

MANTUA TOWN

ORDINANCE NO. 08-07-24A

WHEREAS, Mantua Town (the "*Town*") is a local political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the Town has legal authority, pursuant to Title 11, Chapter 36 Utah Code, Annotated, as amended ("*Impact Fees Act*" or "*Act*"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity; and

WHEREAS, the Town has historically assessed said impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

WHEREAS, Economic Associates of Utah, Inc., the impact fee consultants retained by the Town, have reviewed and evaluated the Service Area ("*Service Area*") attached hereto in *Exhibit A: Map of the Impact Fee Service Area*, and have determined that it is in the Town's best interest to revise the aforementioned impact fees, and to assess additional fees, to account for changes to capital facilities planning, land use planning, and the like; and

WHEREAS, the Town Council has directed Economic Associates of Utah, Inc. to prepare a *Written Impact Fee Analysis* which is consistent and in compliance with the Impact Fees Act (specifically Utah Code Ann. § 11-36-201 et seq). A copy of said Analysis is included in *Exhibit B: Town of Mantua Impact Fee Analysis*;

NOW, THEREFORE, the Town Council of the Town of Mantua, Utah, after giving notice of the required public hearing and holding the required public hearing on July 24, 2008, hereby adopts, passes and publishes the following:

AN ORDINANCE REVISING AND PRESCRIBING A POLICY FOR IMPACT FEES FOR CULINARY WATER, SEWER, ROADS, AND OUTDOOR USE OF CULINARY WATER, ESTABLISHING AND ADOPTING REASONABLE PLANS AND THE ASSOCIATED IMPACT FEE ANALYSIS, AND ADOPTING IMPACT FEES FOR THE PROVISION OF SAID SERVICES, ESTABLISHING A SERVICE AREA FOR EQUITABLE DISTRIBUTION OF THE IMPACT FEES, AND OTHER RELATED MATTERS.

BE IT ORDAINED, by the Town Council of the Town of Mantua, Utah, as follows:

1. The Ordinances of the Town of Mantua, including Ordinance Number 98-1-8, entitled Municipal Impact Fees, are hereby amended and all previous titles, chapters, resolutions and

ordinances, regarding existing impact fees are hereby repealed and this Ordinance entitled Municipal Impact Fees is hereby adopted and shall read as follows:

MUNICIPAL IMPACT FEES

Section 1	Purpose
Section 2	Effect on Previous Ordinance
Section 3	Definitions
Section 4	Written Impact Fee Analysis
Section 5	Impact Fee Calculations
Section 6	Capital Facilities Plans; Reasonable Plans
Section 7	Impact Fee Schedules and Calculations
Section 8	Fee Exceptions and Adjustments
Section 9	Appeal Procedure
Section 10	Miscellaneous

Section 1 **PURPOSE**

This Municipal Impact Fee Ordinance revises and prescribes the Town's impact fee policies and procedures and is promulgated pursuant to the requirements of the Utah Impact Fees Act. Further, this Ordinance:

- A. Revises currently assessed impact fees, and assesses new impact fees within the Service Area,
- B. Describes certain capital improvements to be funded by impact fees,
- C. Provides a schedule of impact fees for differing types of land-use development, and
- D. Sets forth direction for challenging, modifying and appealing impact fees.

Section 2 **EFFECT ON PREVIOUS ORDINANCE.**

The existing Municipal Impact Fees ordinance of Mantua, Utah is superseded and amended to read as set forth in this Ordinance; provided, however, that this Ordinance shall be deemed a continuation of the previous Ordinance, and not a new enactment, insofar as the substance of revisions of the previous Ordinance is included, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction.

