

## **Chapter 2**

# **IMPACT FEES**

### **9-2-1: ADOPTION OF CAPITAL FACILITIES PLAN AND ECONOMIC ANALYSIS:**

- A. The capital facilities plans which were subject to a public hearing by the city council on March 26, 2002, be and the same hereby are approved, adopted and designated as the 2002 capital facilities plan for water and sewer system improvements of the city and replace and supersede all prior master plans for water and sewer system improvements or capital facilities plans of the city.
- B. The 2002 impact fee analysis for water and sewer system improvements which were subject to public hearing by the city council on March 26, 2002, is hereby approved and supersedes and replaces all prior impact fee analyses and is incorporated herein by reference as though fully set forth herein.
- C. Based on the 2002 capital facilities plan and the 2002 impact fee analysis and on the requirements of Utah law, the city council enacts this chapter to require the payment of impact fees as a condition of connection to the water system and sewer system of the city, and to receive water and sewer service from the city. (Ord. 03-26-02, 3-26-2002)

### **9-2-2: PRELIMINARY FINDINGS:**

- A. The city council finds that it is in the best interest of the city to enact an ordinance requiring the payment of impact fees as a condition to the receipt of water and wastewater collection and treatment service from the city for the properties and facilities which are connected to and served by the facilities of the city.
- B. This chapter is based upon the experience of the city, the 2002 capital facilities plan adopted by the city council, and the 2002 impact fee analysis, which has been approved by the city council after notice and public hearing, as required by Utah law. The city finds that all required notices have been given and made and the city is entitled to adopt this impact fee chapter requiring the payment of impact fees.

- C. In the enactment of the 2002 capital facilities plan, impact fee analysis and this chapter, the city has taken into consideration, and in certain cases will consider on a case by case basis in the future, the future capital facilities needs of the city, the capital financial needs of the city which are the result of the future facilities needs of the city, the distribution of the burden of costs to different properties within the city based on the use of the water and sewer 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 chapter, all revenue sources available to the city and the impact on future water and sewer system improvements which will be required by new development activities in the city.
- D. The city council finds that future development activities will cause a need for water and sewer system improvements and the capital facility improvement requirements which are analyzed in the capital facilities plans and impact fee analysis are the direct result of additional facility needs caused by future development activities.
- E. The city council finds that the impact fees which are required to be paid in the future under this chapter adopted herein are necessary to achieve an equitable financial allocation between the costs paid by properties in the city in the past and the costs to be paid in the future, in comparison to the benefits received by properties connected to the city in the past, and those properties to be connected to the city system in the future as a result of development activity. (Ord. 03-26-02, 3-26-2002)

### **9-2-3: DEFINITIONS:**

The following definitions are applicable to the terms of this chapter:

**CITY OF GREEN RIVER:** A Utah municipal corporation.

**CONNECTION APPLICANT:** A person or entity who will connect to the system of the city.

**EQUIVALENT RESIDENTIAL UNIT (ERU):** Water service - 9,000 gallons of water per month.

Sewer service - 350 gallons per day of wastewater.

**GROSS IMPACT FEE:** The initial impact fee calculated by the city based on the application from the connection applicant.

**IMPACT FEE CLERK:** An employee of the city authorized and designated by the city council to evaluate impact feerequirements and to calculate and determine the amount of impact fee required from an applicant from each connection applicant for connection to the facilities of the city.

**IMPACT FEE PAYMENT REQUIREMENTS:** The requirements in the ordinance adopted by the city which state the fees payable to the city as a requirement for permission to connect to the city water and sewer systems.

**IMPACT FEES:** The fees payable for system improvements to the city under this chapter.

**INSPECTION FEES:** Fees collected by the city for the inspection of service lines as required by the provisions applicable to such fees, and costs associated with account setup.

**NET IMPACT FEE:** The impact fee calculated by the city after considering studies and data submitted by the connection applicant and making all adjustments required by this chapter.

**NONRESIDENTIAL USERS:** Commercial, industrial and/or either of the above in combination with residential units.

**RESIDENTIAL UNIT:** Single-family and condominium dwelling units or other multi-family dwelling units which are individual living units containing kitchen or kitchenette facilities intended for the preparation of meals, and which may include connecting hallways, lobbies, etc., intended for use of the individuals occupying the residential units. (Ord. 03-26-02, 3-26-2002)

## **9-2-4: APPLICATION PROCEDURES AND COMPUTATION OF IMPACT FEE:**

- A. **Information Required:** Each applicant for connection to the city water system or sewer system shall make an application for the connection in writing to the city for connection to the city systems on forms provided by the city. Each connection applicant shall: 1) state, define and characterize the nature of the use of the building proposed to be connected to the city system; 2) provide the approved architectural plans which will be submitted for building permit application purposes for the structure to be connected to the city system; and 3) such other and further information as may be requested by the city which is reasonably necessary to determine the size and nature of the use of the building proposed for connection; and 4) to allow the city to verify the nature of the information presented by the connection applicant.
- B. **Use Of Plans And Specifications:** The plans and specifications submitted by the connection applicant may be used by the city for review and to determine compliance with the design and construction specifications of the city, and become a permanent record of the city.

