

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT

2024 IMPACT FEE RESOLUTION

RESOLUTION 2024-02

WHEREAS, the Impact Fees Act, Utah Code Ann. § 11-36a-101 *et. seq.* (the “Act”), outlines the procedures and requirements applicable to any “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”, which is defined in the Act as an “impact fee” (*Id.* § 11-36a-102(9));

WHEREAS, the Central Weber Sewer Improvement District (the “District”) desires to comply with applicable requirements of the Act;

WHEREAS, the District provides primarily wholesale sanitary sewer (wastewater) services to meet the additional demand created by development;

WHEREAS, the Act defines “public facilities” that may be included in an Impact Fee Facilities Plan as including “wastewater collection and treatment facilities” that “have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision” such as the District (*Id.* § 11-36a-102(17));

WHEREAS, the District provided written notice of its intent to prepare a sanitary sewer Impact Fee Facilities Plan and of its intent to prepare a sanitary sewer Impact Fee Analysis pursuant to Utah Code Ann. §§ 11-36a-501 and -503;

WHEREAS, the District’s new sewer system Impact Fee Facilities Plan (the “Plan”) and new Impact Fee Analysis (the “Analysis”) (the Analysis analyzes the impact fees the District proposes to adopt), and summaries of the Plan and of the Analysis, have been prepared by one or more consultants in accordance with the requirements of the Act;

WHEREAS, on March 20, 2023, the Board of Trustees of the District adopted a Wastewater Master Plan (March, 2023, Bowen Collins & Associates and Carollo);

WHEREAS, much of the analysis used to formulate the Impact Fee Facilities Plan is based on the District’s Wastewater Master Plan;

WHEREAS, new growth and development will be served, in part, by previously constructed/acquired public facilities as identified in the Impact Fee Facilities Plan;

WHEREAS, new growth and development will require completion of improvements to maintain the established level of service for the public facilities.

WHEREAS, a copy of this Impact Fee Resolution has been available for public inspection at the public libraries located within the boundaries of the District, at the District office, on the Utah Public Notice Website and on the District website for at least ten days prior to the public hearing and copies of the Plan, a Summary of the Plan, the Analysis, and a summary of the Analysis, have been available for public inspection for at least ten days prior to the public hearing at each public library located in the District and at the District office, the statutorily required notice of a public hearing regarding this Resolution has been given, and a hearing has been held to receive public comments on the Impact Fee Facilities Plan and the Impact Fee Resolution as required by the Act and by Utah Code Ann. § 17B-1-111;

WHEREAS, pursuant to the requirements of the Act, the Trustees of the District desire to establish a service area and adopt this Impact Fee Resolution to establish updated sewer impact fees to be charged by the District; and

WHEREAS, the District expects those wishing to connect to the District's sanitary sewer system to pay the amounts mandated by this Resolution, in addition to satisfying other applicable requirements, as a condition to being allowed to connect to the District's sanitary sewer main line and to receive sanitary sewer service from the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the District that the District, including subsequently annexed areas, be and is a single service area as allowed by Utah Code Ann. § 11-36a-102(20)(b) and the updated impact fees adopted by this Resolution shall uniformly be applied throughout the District.

BE IT FURTHER RESOLVED, that the new Impact Fee Facilities Plan, to the extent not previously adopted, be and is adopted and approved with, to the extent necessary or appropriate, the District's Wastewater Master Plan forming a part thereof.

BE IT FURTHER RESOLVED, that the cost of both previously constructed or acquired public facilities and future public facilities that will serve new growth and development within the District shall be and are included in the applicable impact fees.

BE IT FURTHER RESOLVED, that the District's sanitary sewer impact fees (sometimes referred to herein as "impact fees" or "impact fee") shall be as set forth in **Exhibit "A"** attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the District shall have the right to adjust the standard impact fee that would otherwise be applicable to respond to (i) unusual circumstances in specific cases or (ii) a request for a prompt 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 to ensure that the District's impact fees are imposed fairly. The impact fee may be adjusted, under appropriate circumstances, based upon studies and data submitted by the developer. Any adjustment may be either upward or downward, depending upon the circumstances and equities.

BE IT FURTHER RESOLVED, that a developer, including a school district or a charter school, may receive a credit against or a proportionate reimbursement of an impact fee if the developer: (i) dedicates land for a system improvement; (ii) builds and dedicates some or all of a system improvement; or (iii) dedicates a public facility that the District and the developer agree will reduce the need for a system improvement. Furthermore, a credit against impact fees is required for any dedication of land for, improvement to, or new construction of, any system improvement (as defined in the Act) provided by the developer if the facility (i) is a system improvement; or (ii) is both dedicated to the public and offsets the need for an identified system improvement. Otherwise, no credit will be allowed to a developer for improvements provided by the developer. Should the credit exceed the impact fee that would otherwise be paid by the developer, the District and the developer may enter into a written contract specifying how and when the reimbursement will be paid to the developer.

BE IT FURTHER RESOLVED, that a developer and the District, acting through its Board of Trustees, may by contract agree to impact fees other than those set forth in or calculated in accordance with this Resolution.

