

## **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)

