

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 16, CHAPTER 8 OF THE WEBER COUNTY
CODE OF ORDINANCES, GOVERNING IMPACT FEES**

WHEREAS, Weber County anticipates significant growth in coming years, in both residential and commercial development; and

WHEREAS, chapter 11-36a of the Utah Code, the Impact Fees Act, allows counties to impose impact fees on new development to mitigate the impact of the new development on public infrastructure; and

WHEREAS, Weber County currently imposes impact fees on new development for trails, storm drains, sewer, and roads; and

WHEREAS, the existing impact fees do not adequately mitigate the impact of new development; and

WHEREAS, Weber County, after giving proper notice, has caused impact fee facilities plans and impact fee analyses to be prepared; and

WHEREAS, the impact fee facilities plans and impact fee analyses show that increased impact fees are needed to sufficiently mitigate the impact of new development on public infrastructure in Weber County; and

WHEREAS, Weber County has complied with the notice and hearing provisions of the Impact Fees Act; and

WHEREAS, after due consideration, the Board of County Commissioners of Weber County has determined to increase impact fees, to better mitigate the impact of new development on public infrastructure in Weber County;

NOW THEREFORE, the Board of County Commissioners of Weber County ordains as follows:

1. The following impact fee facilities plans are adopted, and they supersede prior impact fee facilities plans addressing the same types of facilities:
 - a. "Weber County Storm Drain Impact Fee Facilities Plan for West Weber and Ogden Valley Areas," dated February 12, 2018, prepared by CRS Engineers
 - b. "Unincorporated Weber County Sewer Impact Fee Facilities Plan, December 2016," signed April 27, 2018, prepared by CRS Engineers
 - c. "Unincorporated Weber County Transportation Impact Fee Facilities Plan, December 2016," signed April 27, 2018, prepared by CRS Engineers
 - d. "Weber County Trails IFFP," dated September 2018, prepared by Zions Public Finance, Inc.

2. Title 16, Chapter 8 of the Weber County Code of Ordinances shall be amended to read as follows:

CHAPTER 8. - IMPACT FEES³

Sec. 16-8-1. - Purpose.

In order to meet the growing needs of Weber County, it is necessary for the county to plan for and build public facilities necessary to mitigate the impact of new development on public infrastructure. Impact fees are payments of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees are an essential part of financing public infrastructure. It is the purpose of this chapter to fairly and equitably assess impact fees in accordance with the Impact Fees Act of the State of Utah.

Sec. 16-8-2. - Interpretation.

Interpretation and application of this chapter shall be in accordance with and compatible with the provisions of the Impact Fees Act, U.C.A. 1953, § 11-36a-101 et seq., and state case law interpreting the Impact Fees Act. The definitions in the Impact Fees Act and the Weber County Land Use Code apply in this chapter.

Sec. 16-8-3. - Impact fee facilities plan.

- (a) The county has caused studies to be made of the need for impact fees, known as impact fee facilities plans.
- (b) Impact fee facilities plans identify demands placed upon existing public facilities by new development and state the means by which the county will meet those demands.
- (c) Copies of the impact fee facilities plans are filed with the clerk's office.

Sec. 16-8-4. - Impact fee analysis.

- (a) The county has caused a written analysis of each impact fee to be made, known as an impact fee analysis. Each impact fee analysis:
 - (1) Identifies the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity, along with the impact on county system improvements required by the development activity to maintain the established level of service for each public facility;
 - (2) Demonstrates how those impacts on county system improvements are reasonably related to the development activity;
 - (3) Estimates the proportionate share of the costs of impacts on county system improvements that are reasonably related to the new development activity; and
 - (4) Based upon those factors and the requirements of the Impact Fees Act, identifies how the impact fees were calculated.
- (b) Copies of the impact fee analyses are on file in the county clerk's office.

Sec. 16-8-5. - (Reserved)

Sec. 16-8-6. - Impact fees service areas.

The county has established a service area for each impact fee. Each service area is more particularly described in the applicable impact fee analysis. In the event no service area is described in an analysis, the entire county shall be the service area..

Sec. 16-8-7. - Amount of impact fee.

- (a) The formula and procedures used by the county to calculate the amount of the impact fees are set forth in the impact fee facilities plans and impact fee analyses.
- (b) The amount of the impact fees adopted in this chapter may be changed by the county commission following procedures required by law.
- (c) Impact fees shall be due at the same time as building permit fees.

Sec. 16-8-8. - Adjustment of standard impact fee.

- (a) The county commission may adjust the standard impact fee to:
 - (1) 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
 - (2) Ensure that the impact fees are imposed fairly.
- (b) The county commission may adjust the standard impact fee to be imposed on a particular development based upon studies and data submitted by the developer that clearly demonstrate a different impact on levels of service than those presented in the impact fee analysis, or that clearly demonstrate an appropriate offset of the impact on levels of service in a manner satisfactory to the County Commission.

Sec. 16-8-9. - Exemptions and credits.

- (a) The county may, in its discretion, exempt low income housing and other development activities with broad public purposes from impact fees.
- (b) Subject to subsection (d), the county shall allow 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:
 - (1) dedicates land for a system improvement that is identified in the applicable impact fee facilities plan;
 - (2) builds and dedicates some or all of a system improvement that is identified in the applicable impact fee facilities plan; or
 - (3) dedicates a public facility that is identified in the applicable impact fee facilities plan that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- (c) Subject to subsection (d), the county shall provide 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:
 - (1) are system improvements; or
 - (2) are dedicated to the public and offset the need for an identified system improvement.

