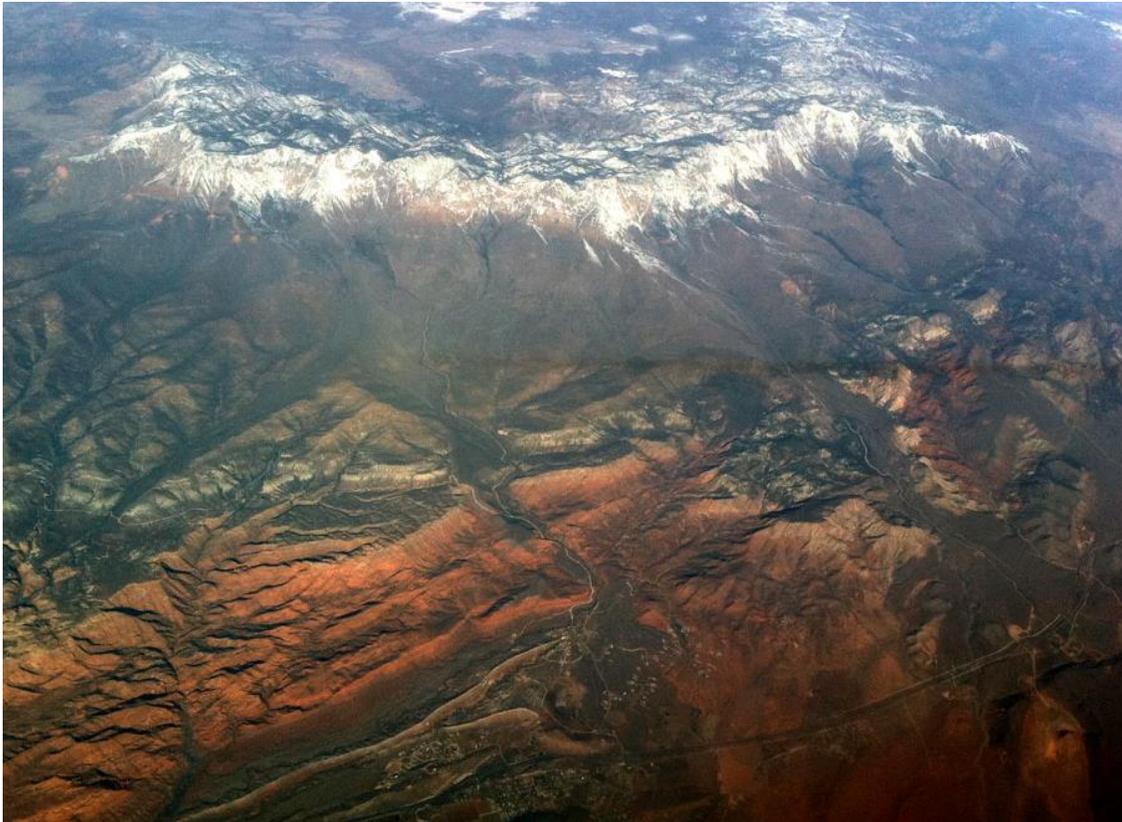


# Leeds Domestic Water Association “LDWA” Water Impact Fee Facility Plan & Analysis

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## I. INTRODUCTION

Leeds Domestic Water Users Association is a nonprofit shareholder-owned private corporation providing culinary water services since January 1956 to LDWA of Leeds. In 1954, the Leeds Domestic Water users Association, LDWA, made a bold move when they sought to remedy the obvious health & safety hazards resulting from the open ditch. LDWA borrowed \$50,000.00 to build a 9-mile pipeline to bring drinking water down to Leeds from a spring high above LDWA, located at the base of Pine Valley Mountain. Until that time, the townspeople's drinking water had been piped and drawn directly from the open Leeds irrigation water ditch.

With the \$50,000.00 funding and the men of Leeds supplying much of the back-breaking labor in laying the pipeline, Leeds citizens began to receive clean drinking water from a secure system in January 1956.

The Town of Leeds is located in a beautiful valley and hills adjacent to Interstate 15 about 15 miles northeast of St. George, Utah. The year of 2010 population of Leeds was 980 people. It's projected to have a population of 1,168 by the year 2020 and 1,666 by the year 2030. Within Leeds Town are the subdivision communities of Silver Reef, El Dorado, and others.

The purpose of this facility plan / impact fee analysis is to provide LDWA the recommended fee that it needs to charge a residential connection to help pay for their fair share of the water system from the rights to source, treatment to storage, and then delivery of the water.

## II. DEMOGRAPHICS

### A. Existing Water Connections

LDWA currently has 405 allocated water connections. Out of the 405 connections, 335 are in actual usage. There are within the boundaries of Leeds Town and LDWA 171 parcels of land that don't own a water connection. These potentially could need water connections.

### B. Population Projections

The growth rate between the year 2000 and the year 2010 was 6%. The projected growth rate used by the State of Utah between 2010 and 2020 is 1.77% for Leeds. The projected growth rate from 2020 to 2030 is 3.615%

Table II-B  
Population Projections

YEAR	POPULATION
2000 Census:	547
2010 Census:	980
2015 (DEA estimate)	1,070
2020 (DEA estimate)	1,168
2025 (DEA estimate)	1,395
2030 (DEA estimate)	1,666
2035 (DEA estimate)	1,990

### C. Projected Water Connections

By using the existing equivalent residential connections of 334 and the projected growth rate of 1.77% & 3.615%, the number of users that LDWA will have in the future can be projected. This will project the number of users found in Table II-C.

Table II-C  
 Projected Equivalent Residential Connections (ERC's)

Year	POPULATION	USERS
2015	1,070	334
2016	1,090	340
2017	1,109	346
2018	1,129	352
2019	1,148	358
2020	1,168	365
2021	1,213	379
2022	1,259	393
2023	1,304	407
2024	1,350	421
2025	1,395	435
2026	1,449	452
2027	1,503	469
2028	1,558	486
2029	1,612	503
2030	1,666	520
2031	1,731	540
2032	1,796	560
2033	1,860	581
2034	1,925	601
2035	1,990	621

However, for the capacity analysis, the population data will not be used because LDWA has 70 allocated connections that lot owners are paying for. Therefore, the 335 actual users need to be changed to 405 users that LDWA needs to provide water for. As a rule of thumb for the LDWA service area, all unallocated parcels need to be counted for, also, in order for the water users association to have enough water for build out. There are 171 current parcels of land within the service area that fall into this category and LDWA needs the water in case the parcel owner wants to buy a water connection.

### **III. IMPACT FEE FACILITIES PLAN REQUIREMENTS**

#### **A. STATE OF UTAH IMPACT FEE ACT**

The State of Utah Code Chapter 11-36a contains all the requirements for the Association to impose an impact fee. (See appendix A). "Impact fee" means a 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. "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee. The City may only establish impact fees for those public facilities listed in the chapter. They are:

- Water Rights, Water Supply, Water Treatment, Water Storage, and Water Distribution Facilities

The Impact Fee Facilities Plan will contain 4 parts. They are the elements required for an impact fee facilities plan, fees generated from an impact fee analysis, certification and enactment of the impact fees.