Section 3 **DEFINITIONS**

Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the following meanings:

- A. “Capital facilities plan” or “Reasonable Plan” means the plan or other reasonable plan for capital improvements, required and allowed by Section 11-36-201 of the Act. In Section 11-36-201 (2) (f) there is an exception to the Capital Facilities Plan for Cities of 5,000 or less in population, based on the latest census. Mantua Town meets this exception. Reference to the Town’s Capital Facilities Plans and/or Capital Improvement Plans shall refer to the reasonable plans prepared and included in Exhibit B.
- B. “Development activity” means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities. Development activity will include all development that will connect to the referenced systems.
- C. “Development approval” means any written authorization from the Town that authorizes the commencement of development activity.
- D. “Impact fee” means a payment of money imposed upon development activity as a condition of development approval. “Impact fee” includes development impact fees, but does not include a tax, special assessment, hookup fee, building permit fee, fee for project improvements, or other reasonable permit or application fees.
- E. “Project improvements” mean site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupant or users of development resulting from a development activity. “Project improvements” do not include “system improvements” as defined below.
- F. “Proportionate share” of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of development activity.
- G. “Public facilities” mean system improvements of the Town relating to the services for which impact fees will be assessed.
- H. “Service area” refers to a geographic area designated by the Town based on sound planning or engineering principles in which a defined set of the Town’s public facilities provides service. The service area for purposes of this analysis is shown in Exhibit A.
- I. “System improvements” refer both to existing public facilities designed to provide services to the service area within the Town at large and to future public facilities identified in a reasonable plan for capital improvements adopted by the Town that are intended to provide service to service areas within the Town at large. “System improvements” do not include “Project Improvements” as defined above.

- J. "Town" means a local political subdivision of the State of Utah and is referred to herein as Mantua Town (the "Town").

Section 4 **WRITTEN IMPACT FEE ANALYSIS**

- A. Executive Summary. A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in the Town of Mantua *Impact Fee Analysis* (Exhibit B) and demonstrates the need for impact fees to be charged. A copy of the Executive Summary is included in the Town of Mantua *Impact Fee Analysis* (Exhibit B) and has been available for public inspection at least fourteen (14) days prior to the adoption of this ordinance.
- B. Written Analysis. The Town has prepared a *written Impact Fee Analysis* (Exhibit B) for the impact fees that identifies the impact upon the public utilities and systems required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity and identifies how the impact fees are calculated. A copy of the Town of Mantua *Impact Fee Analysis* (Exhibit B) has been available for public inspection at least fourteen (14) days prior to the adoption of this ordinance.
- C. Proportionate Share Analysis. The Town prepared a Proportionate Share Analysis which analyzes whether the proportionate share of the costs of future public facilities is reasonably related to new development activity. The Proportionate Share Analysis identifies the costs of existing public facilities, the manner of financing existing public facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the Town. A copy of the Proportionate Share Analysis is included in *Exhibit B: Town of Mantua Impact Fee Analysis* and has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.
- D. Copies of the above-referenced Impact Fee Analysis and Executive Summary were submitted to the registered agents for the Utah Home Builders Association, the Utah Association of Realtors and the Utah Chapter of the Associated General Contractors of America, at least 14 days before the adoption of this Municipal Impact Fee Ordinance. There is no public library in the Town.

Section 5 **IMPACT FEE CALCULATIONS**

- A. Ordinance Enacting Impact Fees. The Town Council, by this ordinance, approves and imposes impact fees in accordance with the Written Impact Fee Analysis set forth in *Exhibit B: Town of Mantua Impact Fee Analysis*. Unless otherwise provided by the

Town Council, impact fees shall be due at the time of an application for a building permit, and paid to the Town prior to the issuance of a building permit by Town.

