

RESOLUTION ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS AND IMPOSING FIRE PROTECTION IMPACT FEES; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, On January 9, 2019 the Wasatch County Fire District (the “District”), Utah posted notice as to its intention to prepare a fire protection impact fee facilities plan (“Impact Fee Facilities Plan”) and a fire protection impact fee analysis (“Impact Fee Analysis”) and invited all interested parties to participate in the impact fee preparation process, consistent with UCA Section 11-36a-501;

WHEREAS, Wasatch County Fire Service District is a Special Service District of the State of Utah, authorized and organized under the provisions of Utah law and is authorized pursuant to the Impact Fees Act, Utah Code Ann. 1136a-101 et seq. to adopt impact fees; and

WHEREAS, on September 25, October 2, and October 9, 2019, the Wasatch County Fire District posted notice of a public hearing in the local paper, the Wasatch Wave, Utah’s Public Notice Website and at the District’s administrative building to consider the assumptions and conclusions of the Impact Fee Facilities Plan and the Impact Fee Analysis;

WHEREAS, the Wasatch County Fire Service District Governing Board (the “Board”) met in regular session on October 16, 2019 to convene a public hearing and to consider adopting an Impact Fee Facilities Plan, Impact Fee Analysis, imposing Fire Protection impact fees, providing for the calculation and collection of such fees, and providing for an appeal process, accounting and reporting method and other related matters; and

WHEREAS, the Impact Fee Facilities Plan Consultant certified its work under UCA section 11-36a-306(1);

WHEREAS, on October 16, 2019 considering the input of the public and Participants and relying on the professional advice and certification of the Impact Fee Facilities Plan Consultant, Wasatch County Fire Service District adopted the findings, conclusions, and recommendations of a Fire Protection impact fee facilities plan prepared by Lewis, Young, Robertson & Burningham, Inc. (“Consultant”), a copy of which is attached hereto as (the “Fire Protection Impact Fee Facilities Plan”); and

WHEREAS, the Impact Fee Analysis Consultant certifies its work under UCA Section 11-36a-306(2);

WHEREAS, based on the input of the public and Participants and relying on the professional advice and certification of Consultant, a copy of which is attached (the “Impact Fee Analysis”); and

WHEREAS, on September 25, 2019 a copy of the Impact Fee Analysis and the proposed impact fee resolution, along with a summary of the analysis that was designated to be understood by a lay person, were made available to the public and deposited at the Wasatch County Library and the District Office and the County Building located at 25 N Main Street Heber City Utah.

WHEREAS, on September 25, October 2, and October 9, 2019, the Wasatch Wave published notice on the date, time and place of the public hearing to consider the Impact Fee Resolution; and

WHEREAS, on September 25, 2019 Wasatch County Fire Service District posted notice of the date, time and place of the public hearing to consider the Impact Fee Analysis in three public places and on the public notice website; and

WHEREAS, on October 16, 2019 , the Governing Board held a public hearing regarding the Impact Fee Analysis and the Impact Fee Resolution; and

WHEREAS, after careful consideration and review of the comments at the public hearings, the Governing Board has determined that it is in the best interest of the health, safety and welfare of the inhabitants of Wasatch County Fire District to adopt the findings and recommendations of the Impact Fee Facilities Plan and Impact Fee Analysis to address the impacts of development upon the Fire Protection of Wasatch County Fire District, to adopt the Fire Protection Impact Fee Facilities Plan as proposed, to approve the Fire Protection Impact Fee Analysis as proposed, to adopt fire protection impact fees, to provide for the calculation and collection of such fees, and to provide for an appeal process, and an accounting and reporting method of the same.

NOW, THEREFORE, BE IT ORDAINED by the Wasatch County Fire District Governing Board as follows:

Section 1. Findings. The Governing Board finds and determines as follows:

1.1. All required notices have been given and made and public hearings conducted as requested by the Impact Fees Act with respect to the Impact Fee Facilities Plan, the Impact Fee Analysis, and this impact fee resolution (this “Resolution”).

1.2. Growth and development activities in Wasatch County Fire District will create additional demands on its Fire Protection. The Fire Protection facility improvement requirements which are analyzed in the Impact Fee Facilities Plan and the Impact Fee Analysis are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the Fire Protection needed to serve the growth and development activity.

