den Akker	35
Venturi	2
Woolf	5
Projected Build-Out Projection	**2,264**

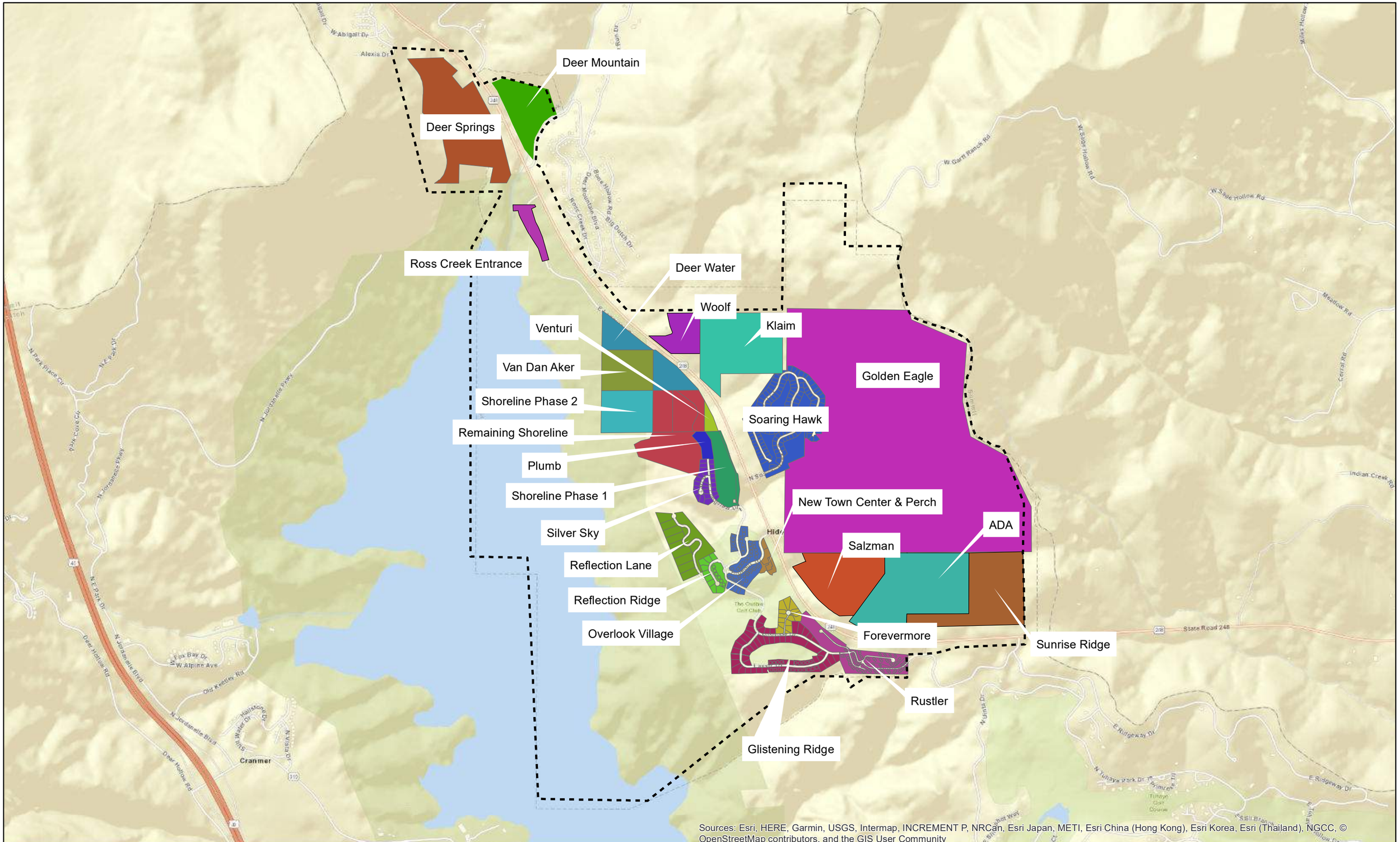
2.3 Other Considerations

Issues that have been considered throughout the preparation of this impact fee plan and analysis include:

1) Only the voting population of Deer Mountain Apartments has been used in evaluating impacts and calculating fees.

2) In approximately 2010, the Town supported the creation of Hideout Local District No. 1 (Local District) pursuant to Title 17B of the Utah Code. The Local District has issued bonds "to finance the cost of construction and acquisition of improvements, including but not limited to certain transportation, water, curb, gutter and sidewalk, landscaping and all other miscellaneous work." See, e.g., *Notice of Encumbrance and Assessment Area Designation* recorded in the office of the Wasatch County Recorder on October 8, 2013, as Entry No. 394619 and *Amended Notice of Assessment Interest* recorded in the office of the Wasatch County Recorder on July 11, 2014, as Entry No. 402596 and the Notice of Assessment interest recorded in the office of the Wasatch County Recorder on August 4, 2017 as Entry Number 441182. The bond proceeds were used to pay for all of the infrastructure within the Soaring Hawk Subdivision and for infrastructure in certain other areas of the town. The bonds issued by the Local District will be repaid by a separate assessment collected by the Local District. Thus, the system improvements within the Soaring Hawk Subdivision are not eligible to be included within the impact fee calculation. Future infrastructure constructed within the Golden Eagle Subdivision will also be financed by the Local District.

3) The Reflection Ridge Subdivision is a gated community. The private road within the Reflection Ridge Subdivision has not been dedicated to the public and, consequently, is not impact fee eligible.



PSE PRECISION SYSTEMS ENGINEERING

Hideout Subdivision Map

DATE 4/20/2018

DRAWN JM

Hideout has constructed a culinary water distribution system that can provide water for existing residents as well as all of its projected residents that will connect directly to the system in the future. As Hideout grows new water lines and connections will need to be constructed in local subdivisions. These new lines are not considered in the impact fee calculations. New services and subdivision connections will need to be financed by individual developers and contractors.

3.1 Definitions

ERC	Equivalent Residential Connection
gpm	gallons per minute
gpd	gallons per day
IFC	International Fire Code

Equivalent Residential Connections (ERC)
ERCs compare a water user's use rate to that of a single-family dwelling. Since Hideout currently has only residential connections, each connection is considered 1.00 ERC. In the future, if other types of connections such as businesses, schools or churches are approved for construction in Hideout, an evaluation will need to be performed and the study updated to reflect ERC's accurately per connection type.

3.2 Level of Service (LOS)

The current level of service that Hideout applies to its water systems is governed by the Town of Hideout Water Distribution System Design Standards, Construction Specifications and Standard Drawings as well as the minimum requirements dictated by the State of Utah Division of Drinking Water and the International Fire Code. Some of the requirements are as follows.

Culinary water system requirements:

- Maintain 20 psi in all areas of the system during peak instantaneous usage.
- Maintain 20 psi in all areas of the water system during maximum day usage with imposed fire flows.
- New service areas added after January 1, 2007 are required to meet the following additional requirements:
    a) 30 psi during peak instantaneous demand;
    b) 40 psi during peak day demand.
- Maintain 1,000 gpm fire flows for all homes under 3,600 square feet.
- Maintain 1,750 gpm fire flows for all homes between 3,600 and 4,800 sq. ft.
- Maintain adequate fire flows for all other buildings according to IFC standards.

3.3 Existing Culinary System

The existing culinary water system (see Figure 3-1) includes 8 to 12-inch water lines, three wholesale meters and three pressure reducing valves. The water system complies with state standards. The graphical illustration is based on Town staff knowledge and record drawings for some of the subdivisions within the Town.

The water infrastructure is estimated to have cost $2,239,052 (construction year dollars) to construct. We have calculated costs through research and discussion with developer representatives and current city staff. We have utilized the CAD drawings provided by the developer, record drawings and other provided information regarding quantities and prices. Our detailed cost estimates reflect, to the best available information, the costs of installed water infrastructure based on industry standards and actual circumstances. Details of the cost estimate are included in the Appendix.

NOTE: Table 3-1 identifies the estimated total cost of construction of the Town's water infrastructure and contains some costs which are not eligible to be included in the impact fee calculation.

Table 3-1: Water Infrastructure Costs per Subdivision (Construction year dollars)

Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	$433,591	2006
Glistening Ridge	$425,039	2009
Reflection Ridge	$460,065	2014
Forevermore	$36,888	2013
Silver Sky	$287,655	2014
Rustler	$202,764	2010
Soaring Hawk	$393,050	2014
Total	**$2,239,052**	

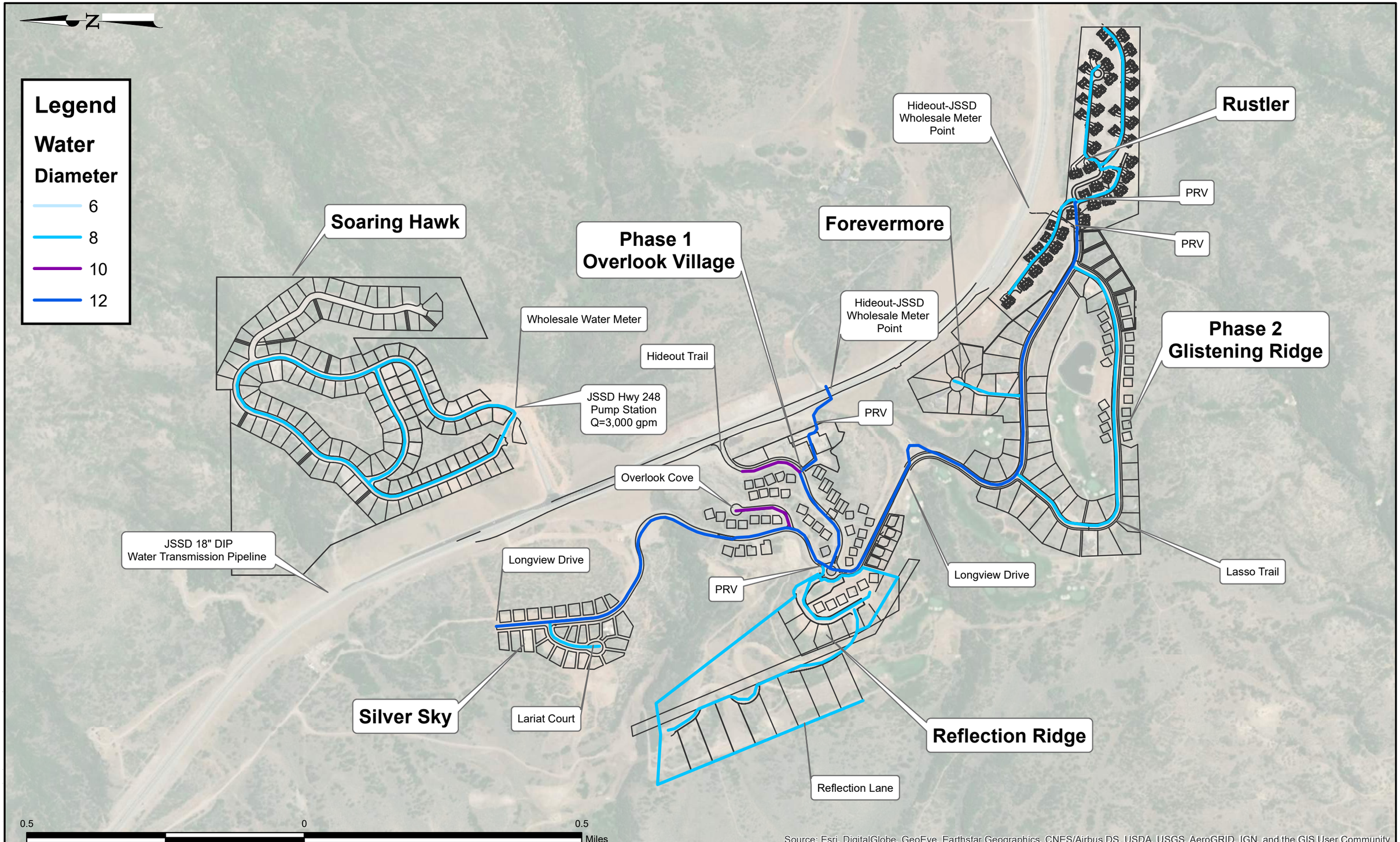
System improvements that are impact fee eligible are identified in Chapter 7 – Impact Fee Facilities Plan.