#### **B. IMPACT FEE FACILITIES PLAN REQUIREMENTS**

The State requires local political subdivisions to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity. The Association is a water company. The State has placed in its code that if "a local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and the code; and each applicable notice required by the code is given." See section 11-36a-301.

The impact fee facilities plan shall identify the existing level of service, establish a proposed level of service, identify any excess capacity to accommodate future growth at the proposed level of service, and identify the means by which the Association will meet those growth demands. The proposed level of service may diminish or equal the existing level of service. The Association shall generally consider all revenue sources to finance the impacts on system improvements and these include grants, bonds, interfund loans, impact fees, and anticipated or accepted dedications of system improvements. All proposed levels of service will generate a Capital Improvements list of projects for each facility analyzed.

#### **C. IMPACT FEE ANALYSIS REQUIREMENTS**

After the facilities plan has identified the existing level of service and proposed level of service, an impact fee analysis shall be prepared within. It shall:

- Identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;

- Identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
- Estimate the share of costs for existing capacity that will be recouped and the costs of impacts to the system improvements that are related to the new development activity.
- Calculate the impact fee for each facility.

**D. IMPACT FEE CERTIFICATION and ENACTMENT**

The Impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan. It shall follow section 11-36a-306 of the Impact Fee Act. The words required for this certification is in this section.

The Association is required to enact these impact fees by:

- Providing the public with a notice of intent to prepare an impact fee facilities plan
- Providing the public with a notice to adopt or amend an impact fee facilities plan
- Providing the public with a notice of intent to prepare an impact fee analysis
- Providing the public with a notice to adopt impact fee enactment

There are provisions required within the impact fee enactment. The provisions required are:

- A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;
- A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;
- A provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases or 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 and ensure that the impact fees are imposed fairly;
- A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.

## IV. WATER SYSTEM LEVEL OF SERVICE

### A. WATER SYSTEM LEVEL OF SERVICE

The State of Utah Rules for Public Drinking Water Systems contains Minimum Sizing Requirements under section R309-510 that are used to analyze the capacity of LDWA’s culinary water system. The three primary areas of concern that section R309-510 deals with are source, storage, and distribution system capacity. This section states that source capacity must meet peak daily flow and average yearly flow requirements. It states that storage capacity must meet or exceed average daily flow requirements, which include fire flow storage. Lastly, it states that the distribution system must have the capacity to handle peak instantaneous flows and fire flows with a minimum of 20 psi pressure occurring in the system at all points.

The 2012 International Fire Code, Appendix B, contains quantity requirements for minimum fire flow and flow duration for One- and Two-Family Dwellings and dwellings in excess of 3,600 square feet. The requirements in the code will affect the water storage and distribution system requirements. The Code requires storage capacity for a 2 hour fire flow of 1,000 gallons per minute (g.p.m.) for a one-to two dwelling home, which amounts to 120,000 gallons, and a 2 hour fire flow of 1,500 G.P.M. for a building over 3,600 square feet, which amounts to 180,000 gallons. Since LDWA has buildings with over 3,600 square feet, LDWA should have at least 210,000 gallons of storage capacity for fire protection because buildings this size or bigger need 1,750 G.P.M of fire flow.

The following table summarizes the quantity requirements taken from the two documents referenced above. Another important component of the water system that is added to the table and is analyzed in this plan is Water Right. The water right capacity will depend on the average daily flow for indoor use and average yearly flow for outdoor use.

**Table III-A-1  
Quantity Requirements**

Water System Component	Indoor Use	Outdoor Use	Fire Flow Requirement
<b>Water Right</b>	SYSTEM AVERAGE per ERC or 400 GPD	SYSTEM AVERAGE per ERC or 3.26 Acre-ft/Yr per Irr. Acre	none
<b>Water Source</b>	800 GPD per ERC	4.9 GPM per Irrigation Acre	none
<b>Water Storage</b>	400 GPD per ERC	4,964 Gallons per Irrigation Acre	210,000 gallons
<b>Distribution</b>	$10.8 * N^{0.64}$	9.8 GPM per Irrigation Acre	1,750 GPM minimum <sup>(1)</sup>
<p><i>(1) Required Fire Flow for one-two dwelling home greater than 3,600 square feet at Fire Hydrant.            GPD = Gallons per Day.            GPM = Gallons per Minute.            ERC = Equivalent Residential Connection.            N = Number of Equivalent Residential Connections.</i></p>			

## 1. INDOOR USE

LDWA currently has 400 allocated equivalent residential connections with 4 commercial connections plus 71 allocated connections for SITLA reserved lots plus 171 parcels that are potential lots that need to be reserved for water because they can request a connection to the system at any time for their parcel of land. This current residential reserve in connections should be 643 and 4 commercial connections for 3 RV Parks and 1 restaurant. Using table II-C, Projected Equivalent Residential Connections, and estimated figures for RV Parks and restaurants, the following table calculates the number of connections LDWA will have for the years 2025 and 2035.

**Table III-A-2  
Equivalent Residential Connections (ERC)**

<b>YEAR→</b>	<b>2017</b>		<b>2025</b>		<b>2035</b>	
<b>User</b>	<b>Units</b>	<b>ERC</b>	<b>Units</b>	<b>ERC</b>	<b>Units</b>	<b>ERC</b>
Residential (Connections)	643	643	743	743	928	928
RV Park (100 gpd per pad)	90	11	120	15	150	19
Commercial, Restaurant (35 gallons per seat)	50	2	100	4	150	6
<b>Total ERC</b>		<b>656</b>		<b>762</b>		<b>953</b>
<i>ERC = Equivalent Residential Connection (800 gpd = 1 ERC)</i>						

## 2. OUTDOOR USE

For the analysis of water rights, source, storage and distribution, quantities for outdoor use are combined with indoor use and fire flow requirements. The analysis for outdoor use will use 0.15 acre per equivalent residential connection. The table below shows the estimated acres of irrigated land in LDWA.

**Table III-A-3  
Irrigated Acres**

<b>YEAR→</b>	<b>2017</b>		<b>2025</b>		<b>2035</b>	
Culinary Irrigation	ERC	Acres	ERC	Acres	ERC	Acres
		656	98.4	762	114.3	953
<i>ERC = Equivalent Residential Connection</i>						

## B. WATER RIGHTS

### 1. Existing Water Rights

LDWA receives its water for municipal use from Quail Creek Springs and the Highland well. A copy of these water rights can be found in the water right binder kept by LDWA at their office. Table III-B-1, as follows, shows the water rights that LDWA has.

**Table III-B-1  
Water Rights**

POINT OF DIVERSIONS	ACRE-FEET
Quail Creek Spring	92.83
Leeds 16" Well #5014	276.10
El Dorado Hills 8" Well	91.00

LDWA total valid water right is 459.93 acre-feet.

