

ORDINANCE NO. _____

AN ORDINANCE OF FARR WEST CITY, UTAH AMENDING TITLE 3 OF THE FARR WEST CITY MUNICIPAL CODE

WHEREAS, Farr West City has previously adopted an Impact Fee Facilities Plans, an Impact Fee Analyses and an Impact Fee Ordinance, and

WHEREAS, on _____, the Standard Examiner published notice of the date, time and place of the first public hearing to consider amending the Impact Fee Ordinance; and

WHEREAS, on or before _____, Farr West City posted notice of the date, time and place of the first public hearing to consider the Impact Fee Analysis in three public places and on the public notices website; and

WHEREAS, on _____, the City Council held a public hearing regarding this amendment to the Impact Fee Ordinance; 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 Farr West City to amend the City’s Impact Fee Ordinance to clarify certain terms and conditions in the original ordinance.

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

Section 1. A Chapter 3.12.030 is amended to read as follows:

3.12.030 Impact Fee Calculations.

- A. Impact Fees: The Impact fees imposed by this chapter shall have two (2) components: a future facilities impact fee as well as a buy-in fee for excess capacity in existing facilities. The impact fees shall be calculated as set forth below.
- B. Sanitary Sewer Fee: Every developer, builder or individual who develops, improves, or constructs a structure or structures which require a connection to the sanitary sewer system shall pay to the city a connection fee as published in the fee schedule (see chapter 3.30 of this title), per Equivalent Residential Unit.
- C. Residential Storm water, Drainage and Flood Control; and Parks and Open Space Fees: Every individual or developer who develops, builds or constructs structures which increase the number of residential units within the service area shall pay to the city a fee as published in the fee schedule (see chapter 3.30 of this title) for each residential unit proposed.

- D. Nonresidential Storm water, Drainage and Flood Control Fee: Fees shall be calculated and assessed according to the following formula, except as provided in section 3.12.030 of this chapter: the fee required for any improvement shall be equal to the sum of the area in square feet of any alteration of the natural land surface by the addition or construction of buildings, sidewalks, driveways, parking areas, or other improvements having surfaces impervious to water, multiplied by the fee amount published in the fee schedule (see chapter 3.30 of this title). Fees shall be calculated and assessed based on the maximum projected area of the impervious surface.
- E. Developer Credits/Developer Reimbursements: A developer, including a school district or charter school, may be allowed 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 Farr West 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.
- F. 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.
- G. Impact Fee Accounting: Farr West City shall establish a separate interest bearing ledger account for the cash impact fees collected pursuant to this chapter. Interest earned on such account shall be allocated to that account.
1. Reporting: At the end of each fiscal year, Farr West 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 funds 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.
 2. 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.

H. Refunds: The city shall refund any impact fee paid when:

1. The fee payer has not proceeded with the development activity and has filed a written request with the council for a refund within one year after the impact fee was paid;
2. The fees have not been spent or encumbered within six (6) years of the payment date; and
3. No impact has resulted.

Section 2. **Effective Date:** This ordinance shall take effect upon its adoption and publication or posting by the City Council of Farr West City, Utah this _____ day of _____, 2014 with specific provisions of this ordinance taking effect as stated in the ordinance.

MAYOR

ATTEST:

CITY RECORDER