

TOWN OF HIDEOUT, UTAH

Ordinance No. 2019-_____

**AN ORDINANCE ADOPTING
AN IMPACT FEE FACILITIES PLAN
FOR THE TOWN OF HIDEOUT, ESTABLISHING SERVICE
AREAS WITHIN THE TOWN OF HIDEOUT,
AND ENACTING IMPACT FEES**

WHEREAS, in April of 2018, the Town of Hideout provided notice of its intent to prepare an Impact Fee Facilities Plan as required under Utah Code § 11-36a-501; and

WHEREAS, Utah Code § 11-36a-102(8)(a) defines an “Impact Fee” as the payment of money imposed upon new Development Activity as a condition of development approval to mitigate the impact of the new development on public infrastructure; and

WHEREAS, Utah Code § 11-36a-102(3) defined “Development Activity” as 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; and

WHEREAS, Utah Code § 11-36a-402 authorizes municipalities to adopt and Impact Fee Enactment which allows the municipality to thereafter impose and collect Impact Fees; and

WHEREAS, the Town of Hideout has caused to be prepared a *Capital Improvements Plan Including Impact Fee Facilities Plan and Impact Fee Analysis* (“**Plan**”) prepared by Horrocks Engineering and signed by an engineer licensed in the State of Utah (a copy of the Plan is attached hereto as **Exhibit A** and incorporated herein by reference); and

WHEREAS the Plan contains the analysis required under Utah Code § 11-36a-301 to § 11-36a-306; and

WHEREAS, the Plan, including the executive summary, defines the methodology by which proposed Impact Fees have been calculated and also identifies the impact of development activities on system improvements; and

WHEREAS, the Plan establishes the need for the Town of Hideout to impose Impact Fees to adequately mitigate the impact of new development; and

WHEREAS, the Town of Hideout has provided the applicable notices prior to adopting this Ordinance as required under Utah Code § 11-36a-401, *et seq.*; and

WHEREAS, on May 23, 2019, the Town Council held a public hearing to discuss the Impact Fee Facilities Plan and the Impact Fee Enactment and received public comment regarding both; and

WHEREAS, the Town Council finds good cause for adopting the provisions set forth herein;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hideout, Utah, as follows:

1. **Recitals Incorporated.** The foregoing recitals are hereby incorporated into this Ordinance as findings of fact.

2. **Applicability of Act.** It is the intent of the Town of Hideout that the assessment and collection of Impact Fees pursuant to this Ordinance be consistent with the terms and provisions of Utah Impact Fees Act, Utah Code § 11-36-101 *et seq.* (“**Act**”). The collection, use, and expenditure of Impact Fees will be according to the terms of the Act. To the extent the Act contains requirements associated with Impact Fees which are not expressly provided for herein, such terms and provisions of the Act will govern and are hereby incorporated by reference.

3. **Impact Fees Facilities Plan Adopted.** The Plan, as identified above, together with the Impact Fees analysis set forth therein, is hereby adopted and approved by the Town of Hideout. The Plan provides the analysis, methodology, and formula used for the calculation of the Impact Fees established and imposed pursuant to this Ordinance.

4. **Establishment of Service Areas.** Pursuant to Utah Code § 11-36a-402(1)(a), service areas are established within the Town of Hideout as set forth in the Plan attached as **Exhibit A.**

5. **Impact Fees Imposed.** Pursuant to Utah Code § 11-36a-402(1)(b), Impact Fees are hereby established for the service areas established within the Town of Hideout. The amount of the Impact Fees assessed for each service area is set forth in the executive summary of the Plan attached as **Exhibit A.**

6. **Collection of Impact Fees.** The Town Clerk shall collect the applicable Impact Fees at, or prior to, the time any building permit for any buildable parcel within the town is issued.

7. Adjustment of Impact Fees by the Town. Pursuant to Utah Code § 11-36a-402(1)(c), the Town may adjust the standard Impact Fee at the time the fee is charged to 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. The Town will ensure that Impact Fees are imposed fairly.

8. Calculation of Impact Fees on Particular Developments. Pursuant to Utah Code § 11-36a-402(1)(d), the calculation of the Impact Fee for a particular development may be adjusted by the Town based on studies and data submitted by the developer of such development.

9. Impact Fee Credits. Pursuant to Utah Code 11-36a-402(2) and 402(3):

9.1 A developer, including a school district or a charter school, may receive a credit against or proportionate reimbursement of an impact fee 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 the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.

9.2 A developer shall receive 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 are system improvements or are dedicated to the public; and offset the need for an identified system improvement.

10. Reimbursements Authorized. Impact Fees collected by the Town may be used to reimburse developers who have previously constructed portions of the reimbursable public infrastructure identified in the Plan pursuant to written agreements between the Town and such developers.

11. Repeal of Conflicting Provisions. Any provision of the Town Code addressing Impact Fees, including, without limitation, Title 1A, Chapter 10, is hereby repealed.

12. Clerk to Update Code. Immediately after the effective date, the Town Clerk is hereby directed to update the official version of the Town Code to incorporate the provisions of the Ordinance.

13. Effective Date. Subject to Utah Code § 11-36a-401(2), this Ordinance will be effective immediately upon passage.

WHEREFORE, Ordinance 2019-_____ has been **Passed** and **Adopted** by the Town of Hideout.

TOWN OF HIDEOUT

Philip Rubin, Mayor

Attest:

Lynette Hallam, Town Clerk

EXHIBIT A

IMPACT FEE FACILITIES PLAN