3.4 Future Culinary Facilities

Any further improvements to the water system have not been included in these impact fee calculations. New delivery lines and connections are anticipated to be financed and constructed by developers of individual subdivisions.

3.5 Impact Fee Structure

The existing culinary system supplies both indoor and outdoor use for Hideout's residents. It provides the City with its current level of service. The City is currently planning on meeting the demands of future growth with its current culinary water system. No secondary system in planned at this time.



PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Existing Water

DATE 2/1/2019

DRAWN

Figure 3-1

Hideout's current and future transportation needs are met with the existing system of roadway facilities, which include excess capacity. Future project improvements will need to be financed and constructed by the future developer.

4.1 Level of Service (LOS)

Adequacy of an existing transportation system can be quantified by assigning Levels of Service (LOS) to major roadways and intersections. As defined in the *Highway Capacity Manual*, a special report published by the Transportation Research Board, LOS serves as the traditional measuring stick of a roadway's functionality. LOS is identified by reviewing elements such as the number of lanes assigned to a roadway, the amount of traffic using the roadway and amount of delay per vehicle at intersections. Levels of service range from A (free flow) to F (complete congestion).

4.2 Existing Facilities

The existing transportation infrastructure within the Town (see Figure 4-1) includes Longview Drive, Hideout Trail, Lariat Court, Lasso Trail, Overlook Cove as well as others. Hideout's current LOS is "A" on all roads and is anticipated to remain LOS A with the existing roads at build out. This is typical for a community of Hideout's size. The transportation facilities include roads, sidewalks, ADA facilities, utility conduits/trenching, street lights, retaining walls, landscaping/ irrigation, and appurtenances. Costs for the Town's transportation facilities are atypical due in part to retaining walls, rock excavation, and additional UDOT requirements which are applicable because of topography and other unique circumstances. The total cost of improvements are estimated to be $10,004,312 (construction year dollars) as summarized below. Detailed cost estimates can be found in the Appendix for each subdivision.

NOTE: Table 4-1 identifies the estimated total cost of construction of the transportation infrastructure and contains some costs which are not eligible to be included in the impact fee calculation.

Table 4-1: Roadway Costs per Subdivision (Construction year dollars)

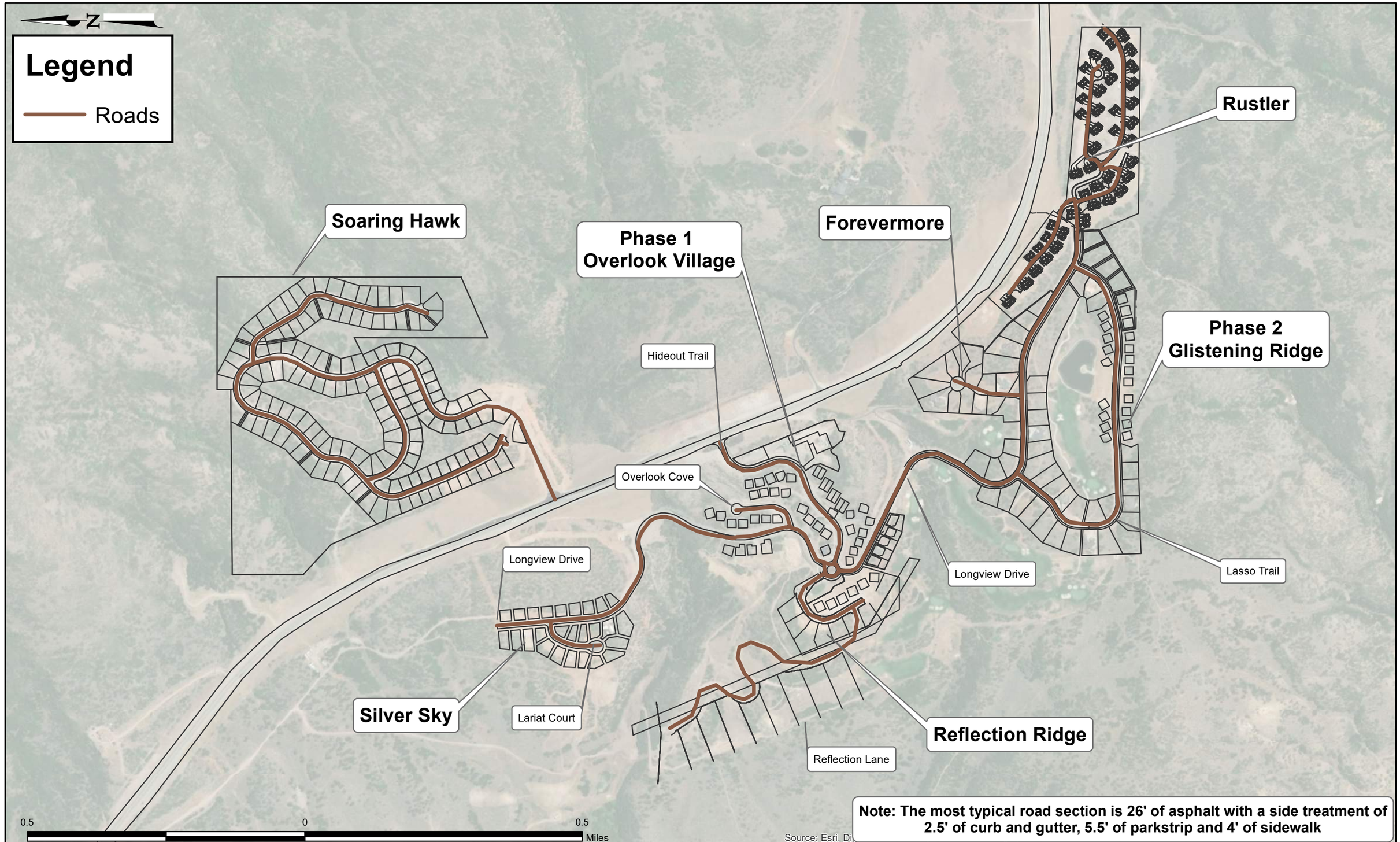
Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	$2,994,729	2006
Glistening Ridge	$1,923,473	2009
Reflection Ridge	$592,405	2014
Forevermore	$118,096	2013
Silver Sky	$443,100	2014
Rustler	$809,151	2010
Soaring Hawk	$3,123,358	2014
Total	**$10,004,312**	

Hideout does not currently have a transportation masterplan. However, we have been able to identify which roads can be classified as collector roads throughout the community. Collector roads are considered essential to traffic flow throughout the entire

community and are, therefore, considered system improvements. System improvements that are impact fee eligible are identified in Chapter 7 – Impact Fee Facilities Plan.

4.3 Future Facilities

Any further improvements to the roadway system have not been included in these impact fee calculations. New roads and accesses that connect to the current transportation system are anticipated to be financed and constructed by developers of individual projects and subdivisions.



Note: The most typical road section is 26' of asphalt with a side treatment of 2.5' of curb and gutter, 5.5' of parkstrip and 4' of sidewalk

PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Existing Roads

DATE 2/22/2019

DRAWN

Figure 4-1

A city's storm drain system plays a vital role in protecting life and property. Planning for Hideout's storm drainage system had to consider major flooding that could occur from roadways and mountain drainages that pass through the Town, as well as localized flooding that occurs from storm water runoff generated within the Town. As Hideout continues to grow, the potential for localized flooding will increase, requiring improvements to the storm drain system to accommodate new development. Future improvements are expected to be financed and constructed by developers and contractors as project level improvements.

5.1 Definitions

ERC - Equivalent Residential Connection. Development contributes to storm water runoff based on the amount of impervious area it contains. For the purposes of this study, single family dwellings and multi-family residential units will each be considered one (1) ERC. ERC's for non-residential development including commercial, industrial, school and church buildings are based on their total impervious surface with one (1) ERC equalling 2,700 square feet of impervious surface area.

Single Family Units	=	1 ERC/home unit
Multi-Family Residential Units	=	1 ERC/dwelling unit
Non-Residential Units	=	1 ERC/2,700 SF of impervious area

cfs - Cubic feet per second (449 gallons per minute)

Ac-Ft - Acre foot (volume of water required to cover an acre of land to a depth of one foot)

Detention - Short term storage of runoff provided by a pond or similar facility. An outlet is provided that allows water to be released from the facility at a predetermined rate.

Retention - Long term storage of storm water provided by a pond or similar facility, but does not allow water to be discharged. Water will stay in a retention pond after a storm event until it either evaporates or soaks into the soil of the pond bottom.

5.2 Level of Service (LOS)

Level of service of Hideout's current storm drain system is defined by the current city ordinances and construction standards. The following criteria establish conditions for which storm drainage facilities are currently designed.

- Design storm drains to keep water from ponding in streets and intersections during a 10 year storm event.
- Evaluate how storm drains will function during a 100 year storm event to identify areas where major flooding may occur.
- Require detention, distributed discharge to natural vegetation and other improvements that will limit discharge from a 100 year storm event.

5.3 Existing System

The Town's existing storm drain infrastructure is shown in Figure 5-1. It consists of small collection systems and a detention pond that were installed with recent developments. The total cost of improvements is estimated at $1,522,398 (Construction year dollars) as detailed in the Appendix.

NOTE: Table 5-1 identifies the estimated total cost of construction of the storm drain infrastructure and contains some costs, which are not eligible to be included in the impact fee calculation.

