

UNIFIED FIRE SERVICE AREA

2020 IMPACT FEE RESOLUTION

WHEREAS, the Impact Fees Act, Utah Code Ann. § 11-36a-101 *et. seq.* (the “**Act**”), outlines the procedures and requirements applicable to any “payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development” which is defined in the Act as an “impact fee” (*Id.* § 11-36a-102(8));

WHEREAS, the Unified Fire Service Area (the “**District**”) desires to comply with applicable requirements of the Act;

WHEREAS, the District provides (or funds) fire protection, paramedic, and emergency services to meet the additional demand created by development;

WHEREAS, the Act defines “public facilities” that may be included in an Impact Fee Facilities Plan as including “public safety facilities” which “have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision” such as the District (*Id.* § 11-36a-102(16));

WHEREAS, the District provided written notice of its intent to prepare an Impact Fee Facilities Plan and of its intent to prepare an Impact Fee Analysis pursuant to Utah Code Ann. §§ 11-36a-501 and -503;

WHEREAS, the District thereafter prepared an Impact Fee Facilities Plan, after public notice held a public hearing to consider the Plan, and adopted an Impact Fee Facilities Plan as required by the Act;

WHEREAS, new growth and development will be served by previously constructed/acquired public facilities as identified in the Impact Fee Facilities Plan;

WHEREAS, a written Impact Fee Analysis of the impact fees the District proposes to adopt has been prepared by a consultant in accordance with the requirements of the Act;

WHEREAS, a copy of this Impact Fee Resolution has been available for public inspection for at least fourteen days prior to the public hearing and copies of the Impact Fee Facilities Plan, a Summary of the Plan, the Impact Fee Analysis, and a summary of the Analysis have been available for public inspection for at least ten days prior to the public hearing, and a hearing has been held to receive public comment on the Impact Fee Facilities Plan and the Impact Fee Resolution as required by the Act and by Utah Code Ann. § 17B-1-111; and

WHEREAS, pursuant to the requirements of the Act, the Trustees of the District desire to modify the impact fee charged to the service area and to therefore adopt this Impact Fee Resolution to establish new impact fees to be charged by the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the District that the District, that the impact fees adopted by this Resolution shall uniformly be applied across the entire District.

BE IT FURTHER RESOLVED, that the Impact Fee Facilities Plan, to the extent not previously adopted, be and is adopted and approved.

BE IT FURTHER RESOLVED, that the cost of previously constructed or acquired public facilities that will serve new growth and development within the District shall be and are included in the applicable impact fees.

BE IT FURTHER RESOLVED, that the District's fire protection, paramedic, and emergency services impact fees (sometimes referred to herein as "**impact fees**" or "**impact fee**") shall be as set forth in **Exhibit "A"** attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the District shall have the right to adjust the standard impact fee that would otherwise be applicable to respond to (i) unusual circumstances in specific cases or (ii) a request for an 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 to ensure that the District's impact fees are imposed fairly. The impact fee may be adjusted, under appropriate circumstances, based upon studies and data submitted by the developer. Any adjustment may be either upward or downward, depending upon the circumstances and equities.

BE IT FURTHER RESOLVED, that a developer, including a school district or a charter school, may receive a credit against or a proportionate reimbursement of an impact fee if the developer: (i) dedicates land for a system improvement; (ii) builds and dedicates some or all of a system improvement; or (iii) dedicates a public facility that the District and the developer agree will reduce the need for a system improvement. Furthermore, a credit against impact fees is required for any dedication of land for, improvement to, or new construction of, any system improvement (as defined in the Act) provided by the developer if the facility (i) is a system improvement; or (ii) is both dedicated to the public and offsets the need for an identified system improvement. Otherwise, no credit will be allowed to a developer for improvements provided by the developer. Should the credit exceed the impact fee that would otherwise be paid by the developer, the District and the developer may enter into a written contract specifying how and when the reimbursement will be made to the developer.

BE IT FURTHER RESOLVED, that a developer and the District, acting through its Board of Trustees, may by contract agree to impact fees other than those set forth in or calculated in accordance with this Resolution.

BE IT FURTHER RESOLVED, that the impact fees set forth in and established by this Resolution shall be and are in addition to other fees, charges and/or exactions lawfully imposed by the District.

BE IT FURTHER RESOLVED that, unless the District is otherwise bound by a contractual requirement, the fire protection, paramedic, and emergency services infrastructure impact fee shall be determined from the applicable fee schedule and/or formula in effect at the time of payment and shall not be determined at the time a request for an estimate is received by the District. There shall be no guarantee that any quoted impact fee, either oral or in writing, will be in effect when the developer or other person actually makes the impact fee payment.

BE IT FURTHER RESOLVED that, should the ultimate density of any development activity exceed the density upon which the impact fee was based and/or should the impact fee not initially be charged against all units or the total density within the development, the District may charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid, including buildings and lots which have already been connected to the District's secondary (irrigation) water system.

BE IT FURTHER RESOLVED, that all or part of any impact fee may be waived or reduced (an "**exemption**") for those developments which are deemed to serve a broad public purpose that would be harmed by the District requiring full payment of applicable impact fees, such as low-income housing projects, as determined by the District Board of Trustees. Such waivers shall be handled in accordance with the provisions of the Act and any Impact Fee Policy established by the District. In the event of any such waiver or impact fee exemption, the revenue shortfall to the District may be made up from any other available revenue source, including loans and operating revenues (including property taxes) provided, however, that it will not be necessary for the District to establish any source of funds, other than impact fees, to pay for low income housing development activity, as provided in Utah Code Ann. § 11-36a-403(1). Should the District elect to allow an impact fee exemption for development activity attributable to a school district or a charter school, either a school district or a charter school shall qualify for the exemption on the same basis.

BE IT FURTHER RESOLVED, that existing connections be and are exempt from the imposition of impact fees to the extent of the existing, authorized use, provided that the connection has been active and a water bill has been paid within the past three years.

BE IT FURTHER RESOLVED, that all resolutions, policies, procedures, impact fees, rules and regulations, and other actions by the District Board, or parts thereof, in conflict with this Resolution and/or the attached Exhibit are, to the extent of such conflict, hereby repealed provided, however, that the District's previously adopted impact fees, whether in the form of a formula, a schedule, or any other form or format, shall not be repealed or modified until the new impact fees take effect as provided immediately below in this Resolution.

BE IT FURTHER RESOLVED, in accordance with Utah Code Ann. § 11-36a-401(2), that this Resolution shall take effect immediately upon its passage, with the new impact fees to take effect 90 days thereafter.

Passed by the Board of Trustees of the Unified Fire Service Area this ____ day of _____, 20__.

Chair

Attest:

Clerk

EXHIBIT "A"
Schedule of Fire Protection, Paramedic, and Emergency Services
Impact Fees

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