### 2. Analysis of Water Rights

The water rights that LDWA needs now and in the future can be estimated by using the quantity requirements for water rights from section III-A or using records of water usage. The State estimates that each user will use 400 gallons per day for indoor use and 3.26 acre-feet per year per irrigated acre for outdoor usage. The water rights will be analyzed using these numbers. Table III-B-3 contains the requirements for water right for the years 2017, 2025 and 2035.

**Table III-B-3  
Water Right Requirements**

YEAR→	2017		2025		2035	
USE	Units	G.P.M.	Units	G.P.M.	Units	G.P.M.
Indoor Unit =ERC	656	137	762	159	953	199
Outdoor Unit=Acres	98.4	199	114.3	231	142.95	289
<b>TOTAL GPM</b>		<b>336</b>		<b>390</b>		<b>488</b>
<b>Total Acre-Feet/Year</b>		<b>541</b>		<b>629</b>		<b>786</b>
<i>ERC = Equivalent Residential Connection</i>						
<i>G.P.M. = Gallons per Minute</i>						

Currently, LDWA has 459.93 acre-feet (285.65 gallons per minute) of water right. Using the calculations from the table above, LDWA needs an additional 81.07 acre-feet of water right now and 326.07 acre-feet of water right to meet the 20 year demand. If more water is used, the need for more water is solved by requiring land owners/developers to bring in water rights for

their development. A good analysis to do every year is tallying up all the usage from the current users and see what is actually being used per user.

### C. WATER SOURCE

#### 1. Existing Water Source

LDWA currently gets its water from LDWA Springs and Highland Well. The water from these springs is shared with the irrigation company. LDWA portion amounts to about 60 gallons per minute. The well can produce approximately 415 gallons per minute. The total source adds up to 475 gallons per minute.

#### 2. Analysis of Water Source

Quantity requirements from section III-A are used to estimate the required water source capacity for LDWA. The required source will be calculated using a peak daily flow requirement of 800 gallons per day per ERC for indoor use and 4.9 gallons per minute per irrigated acre for outdoor use. Calculations of source capacity are displayed for the respective year in Table III-C-1 below.

**Table III-C-1  
Water Source Requirements**

<b>YEAR→</b>	<b>2017</b>		<b>2025</b>		<b>2035</b>	
<b>USE</b>	<b>Units</b>	<b>G.P.M.</b>	<b>Units</b>	<b>G.P.M.</b>	<b>Units</b>	<b>G.P.M.</b>
<b>Indoor Unit =ERC</b>	656	364	762	423	953	529
<b>Outdoor Unit=Acre</b>	98.4	482	114.3	560	142.95	700
<b>TOTAL</b>		<b>846</b>		<b>983</b>		<b>1229</b>
<i>ERC = Equivalent Residential Connection G.P.M. = Gallons per Minute</i>						

LDWA needs 846 gallons per minute in source to meet the current demand and 1,229 gallons per minute in source to meet the 20 year demand. The 475 gallons per minute that LDWA has creates a 371 gallon per minute short fall in source.

## D. WATER STORAGE

### 1. Existing Water Storage

Presently, LDWA currently has 1,135,000 gallons of main storage in the main entire system. There are 6 tanks that make up the storage. They are the Highland tank that contains 350,000 gallons; Forest Service property tanks of 60,000 gallons, 30,000 gallons, and 450,000 gallons; El Dorado tank of 120,000 gallons; and Springs tank of 125,000 gallons.

### 2. Analysis of Water Storage

The required water storage capacity for indoor use, outdoor use, and fire flow is shown in the table III-D-1 below. Storage requirements from section III-A were used to calculate the required water storage capacity.

**Table III-D-1  
Water Storage Requirements**

<b>YEAR→</b>	<b>2017</b>		<b>2025</b>		<b>2035</b>	
<b>USE</b>	<b>Units</b>	<b>G.P.D.</b>	<b>Units</b>	<b>G.P.D.</b>	<b>Units</b>	<b>G.P.D.</b>
<b>Indoor Unit =ERC</b>	656	262,400	762	304,800	953	381,200
<b>Outdoor Unit=Acres</b>	98.4	488,458	114.3	567,385	142.95	709,604
<b>Fire Flow</b>		420,000		420,000		420,000
<b>TOTAL</b>		<b>1,170,858</b>		<b>1,292,186</b>		<b>1,510,806</b>
<i>ERC = Equivalent Residential Connection G.P.D. = Gallons per Day</i>						

The combined storage capacity of 1,135,000 gallons is a deficient amount of storage now and for the next twenty years. At least another 400,000 gallons in storage is needed to satisfy the requirement for 2035. It's recommended that a 500,000 concrete gallon tank be constructed. 1,144.60 gallons will serve each ERC. This means a 500,000 gallon concrete tank will serve 436 equivalent residential connections.

## E. WATER DISTRIBUTION

### 1. Existing Water Distribution

The current distribution system contains approximately 99,550 feet (19 miles) of pipeline, 125 fire hydrants, 300 valves, and close to 404 allocated water connections. The main system covers Leeds Town.

### 2. Map of System

A map of the main system is located in Appendix B. These maps show junctions (nodes) called out as J(# of node) and pipes (links) named as P(# of link). J10 is junction number 10. P10 is pipe number 10.

Also, an aerial background maps of the system is shown in Appendix A. Each pipeline is shown as a 12", 10", 8", or 6" diameter in size.

### 3. Analysis of System

A computer network analysis of the LDWA existing distribution system was completed using peak instantaneous flows and then running scenarios of fire flows with peak instantaneous flows.

The water distribution system should have the capacity to deliver the combined distribution requirements of table III-A-1, which are peak instantaneous indoor and outdoor flows combined with fire flow. The system should be required to maintain a residual pressure of 20 p.s.i. in the distribution lines. These flows were used to analyze the distribution system and are shown in Table III-E-1.

**Table III-E-1  
Peak Instantaneous Flow Requirements**

<b>YEAR→</b>	<b>2017</b>		<b>2025</b>		<b>2035</b>	
	<b>Units</b>	<b>G.P.M.</b>	<b>Units</b>	<b>G.P.M.</b>	<b>Units</b>	<b>G.P.M.</b>
<b>Indoor Use (ERC)</b>	656	686	762	755	953	871
<b>Outdoor Use (Acres)</b>	98.4	964	114.3	1,120	142.95	1,401
<b>Fire Flow</b>		1,750		1,750		1,750
<b>TOTAL</b>		<b>3,400</b>		<b>3,625</b>		<b>4,022</b>
<i>ERC = Equivalent Residential Connection G.P.M. = Gallons per Minute</i>						

The peak instantaneous flow requirements from this table were used to analyze the distribution system. There are 4 pressure zones within the distribution system. A computer program called EPANet2 was used to model the existing system. It calculates the available fire flows at designated points in the system when the peak instantaneous flow was imposed on the system and there was a minimum pressure of 20 p.s.i. in the distribution lines.