Table 5-1: Storm Drain Costs per Subdivision (Construction year dollars)

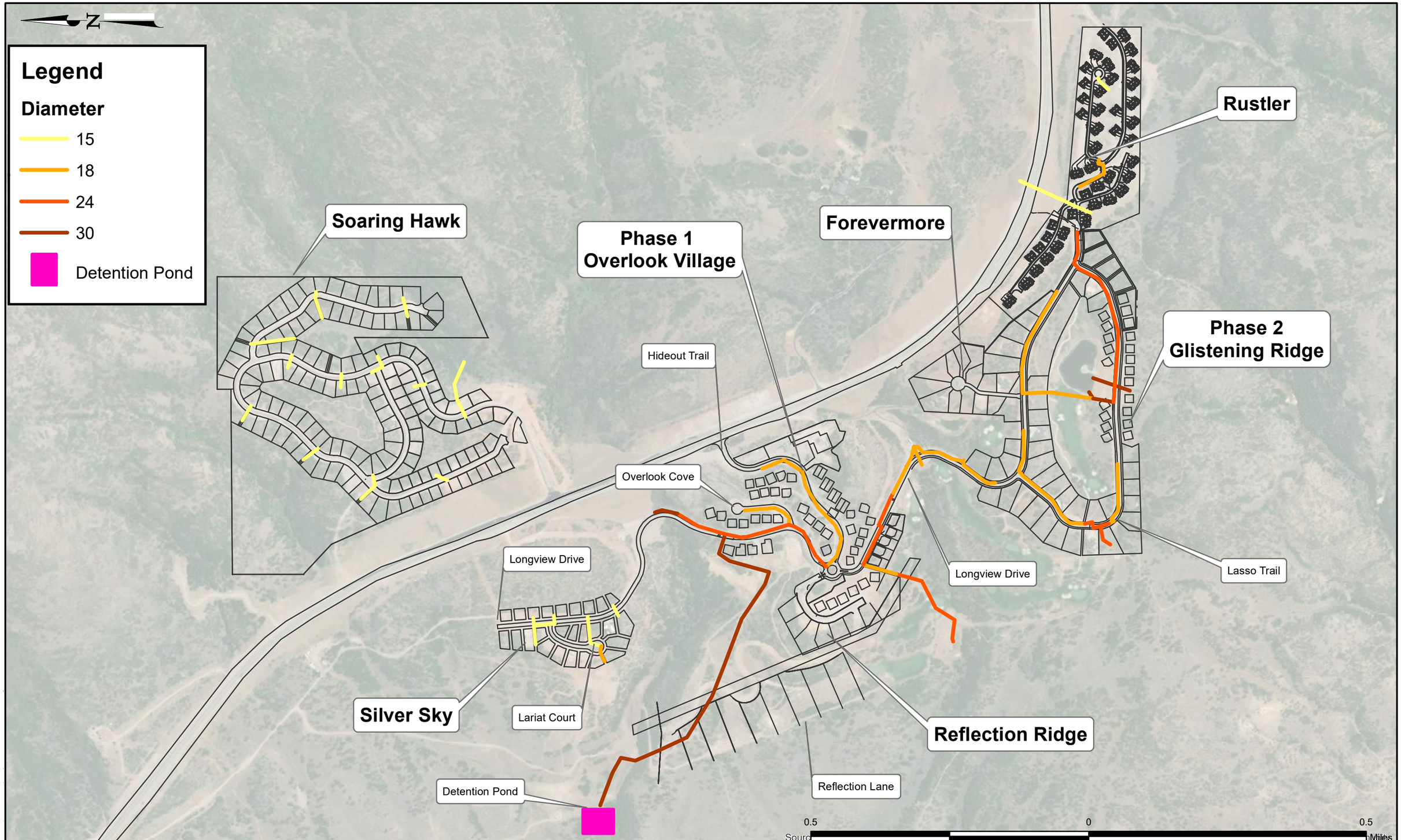
Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	$423,782	2006
Glistening Ridge	$624,381	2009
Reflection Ridge	$86,106	2014
Forevermore	$0	2013
Silver Sky	$113,856	2014
Rustler	$77,609	2010
Soaring Hawk	$196,664	2014
Total	**$1,522,398**	

Lines that collect storm water from individual lots or serve only one subdivision are project improvements. System improvements that are impact fee eligible are indicated in Chapter 7 – Impact Fee Facilities Plan.

We have estimated construction costs through research and discussion with developer representatives and current city staff. We have utilized the CAD drawings of the improvements provided by the developer and other provided information regarding quantities and prices. Our detailed cost estimates reflect, to the best available information, the costs of installed storm drain infrastructure based on industry standards and actual circumstances. Details of the cost estimate are included in the Appendix.

5.4 Future Facilities

Any further improvements to the storm drain system have not been included in these impact fee calculations. New connections to the existing storm drain system and future storm drain pipes, structures and detention facilities are anticipated to be financed and constructed by developers of individual subdivisions as project improvements.



PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Existing Storm Drain

DATE 2/12/2019

DRAWN

Figure 5-1

Hideout has constructed a public sewer system that can collect and transport sanitary sewer for treatment. The Apartments at Deer Mountain, Deer Springs, Deer Waters and Klaim are not served by the Town's sewer system. As Hideout grows new collection lines will need to be constructed in local subdivisions. These new lines are not considered in the impact fee calculations. New services and subdivision connections will need to be financed by individual developers and contractors.

6.1 Definitions

ERC	Equivalent Residential Connection
gpd	gallons per day
gpdpc	gallons per day per capita

Equivalent Residential Connections (ERC)
ERCs compare a user's use rate to that of a single-family dwelling. Since Hideout currently has only residential connections, each connection is considered 1.00 ERC. In the future, if other types of connections such as businesses, schools or churches are approved for construction in Hideout, an evaluation will need to be performed and the study updated to reflect ERC's accurate per connection type.

6.2 Level of Service (LOS)

The Utah Department of Environmental Quality (DEQ) provides guidelines and regulations for new sewer system design. These guidelines include:

1) 8-inch thru 15-inch sewer lines are not to exceed 50% capacity at peak flow
2) 18-inch and larger sewer lines are not to exceed 80% capacity at peak flow
3) New collector lines must be capable of providing a minimum peak daily flow of 400 gallons per day per capita (gpdpc)
4) New interceptors and outfall lines must be capable of providing a minimum peak daily flow of 250 gpcpd
5) Minimum size of collection lines is 8 inches.

Hideout has designed its current system using both DEQ standard and the Town of Hideout Sanitary Sewer System Design Standards, Construction Specifications and Standard Drawings (Revised July 2014). Any future improvements and project improvements will be required to meet these standards as well.

6.3 Existing System

The existing sewer infrastructure (see Figure 6-1) includes 8-inch collection lines throughout the Town and a sewer pump station. The infrastructure cost an estimated $1,954,514 (Construction year dollars) to construct.

NOTE: Table 6-1 identifies the estimated total cost of construction of the sewer infrastructure and contains some costs which are not eligible to be included in the impact fee calculation.

Table 6-1: Sewer Costs per Subdivision (Construction year dollars)

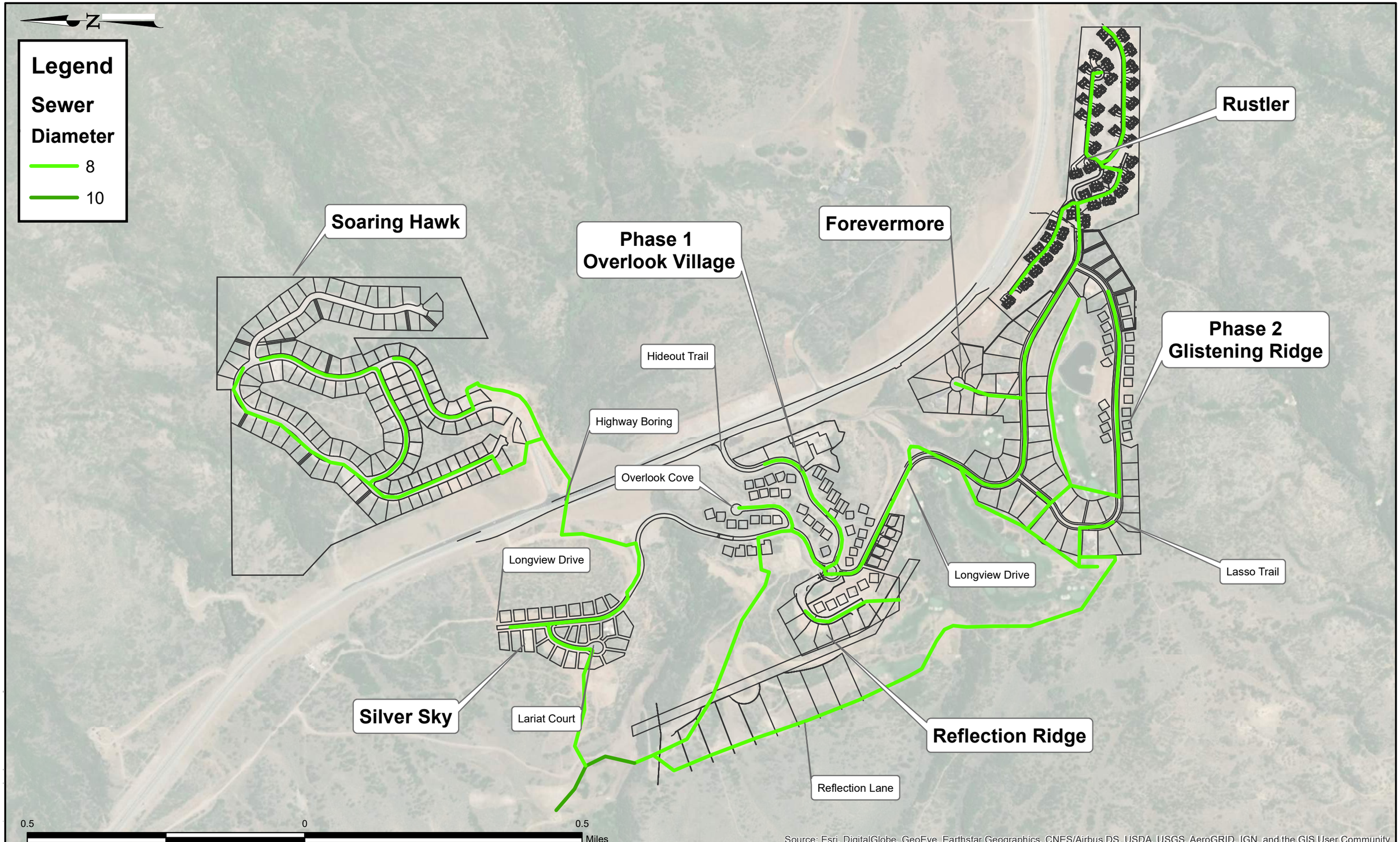
Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	$258,567	2006
Glistening Ridge	$455,450	2009
Reflection Ridge	$341,482	2014
Forevermore	$33,056	2013
Silver Sky	$138,551	2014
Rustler	$192,123	2010
Soaring Hawk	$535,285	2014
Total	**$1,954,514**	

We have estimated construction costs through research and discussion with both previous developer representatives and current city staff. We have utilized the CAD drawings of the system provided by the developer and other information regarding quantities and prices. Our detailed cost estimates reflect, to the best available information, the costs of installed sewer infrastructure based on industry standards and actual circumstances. The details of the cost estimate are included in the Appendix.

The sewer system was necessary as a whole to make the Town feasible. As a result, all of the trunklines have been designated as system improvements for this study. However, infrastructure serving individual subdivisions has been assigned to that specific service area. System improvements that are impact fee eligible are illustrated in Chapter 7 – Impact Fee Facilities Plan.