- (1) Elements. In calculating the impact fee, the Town has included the construction contract price, costs of improvements, material costs, fees for engineering services provided for and directly related to the construction of system improvements, and debt service charges if the Town might use impact fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of system improvements.
- (2) Notice and Hearing. Before approving the ordinance, the Town held a public hearing on July 24, 2008 and made a copy of the ordinance available to the public at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 10-9a-205. This Ordinance was provided by U. S. Mail to the registered agents for the Utah Home Builders Association, the Utah Association of Realtors and the Utah Chapter of the Associated General Contractors of America, at least 14 days before the public hearing and the adoption of this Municipal Impact Fee Ordinance. There is no public library in the Town. After the public hearing, the Town Council adopted this Impact Fee Ordinance as presented herein.
- (3) Contents of the Ordinance. This ordinance adopting or modifying municipal impact fees contains such detail and elements as deemed appropriate by the Town Council, including a designation of the service area within which the impact fee is to be calculated and imposed. The service area for this impact fee Ordinance includes the area shown in Exhibit A. The ordinance includes (i) a schedule of impact fees imposed for each type of system improvement or (ii) the formula used or to be used by the Town in calculating the impact fees, or both. A copy of this requirement is included in *Exhibit B: Town of Mantua Impact Fee Analysis*.
- (4) Adjustments. The standard impact fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The standard impact fee may also be adjusted to insure that impact fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes.
- (5) Previously Incurred Costs. To the extent that the new growth and development will be served by previously constructed improvements, the Town's impact fees may include public facility and bond costs previously incurred by the Town. These projects are included in the calculation of the impact fees and are

under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations, engineering analysis, or otherwise.

- B. Developer Credits. A developer may be allowed a credit against impact fees for any dedication of land or, improvement to, or new construction of system improvements provided by the developer provided that (i) it is identified in the Town's capital facilities or other reasonable plan and (ii) required by the Town as a condition of approving the development activity. Otherwise, no credit may be allowed.
- C. Impact Fees Accounting. The Town will establish separate interest-bearing ledger accounts for each type of public facility for which an impact fee is collected and deposited into the appropriate ledger account. Interest earned on each fund or account shall be segregated to that account.
1. Reporting. At the end of each fiscal year, the Town shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
 2. Impact Fee Expenditures. The Town may expend impact fees covered by the Impact Fee Policy only for system improvements that are (i) public facilities identified in the Town's Capital Facilities Plan or other reasonable plan and (ii) of the specific public facility type for which the fee was collected.
 3. Time of Expenditure. Impact fees collected pursuant to the requirements of this Impact Fee Policy are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the Town, unless otherwise directed by the Town Council. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
 4. Extension of Time. The Town may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years and (ii) an absolute date by which the fees will be expended.
- D. Refunds. The Town shall refund any impact fees paid by a developer, plus interest actually earned when (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the Town may include any impact reasonably identified by the Town, including, but not limited to, the Town having sized facilities and/or paid for, installed and/or caused the installation of facilities based, in whole or in part, upon the

Developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

- E. Other Impact Fees. To the extent allowed by law, the Town Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the Town Council, include, but not be limited to, reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the Town's system.
- F. Additional Fees and Costs. The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the Town, such as engineering and inspection fees, and other fees and costs that may not be included as itemized component parts of the Impact fee schedule. In charging any such fees as a condition of development approval, the Town recognizes that the fees must be a reasonable charge for the service provided.
- G. Fees Effective at Time of Payment. Unless the Town is otherwise bound by a contractual requirement, the impact fees shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 5.A., above, and Section 7, below.
- H. Imposition of Additional Fee or Refund After Development. Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the Town, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the Town shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

Section 6 ***CAPITAL FACILITIES PLANS; REASONABLE PLANS***

- A. Capital Facilities Plans; Reasonable Plans. The Town has prepared reasonable plans for culinary water, sewer, roads and outdoor use of culinary water. The Plans have been prepared based on reasonable growth assumptions for the Town, general demand characteristics of future users of each system, and engineering principles. Furthermore, the Plans identify the impact on system improvements created by development activity and estimate the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity.

Section 7 ***IMPACT FEE SCHEDULES & CALCULATIONS***

- A. Maximum Supportable Impact Fees. The fee schedules included herein represent the maximum Impact Fees which the Town may impose on development within

the defined service area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Town reserves the right under the Impact Fees Act (Utah Code 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that the fees are equitably assessed.

