

RICHFIELD CITY, UTAH

ORDINANCE NO. 2022-28

AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS AND IMPOSING CERTAIN IMPACT FEES; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, On September 13, 2022, Richfield City, Utah (the “City”) posted notice as to its intention to prepare an impact fee facilities plan (“IFFP”) and impact fee analyses (“IFA”) for parks and recreation, police, and fire impact fees and invited all interested parties to participate in the impact fee preparation process, consistent with UCA Section 11-36a-501 and 11-36a-503;

WHEREAS, the City is a municipality in the State of Utah, authorized and organized under the provisions of Utah law and is authorized pursuant to the Impact Fees Act, Utah Code Ann. 11-36a-101 et seq. to adopt impact fees; and

WHEREAS, on August 29, 2022, the City posted notice of a public hearing on Utah’s Public Notice Website, the City’s Website, and at the City’s administrative building to consider the assumptions and conclusions of the Impact Fee Facilities Plans and the Impact Fee Analyses;

WHEREAS, the Richfield City Council (the “Council”) met in regular session on September 13, 2022, to convene a public hearing and to consider adopting the IFFP and IFA, imposing impact fees, providing for the calculation and collection of such fees, and providing for an appeal process, accounting and reporting method and other related matters; and

WHEREAS, on September 13, 2022, EFG-Consulting LLC (the “Consultant”) certified their work under UCA section 11-36a-306(1);

WHEREAS, on September 13, 2022, after considering the input of the public and stakeholders and relying on the professional advice and certification of the Consultant, the City adopted the findings, conclusions, and recommendations of the IFFP prepared by the Consultant, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, on September 13, 2022, the Consultant certified their work under UCA Section 11-36a-306(2);

WHEREAS, based on the input of the public and stakeholders and relying on the professional advice and certification of the Consultant; and

WHEREAS, on August 29, 2022, a copy of the IFFP and IFA and the proposed Impact Fee Ordinance, along with a summary of the analyses that were designated to be understood by a lay person, were made available to the public and deposited at the City Recorder's Office, City Library, and on the City Website; and

WHEREAS, on August 29, 2022, the City posted notice of the date, time, and place of the public hearing to consider the IFA in three public places, and on the public notice website, and the City Website; and

WHEREAS, on September 13, 2022, the Council held a public hearing regarding the IFA and the Impact Fee Ordinance; and

WHEREAS, the Consultant in connection with the City prepared 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. A copy of such Schedule of Fees is attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of the City to adopt the findings and recommendations of the IFFP and IFA to address the impacts of development upon the parks and recreation, police, and fire systems, to adopt the IFFP as proposed, to approve the IFA as proposed, to adopt the impact fees as proposed, to provide for the calculation and collection of such fees, and to provide for an appeal process, and an accounting and reporting method of the same.

NOW, THEREFORE, BE IT ORDAINED by the Council as follows:

Section 1. Findings. The Council finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the IFFP, the IFA, and this Impact Fee Ordinance (this "Ordinance").

1.2. Growth and development activities in the City will create additional demands on its infrastructure. The facility improvement requirements that are analyzed in the IFFP and the IFA are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the IFA including the impact fees recommended and this Ordinance, the Council has taken into consideration and may consider

on a case-by-case basis in the future, the future capital facilities and needs of the City, the capital financial needs of the City that are the result of the City's future facilities' needs, the distribution of the burden of costs to different properties within the City based on the use of the parks and recreation, police, and fire systems of the City by such properties, the financial contribution of those properties and other properties similarly situated in the City at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the City, and the impact on future facilities that will be required by growth and new development activities in the City.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2. "Service Area" shall mean that geographic area consisting of the entire City.

2.3. "Project Improvement" does not mean system improvement and includes, but is not limited to, those projects identified in the plans for the benefit of growth.

2.4. "Utah State Impact Fees Act" shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter are renumbered, recodified, or amended.