Twelve different scenarios were modeled in EPANet2. The first scenario shows the pressures at each node during peak flows. Fire Flow Scenarios 1 through 12 were ran by picking a different location within the system and applying the fire flow in gallons per minute. The fire flow that created a pressure close to 20 psi at any location in the distribution system is the recorded fire flow for that scenario.

**Table III-E-2  
Available Fire Flows at Peak Instantaneous Flows**

<b>Junction Number</b>	<b>Peak Instantaneous Pressure (psi)</b>	<b>Available Fire Flow (gpm)</b>	<b>@Residual Pressure (psi)</b>	<b>Min. Zone Pressure (psi)</b>	<b>@JCT Number</b>
J88	112	900	31	20	J62
J68	115	820	36	20	J62
J86	76	860	20	20	J86
J37	75	1500	34	20	J90
J49	59	800	20	20	J49
J90	96	560	20	20	J90
J41	66	2900	20	20	J43
J14	87	1510	20	20	J14
J12	101	2250	23	20	J13
J5	113	750	37	20	J90
J19	95	2550	38	20	J20
J56	77	920	20	20	J56

As shown above, Junction J49 is at an elevation that allows 59 pounds of pressure (psi) because it is at a higher elevation within the distribution system in El Dorado. It can only produce a fire flow of 800 gallons per minute. If J90 with an 8" dead-end water line exists, then the available fire flow will only be 560 gallons per minute.

**F. EXISTING FEES**

**1. Connection Fees**

LDWA currently charges a hookup fee of \$1,500 per connection.

**2. Impact Fees**

The impact fee for a residential connection is \$6,868 per connection for the month of August and changes monthly.

**3. User Fees**

The table below shows the current water rate structure for LDWA.

**Table III-F-1  
LDWA Existing Fee Schedule**

<b>Type of Fee</b>	<b>Gallons</b>	<b>Cost</b>
<b>User Fee: Base Rate</b>	For First 20,000 gallons	\$20.00
<b>User Fee: Project Fee</b>	None	\$20.00
<b>User Fee: Overage Rates</b>	20,001 to 40,000 gallons	\$1.00 per thousand gallons
	40,001 to 50,000 gallons	\$2.00 per thousand gallons
	40,001 gallons and up	\$3.00 per thousand gallons

## **V. WATER SYSTEM RECOMMENDATIONS**

### **A. WATER RIGHTS**

LDWA is currently deficient with water rights as described in section III-B. LDWA needs to request and receive water rights for their proposed development.

### **B. WATER SOURCE**

LDWA is deficient in source when using the State of Utah Drinking Water guidelines. It is recommended that a well location and well in the amount of 450 to 500 gallons per minute be secured, drilled and developed.

### **C. WATER STORAGE**

LDWA is deficient in storage at the present time when all allocated and potentially allocated parcels of land have a need for water. It is recommended that the Association look at a location for and build a 450,000 to 500,000 gallon water tank. It is recommended to look at a concrete tank option.

### **D. WATER DISTRIBUTION**

#### **1. Improvements Needed**

LDWA is in need of pipeline replacements to replace pipelines that are regularly being repaired or that lack the capacity to create recommended fire flows. Also, new valves are needed to better isolate sections of the distribution system. Due to these problems, LDWA has made a list of improvements that it will prioritize later. The list of improvements is:

1. Downtown Improvements: Replace any 6" bottleneck water lines or dead-end water lines throughout the downtown area with 8" water lines. This includes at least one 8" line along
2. Analyze and require any new development to complete a distribution system analysis to see if any water lines need upgrades and/or loops need to be constructed.
3. Dead-end upgrades: Replace any 6" or smaller pipe with an 8" water pipe in the remainder of the water system.

## 2. Map of Future System

The proposed system improvements were mapped together to form a map of the proposed system. This map was used to analyze the future system. Appendix E has this map for the analysis of the proposed system.

## 3. Analysis of Future System

This future system was analyzed the same way the existing system was analyzed. EPANet was used again. The fire flows were analyzed at the same junctions used for the existing system analysis. Below is the same table, similar to table III-E-2, which was put together from the existing system analysis. Peak instantaneous flows from 2035 were used to analyze these fire flows. Table V-1 below shows the results of this analysis.

**Table V-1  
Instantaneous Flows**

Junction Number	Peak Instantaneous Pressure (psi)	Available Fire Flow (gpm)	@Residual Pressure (psi)	Min. Zone Pressure (psi)	@JCT Number
J88	112	1260	41	20	J56
J68	120	1180	20	20	J68
J86	76	1100	20	20	J86
J37	75	1800	22	20	J38
J49	59	1350	20	20	J49
J90	118	2230	20	20	J90
J41	66	3020	20	20	J43
J14	84	1400	20	20	J14
J12	99	2200	26	20	J94
J5	113	2000	36	20	J16
J19	93	2400	38	20	J20
J56	80	1260	20	20	J56

Many different things need to happen to enhance the system flows. The main one that new users need to help pay for through impact fees is the Intertown Water Loop with 8" and upgrades within the system from 6" diameter to 8" diameter.

## E. LIST OF REQUIRED IMPROVEMENTS

The list of recommended improvements is:

1. Require deeds and/or purchase of water rights to cover new development.
2. Secure, drill and develop at least (2) 450 to 500 gallon per minute wells.
3. Build a 500,000 gallon concrete water tank.
4. Downtown Distribution System: Replace all 6" bottlenecked and dead-end water lines with new 8" water lines.

5. Replace any 6" dead-end water lines with new 8" water lines in the remainder of the system. There are a few of these in the El Dorado subdivision.
6. Complete an Inter-town water loop of 8" water lines for added fire flow and protection.

## F. RECOMMENDED FEES

### 1. Connection Fees

The hook-up fee will analyze the average cost it should take for LDWA to install a connection on the average street. The hook-up fee should cover all expenses toward a new connection that a resident wants LDWA to install. This fee will be the average cost for furnishing & installing a saddle, tap, water line tubing, service meter, appurtenances, and street repair. Labor costs are part of the estimated costs for installation. Table V-2 shows the estimated cost for an average connection installation from the centerline of an average street.

**Table V-2  
Hook-up Fee Estimate**

ITEM #	ITEM	UNITS	QUANTITY	UNIT PRICE	COST
1	F&I 3/4" Water Service Connection	Each	1	\$450.00	\$450.00
2	F&I 3/4" Water Service Line	L.F.	22	\$10.00	\$220.00
3	F&I 3/4" Water Service Meter & Appurt.	Each	1	\$450.00	\$450.00
4	F&I Asphalt Street Repair	S.Y.	10	\$30.00	\$300.00
5	F&I Gravel Street Repair	S.Y.	13.33	\$6.00	\$80.00
<b>TOTAL CONSTRUCTION COST</b>					<b>\$1,500.00</b>

The average estimated cost for a residential 3/4" hook-up to the culinary water system should be **\$1,500.00** per connection. This fee should be re-evaluated at the end of each fiscal year. This fee can be increased to cover additional expenses occurring from inflation and/or actual proof of added costs from material invoices and labor expenses. Fees for other meter sizes should be based on actual costs.