BE IT FURTHER RESOLVED, that the impact fees set forth in and established by this Resolution shall be and are in addition to other fees, charges and/or exactions lawfully imposed by the District.

BE IT FURTHER RESOLVED that, unless the District is otherwise bound by a contractual requirement, the wastewater (sanitary sewer) facilities impact fee shall be determined from the applicable fee schedule and /or formula in effect at the time of payment and shall not be determined at the time a request for an estimate is received by the District. There shall be no guarantee that any quoted impact fee, either oral or in writing, will be in effect when the developer or other person actually makes the impact fee payment.

BE IT FURTHER RESOLVED that, should the ultimate density (expressed as equivalent residential units or otherwise) of any development activity exceed the density upon which the impact fee or impact fees, as applicable, was/were based and/or should impact fees not initially be charged against all units or the total density within a development, the District may charge additional impact fees to the developer or other appropriate person covering the density for which an impact fee was not previously paid, including buildings and lots which have already been connected, directly or indirectly, to the District's sanitary sewer system.

BE IT FURTHER RESOLVED, that all or part of any impact fee may be waived or reduced (an “**exemption**”) for those developments which are deemed to serve a broad public purpose that would be harmed by the District requiring full payment of applicable impact fees, such as low income housing projects, as determined by the District Board of Trustees. Such exemptions shall be handled in accordance with the provisions of the Act and any Impact Fee Policy established by the District. In the event of any such waiver or impact fee exemption, the revenue shortfall to the District may be made up from any other available revenue source, including loans and operating revenues (including property taxes) provided, however, that it will not be necessary for the District to establish any source of funds, other than impact fees, to pay for low

income housing development activity, as provided in Utah Code Ann. § 11-36a-403(1). Should the District allow an impact fee exemption for development activity attributable to a school district or a charter school, either a school district or a charter school shall qualify for the exemption on the same basis.

BE IT FURTHER RESOLVED, that, except as otherwise provided in this Resolution, the District Impact Fee Policy, as it may exist from time-to-time, is incorporated by reference as part of this Resolution.

BE IT FURTHER RESOLVED, that, if a sanitary sewer connection has not been active in the past two years, an impact fee shall be paid, possibly with a partial credit, as provided in the District Impact Fee Policy.

BE IT FURTHER RESOLVED, that all resolutions, policies, procedures, impact fees, rules and regulations, and other actions by the District Board, or parts thereof, in conflict with this Resolution and/or the attached Exhibit are, to the extent of such conflict, hereby repealed provided, however, that the District's previously adopted impact fees, whether in the form of a formula, a schedule, or any other form or format, shall not be repealed or modified until the new impact fees take effect as provided immediately below in this Resolution.

BE IT FURTHER RESOLVED, in harmony with Utah Code Ann. § 11-36a-401(2), that this Resolution shall take effect immediately upon its passage, with the new impact fees to take effect on July 1, 2024.

Passed by the Board of Trustees of the Central Weber Sewer Improvement District this 22nd day of January, 2024.

Mark C. Allen, Chair

Attest:

Camille Cook, Clerk

**EXHIBIT “A”
Schedule of Sanitary Sewer (Wastewater)
Impact Fees**

Impact Fee (Per ERU¹, by year)²						
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Base Impact Fee	\$3,859	\$3,859	\$3,859	\$3,859	\$3,859	\$3,859
Collection User Fee	-\$34	-\$30	-\$26	-\$23	-\$19	-\$16
Treatment User Fee	-\$288	-\$254	-\$222	-\$191	-\$162	-\$135
Total Overall Fee	\$3,537	\$3,575	\$3,611	\$3,645	\$3,677	\$3,708

Calculation of Residential Impact Fees

The District will calculate residential impact fees according to the following categories as stated in Technical Memorandum: Calculation of Non-Standard Sewer Impact Fees (December 5, 2023).

Single-family dwelling	One ERU
Multiple-family dwelling	One ERU equals one dwelling unit
Multiple-family small residential units ¹	0.65 ERU per dwelling unit

1. A multiple-family small residential unit is defined as any multiple-family development where the individual units meet the following criteria: One or less bedrooms, one bathroom, and less than 1,000 square feet.

Calculation of Non-Standard Impact Fees

The sanitary sewer impact fee calculations are based on ERUs. The District will calculate an impact fee for customers, other than typical single family residential connections, using the formula stated below. Consistent with the level of service standards established in the Impact Fee Facilities Plan, the following formula will be used to calculate an impact fee for a non-standard user, such as a commercial or industrial development, based on the calculated or estimated daily indoor water use for a typical single-family residential connection. Indoor water use for any non-standard impact fee will be estimated following the District Impact Fee Policy.

$$\frac{\text{Estimated Indoor Water Use}}{220.4 \text{ gallons per day}^3} \times \text{Impact Fee per ERU} = \text{Impact Fee to be paid}$$

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¹ A typical single-family house constitutes one ERU (Equivalent Residential Unit).

² The Central Weber Sewer Improvement District operates on a July 1 to June 30 fiscal year.

³ Based on average domestic wastewater of 198.4 gallons per day per ERU entering the wastewater collection system and 10% consumption, consistent with previous calculations.