This adjustment may result in a higher fee if the Town determines that a user would create a greater than normal impact on the system. The Town may also decrease the fee if the developer provides documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code 11-36-202(3)(a)).

CULINARY WATER IMPACT FEES:

<u>Size of Water Meter in Inches</u>	<u>Capacity Ratio to 3/4" Line</u>	<u>Impact Fee</u>
.75	1.00	\$2,465.00
1.00	1.75	\$4,388.00
1.50	4.00	\$9,860.00
2.00	7.11	\$17,526.00
3.00	16.00	\$39,440.00
4.00	28.44	\$70,105.00
6.00	64.00	\$157,760

SEWER IMPACT FEES:

<u>Size of Water Meter in Inches</u>	<u>Capacity Ration to 3/4" Line</u>	<u>Impact Fee</u>
0.75	1.00	\$ 1,177.00
1.00	1.78	\$ 2,095.00
1.50	4.00	\$ 4,708.00
2.00	7.11	\$ 8,368.00
3.00	16.00	\$18,832.00
4.00	28.44	\$33,473.00
6.00	64.00	\$75,328.00

OUTDOOR USE OF CULINARY WATER IMPACT FEES:

<u>Lot Size</u>	<u>Fee at \$3,137 per acre foot*</u>	<u>Storage Cost</u>	<u>Total</u>
1/4 – acre	\$ 1,935.00	\$ 1,224.00	\$ 3,159.00
1/3 – acre	\$ 2,980.00	\$ 1,885.00	\$ 4,865.00
1/2 – acre	\$ 5,072.00	\$ 3,209.00	\$ 8,281.00
2/3 – acre	\$ 7,164.00	\$ 4,164.00	\$11,697.00
3/4 – acre	\$ 8,209.00	\$ 5,194.00	\$13,403.00
1 – acre	\$11,347.00	\$ 7,179.00	\$18,526.00
More than 1-acre	The cost of water per acre-foot multiplied by the irrigated acreage.		

* Water rights portion of the Impact Fee to be waived if equivalent water rights or shares are dedicated to the Town.

ROAD IMPACT FEES:

Fee per Standard Residential Unit **\$ 2,502.00**

The impact fee of \$2,502.00 is a standard fee for each single family residential unit. Non-residential fees are calculated as 4 full-time equivalent employees equal one standard residential unit with a one standard residential unit minimum.

Further calculation and presentation is included in the Exhibit B: Town of Mantua Impact Fee Analysis.

Section 8 FEE EXCEPTIONS AND ADJUSTMENTS

- A. Waiver for “Public Purpose”. The Town Council may, on a project by project basis, authorize exceptions or adjustments to the then Impact Fee structure for those projects the Town Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature.
 - (1) Procedures. Applications for exceptions are to be filed with the Town at the time the applicant first requests the extension of service to the applicant’s development or property.

Section 9 **APPEAL PROCEDURE**

- A. Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:
1. An appeal to the Town pursuant to paragraphs B, C and D of this Section 9;
 2. A request for arbitration as provided in Utah Code Ann. § 11-36-402(1), as amended; or
 3. An action in state district court as provided in Utah Code Ann. § 11-36-401(4)(c)(iii), as amended.
- B. Application. Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the Town Recorder within 30 days of the date that the fee was paid, or within such other time limit as set by Utah Code Ann. §11-36-401(4)(b).
- C. Hearing. Upon receiving the written notice of appeal, the Town Recorder shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the Town may also appear and present evidence to support the imposition of the fee.
- D. Decision. The hearing panel, which shall consist of the Town Council or such other body as the Town shall designate, shall hold a hearing and make a decision within 30 days after the date the challenge or appeal is filed.

Section 10 **MISCELLANEOUS**

- A. Severability. If any section, subsection, paragraph, clause or phrase of this Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.
- B. Interpretation. This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.
- C. Effective Date. Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any other impact fee of the Town in existence as of the effective date of this Ordinance. All impact fees established,

including amendments and modifications to previously existing impact fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance. This Ordinance shall be posted as provided by law, and shall take effect on the ninetieth (90th) day after it is enacted by the Mantua Town Council.