6.4 Future Facilities

Any further improvements to the sewer system have not been included in these impact fee calculations. New collection lines and connections to the existing sewer system are anticipated to be financed and constructed by developers of individual subdivisions as project improvements.



PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Existing Sewer

DATE 2/1/2019

DRAWN

Figure 6-1

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 allows under Title 11-36a-301 (3) for "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."

As a result, this study identifies system improvements in water, sewer, storm drain and roads that are impact fee eligible. System and project improvements are defined as follows:

System Improvement – existing public facilities that are designed to provide services to service areas within the community at large and future public facilities that are intended to provide services to service areas within the community at large.

Project Improvement – means site improvements and facilities that are

1) Planned and designed to provide service for development resulting from a development activity.
2) Necessary for the use and convenience of the occupants or users of development resulting from a development activity.

System improvements included in this study include trunklines, outfalls and collector roadways throughout the Town. They include all materials, appurtenances, installation, mobilization and engineering for each facility. System improvements do not include connections, laterals, incidental work, development amenities or general development activities. Project improvements are not included in this study. Table 7-1 below illustrates the estimated cost of all system improvements that have been installed in Hideout.

Table 7-1: Estimated Impact Fee Eligible Improvement Costs (Construction year dollars)

Subdivision	Water	Roads	Storm Drain	Sewer	Estimated System Improvements Cost
Overlook Village	$433,591	$2,864,306	$386,458	$258,567	$3,942,922
Glistening Ridge	$425,039	$1,923,473	$624,381	$455,450	$3,428,343
Reflection Ridge	$0	$0	$86,106	$341,482	$427,588
Forevermore	$36,888	$0	$0	$33,056	$69,944
Silver Sky	$287,655	$194,170	$17,868	$138,551	$638,244
Rustler	$202,764	$0	$0	$192,123	$394,887
Soaring Hawk	$0	$0	$0	$0	$0
Future Shoreline Dr		$1,762,200			$1,762,200
Total	**$1,385,937**	**$6,744,149**	**$1,114,813**	**$1,419,229**	**$10,664,128**

Impact Fee Eligible Cost Adjustments

The Infrastructure described above has already been installed and incorporates excess capacity to serve the potential build out population. Quantities have been calculated utilizing current infrastructure neat line measurements of existing drawings provided by the Town and the original developer. Costs have been estimated by applying unit prices to the infrastructure with adjustments made for special conditions. This section defines the service areas for system infrastructure and calculates impact eligible costs for each element.

Water

Water system improvements are separated into two service areas. Water Service Area 1 (WSA1) includes the entire pressurized/looped system in the Town excluding Soaring Hawk, Golden Eagle, Deer Waters, Deer Springs, KLAIM, Van Den Aker, Deer Mountain and future developments Woolf and Ross Creek Entrance. Water Service Area 2 (WSA2) is composed of the Soaring Hawk area. See Figure 7-1.

WSA1 includes the trunklines in Longview Drive (from the north end to the west end), Reflection Ridge, Silver Sky, Forevermore, Rustler, Glistening Ridge and Overlook Village and future developments excluding Golden Eagle and any development proximate to Golden Eagle. It also includes the water line from the JSSD connection to Longview Drive and the three PRV's. Every trunkline within each subdivision attributes to the overall functionality of the system including its pressures, flows and circulation. WSA1 will also include Salzman, ADA and Sunrise in the future.

WSA2 includes the trunklines in Soaring Hawk including the metering and pump stations. However, the cost of that infrastructure is not eligible for impact fee reimbursement since it was already financed by the Local District bond that is being repaid by Soaring Hawk residents through a special assessment.

The following table, Table 7-2, illustrates the difference between the total existing water system costs and impact fee eligible costs.

Table 7-2: Impact Fee Eligible Water System Improvements (Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
WSA1				
Overlook Village	$433,591	$0		$433,591
Glistening Ridge	$425,039	$0		$425,039
Reflection Ridge	$460,065	$460,065	Local District Bond	$0
Forevermore	$36,888	$0		$36,888
Silver Sky	$287,655	$0		$287,655
Rustler	$202,764	$0		$202,764
			WSA 1 Subtotal	***$1,385,937***
WSA2				
Soaring Hawk	$393,050	$393,050	Local District Bond	$0
			WSA2 Subtotal	***$0***
Total	**$2,239,052**	$853,115		**$1,385,937**

Roads

Road system improvements include all collector roads throughout the Town including Hideout Trail, Longview Drive and Shoreline Drive. Dead ends and cul de sacs serving only a specific subdivision are considered project improvements and have been specifically removed from system improvement costs. It should be noted that the roads in Reflection Ridge are private roads, not owned by the Town and are, therefore, not impact fee eligible. In addition, not only do the roads in Soaring Hawk only service that subdivision, they have been constructed using the Local District bond that is being reimbursed by an assessment to residents and the cost of the Soaring Hawk roads, therefore, is ineligible for impact fee reimbursement. However, because Soaring Hawk residents use the transportation system they are included in the transportation system allocation. See Figure 7-2. The following table, Table 7-3 illustrates the difference between the total existing roadway costs and system improvements eligible for impact fee reimbursement.

Table 7-3: Impact Fee Eligible Existing Road Improvements (Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
Overlook Village	$2,994,729	$130,423	Cul de sac	$2,864,306
Glistening Ridge	$1,923,473	$0		$1,923,473
Reflection Ridge	$592,405	$592,405	Private Road	$0
Forevermore	$118,096	$118,096	Cul De Sac	$0
Silver Sky	$443,100	$248,930	Cul De Sac	$194,170
Rustler	$809,151	$809,151	Cul De Sac	$0
Soaring Hawk	$3,123,358	$3,123,358	Local District Bond	$0
Total	**$10,004,312**	$5,022,363		**$4,981,949**

In addition to the eligible existing subdivision infrastructure, Shoreline Drive has become a designated collector that is not yet complete. There are approximately 9,900 linear feet of 40' wide road left to complete at an estimated unit cost of $178 (road and drainage) per linear foot or approximately $1,762,200 total.

Therefore, total impact fee eligible road improvements are:

$4,981,949 + $1,762,200 = **$6,744,149 (Construction year dollars)**

Storm Drain

Storm Drain System Improvements are broken into three service areas: Storm Drain Service Area 1, 2 and 3. See Figure 7-3.

Storm Drain Service Area 1 (SDSA1) includes trunklines and concrete structures currently serving the Rustler, Forevermore and Glistening Ridge areas.

Storm Drain Service Area 2 (SDSA2) includes trunklines and concrete structures serving the Overlook Village, Reflection Ridge and Silver Sky areas. In the future, Venturi, Plumb will likely utilized these facilities as well.

Storm Drain Service Area 3 (SDSA3) includes trunklines and concrete structures serving Soaring Hawk area. Graphical representation for this infrastructure has not

been provided for this study. The cost of that infrastructure is not eligible for impact fee reimbursement since it was financed by the Local District bond that is being repaid by Soaring Hawk residents through a special assessment.

Based on the topography we anticipate that future developments will need to construct their own storm drain facilities. As a result, KLAIM, Deer Water, Van Den Akker, Sunrise, ADA, Salzman, Woolf and Ross Creek Entrance are not included in service areas 1-3. Deer Mountain has its own drainage facilities and is not included in service areas 1-3 either. The following table, Table 7-4 illustrates the difference between the total existing storm drain costs and system improvements eligible for impact fee reimbursement.

Table 7-4: Impact Fee Eligible Existing Storm Drain System Improvements (Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
		SDSA1		
Glistening Ridge	$624,381	$0		$624,381
Forevermore	$0	$0		$0
Rustler	$77,609	$77,609	Cul De Sac	$0
			SDSA1 Subtotal	***$624,381***
		SDSA2		
Overlook Village	$423,782	$37,324	Cul de sac	$386,458
Reflection Ridge	$86,106	$0		$86,106
Silver Sky	$113,856	$95,988	Cul De Sac	$17,868
			SDSA2 Subtotal	***$490,432***
		SDSA3		
Soaring Hawk	$196,664	$196,664	Local District Bond	$0
			SDSA3 Subtotal	***$0***
Total	**$1,522,398**	$407,585		**$1,114,813**

<u>Sewer</u>

Sewer system Improvements are separated into two service areas representing the two major trunklines.

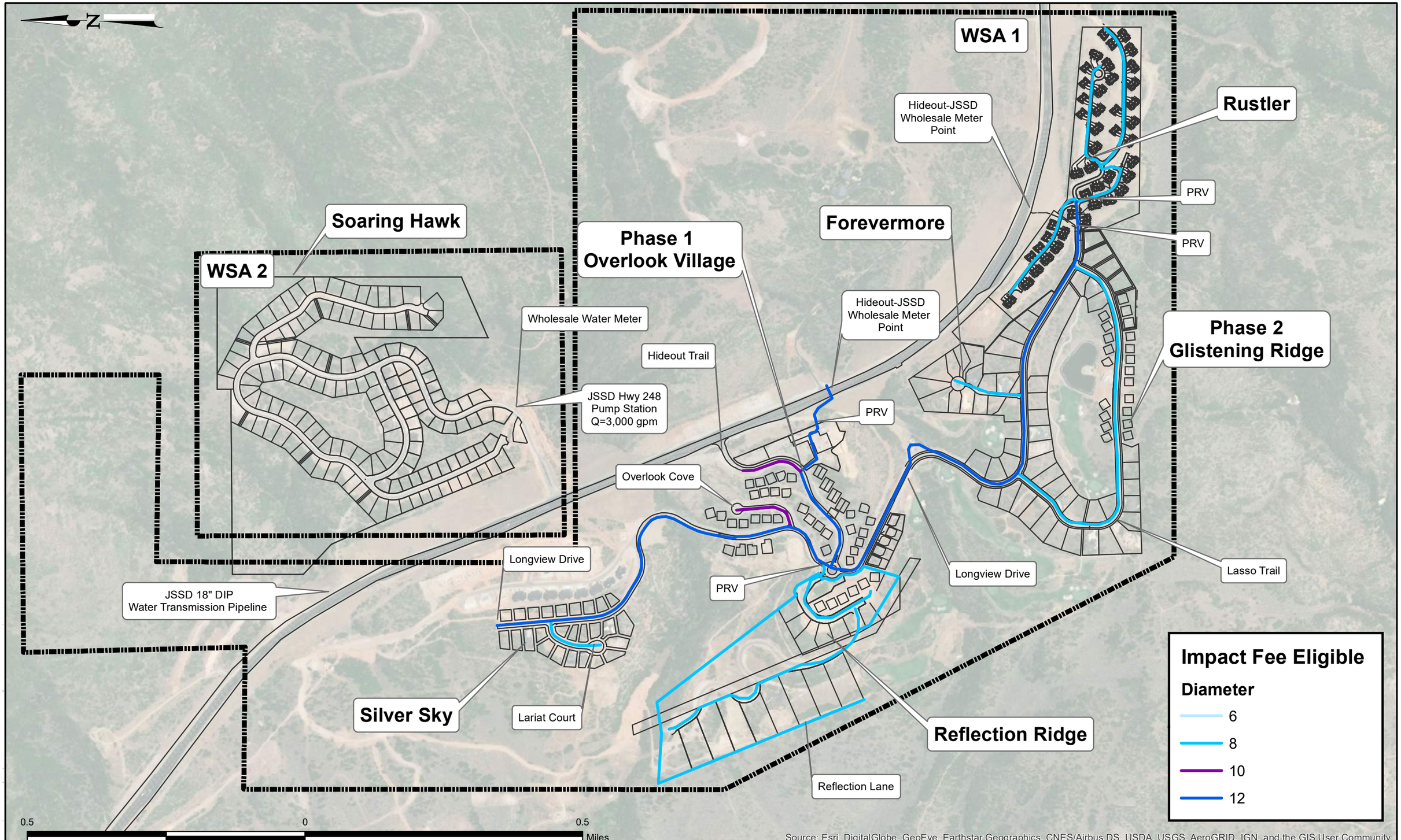
Sewer Service Area 1 (SSA1) includes both Soaring Hawk and Silver Sky, although the cost of infrastructure in Soaring Hawk is not eligible for impact fee reimbursement because that cost was financed by the Local District. Because Soaring Hawk residents tie into the sewer system, they are included in the sewer system allocation.