1.3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4. In enacting and approving the Impact Fee Analysis and this Resolution, the Governing Board has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and fire protection needs of Wasatch County Fire Service District, the capital financial needs of Wasatch County Fire Service District which are the result of Wasatch County Fire Service District's future facility needs, the distribution of the burden of costs to different properties within Wasatch County Fire Service District based on the use of fire protection facilities of Wasatch County Fire Service District by such properties, the financial contribution of those properties and other properties similarly situated in Wasatch County Fire Service District at the time of computation of the required fee and prior to the enactment of this Resolution, all revenue sources available to Wasatch County Fire Service District, and the impact on future fire facilities that will be required by growth and new development activities in Wasatch County Fire Service District.

1.5. The provisions of this Resolution shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1. Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Resolution.

2.2. "Service Area" shall mean that geographic area designated within the District's boundaries as exhibited in the appendix of the Impact Fee Analysis.

2.4. "Utah State Impact Fees Act" shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

Section 3. Adoption.

The Governing Board hereby approves and adopts the Impact Fee Analysis attached and the analysis reflected therein. The Impact Fee Facilities Plan and the Impact Fee Analysis are incorporated herein by reference and adopted as though fully set forth herein.

Section 4. Impact Fee Imposed

4.1. Impact fees are hereby imposed for any development activity in Wasatch County Fire District Service Area that creates additional demand and need for public facilities for fire protection and Emergency Medical Services as set forth in the Fire Impact Fee Facility Plan and Impact Fee Analysis dated June 20119, which is incorporated by reference herein. Enacted impact fees are shown in the schedules included herein, as well as the maximum supportable

impact fees which can be assessed. Adjustment to these fees may be made as provided in section 4.4 of this chapter.

FIRE DISTRICT SERVICE AREA IMPACT FEES

	Cost per Call	Calls per Unit or 1,000 SF	Total Impact Fee per Unit or 1,000 SF
Residential			
Residential per Unit	\$11,946	0.08	\$920
Non-Residential			
Commercial per 1,000 SF	\$19,022	0.08	\$1,465

Non- Standard Impact Fees

- Residential: Estimate of Calls per Unit x \$11,946 (Fire Cost per Call) = Fire Impact Fee
- Non-Residential: Estimate of Calls per 1,000 x \$19,022 (Fire Cost per Call) = Fire Impact Fee

Calculations.

4.2. 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 Wasatch County Fire District 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 Fire Protection, or are dedicated to the public and offset the need for an identified Fire Protection improvement.

4.3. Adjustment of Fees. The Governing Board may adjust either up (but not above the maximum allowable fee) or down the standard fire impact fee 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 Governing Board 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 fire impact fee is more consistent with the true impact being placed on the system.

4.4. Impact Fee Accounting. Wasatch County Fire District shall establish a separate interest bearing ledger account for the cash impact fees collected pursuant to this Resolution. Interest earned on such account shall be allocated to that account.

(a) Reporting. At the end of each fiscal year, Wasatch County Fire District 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.

(b) Impact Fee Expenditures. Funds collected pursuant to the fire impact fee shall be deposited in such account and only be used by the District to construct and upgrade fire facilities to adequately service development activity or used as otherwise approved by law.

4.5. Refunds. The District shall refund any fire impact fee paid when:

- (a) the fee payer has not proceeded with the development activity and has filed a written request with the Governing Board for a refund within two years after the date the fire impact fee was paid;
- (b) the fees have not been spent or encumbered within six years of the payment date; and
- (c) no impact has resulted.

Section 5. Appeal.

5.1. Any person required to pay a fire impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the District Governing Board.

5.2. Within two weeks of the receipt of the request for information the District shall provide the person or entity with a copy of the reports and with any other relevant information relating to the fire impact fee.

5.3. Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet the requirements of law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the Governing Board within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action.

5.4 The notice of the administrative appeal to the Governing Board shall be filed and shall contain the following information:

1. The person's name, mailing address, and daytime telephone number;

2. A copy of the written request for information and a brief summary of the grounds for appeal;

3. The relief sought.

5.5 The District shall schedule the appeal before the Governing Board no sooner than five (5) and no later than fifteen (15) days from the date of the filing of the appeal. The written decision of the Governing Board shall be made no later than thirty (30) days after the date the challenge to the fee is filed with the District and shall, when necessary, be forwarded to the appropriate officials for action.

This Resolution shall be effective October 16, 2019

Governing Board Approval