### 2. IMPACT FEE CALCULATION

The impact fee analysis is based on the proposed level of service for water source, water storage and water distribution. The calculation is based on the estimated construction costs for each project, summed up for the entire system and broken into each component. The price of each component is then calculated at a cost per equivalent residential connection (ERC) by dividing the cost by the number of ERC's the component can handle. This will lead to the proposed fee calculation of all 3 components. Table V-1 on the next page, shows the list of Capital Improvements projects for the culinary water system and are listed from project CW-01 to CW-07.

Table V-3 contains the estimated cost for each project required from the list of projects in section V-A. Each project that is of high priority is placed under the year 2017 to 2020. The rest

of the projects are placed under the years 2020 to 2035. Projected build-out total costs are listed in the far right column.

**Table V-3  
Cost Estimate of Required Improvements**

LDWA <i>Capital Facility Plan for Culinary Water System Improvements</i>		2017-2020	2020 - 2035	Projected Build-out Total
Project No.	Description	Estimated Cost	Estimated Cost	Estimated Cost
CW-1	Drill and Equip two 12" Wells	\$500,000		\$500,000
CW-2	Replace 6" Water lines with 8" Water lines	\$550,000	\$750,000	\$1,300,000
CW-3	Build 500,000 gallon concrete tank	\$800,000		\$800,000
CW-4	InterTown water Loop with 8"		\$950,000	\$950,000
<b>TOTAL of Estimated Project Costs</b>		\$1,850,000	\$1,700,000	\$3,550,000

The total cost of projects is \$3,550,000. A facility plan project detail for each project can show in detail these projects and can be requested from the engineer.

**a. PROJECTED LEVEL OF SERVICE**

LDWA is deficient in its existing level of service. The improvements in Table V-3 above will increase the capacity of its source, storage facilities, and distribution system (pipe network). This increased capacity is as follows:

The source improvements of drilling new wells will increase the capacity by 297 ERCs.

The storage improvements of 500,000 gallons will increase the capacity by 436 ERCs.

The distribution improvements will increase its capacity by 297 ERCs.

When the costs of improvements above are divided by the ERCs mentioned above, new impact fees can be calculated for each ERC. Table V-4 shows the calculation of the impact fee based on Users served.

**Table V-4  
Impact Fee per ERC**

PROJECT	DESCRIPTION	Estimated Cost	Users served	TOTAL
CW-1	Drill Equip two 12" Wells	\$500,000.00	297	\$1683.50
CW-2	Replace 6" Water Lines w/8" Water Lines	\$1,300,000.00	953	\$1364.11
CW-3	Build a 500,000 gallon concrete tank	\$800,000.00	436	\$1834.86
CW-4	InterTown Water Loop with 8"	\$950,000.00	953	\$996.85
				\$5879.32

## VI. CONCLUSION

### A. RECOMMENDED IMPACT FEES

LDWA is meeting in work meetings to discuss the proposed impact fees and can elect to impose the recommended fees shown in table VI.

**Table VI**  
**Impact Fee per ERC**

FACTOR	<b>¾" Meter Impact Fee</b>	<b>\$5,849.60</b>
1.78	<b>1" Meter Impact Fee</b>	<b>\$10,411.79</b>
4.00	<b>1-1/2" Meter Impact Fee</b>	<b>\$23,397.28</b>
7.11	<b>2" Meter Impact Fee</b>	<b>\$41,588.66</b>
16.00	<b>3" Meter Impact Fee</b>	<b>\$93,589.12</b>

### B. FUNDING SCENARIOS FOR PROJECTS

Funding for projects can be obtained from one of five different sources or a combination of sources. The sources for funding are:

- The Utah Division of Drinking Water @ [www.drinkingwater.utah.gov/loan\\_program\\_intro.htm](http://www.drinkingwater.utah.gov/loan_program_intro.htm)
- The Utah Division of Water Resources @ [www.water.utah.gov/construction/makeappl.asp](http://www.water.utah.gov/construction/makeappl.asp)
- The Utah Community Impact Board @ <http://housing.utah.gov/cib/cib.html>
- The Community Development Block Grant Program @ <http://housing.utah.gov/cdbg/index.html>
- Rural Development (a federal agency) @ [www.rurdev.usda.gov/UWEP\\_HomePage.html](http://www.rurdev.usda.gov/UWEP_HomePage.html)

The Division of Drinking Water (DDW) administers two financial assistance programs: the "State Revolving Fund" (State SRF) and the "Federal – State Revolving Fund (Federal SRF). Each program has its own set of criteria and requirements.

## CERTIFICATION

"I, Karl B. Rasmussen, certify that the attached impact fee facilities plan and impact fee analysis:

1. Includes only the costs of public facilities that are:
  - a. allowed under the Impact Fees Act; and
  - b. actually incurred; or
  - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
  - a. costs of operation and maintenance of public facilities;
  - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
  - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Offsets costs with grants or other alternate sources of payment; and
4. Complies in each and every relevant respect with the Impact Fees Act."



September 9, 2017

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Karl B. Rasmussen, P.E.

DATE

## **REFERENCES**

Utah Division of Drinking Water Construction Assistance Program:

[http://www.drinkingwater.utah.gov/loan\\_program\\_intro.htm](http://www.drinkingwater.utah.gov/loan_program_intro.htm)

Utah DDW – 2010 MAGI by Town:

[http://www.drinkingwater.utah.gov/documents/engineering/MAGI\\_2010\\_Town.htm](http://www.drinkingwater.utah.gov/documents/engineering/MAGI_2010_Town.htm)

Utah DDW – R309-510 Facility Design and Operation: Minimum Sizing Requirements

[http://www.drinkingwater.utah.gov/documents/rules\\_ddw\\_version/R309-510\\_4-27-09.htm](http://www.drinkingwater.utah.gov/documents/rules_ddw_version/R309-510_4-27-09.htm)

Utah DEA Growth Projects:

<http://governor.utah.gov/dea/People.html>

**APPENDIX A**  
**UTAH IMPACT FEE ACT**

# Chapter 36a

## Impact Fees Act

### Part 1

#### General Provisions

#### **11-36a-101 Title.**

This chapter is known as the "Impact Fees Act."