Sewer Service Area 2 (SSA2) includes Overlook Village, Reflection Ridge, Forevermore, Glistening Ridge, Rustler and all future developments excluding KLAIM, Deer Water, Deer Springs and Van Den Akker. The following table, Table 7-5 illustrates the difference between the total existing sewer costs and system improvements eligible for impact fee reimbursement.

Table 7-5: Impact Fee Eligible Sewer System Improvements (Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
SSA1				
Soaring Hawk	$535,285	$535,285	Local District Bond	$0
Silver Sky	$138,551	$0		$138,551
			SSA 1 Subtotal	***$138,551***
SSA2				
Overlook Village	$258,567	$0		$258,567
Glistening Ridge	$455,450	$0		$455,450
Reflection Ridge	$341,482	$0		$341,482
Forevermore	$33,056	$0		$33,056
Rustler	$192,123	$0		$192,123
			SSA2 Subtotal	***$1,280,678***
Total	**$1,954,514**	$535,285		**$1,419,229**

As currently anticipated, all known future subdivisions could utilize infrastructure in these two service areas and have been included in the impact fee calculations. However, an impact fee analysis update would need to be performed in the future to ensure that future subdivisions are appropriately assigned to a service area.



PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Impact Fee Facilities-Water

DATE 9/6/2019

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Figure 7-1

Note: The most typical road section is 26' of asphalt with a side treatment of 2.5' of curb and gutter, 5.5' of parkstrip and 4' of sidewalk

PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Impact Fee Facilities - Roads

DATE 9/6/2019

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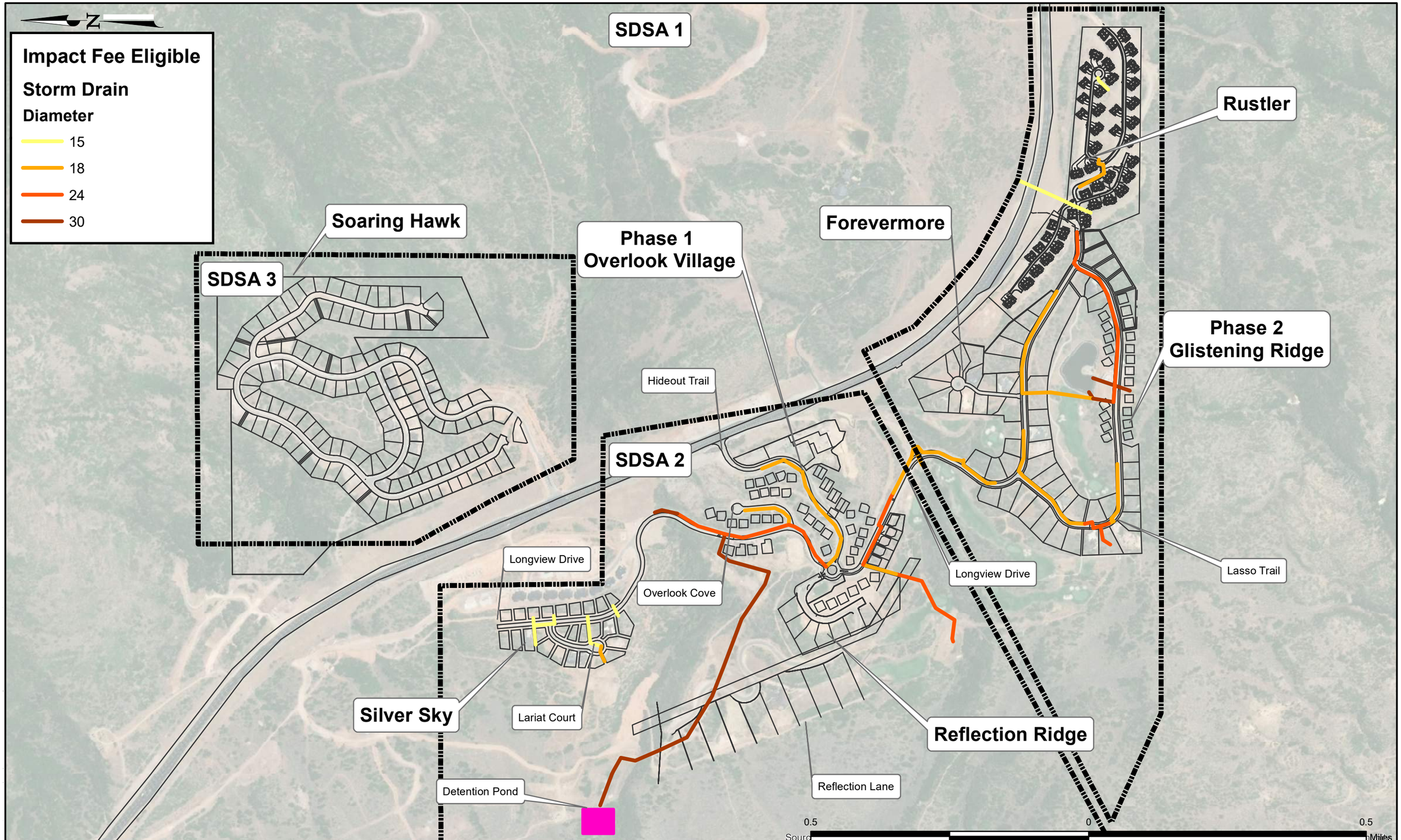
Figure 7-2



PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Impact Fee Facilities - Storm Drain

DATE 9/6/2019

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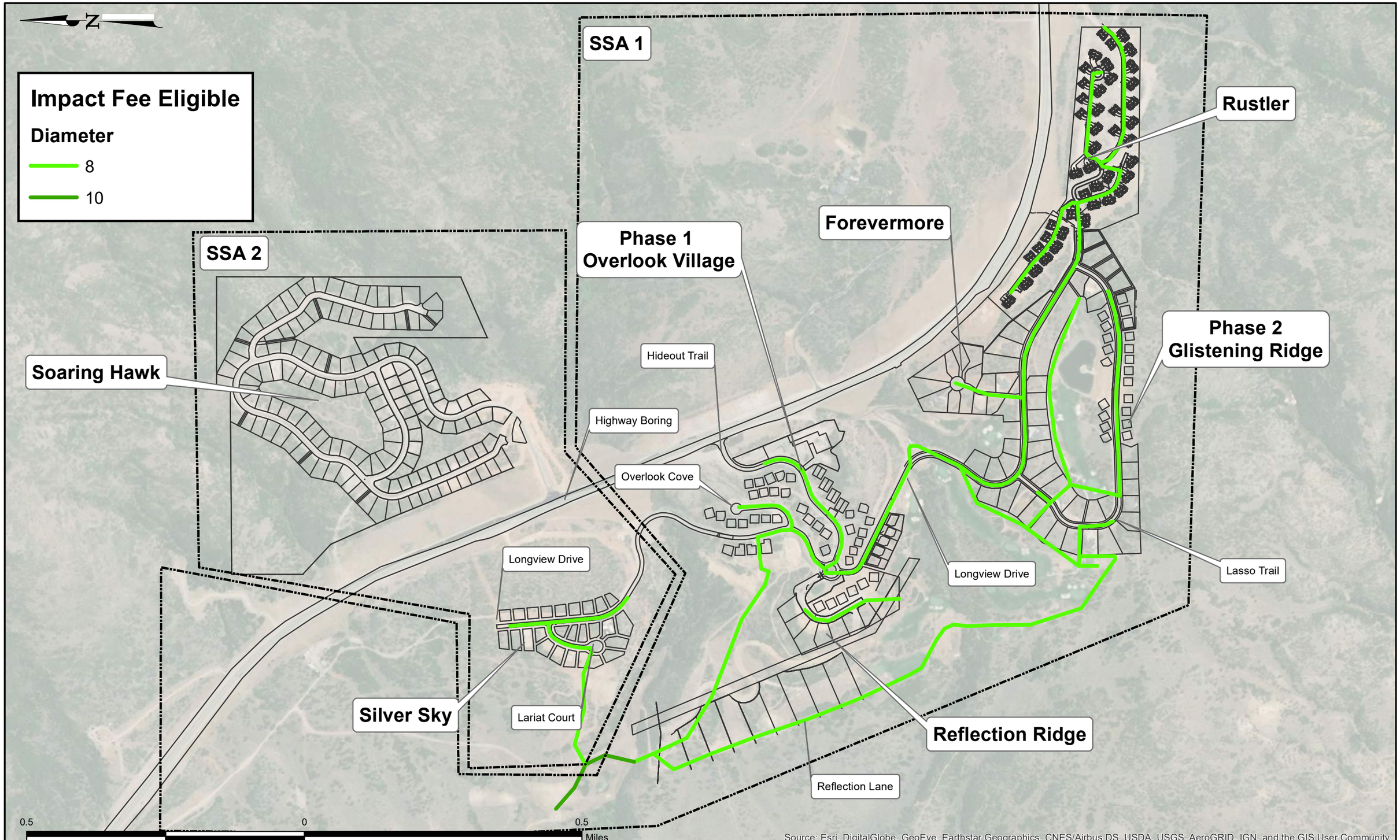
Figure 7-3



PSE PRECISION SYSTEMS ENGINEERING

Town of Hideout

Impact Fee Facilities - Sewer

DATE 2/12/2019

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Figure 7-4

The Town of Hideout was incorporated in 2008. After incorporation, the primary developer within the Town, Mustang Development, LLC (herein after referred to as the" Master Developer") built the improvements shown in Figures 3-1, 4-1, 5-1 and 6-1. Chapter 7 illustrates the cost of these improvements and which facilities are impact fee eligible according to Utah Title 11-36a. No other method of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants has been used by the Town to provide these existing public system improvements in the Town unless otherwise noted in Chapter 7.