Section 3. Adoption.

The Council hereby approves and adopts the IFA including the recommended impact fees attached and the analyses reflected therein. The IFFP and the IFA are incorporated herein by reference and adopted as though fully set forth herein.

Section 4. Impact Fee Calculations.

4.1. *Impact Fees.* The impact fees imposed by this Ordinance shall have one or two components depending upon the fee; an equity buy-in and a future facilities impact fee. The Impact Fee shall be calculated as set forth below.

4.2. *Developer Credits/Developer Reimbursements.* A developer, including a school district or charter school, may be allowed to receive a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements

to the respective utilities, or are dedicated to the public and offset the need for an identified future improvement.

4.3. Adjustment of Fees. The Council may adjust either up (but not above the maximum allowable fee) or down the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system.

4.4. Impact Fee Accounting. The City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

(a) Reporting. At the end of each fiscal year, the City shall prepare a report generally showing the source and amount of all monies collected, earned, and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee fund by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website.

(b) Impact Fee Expenditures. Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the City to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law.

4.5. Refunds. The City shall refund any impact fee paid when:

(a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund within one (1) year after the impact fee was paid;

(b) the fees have not been spent or encumbered within six (6) years of the payment date; and

(c) no impact has resulted.

Section 5. Appeal.

5.1. Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the Council.

5.2. Within two (2) weeks of the receipt of the request for information, the City shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee.

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of the law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the Council within thirty

(30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action.

5.4 The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

(a) the person's name, mailing address, and daytime telephone number;

(b) a copy of the written request for information and a brief summary of the grounds for appeal; and

(c) the relief sought.

5.5 The City shall schedule the appeal before the Council no sooner than five (5) days and no later than fifteen (15) days from the date of the filing of the appeal. The written decision of the Council shall be made no later than thirty (30) days after the date the challenge to the fee is filed with the City and shall, when necessary, be forwarded to the appropriate officials for action.

Section 6. Recitals. The recitals set forth above are adopted and incorporated herein.

This Ordinance shall be effective as of December 27, 2022, (90 days after its adoption by the Council as outlined in the Impact Fee Act).

Bryan L. Burrows, Mayor

Attested By:

, City Recorder

SECTION 6: IMPACT FEE CALCULATION

Parks and Recreation

Based upon the inputs herein, the maximum allowable impact fee for parks and recreation is \$3,525 per home. The following describes the calculation.

Future Facilities Impact Fee		
Investment per capita	\$	1,199
Household Size		2.94
Residential Impact Fee per Home	\$	3,525
<i>Source of Household Size: Census Bureau</i>		

NON-STANDARD IMPACT FEES

For households that can demonstrate a different demand on the system than assumed by this analysis, the City reserves the right under the Impact Fee Act to use a multiplier to calculate the equivalent impact fee at \$1,199 per person. Any such calculation will take into account home capacity rather than actual individuals living in any given home.

Police

Based upon the inputs herein, the maximum allowable impact fee for police is \$765/ERC.

Future Projects	Cost to Police Dept	ERCs Served
Police Dept Addition	\$ 600,000	784
Police Impact Fee per ERC		\$765

NON-STANDARD IMPACT FEES

For connections that can demonstrate a different demand on the system than assumed by ERC, the City reserves the right under the Impact Fee Act to use a multiplier to calculate the equivalent impact fee at \$765 per ERC.

Fire

Based upon the inputs herein, the maximum allowable impact fee for fire is \$321/ERC for residential and \$1,200 for commercial development.

Future Projects	Cost to Fire	ERCs Served
Finish Upstairs of Fire Dept	\$ 400,000	1,244
Facility Fire Impact Fee per ERC		\$321

Fire Impact Fee	
Residential Impact Fee (Facility Only)	\$321
Non-Residential Impact Fee	
Facility	\$321
Excess Capacity Equipment	\$879
Total Non-Residential Fee	\$1,200