" Enacted by Chapter 47, 2011 General Session

#### **11-36a-102 Definitions.**

As used in this chapter:

- (1)
  - (a) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:
    - (i) whose services or facilities are likely to require expansion or significant modification because of the facilities proposed in the proposed impact fee facilities plan; or
    - (ii) that has filed with the local political subdivision or private entity a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.
  - (b) "Affected entity" does not include the local political subdivision or private entity that is required under Section 11-36a-501 to provide notice.
- (2) "Charter school" includes:
  - (a) an operating charter school;
  - (b) an applicant for a charter school whose application has been approved by a charter school authorizer as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
  - (c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- (3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (4) "Development approval" means:
  - (a) except as provided in Subsection (4)(b), any written authorization from a local political subdivision that authorizes the commencement of development activity;
  - (b) development activity, for a public entity that may develop without written authorization from a local political subdivision;
  - (c) a written authorization from a public water supplier, as defined in Section 73-1-4, or a private water company:
    - (i) to reserve or provide:
      - (A) a water right;
      - (B) a system capacity; or
      - (C) a distribution facility; or
    - (ii) to deliver for a development activity:
      - (A) culinary water; or
      - (B) irrigation water; or
  - (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:

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- (i) to reserve or provide:
    - (A) sewer collection capacity; or
    - (B) treatment capacity; or
  - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
- (a) a municipal ordinance, for a municipality;
  - (b) a county ordinance, for a county; and
  - (c) a governing board resolution, for a local district, special service district, or private entity.
- (6) "Encumber" means:
- (a) a pledge to retire a debt; or
  - (b) an allocation to a current purchase order or contract.
- (7) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, local district, special service district, or private entity.
- (8)
- (a) "Impact fee" means a 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.
  - (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (11) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (12)
- (a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
  - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
- (13) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
- (a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or
  - (b) functional condition of development approval because the private entity:
    - (i) has no reasonably equivalent competition in the immediate market; and
    - (ii) is the only realistic source of water for the applicant's development.
- (14)
- (a) "Project improvements" means site improvements and facilities that are:
    - (i) planned and designed to provide service for development resulting from a development activity;
    - (ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and
    - (iii) not identified or reimbursed as a system improvement.
  - (b) "Project improvements" does not mean system improvements.
- (15) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (16) "Public facilities" means only the following impact fee 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 or private entity:
- (a) water rights and water supply, treatment, storage, and distribution facilities;

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- (b) wastewater collection and treatment facilities;
- (c) storm water, drainage, and flood control facilities;
- (d) municipal power facilities;
- (e) roadway facilities;
- (f) parks, recreation facilities, open space, and trails;
- (g) public safety facilities; or
- (h) environmental mitigation as provided in Section 11-36a-205.

(17)

- (a) "Public safety facility" means:
  - (i) a building constructed or leased to house police, fire, or other public safety entities; or
  - (ii) a fire suppression vehicle costing in excess of \$500,000.
- (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.

(18)

- (a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.
- (b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:
  - (i) are necessitated by the new development; and
  - (ii) are not funded by the state or federal government.
- (c) "Roadway facilities" does not mean federal or state roadways.

(19)

- (a) "Service area" means a geographic area designated by an entity that imposes an impact fee on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.
- (b) "Service area" may include the entire local political subdivision or an entire area served by a private entity.

(20) "Specified public agency" means:

- (a) the state;
- (b) a school district; or
- (c) a charter school.

(21)

- (a) "System improvements" means:
  - (i) existing public facilities that are:
    - (A) identified in the impact fee analysis under Section 11-36a-304; and
    - (B) designed to provide services to service areas within the community at large; and
  - (ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
- (b) "System improvements" does not mean project improvements.

Amended by Chapter 363, 2014 General Session

**Part 2**  
**Impact Fees**

**11-36a-201 Impact fees.**

- (1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
- (2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.

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- (3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

**11-36a-202 Prohibitions on impact fees.**

- (1) A local political subdivision or private entity may not:
- (a) impose an impact fee to:
    - (i) cure deficiencies in a public facility serving existing development;
    - (ii) raise the established level of service of a public facility serving existing development;
    - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or
    - (iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:
      - (A) generally accepted cost accounting practices; and
      - (B) the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
  - (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
  - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2)
- (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
    - (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
    - (ii) on a school district or charter school for a park, recreation facility, open space, or trail; (iii) on a school district or charter school unless:
      - (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
      - (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;
    - (iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
      - (A) the Utah National Guard;
      - (B) the Utah Highway Patrol; or
      - (C) a state institution of higher education that has its own police force; or (v) on development activity on the state fair park, as defined in Section 63H-6-102.
  - (b)
    - (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
      - (A) the school is intended to replace another school, whether on the same or a different parcel;
      - (B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
      - (C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.

## Utah Code

- (ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)
  - (i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.
- (c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:
  - (i) the state's development causes an impact on the road facility; and
  - (ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.
- (3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 53A-20-100.5.

Amended by Chapter 2, 2016 Special Session 3

### **11-36a-203 Private entity assessment of impact fees -- Charges for water rights, physical infrastructure -- Notice -- Audit.**

- (1) A private entity:
  - (a) shall comply with the requirements of this chapter before imposing an impact fee; and
  - (b) except as otherwise specified in this chapter, is subject to the same requirements of this chapter as a local political subdivision.
- (2) A private entity may only impose a charge for water rights or physical infrastructure necessary to provide water or sewer facilities by imposing an impact fee.
- (3) Where notice and hearing requirements are specified, a private entity shall comply with the notice and hearing requirements for local districts.
- (4) A private entity that assesses an impact fee under this chapter is subject to the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Enacted by Chapter 47, 2011 General Session

### **11-36a-204 Other names for impact fees.**

- (1) A fee that meets the definition of impact fee under Section 11-36a-102 is an impact fee subject to this chapter, regardless of what term the local political subdivision or private entity uses to refer to the fee.
- (2) A local political subdivision or private entity may not avoid application of this chapter to a fee that meets the definition of an impact fee under Section 11-36a-102 by referring to the fee by another name.

Enacted by Chapter 47, 2011 General Session

### **11-36a-205 Environmental mitigation impact fees.**

Notwithstanding the requirements and prohibitions of this chapter, a local political subdivision may impose and assess an impact fee for environmental mitigation when:

- (1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;
- (2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and
- (3) the legislative body of the local political subdivision adopts an ordinance or resolution:
  - (a) declaring that an impact fee is required to finance the Habitat Conservation Plan;

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- (b) establishing periodic sunset dates for the impact fee; and
- (c) requiring the legislative body to:
  - (i) review the impact fee on those sunset dates;
  - (ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and
  - (iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

Enacted by Chapter 47, 2011 General Session

**Part 3**  
**Establishing an Impact Fee**

**11-36a-301 Impact fee facilities plan.**

- (1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.
- (2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements required by Section 11-36a-302.
- (3) A local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:
  - (a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and
  - (b) each applicable notice required by this chapter is given.