The Town intends to use impact fees from new development that benefits directly from the system improvements the Master Developer has constructed to reimburse, in part, the expense incurred by the Master Developer in connection with construction of such improvements. These fees will be collected at the time of building permit in the amount approved by the Town, but no greater than the amount recommended in this impact fee analysis.

This study considers the cost of system improvements that were recently constructed to support growth into the foreseeable future. It does not contemplate, and removes from calculations, the portion of the improvements that are project costs specific to a subdivision and do not serve the Town as a whole.

It also defines a proportionate share of the impact fee eligible costs to all potential future lots that will use them and recommends impact fees for each element analyzed in this study. These fees will be needed to finance the existing level of service that has been created throughout the Town. It does not include any existing deficiencies.

Calculations for the impact fees are included in this chapter for each element. The calculations are estimates based on the best data available to us. For purposes of calculating the actual impact fee, we have rounded the estimated cost to the next greatest five-dollar ($5) increment.

8.1 Financing Charges

Under Utah Code 11-36a-305, a municipality is entitled to include reasonable debt service charges in the calculation of an impact fee. Based on available data, we have determined that reasonable finance charges applicable to the cost of the eligible system improvement is seven and a half percent (7.5%) over twenty (20) years making uniform annual payments. Therefore, we will calculate the total financed estimate for each element using the following formula for simple interest:

$$\text{Total Cost} = \text{Principal} + (\text{Principal} / 2) \times (\text{rate} \times \text{years})$$

Over the life of a twenty-year repayment period the average principal balance will be half of the total principal amount. As such, interest calculations will show half of the infrastructure cost as the principal in the formula. The applicable financing charge for eligible system improvements is calculated separately for each element in the following sections.

8.2 Water Impact Fees

The impact fee eligible water system costs have been calculated for the separate service areas of WSA1 and WSA 2 at $1,385,937 and $0 respectively. These improvements are illustrated in Chapter 7.

WSA1

WSA1 will serve the entire Town excluding Soaring Hawk, Deer Mountain, Reflection Ridge, the future Golden Eagle, Ross Creek and Woolf. Golden Eagle will be responsible for constructing its own water system. As such, WSA1 will serve 1,682 units (2,264 – (148 + 71 + 15 + 9 + 316 + 18 + 5)).

WSA1 Impact Fee Calculation

The cost for the WSA1 system improvements is $1,385,937. These projects will serve 1,682 ERC's. Considering twenty years of financing at 7.5%, the total WSA1 water impact fee will be:

$1,385,937 + (($1,385,937 / 2) x (0.075 x 20)) = $2,425,389.75

$2,425,389.75 / 1,682 = $1,441.97 per ERC (use $1,445)

WSA2

WSA2 serves only Soaring Hawk. It will serve the 148 units located there. However, residents of Soaring Hawk pay a special assessment toward the repayment of the Local District bond which financed the water infrastructure in Soaring Hawk. As a result, the Soaring Hawk water infrastructure is not impact fee eligible. Therefore, the water impact fee for residents of WSA2 is $0.

8.3 Transportation Impact Fees

The impact fee eligible transportation system costs have been calculated at $6,744,149. These improvements are illustrated in Chapter 7 and their costs are calculated in the Appendix. They will serve the entire Town, although not all costs are included in the impact fee calculation. As a result, they will serve approximately 2,264 units. Therefore, the impact fee can be calculated as follows.

Impact Fee Calculation

The cost for the transportation system improvements is $6,744,149. These projects will serve 2,264 ERC's. Considering twenty years of financing at 7.5%, the total transportation impact fee will be:

$6,744,149 + (($6,744,149 / 2) x (0.075 x 20)) = $11,802,260.80

$11,802,260.80 / 2,264 = $5,213.01 per ERC (use $5,215)

8.4 Storm Drain Impact Fees

The impact fee eligible storm drain system costs have been calculated for the separate service areas of SDSA1, SDSA2 and SDSA3 at $624,381, $490,432 and $0 respectively. These improvements are illustrated in Chapter 7.

SDSA1

SDSA1 will serve the Glistening Ridge (63 units), Rustler (88 units) and Forevermore (13 units) areas

SDSA1 Impact Fee Calculation

The cost for the SDSA1 system improvements is $624,381. These projects will serve 164 ERC's. Considering twenty years of financing at 7.5%, the total SDSA1 storm drain impact fee will be:

$624,381+ (($624,381 / 2) x (0.075 x 20)) = $1,092,666.75

$1,092,666.75 / 164 = $6,662.60 per ERC (use $6,665)

SDSA2

SDSA2 will serve the Overlook Village (47 units), Perch (92 units), Town Center (4 units), Silver Sky (26 units), Reflection Ridge (15 units), Reflection Lane (9 units), Venturi (2 units) and Plumb (4 units) areas

SDSA2 Impact Fee Calculation

The cost for the SDSA2 system improvements is $490,432. These projects will serve 199 ERC's. Considering twenty years of financing at 7.5%, the total SDSA2 storm drain impact fee will be:

$490,432 + (($490,432 / 2) x (0.075 x 20)) = $858,256.00

$858,256.00 / 199 = $4,312.84 per ERC (use $4,315)

SDSA3

SDSA3 will serve the Soaring Hawk (148 units) area. However, residents of Soaring Hawk pay a special assessment toward the repayment of the Local District bond which financed the storm drain infrastructure in Soaring Hawk. As a result, the Soaring Hawk storm drain infrastructure is not impact fee eligible. Therefore, the storm drain impact fee for residents of SDSA3 is $0.

Golden Eagle, Deer Springs, future Shoreline phases, KLAIM, ADA, Salzman, Sunrise, Ross Creek Entrance and Woolf will be responsible for their own storm drain infrastructure. The Deer Mountain, Deer Waters and Van Dan Aker areas have their own storm drain systems and are not included in the storm drain allocation.

8.5 Sewer Impact Fees

The impact fee eligible sewer system costs have been calculated for two separate service areas SSA1 and 2 at $138,551 and $1,280,678, respectively. These

improvements are illustrated in Chapter 7 and their costs are calculated in the Appendix.

SSA1

SSA1 serves both Soaring Hawk (148 units), Silver Sky (26 units) and the future Woolf development (5 units). However, the cost of infrastructure in Soaring Hawk is being reimbursed by a special assessment charged by the Local District to Soaring Hawk residents, so only infrastructure in Silver Sky is eligible for impact fees.

Impact Fee Calculation

The cost for the impact eligible sewer system improvements is $138,551. These projects will serve 179 ERC's. Considering twenty years of financing at 7.5%, the total SSA1 sewer impact fee will be:

$$\$138,551 + ((\$138,551 / 2) \times (0.075 \times 20)) = \$242,464.25$$

$$\$242,464.25 / 179 = \underline{\$1,354.55 \text{ per ERC (use } \$1,355)}$$

SSA2

SSA2 serves the remaining 1,685 units in Hideout except the future Ross Creek Entrance, KLAIM, Van Den Akker, Deer Springs and Deer Waters (2,264 units – 179 units – 18 units – 88 units – 35 units – 248 units – 11 units).

Impact Fee Calculation

The cost for the impact eligible sewer system improvements is $1,280,678. These projects will serve 1,685 ERC's. Considering twenty years of financing at 7.5%, the total SSA2 sewer impact fee will be:

$$\$1,280,678 + ((\$1,280,678 / 2) \times (0.075 \times 20)) = \$2,241,186.50$$

$$\$2,241,486.50 / 1,685 = \underline{\$1,330.08 \text{ per ERC (use } \$1,330)}$$

8.6 Impact Fee Summary

The recommended impact fees can be summarized as illustrated below.

Element	Fee
Water	
WSA1	$1,445
WSA2	$0
Transportation	$5,215
Storm Drain	
SDSA1	$6,665
SDSA2	$4,315
SDSA3	$0
Sewer	
SSA1	$1,355
SSA2	$1,330

Appendix “A”

Data

Figure A.1

Overlook Village

Cost Estimate (2006 dollars)

No.	Item Description	Bid Quantity	Units		Unit Price	Total Amount
Culinary Water Improvements						
	12 - inch Ductile Iron Water Line Pipe	5,254	LF		$31.00	$162,874.00
	12 - inch PRV Station	2	Each		$70,000.00	$140,000.00
	Meter Stations	1	Each		$20,000.00	$20,000.00
	10 - inch Ductile Water Line	1,218	LF		$22.00	$26,796.00
					Subtotal	**$349,670.00**
					Mobilization 6%	$20,980.20
					Design Engineering 9%	$31,470.30
					Construction Engineering 9%	$31,470.30
					Water Total	**$433,590.80**
Sanitary Sewer Improvements						
	8 inch HDPE (SDR 35) Sewer Pipe	6,489	LF		$27.00	$175,203.00
	4 ft. Diameter Sewer Manhole	13	Each		$2,600.00	$33,319.00
					Subtotal	**$208,522.00**
					Mobilization 6%	$12,511.32
					Design Engineering 9%	$18,766.98
					Construction Engineering 9%	$18,766.98
					Sewer Total	**$258,567.28**
Storm Drain Improvements						
	18 inch ADS	1,976	LF		$27.00	$53,352.00
	24 inch ADS	1,681	LF		$32.00	$53,792.00
	30 inch ADS	3,869	LF		$38.00	$147,022.00
	4 ft. Diameter Storm Drain Manholes	8	Each		$2,300.00	$18,618.50
	5 ft. Diameter Storm Drain Manholes	8	Each		$3,000.00	$25,345.00
	Catch Basin	29	Each		$1,500.00	$43,630.00
					Subtotal	**$341,759.50**
					Mobilization 6%	$20,505.57
					Design Engineering 9%	$30,758.36
					Construction Engineering 9%	$30,758.36
					Storm Drain Total	**$423,781.78**
Roadway Improvements						
	Curb and Gutter	12,538	LF		$11.50	$144,187.00
	Road Base installed	250,760	Sq. Ft.		$0.70	$175,532.00
	3 - inch Asphalt Bituminous Mix	162,994	Sq. Ft.		$0.90	$146,694.60
	Roadside Drainage Channels (Ditches)	2,000	LF		$7.50	$15,000.00
	4 foot Sidewalk	11,438	LF		$12.50	$142,975.00
	6 foot Sidewalk	1,100	LF		$19.00	$20,900.00
	Landscaping	1	LS		$81,000.00	$81,000.00
	Guardrail	1,500	LF		$26.00	$39,000.00
	Retaining Wall	51,500	SF		$12.00	$618,000.00
	Erosion Control	6	Acre		$3,500.00	$20,148.30
	Clearing and Grubbing	6	Acre		$3,000.00	$17,269.97
	Street Lights (at hydrants & intersections)	32	Each		$3,600.00	$115,200.00
	Irrigation	1	LS		$51,000.00	$51,000.00
	UDOT Entrance	1	LS		$531,000.00	$531,000.00
	Roadway Excavation	37,150	CY		$8.00	$297,197.04
					Subtotal	**$2,415,103.91**
					Mobilization 6%	$144,906.23
					Design Engineering 9%	$217,359.35
					Construction Engineering 9%	$217,359.35
					Roadway Total	**$2,994,728.85**
					Construction Subtotal	**$4,110,668.71**