ADOPTED AND PASSED by the Town Council of Mantua Town, Box Elder County,

State of Utah, this 24 day of July, 2008.

MANTUA TOWN


Scott Butler
Scott Butler
Mayor

ATTEST:

Adriana Forsgren
Adriana Forsgren, Town Recorder

I, Adriana Forsgren, Town Recorder of Mantua, Box Elder County, Utah hereby certify that I, on the 24th day of July, 2008 in the Town of Mantua, County of Box Elder, State of Utah, posted the foregoing Ordinance Number 2008 - 07-24A in a likely manner, a copy of which is hereto attached, in each of three of the most public places in the said Town of Mantua, to wit:

1. Mantua Town Hall
2. County Store
3. Mantua Fire Dept.

WITNESS my hand this 24th day of July, 2008.

Adriana Forsgren
Adriana Forsgren, Town Recorder

EXHIBIT A

MAP OF THE TOWN-WIDE SERVICE AREA

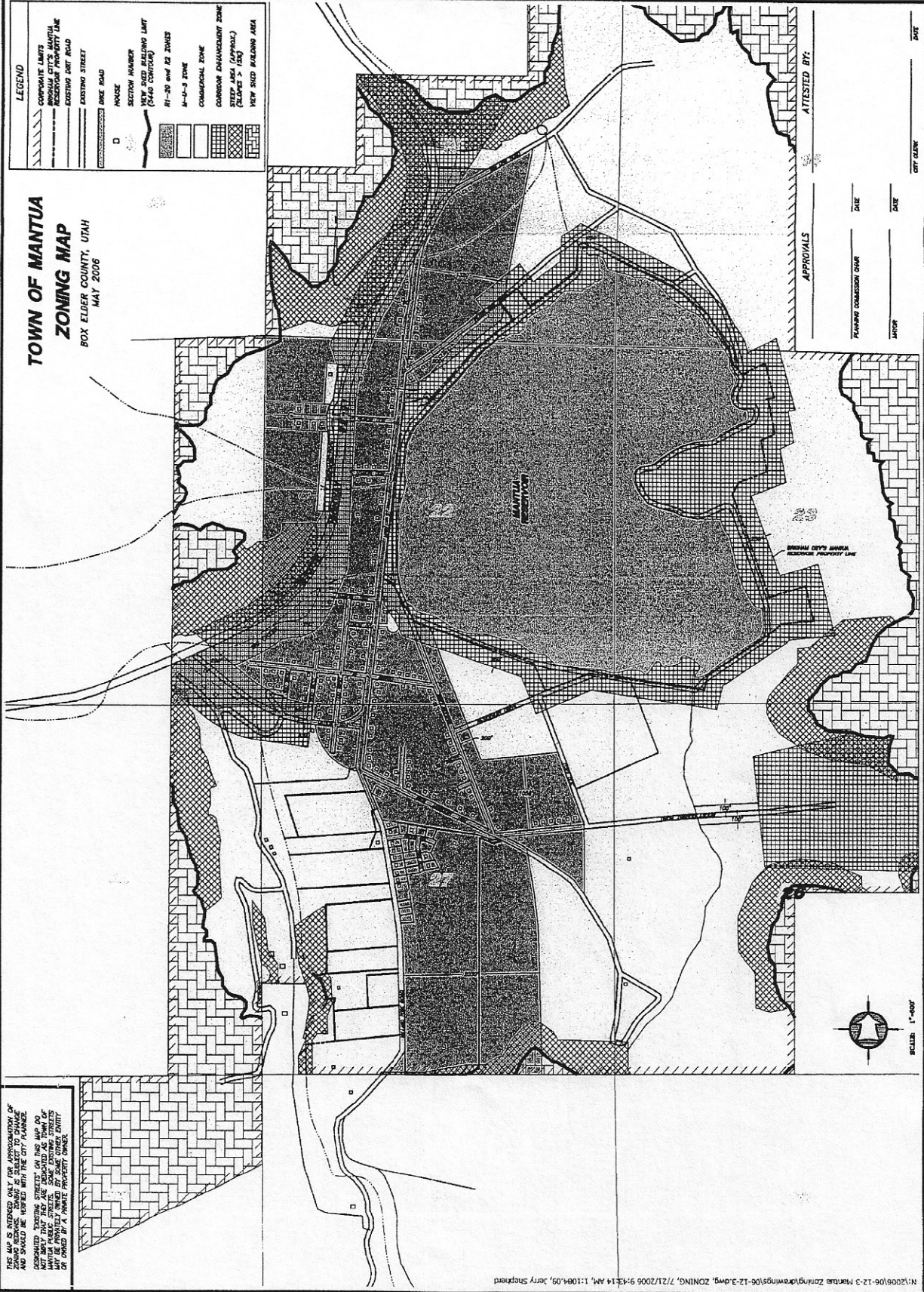


EXHIBIT B

MANTUA TOWN IMPACT FEE ANALYSIS
AND REASONABLE PLANS FOR CAPITAL IMPROVEMENTS

Appendix A

RECOMMENDED IMPACT FEE SCHEDULES

RECOMMENDED WASTEWATER IMPACT FEE SCHEDULE

Size of Water Meter in Inches	Capacity Ratio to 3/4" Line	Impact Fee
0.75	1.00	\$1,177
1.00	1.78	\$2,095
1.50	4.00	\$4,708
2.00	7.11	\$8,368
3.00	16.00	\$18,832
4.00	28.44	\$33,473
6.00	64.00	\$75,328

RECOMMENDED ROAD IMPACT FEE SCHEDULE

Fee per Standard Residential Unit	\$2,502
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RECOMMENDED INDOOR CULINARY WATER IMPACT FEE SCHEDULE