Amended by Chapter 200, 2013 General Session

**11-36a-302 Impact fee facilities plan requirements -- Limitations -- School district or charter school.**

- (1)
  - (a) An impact fee facilities plan shall:
    - (i) identify the existing level of service;
    - (ii) subject to Subsection (1)(c), establish a proposed level of service;
    - (iii) identify any excess capacity to accommodate future growth at the proposed level of service;
    - (iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and
    - (v) identify the means by which the political subdivision or private entity will meet those growth demands.
  - (b) A proposed level of service may diminish or equal the existing level of service.
  - (c) A proposed level of service may:
    - (i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or
    - (ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.
- (2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

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- (a) grants;
  - (b) bonds;
  - (c) interfund loans;
  - (d) impact fees; and
  - (e) anticipated or accepted dedications of system improvements.
- (3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).
- (4)
- (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
    - (i) through the planning process; or
    - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
  - (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
  - (c)
    - (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
    - (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

**11-36a-303 Impact fee analysis.**

- (1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a written analysis of each impact fee.
- (2) Each local political subdivision or private entity that prepares an impact fee analysis under Subsection (1) shall also prepare a summary of the impact fee analysis designed to be understood by a lay person.

Enacted by Chapter 47, 2011

**General Session 11-36a-304 Impact fee analysis requirements.**

- (1) An impact fee analysis shall:
  - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
  - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
  - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
  - (d) estimate the proportionate share of:
    - (i) the costs for existing capacity that will be recouped; and
    - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
  - (e) based on the requirements of this chapter, identify how the impact fee was calculated.

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- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
- (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
  - (b) the cost of system improvements for each public facility;
  - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
  - (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
  - (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
  - (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
  - (g) extraordinary costs, if any, in servicing the newly developed properties; and
  - (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

**11-36a-305 Calculating impact fees.**

- (1) In calculating an impact fee, a local political subdivision or private entity may include:
- (a) the construction contract price;
  - (b) the cost of acquiring land, improvements, materials, and fixtures;
  - (c) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
  - (d) for a political subdivision, debt service charges, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements.
- (2) In calculating an impact fee, each local political subdivision or private entity shall base amounts calculated under Subsection (1) on realistic estimates, and the assumptions underlying those estimates shall be disclosed in the impact fee analysis.

Enacted by Chapter 47, 2011 General Session

**11-36a-306 Certification of impact fee analysis.**

- (1) An impact fee facilities plan shall include a written certification from the person or entity that prepares the impact fee facilities plan that states the following: "I certify that the attached impact fee facilities plan:
- 1. includes only the costs of public facilities that are:
    - a. allowed under the Impact Fees Act; and
    - b. actually incurred; or c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
  - 2. does not include:
    - a. costs of operation and maintenance of public facilities;
    - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
    - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and

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3. complies in each and every relevant respect with the Impact Fees Act."
- (2) An impact fee analysis shall include a written certification from the person or entity that prepares the impact fee analysis which states as follows: "I certify that the attached impact fee analysis:
  1. includes only the costs of public facilities that are:
    - a. allowed under the Impact Fees Act; and
    - b. actually incurred; or
    - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
  2. does not include:
    - a. costs of operation and maintenance of public facilities; 10
    - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents; or
    - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
  3. offsets costs with grants or other alternate sources of payment; and
  4. complies in each and every relevant respect with the Impact Fees Act."

Amended by Chapter 278, 2013 General Session

**Part 4**  
**Enactment of Impact Fees**

**11-36a-401 Impact fee enactment.**

- (1)
  - (a) A local political subdivision or private entity wishing to impose impact fees shall pass an impact fee enactment in accordance with Section 11-36a-402.
  - (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.
- (2) An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved.

Enacted by Chapter 47, 2011 General Session

**11-36a-402 Required provisions of impact fee enactment.**

- (1) A local political subdivision or private entity shall ensure, in addition to the requirements described in Subsections (2) and (3), that an impact fee enactment contains:
  - (a) a provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories;
  - (b)
    - (i) a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement; or
    - (ii) the formula that the local political subdivision or private entity, as the case may be, will use to calculate each impact fee;
  - (c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:
    - (i) respond to:
      - (A) unusual circumstances in specific cases; or

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- (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; and
  - (ii) ensure that the impact fees are imposed fairly; and
  - (d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- (2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
- (a) dedicates land for a system improvement;
  - (b) builds and dedicates some or all of a system improvement; or
  - (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- (3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires 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:
- (a) are system improvements; or
  - (b)
    - (i) are dedicated to the public; and
    - (ii) offset the need for an identified system improvement.

Enacted by Chapter 47, 2011 General Session

### **11-36a-403 Other provisions of impact fee enactment.**

- (1) A local political subdivision or private entity may include a provision in an impact fee enactment that:
- (a) provides an impact fee exemption for:
    - (i) development activity attributable to:
      - (A) low income housing;
      - (B) the state;
      - (C) subject to Subsection (2), a school district; or
      - (D) subject to Subsection (2), a charter school; or
    - (ii) other development activity with a broad public purpose; and
  - (b) except for an exemption under Subsection (1)(a)(i)(A), establishes one or more sources of funds other than impact fees to pay for that development activity.
- (2) An impact fee enactment that provides an impact fee exemption for development activity attributable to a school district or charter school shall allow either a school district or a charter school to qualify for the exemption on the same basis.
- (3) An impact fee enactment that repeals or suspends the collection of impact fees is exempt from the notice requirements of Section 11-36a-504.

Enacted by Chapter 47, 2011 General Session

## **Part 5 Notice**

### **11-36a-501 Notice of intent to prepare an impact fee facilities plan.**

- (1) Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.

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(2) A notice required under Subsection (1) shall:

(a) indicate that the local political subdivision or private entity intends to prepare or amend an impact fee facilities plan;

(b) describe or provide a map of the geographic area where the proposed impact fee facilities will be located; and

(c) subject to Subsection(3), be posted on the Utah Public Notice Website created under Section 63F-1-701.

(3) For a private entity required to post notice on the Utah Public Notice Website under Subsection

(2)(c):

(a) the private entity shall give notice to the general purpose local government in which the private entity's private business office is located; and

(b) the general purpose local government described in Subsection (3)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

**11-36a-502 Notice to adopt or amend an impact fee facilities plan.**

(1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:

(a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;

(b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;

(c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and

(d) hold a public hearing to hear public comment on the plan or amendment.

(2) With respect to the public notice required under Subsection (1)(a):

(a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

(b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and

(c) each local district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

(3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.

Enacted by Chapter 47, 2011 General Session

**11-36a-503 Notice of preparation of an impact fee analysis.**

(1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.

(2) For a private entity required to post notice on the Utah Public Notice Website under Subsection

(1):

(a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and

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- (b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

**11-36a-504 Notice of intent to adopt impact fee enactment -- Hearing -- Protections.**

- (1) Before adopting an impact fee enactment:
  - (a) a municipality legislative body shall:
    - (i) comply with the notice requirements of Section 10-9a-205 as if the impact fee enactment were a land use regulation;
    - (ii) hold a hearing in accordance with Section 10-9a-502 as if the impact fee enactment were a land use regulation; and
    - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 10-9a-801 as if the impact fee were a land use regulation;
  - (b) a county legislative body shall:
    - (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee enactment were a land use regulation;
    - (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee enactment were a land use regulation; and
    - (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section 17-27a-801 as if the impact fee were a land use regulation;
  - (c) a local district or special service district shall:
    - (i) comply with the notice and hearing requirements of Section 17B-1-111; and
    - (ii) receive the protections of Section 17B-1-111;
  - (d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:
    - (i) make a copy of the impact fee enactment available to the public; and
    - (ii) post notice of the local political subdivision's intent to enact or modify the impact fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice Website created under Section 63F-1-701; and
  - (e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.
- (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning commission in the impact fee enactment process.