C. Calculation Of Fee: The city impact fee clerk shall evaluate the building use, size and characteristics and shall calculate a gross impact fee based on the information submitted by the impact fee applicant using the fees required by this chapter and calculation procedure described in the 2002 impact fee analysis for each year, according to the following requirements:

1. Residential Units:

	<u>For Each ERU</u>
Water impact fee	\$2,127 .00
Sewer impact fee	2,540 .00

2. Nonresidential Units:

- a. The impact fee for nonresidential establishments is based on estimated water usage during the months of November through March. Estimates will be calculated by the project engineer or architect. Actual water usage from similar facilities can also be used.
- b. Wastewater flow shall be divided by three hundred fifty (350) gallons per day in order to determine the number of ERUs. The impact fee shall be computed by multiplying the ERUs times the sewer impact fee.

D. Written Notice Of Fee; Reduction: The impact fee clerk shall inform the impact applicant in writing of the gross impact fee. The written notice of the gross impact fee shall state that the city will consider information from the impact fee applicant which may reduce the gross impact fee. The city will allow the impact applicant to submit the following information for consideration to reduce the gross impact fee in determining the net impact fee:

1. Studies and data concerning the water delivery and use and sewer collection and treatment demand imposed on the city systems by the proposed connection and use;
2. Evidence of the payment of connection or impact fees, taxes or service charges to the city by the past owners of the property to be connected;
3. An identification of property or facilities contributed by the connection applicant to the city with the prior written approval of the city, which are planned by the city in the 2002 capital facilities plan, together with relevant cost or economic data;
4. An identification or description in detail of any other economic credit or matter which the impact fee applicant believes should be taken into consideration in the computation of the net impact fee.

E. Consideration Of Information; Payment Of Fees: All of the relevant information submitted by the connection applicant shall be taken into consideration in the calculation of the final net impact fee to be charged to the connection applicant for permission to connect to and use the city facilities.

1. Reductions in the gross impact fee based on the information provided by the connection applicant, including studies and data submitted by the impact fee applicant concerning water use of the proposed connection, shall be based solely on verifiable economic data and, if applicable, specific use prediction data which is certain to assure the city that the city system use is less than the use estimated by the city and can be confirmed as represented by the connection applicant.
2. After considering studies and data, if any, submitted by the connection applicant, the impact fee clerk shall calculate the net impact fee, administrative fees, other required fees, less reservation of capacity fees and interest, and inform the connection applicant in writing of each fee required and charged by the city to the connection applicant prior to approving the connection application.
3. After the connection applicant receives the written final net fee computation statement from the city, the connection applicant shall indicate in writing in the space provided whether or not the connection applicant concurs with the net impact fee computed by the city. If the connection applicant concurs with the net impact fee, the connection applicant shall pay the net impact fee and obtain a receipt prior to obtaining a building permit.
4. The city is authorized to complete a visual inspection of the building prior to issuance of a certificate of occupancy. If the constructed building is not as presented to the city in the approved plans and the city has reason to believe that more demand on the city water and/or sewer system will occur than the use used to compute the collected impact fees, the city may assess an additional impact fee to account for the additional use and shall not issue a certificate of occupancy or allow temporary use of the building until the required impact fee is paid in full.
5. When the impact fee for a structure is paid in full, applicant shall have one year from the date of payment to apply for a building permit, during which time applicant will not be liable for impact fee increases. After one year, applicant shall pay the then applicable fees.
6. When an existing structure is remodeled which results in additional living sections being added, new plans must be submitted to the city and additional fees paid for additional demand on the city systems. Fees will be paid according to the rate effective at the time of the remodel. (Ord. 03-26-02, 3-26-2002)

## **9-2-5: APPEAL OF IMPACT FEE COMPUTATION:**

- A. Filing Of Appeal: If the connection applicant does not concur with a net impact fee, and if the fee is contested by the connection applicant, the connection applicant shall notify the city and appeal the computation and imposition of the net impact fee to the city council of the city. Appeal to the city council shall be considered filed by the connection applicant when the connection applicant executes the notice of appeal and provides the date of execution of the notice of appeal on the form provided by the city.
- B. Written Request For Reduction; Documents: The connection applicant shall prepare a written request for impact fee reduction to the city council stating the grounds and reasons why the connection applicant does not concur with the net impact fee computed by the city. A written request before the city council shall be accompanied by all written data and information upon which the connection applicant will rely in the hearing before the city council.
- C. Hearing; Decision; Time Limit: No later than twenty (20) days after the notice of appeal or the final submission of data by the connection applicant, the city council shall hear the appeal. At the hearing, the city council shall admit and consider evidence presented by the connection applicant upon which the connection applicant may rely to show that the impact fee clerk failed to consider the evidence submitted by the connection applicant or misinterpreted, misconstrued or misapplied this chapter. No later than thirty (30) days after the date of the hearing with the city council, the city council shall decide the matter in writing and advise the connection applicant of its decision. The city council may affirm the decision of the impact fee clerk, modify or recompute the net impact fee, or submit the matter to the impact fee clerk for recomputation of the net impact fee with such directions as the city council find are appropriate under the circumstances to achieve compliance with this chapter and the provisions of Utah law.
- D. Accept; Further Review: No later than ten (10) days after receipt of the decision of the city council by the connection applicant, the connection applicant shall advise the city council that it either concurs with or accepts the decision of the city council and will pay the net impact fee determined or to be computed under the directions of the city council to the impact fee clerk, together with all administrative fees or that the connection applicant intends to seek further review of the decision of the city council. In the event the connection applicant desires to seek further review of the decision of the city council, the city council shall cause all documents, tape recordings, evidence and information relied upon by the impact fee clerk or the city council to be collected and compiled as a record and designated as a record of the proceeding for purposes of further review. (Ord. 03-26-02, 3-26-2002)