Overlook Village - Roadway Project Improvements (Overlook Cove)						
	Curb and Gutter	1,102	LF		$11.50	$12,673.00
	Road Base installed	22,040	Sq. Ft.		$0.70	$15,428.00
	3 - inch Asphalt Bituminous Mix	14,326	Sq. Ft.		$0.90	$12,893.40

	Roadside Drainage Channels (Ditches)	0	LF		$7.50	$0.00
	4 foot Sidewalk	1,102	LF		$12.50	$13,775.00
	6 foot Sidewalk	0	LF		$19.00	$0.00
	Landscaping	0	LS		$81,000.00	$0.00
	Guardrail	0	LF		$26.00	$0.00
	Retaining Wall	1,500	SF		$12.00	$18,000.00
	Erosion Control	1	Acre		$3,500.00	$1,770.89
	Clearing and Grubbing	1	Acre		$3,000.00	$1,517.91
	Street Lights (at hydrants & intersections)	1	Each		$3,000.00	$3,000.00
	Irrigation	0	LS		$51,000.00	$0.00
	Roadway Excavation	3,265	CY		$8.00	$26,121.48
				Subtotal		**$105,179.68**
					Mobilization 6%	$6,310.78
					Design Engineering 9%	$9,466.17
					Construction Engineering 9%	$9,466.17
					Roadway Project Total	**$130,422.80**

Overlook Village - Storm Drain Project Improvements (Overlook Cove)

	18 Inch ADS	500	LS		$27.00	$13,500.00
	SD Catch Basin	8	LS		$1,500.00	$12,000.00
	4 ft. Diameter Storm Drain Manhole	2	LS		$2,300.00	$4,600.00
				Subtotal		**$30,100.00**
					Mobilization 6%	$1,806.00
					Design Engineering 9%	$2,709.00
					Construction Engineering 9%	$2,709.00
					Storm Drain Project Total	**$37,324.00**

Figure A.2

Glistening Ridge

Cost Estimate (2009 dollars)

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
Culinary Water Improvements					
	8 - inch Ductile Iron Water Line Pipe	2,863	LF	$30.00	$85,890.00
	12 - inch Ductile Iron Water Line Pipe	3,197	LF	$39.00	$124,683.00
	12 inch PRV Station	1	Each	$55,000.00	$55,000.00
	12 inch Butterfly Valve	8	Each	$1,600.00	$12,800.00
	8 inch Butterfly Valve	8	Each	$1,000.00	$8,000.00
	Fire Hydrant Assembly	16	Each	$3,100.00	$49,600.00
	2 inch Washout with Drainline	2	Each	$900.00	$1,800.00
	2 inch Air-Vac Valve	2	Each	$2,500.00	$5,000.00
				Subtotal	**$342,773.00**
				Mobilization 6%	$20,566.38
				Design Engineering 9%	$30,849.57
				Construction Engineering 9%	$30,849.57
				Water Total	**$425,038.52**
Sanitary Sewer Improvements					
	8 inch HDPE Sewer Pipe	10,574	LF	$27.00	$285,498.00
	4 ft. Diameter Sewer Manhole	28	Each	$2,600.00	$72,800.00
	5 ft. Diameter Sewer Manhole	3	Each	$3,000.00	$9,000.00
				Subtotal	**$367,298.00**
				Mobilization 6%	$22,037.88
				Design Engineering 9%	$33,056.82
				Construction Engineering 9%	$33,056.82
				Sewer Total	**$455,449.52**
Storm Drain Improvements					
	18 - inch ADS Pipe	5,506	LF	$27.00	$148,662.00
	24 - inch ADS Pipe	4,026	LF	$32.00	$128,832.00
	30 - inch ADS Pipe	640	LF	$35.00	$22,400.00
	4 ft. Diameter Manholes	18	Each	$2,300.00	$41,139.33
	Detention Pond	1	Each	$95,000.00	$95,000.00
	Catch Basin	45	Each	$1,500.00	$67,500.00
				Subtotal	**$503,533.33**
				Mobilization 6%	$30,212.00
				Design Engineering 9%	$45,318.00
				Construction Engineering 9%	$45,318.00
				Storm Drain Total	**$624,381.33**
Roadway Improvements					
	Curb and Gutter	13,586	LF	$12.00	$163,032.00
	Excavation for C&G	13,586	LF	$6.50	$88,309.00
	Road Base installed	271,720	Sq. Ft.	$0.70	$190,204.00
	3 - inch Asphalt Bituminous Mix	176,618	Sq. Ft.	$0.90	$158,956.20
	Roadside Drainage Channels	700	LF	$7.50	$5,250.00
	4-foot Sidewalk	11,516	LF	$12.50	$143,950.00
	10-foot Sidewalk	2,070	LF	$27.50	$56,925.00
	Golf Cart Tunnel	1	Each	$75,000.00	$75,000.00
	Street Lights	19	Each	$3,800.00	$72,200.00
	Landscape	1	LS	$41,000.00	$41,000.00
	Cut Slope	16,500	Sq. Ft.	$20.00	$330,000.00

	Clear and Grub	7	Acres	$2,500.00	$16,250.00
	Erosion Control	7	Acres	$1,800.00	$11,700.00
	Erosion Control Matting	101,840	Sq. Ft.	$0.20	$20,368.00
	Reseeding	101,840	Sq. Ft.	$0.04	$4,073.60
	Road Cuts and Fills	40,000	CY	$3.75	$150,000.00
	Guardrail	940	LF	$25.50	$23,970.00
				Subtotal	**$1,551,187.80**
				Mobilization 6%	$93,071.27
				Design Engineering 9%	$139,606.90
				Construction Engineering 9%	$139,606.90
				Roadway Total	**$1,923,472.87**
				Construction Total	**$3,428,342.25**

Glistening Ridge - Roadway Project Improvements (Lasso Trail)

	Curb and Gutter	13,586	LF	$12.00	$163,032.00
	Excavation for C&G	13,586	LF	$6.50	$88,309.00
	Road Base installed	271,720	Sq. Ft.	$0.70	$190,204.00
	3 - inch Asphalt Bituminous Mix	176,618	Sq. Ft.	$0.90	$158,956.20
	Roadside Drainage Channels	0	LF	$7.50	$0.00
	4-foot Sidewalk	0	LF	$12.50	$0.00
	10-foot Sidewalk	0	LF	$27.50	$0.00
	Golf Cart Tunnel	1	Each	$75,000.00	$75,000.00
	Street Lights	0	Each	$3,800.00	$0.00
	Landscape	1	LS	$41,000.00	$41,000.00
	Cut Slope	16,500	Sq. Ft.	$20.00	$330,000.00
	Clear and Grub	7	Acres	$2,500.00	$16,250.00
	Erosion Control	7	Acres	$1,800.00	$11,700.00
	Erosion Control Matting	101,840	Sq. Ft.	$0.20	$20,368.00
	Reseeding	101,840	Sq. Ft.	$0.04	$4,073.60
	Road Cuts and Fills	40,000	CY	$3.75	$150,000.00
	Guardrail	0	LF	$25.50	$0.00
				Subtotal	**$1,248,892.80**
				Mobilization 6%	$74,933.57
				Design Engineering 9%	$112,400.35
				Construction Engineering 9%	$112,400.35
				Roadway Project Total	**$1,548,627.07**

Glistening Ridge - Storm Drain Project Improvements (Lasso Trail)

	24 Inch ADS	500	LF	$32.00	$16,000.00
	SD Catch Basin	24	LF	$1,500.00	$36,000.00
	4 ft. Diameter Storm Drain Manhole	3	LF	$2,300.00	$6,900.00
				Subtotal	**$58,900.00**
				Mobilization 6%	$3,534.00
				Design Engineering 9%	$5,301.00
				Construction Engineering 9%	$5,301.00
				Storm Drain Project Total	**$73,036.00**

Figure A.3

Reflection Ridge

Cost Estimate (2014 dollars)

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
Culinary Water Improvements					
	8 - inch Ductile Iron Water Line Pipe	10,012	LF	$35.00	$350,420.00
	8 inch Gate Valve	2	Each	$1,800.00	$3,600.00
	Fire Hydrant Assembly	3	Each	$4,500.00	$13,500.00
	2 inch Air-Vac Valve	1	Each	$3,500.00	$3,500.00
				Subtotal	**$371,020.00**
				Mobilization 6%	$22,261.20
				Design Engineering 9%	$33,391.80
				Construction Engineering 9%	$33,391.80
				Water Total	**$460,064.80**
Sanitary Sewer Improvements					
	8 inch HDPE Sewer Pipe	7,841	LF	$29.00	$227,389.00
	10 inch HDPE Sewer Pipe	1,000	LF	$33.00	$33,000.00
	4 ft. Diameter Sewer Manhole	5	Each	$3,000.00	$15,000.00
				Subtotal	**$275,389.00**
				Mobilization 6%	$16,523.34
				Design Engineering 9%	$24,785.01
				Construction Engineering 9%	$24,785.01
				Sewer Total	**$341,482.36**
Storm Drain Improvements					
	18 - inch ADS Pipe	984	LF	$35.00	$34,440.00
	24 - inch ADS Pipe		LF	$38.00	$0.00
	30 - inch ADS Pipe		LF	$42.00	$0.00
	4 ft. Diameter Manholes	4	Each	$2,500.00	$10,000.00
	Detention Pond		Each	$100,000.00	$0.00
	Catch Basin	10	Each	$2,500.00	$25,000.00
				Subtotal	**$69,440.00**
				Mobilization 6%	$4,166.40
				Design Engineering 9%	$6,249.60
				Construction Engineering 9%	$6,249.60
				Storm Drain Total	**$86,105.60**
Roadway Improvements					
	Curb and Gutter	8,608	LF	$11.00	$94,688.00
	Excavation for C&G	8,608	LF	$1.00	$8,608.00
	Road Base installed	172,160	Sq. Ft.	$1.00	$172,160.00
	3 - inch Asphalt Bituminous Mix	111,904	Sq. Ft.	$1.20	$134,284.80
	Clear and Grub	4	Acres	$2,500.00	$9,880.62
	Erosion Control	4	Acres	$1,800.00	$7,114.05
	Roadway Excavation	6,376	CY	$8.00	$51,010.37
				Subtotal	**$477,745.84**
				Mobilization 6%	$28,664.75
				Design Engineering 9%	$42,997.13
				Construction Engineering 9%	$42,997.13
				Roadway Total	**$592,404.85**
				Construction Total	**$1,480,057.61**

Figure A.4

Forevermore

Cost Estimate (2013 dollars)