- (d) To receive a credit or reimbursement under this section, a developer must obtain the approval of the county before the dedication or construction occurs. The county shall review a proposed dedication or system improvement and shall only approve a credit or reimbursement that qualifies under this section and that is supported by adequate documentation of the costs to be incurred or the value of the dedicated property. The final amount of the credit or reimbursement for a constructed system improvement is subject to verification of the actual cost of construction.

Sec. 16-8-10. - Impact fees for previously constructed facilities.

The county may impose an impact fee for public facility cost previously incurred by a local political subdivision to the extent that new growth and development will be served by the previously constructed improvements.

Sec. 16-8-11. - Impact fees—Accounting.

With respect to collecting impact fees, the county shall:

- (1) Establish separate interest bearing ledger accounts for each type of public facility for which an impact fee is collected;
- (2) Deposit impact fee receipts in the appropriate ledger account;
- (3) Retain the interest earned on each fund or account in the fund or account; and
- (4) At the end of each fiscal year, prepare a report on each fund or account showing all information required by the Impact Fees Act.

Sec. 16-8-12. - Expenditures of impact fees.

- (a) The county may expend impact fees only for system improvements:
 - (1) Identified in an impact fee facilities plan; and
 - (2) For the specific public facility type for which the fee was collected.
- (b) Except as provided in subsection (c) of this section, the county shall expend or encumber the impact fees for a permissible use within six years of their receipt.
- (c) The county may hold the fees for longer than six years if it identifies, in writing:
 - (1) An extraordinary and compelling reason why the fees should be held longer than six years; and
 - (2) An absolute date by which the fees will be expended.

Sec. 16-8-13. - Refunds.

The county shall comply with the refund requirements of the Impact Fees Act.

Sec. 16-8-14. - Request for information.

Any person or entity 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 county clerk. Within two weeks after the receipt of the request, the county shall provide the person or entity with the applicable impact fee analysis, the applicable impact fee facilities plan, and any other relevant information relating to the impact fee.

Sec. 16-8-15. – (Reserved)

Sec. 16-8-16. - Summary of impact fees.

	Unincorporated Weber County-wide Service Area	
Trails	\$1,500.00 per dwelling unit.	
	Unincorporated Western Weber Service Area	Unincorporated Ogden Valley Service Area
Storm drains	\$2,000.00 per single-family residential dwelling unit	\$1,234.71 per single-family residential dwelling unit
	\$2,000.00 per 6,200 square feet of impervious surface in a multifamily residential, commercial, or industrial development	\$1,234.71 per 6,200 square feet of impervious surface in a multifamily residential, commercial, or industrial development
Wastewater	<p>\$619.15 per equivalent residential unit (ERU) outside the reimbursement area defined in the impact fee analysis.</p> <p>\$1,097.48 per ERU inside the reimbursement area.</p> <p>One dwelling unit equals one ERU.</p> <p>One school equals six ERUs.</p> <p>ERU equivalents for other uses will be based on estimated flow rates of wastewater, as shown in Table 3 of Utah Administrative Code section R317-4-13, with one ERU equaling 800 gallons per day.</p>	<p>Weber County does not anticipate needing to develop wastewater facilities to serve future residents of unincorporated Ogden Valley. It is anticipated existing sewer service providers will continue to expand to serve new development in Ogden Valley and any fees will be conveyed via these service providers.</p>
Roadways	\$1,200.00 per single-family residential dwelling unit	\$1,200.00 per single-family residential dwelling unit
	\$800.00 per multifamily residential dwelling unit	\$800.00 per multifamily residential dwelling unit

	\$2,400.00 per 1,000 sq. ft. office space	\$2,400.00 per 1,000 sq. ft. office space
	\$2,400.00 per 1,000 sq. ft. general commercial	\$2,400.00 per 1,000 sq. ft. general commercial
	\$800.00 per 1,000 sq. ft. industrial	\$800.00 per 1,000 sq. ft. industrial
	\$2,400.00 per 1,000 sq. ft. institutional (i.e., non-commercial, non-industrial buildings such as churches, government offices, and schools)	\$2,400.00 per 1,000 sq. ft. institutional (i.e., non-commercial, non-industrial buildings such as churches, government offices, and schools)

3. This Ordinance shall be effective 15 days after publication in the Standard Examiner.

PASSED, ADOPTED, AND A SYNOPSIS ORDERED PUBLISHED this _____ day of _____ 2018.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
James H. "Jim" Harvey, Chair

Commissioner Ebert voted _____
Commissioner Harvey voted _____
Commissioner Jenkins voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

SUMMARY OF WEBER COUNTY ORDINANCE NO. _____

SUMMARY OF AN ORDINANCE OF WEBER COUNTY AMENDING TITLE 16, CHAPTER 8 OF THE WEBER COUNTY CODE OF ORDINANCES, GOVERNING IMPACT FEES

On _____, the Board of County Commissioners of Weber County adopted Ordinance No. _____, which adopts impact fee facilities plans and new impact fees. The ordinance also amends the County's impact fees ordinance to make it clearer, delete unnecessary portions, and comply with changes in state law.

Commissioners _____ voted in favor of this ordinance.

Commissioner _____ voted against this ordinance.

The complete text of the ordinance is available at the Weber County Clerk/Auditor's Office at 2380 Washington Blvd., Ogden, Utah.