Fee per Standard Residential Unit	\$2,465
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RECOMMENDED OUTDOOR CULINARY WATER IMPACT FEE SCHEDULE

Lot Size	Water Rights Portion for Outdoor Water Impact Fee		Total
	Fee at \$3,137 per acre foot	Storage Cost	
1/4-acre	\$1,935	\$1,224	\$3,159
1/3-acre	\$2,980	\$1,885	\$4,865
1/2-acre	\$5,072	\$3,209	\$8,281
2/3-acre	\$7,164	\$4,164	\$11,697
3/4-acre	\$8,209	\$5,194	\$13,403
1-acre	\$11,347	\$7,179	\$18,526
More than 1-acre	The cost of water per acre-foot multiplied by the irrigated acreage.		

Amended Appendix A
Thursday, May 4, 2017

RECOMMENDED IMPACT FEE SCHEDULES

RECOMMENDED WASTEWATER IMPACT FEE SCHEDULES

Size of Water Meter in Inches	Capacity Ratio to 3/4" Line	Impact Fee
0.75	1.00	\$1,177.00
1.00	1.78	\$2,095.00
1.50	4.00	\$4,708.00
2.00	7.11	\$8,368.00
3.00	16.00	\$18,832.00
4.00	28.44	\$33,473.00
6.00	64.00	\$75,328.00

RECOMMENDED ROAD IMPACT FEE SCHEDULE

Fee per Standard Residential Unit	\$2,502.00
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RECOMMENDED INDOOR CULINARY WATER IMPACT FEE SCHEDULE

Fee per Standard Residential Unit	Indoor Water Impact Fee	Indoor Water Storage	Total
	\$1,411.83	\$1,053.35	\$2,465.18

RECOMMENDED OUTDOOR CULINARY WATER IMPACT FEE SCHEDULE

Average Lot Size	Outdoor Water Impact Fee	Outdoor Water Storage	Total
.554 acre	\$5,748.46	\$3,517.80	\$9,266.26