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
Culinary Water Improvements					
	8 - inch Ductile Iron Water Line Pipe	664	LF	$32.00	$21,248.00
	8 inch Gate Valve	1	Each	$1,500.00	$1,500.00
	Fire Hydrant Assembly	1	Each	$3,500.00	$3,500.00
	2 inch Air-Vac Valve	1	Each	$3,500.00	$3,500.00
				Subtotal	**$29,748.00**
				Mobilization 6%	$1,784.88
				Design Engineering 9%	$2,677.32
				Construction Engineering 9%	$2,677.32
				Water Total	**$36,887.52**
Sanitary Sewer Improvements					
	8 inch HDPE Sewer Pipe	654	LF	$27.00	$17,658.00
	4 ft. Diameter Sewer Manhole	3	Each	$3,000.00	$9,000.00
				Subtotal	**$26,658.00**
				Mobilization 6%	$1,599.48
				Design Engineering 9%	$2,399.22
				Construction Engineering 9%	$2,399.22
				Sewer Total	**$33,055.92**
Storm Drain Improvements					
	18 - inch ADS Pipe		LF	$33.00	$0.00
	24 - inch ADS Pipe		LF	$35.00	$0.00
	30 - inch ADS Pipe		LF	$40.00	$0.00
	4 ft. Diameter Manholes		Each	$2,500.00	$0.00
	Detention Pond		Each	$95,000.00	$0.00
	Catch Basin		Each	$2,500.00	$0.00
				Subtotal	**$0.00**
				Mobilization 6%	$0.00
				Design Engineering 9%	$0.00
				Construction Engineering 9%	$0.00
				Storm Drain Total	**$0.00**
Roadway Improvements					
	Curb and Gutter	1,716	LF	$11.00	$18,876.00
	Excavation for C&G	1,716	LF	$1.00	$1,716.00
	Road Base installed	34,320	Sq. Ft.	$1.00	$34,320.00
	3 - inch Asphalt Bituminous Mix	22,308	Sq. Ft.	$1.20	$26,769.60
	Clear and Grub	1	Acres	$2,500.00	$1,969.70
	Erosion Control	1	Acres	$1,800.00	$1,418.18
	Roadway Excavation	1,271	CY	$8.00	$10,168.89
				Subtotal	**$95,238.37**
				Mobilization 6%	$5,714.30
				Design Engineering 9%	$8,571.45
				Construction Engineering 9%	$8,571.45
				Roadway Total	**$118,095.58**
				Construction Total	**$188,039.02**

Figure A.5

Silver Sky

Cost Estimate (2014 dollars)

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
Culinary Water Improvements					
	12 - inch Ductile Iron Water Line Pipe	2,484	LF	$70.00	$173,880.00
	8 - inch Ductile Iron Water Line Pipe	600	LF	$42.00	$25,200.00
	2" Air-Vac Station	3	Each	$4,300.00	$12,900.00
	Fire Hydrant	4	Each	$5,000.00	$20,000.00
					$231,980.00
				Mobilization 6%	$13,918.80
				Design Engineering 9%	$20,878.20
				Construction Engineering 9%	$20,878.20
				Water Total	**$287,655.20**
Sanitary Sewer Improvements					
	8 inch HDPE (SDR 35) Sewer Pipe	2,121	LF	$35.00	$74,235.00
	4 ft. Diameter Sewer Manhole	8	Each	$3,300.00	$26,400.00
	5 ft. Diameter Sewer Manhole	3	Each	$3,700.00	$11,100.00
					$111,735.00
				Mobilization 6%	$6,704.10
				Design Engineering 9%	$10,056.15
				Construction Engineering 9%	$10,056.15
				Sewer Total	**$138,551.40**
Storm Drain Improvements					
	15 inch ADS	988	LF	$27.00	$26,676.00
	18 inch ADS	158	LF	$30.00	$4,740.00
	4 ft. Diameter Drain Manholes	4	Each	$3,300.00	$12,903.00
	Catch Basin	19	Each	$2,500.00	$47,500.00
					$91,819.00
				Mobilization 6%	$5,509.14
				Design Engineering 9%	$8,263.71
				Construction Engineering 9%	$8,263.71
				Storm Drain Total	**$113,855.56**
Roadway Improvements					
	Curb and Gutter	4,814	LF	$14.00	$67,396.00
	Road Base installed	96,280	Sq. Ft.	$1.00	$96,280.00
	3 - inch Asphalt Bituminous Mix	62,582	Sq. Ft.	$1.40	$87,614.80
	Guardrail	550	LF	$42.00	$23,100.00
	Retaining Wall	1,500	SF	$20.00	$30,000.00
	Rock Excavation	1	Acre	$20,000.00	$20,000.00
	Clearing and Grubbing	2	Acre	$2,000.00	$4,420.57
	Roadway Excavation	3,566	CY	$8.00	$28,527.41
					$357,338.78
				Mobilization 6%	$21,440.33
				Design Engineering 9%	$32,160.49
				Construction Engineering 9%	$32,160.49
				Roadway Total	**$443,100.08**
				Construction Total	**$983,162.24**

Silver Sky - Roadway Project Improvements (Lariat Court and partial Longview Dr)					
	Curb and Gutter	3,400	LF	$14.00	$47,600.00
	Road Base installed	68,000	Sq. Ft.	$1.00	$68,000.00
	3 - inch Asphalt Bituminous Mix	44,200	Sq. Ft.	$1.40	$61,880.00
	Guardrail	0	LF	$42.00	$0.00
	Retaining Wall	0	SF	$20.00	$0.00

	Rock Excavation	0	Acre	$20,000.00	$0.00
	Clearing and Grubbing	2	Acre	$2,000.00	$3,122.13
	Roadway Excavation	2,519	CY	$8.00	$20,148.15
					$200,750.28
				Mobilization 6%	$12,045.02
				Design Engineering 9%	$18,067.53
				Construction Engineering 9%	$18,067.53
				Roadway Project Total	**$248,930.35**

Silver Sky - Storm Drain Project Improvements (Lariat Court and partial Longview Dr)

	15 Inch ADS	988	Sq. Ft.	$43.00	$42,484.00
	18 Inch ADS	158	Sq. Ft.	$47.00	$7,426.00
	SD Catch Basin	11	Sq. Ft.	$2,500.00	$27,500.00
	4 ft. Diameter Storm Drain Manhole	0	Sq. Ft.	$3,300.00	$0.00
					$77,410.00
				Mobilization 6%	$4,644.60
				Design Engineering 9%	$6,966.90
				Construction Engineering 9%	$6,966.90
				Storm Drain Project Total	**$95,988.40**

Figure A.6

Rustler

Cost Estimate (2010 dollars)

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
Culinary Water Improvements					
	8 - inch Ductile Iron Water Line Pipe	4,449	LF	$31.00	$137,919.00
	12 - inch Ductile Iron Water Line Pipe	290	LF	$40.00	$11,600.00
	Fire Hydrant Assembly	4	Each	$3,500.00	$14,000.00
				Subtotal	**$163,519.00**
				Mobilization 6%	$9,811.14
				Design Engineering 9%	$14,716.71
				Construction Engineering 9%	$14,716.71
				Water Total	**$202,763.56**
Sanitary Sewer Improvements					
	8 inch HDPE Sewer Pipe	4,625	LF	$29.00	$134,125.00
	4 ft. Diameter Sewer Manhole	8	Each	$2,700.00	$20,812.50
				Subtotal	**$154,937.50**
				Mobilization 6%	$9,296.25
				Design Engineering 9%	$13,944.38
				Construction Engineering 9%	$13,944.38
				Sewer Total	**$192,122.50**
Storm Drain Improvements					
	15 - inch ADS Pipe	878	LF	$27.00	$23,706.00
	18 - inch ADS Pipe	441	LF	$32.00	$14,112.00
	4 ft. Diameter Manholes	4	Each	$2,500.00	$10,495.83
	Catch Basin	8	Each	$1,700.00	$14,274.33
				Subtotal	**$62,588.17**
				Mobilization 6%	$3,755.29
				Design Engineering 9%	$5,632.94
				Construction Engineering 9%	$5,632.94
				Storm Drain Total	**$77,609.33**
Roadway Improvements					
	Curb and Gutter	11,394	LF	$13.00	$148,122.00
	Excavation for C&G	11,394	LF	$7.00	$79,758.00
	Road Base installed	227,880	Sq. Ft.	$0.80	$182,304.00
	3 - inch Asphalt Bituminous Mix	148,122	Sq. Ft.	$1.00	$148,122.00
	Clear and Grub	5	Acres	$2,500.00	$13,078.51
	Erosion Control	5	Acres	$1,800.00	$9,416.53
	Roadway Excavation	8,440	CY	$8.50	$71,740.00
				Subtotal	**$652,541.04**
				Mobilization 6%	$39,152.46
				Design Engineering 9%	$58,728.69
				Construction Engineering 9%	$58,728.69
				Roadway Total	**$809,150.89**
				Construction Total	**$1,281,646.28**

Figure A.7

Soaring Hawk System Improvements

Cost Estimate (2014 dollars)

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
Culinary Water Improvements					
	8 - inch Ductile Iron Water Line Pipe	7,893	LF	$32.00	$252,576.00
	8 inch Gate Valves	8	Each	$1,800.00	$14,400.00
	Meter Stations	1	Each	$50,000.00	$50,000.00
					$316,976.00
				Mobilization 6%	$19,018.56
				Design Engineering 9%	$28,527.84
				Construction Engineering 9%	$28,527.84
				Water Total	**$393,050.24**
Sanitary Sewer Improvements					
	8 inch HDPE (SDR 35) Sewer Pipe	8,673	LF	$34.00	$294,882.00
	4 ft. Diameter Sewer Manhole	40	Each	$2,800.00	$112,000.00
	5 ft. Diameter Sewer Manhole	8	Each	$3,100.00	$24,800.00
					$431,682.00
				Mobilization 6%	$25,900.92
				Design Engineering 9%	$38,851.38
				Construction Engineering 9%	$38,851.38
				Sewer Total	**$535,285.68**
Storm Drain Improvements					
	15 inch ADS	1,400	LF	$36.00	$50,400.00
	18 inch ADS		LF	$41.00	$0.00
	30 inch ADS	200	LF	$64.00	$12,800.00
	36 inch ADS	300	LF	$83.00	$24,900.00
	6 ft. Diameter Manholes	2	Each	$4,000.00	$8,000.00
	Catch Basin	25	Each	$2,500.00	$62,500.00
					$158,600.00
				Mobilization 6%	$9,516.00
				Design Engineering 9%	$14,274.00
				Construction Engineering 9%	$14,274.00
				Storm Drain Total	**$196,664.00**
Roadway Improvements					
	Curb and Gutter	21,522	LF	$11.00	$236,742.00
	Road Base installed	430,440	Sq. Ft.	$0.80	$344,352.00
	3 - inch Asphalt Bituminous Mix	279,786	Sq. Ft.	$1.20	$335,743.20
	Landscaping	1	LS	$190,000.00	$190,000.00
	Retaining Wall	3,000	SF	$15.00	$45,000.00
	Clearing and Grubbing	9	Acre	$2,000.00	$17,000.00
	UDOT Accel Lane	1	LS	$575,000.00	$575,000.00
	Roadway Excavation	155,000	CY	$5.00	$775,000.00
					$2,518,837.20
				Mobilization 6%	$151,130.23
				Design Engineering 9%	$226,695.35
				Construction Engineering 9%	$226,695.35
				Roadway Total	**$3,123,358.13**
				Construction Total	**$4,248,358.05**

Appendix “B”

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