Amended by Chapter 84, 2017 General Session

**Part 6**  
**Impact Fee Proceeds**

**11-36a-601 Accounting of impact fees.**

A local political subdivision that collects an impact fee shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
- (4) at the end of each fiscal year, prepare a report that:
  - (a) for each fund or ledger account, shows:

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- (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
- (ii) each expenditure from the fund or ledger account;
- (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
- (c) identifies the impact fee funds described in Subsection (4)(b) by:
  - (i) the year in which the impact fee funds were received;
  - (ii) the project from which the impact fee funds were collected;
  - (iii) the project for which the impact fee funds are budgeted; and
  - (iv) the projected schedule for expenditure; and
- (d) is:
  - (i) in a format developed by the state auditor;
  - (ii) certified by the local political subdivision's chief financial officer; and
  - (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

Amended by Chapter 394, 2017 General Session

### **11-36a-602 Expenditure of impact fees.**

- (1) A local political subdivision may expend impact fees only for a system improvement:
  - (a) identified in the impact fee facilities plan; and
  - (b) for the specific public facility type for which the fee was collected.
- (2)
  - (a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber an impact fee collected with respect to a lot:
    - (i) for a permissible use; and
    - (ii) within six years after the impact fee with respect to that lot is collected.
  - (b) A local political subdivision may hold the 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.

Amended by Chapter 190, 2017 General Session

### **11-36a-603 Refunds.**

- (1) A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:
  - (a) the developer does not proceed with the development activity and has filed a written request for a refund;
  - (b) the fee has not been spent or encumbered; and
  - (c) no impact has resulted.
- (2)
  - (a) As used in this Subsection (2):
    - (i) "Affected lot" means the lot or parcel with respect to which a local political subdivision collected an impact fee that is subject to a refund under this Subsection (2).
    - (ii) "Claimant" means:
      - (A) the original owner; or
      - (B) another person who, under Subsection (2)(d), submits a timely notice of the person's valid legal claim to an impact fee refund.
    - (iii) "Original owner" means the record owner of an affected lot at the time the local political subdivision collected the impact fee.
    - (iv) "Unclaimed refund" means an impact fee that:

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- (A) is subject to refund under this Subsection (2); and
  - (B) the local political subdivision has not refunded after application of Subsections (2)(b) and (c).
- (b) If an impact fee is not spent or encumbered within the time specified in Subsection 11-36a-602(2), the local political subdivision shall, subject to Subsection (2)(c):
- (i) refund the impact fee to:
    - (A) the original owner, if the original owner is the sole claimant; or
    - (B) to the claimants, as the claimants agree, if there are multiple claimants; or
  - (ii) interplead the impact fee refund to a court of competent jurisdiction for a determination of the entitlement to the refund, if there are multiple claimants who fail to agree on how the refund should be paid to the claimants.
- (c) If the original owner's last known address is no longer valid at the time a local political subdivision attempts under Subsection (2)(b) to refund an impact fee to the original owner, the local political subdivision shall:
- (i) post a notice on the local political subdivision's website, stating the local political subdivision's intent to refund the impact fee and identifying the original owner;
  - (ii) maintain the notice on the website for a period of one year; and
  - (iii) disqualify the original owner as a claimant unless the original owner submits a written request for the refund within one year after the first posting of the notice under Subsection (2)(c)(i).
- (d)
- (i) In order to be considered as a claimant for an impact fee refund under this Subsection (2), a person, other than the original owner, shall submit a written notice of the person's valid legal claim to the impact fee refund.
  - (ii) A notice under Subsection (2)(d)(i) shall:
    - (A) explain the person's valid legal claim to the refund; and
    - (B) be submitted to the local political subdivision no later than 30 days after expiration of the time specified in Subsection 11-36a-602(2) for the impact fee that is the subject of the refund.
- (e) A local political subdivision:
- (i) may retain an unclaimed refund; and
  - (ii) shall expend any unclaimed refund on capital facilities identified in the current capital facilities plan for the type of public facility for which the impact fee was collected.

Amended by Chapter 190, 2017 General Session

## **Part 7 Challenges**

### **11-36a-701 Impact fee challenge.**

- (1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.
- (2)
- (a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.
  - (b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.

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(3)

- (a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was imposed by a local political subdivision may challenge:
  - (i) if the impact fee enactment was adopted on or after July 1, 2000:
    - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
    - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
  - (ii) except as limited by Subsection (3)(c), the impact fee.
- (b)
  - (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.
  - (ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).
- (c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.

(4)

- (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:
  - (i) the substantially prevailing party on that cause of action:
    - (A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and
    - (B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee; and
  - (ii) in accordance with Section 13-43-206, a government entity shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:
    - (A) the impact fee was paid on or after the day on which the advisory opinion on the impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and
    - (B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the government entity within 30 days after the day on which the court issued the final ruling on the impact fee.
- (b) A government entity subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the government entity had correctly calculated the impact fee.
- (c) Subsection (4) may not be construed to create a new cause of action under land use law.
- (d) Subsection (3)(a) does not apply unless the resolution described in Subsection (3)(a) is final.

Enacted by Chapter 47, 2011 General Session

**11-36a-702 Time limitations.**

- (1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:
  - (a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;

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- (b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or
  - (c) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.
- (2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure.

Enacted by Chapter 47, 2011 General Session

### **11-36a-703 Procedures for challenging an impact fee.**

- (1)
- (a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.
  - (b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.
- (2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:
- (a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
  - (b) a request for arbitration as provided in Section 11-36a-705; or
  - (c) an action in district court.
- (3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
- (4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).
- (5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
- (6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session

### **11-36a-704 Mediation.**

- (1) In addition to the methods of challenging an impact fee under Section 11-36a-701, a specified public agency may require a local political subdivision or private entity to participate in mediation of any applicable impact fee.
- (2) To require mediation, the specified public agency shall submit a written request for mediation to the local political subdivision or private entity.
- (3) The specified public agency may submit a request for mediation under this section at any time, but no later than 30 days after the day on which an impact fee is paid.

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- (4) Upon the submission of a request for mediation under this section, the local political subdivision or private entity shall:
- (a) cooperate with the specified public agency to select a mediator; and
  - (b) participate in the mediation process.

Enacted by Chapter 47, 2011 General Session

**11-36a-705 Arbitration.**

- (1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.
- (2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:
- (a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or
  - (b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:
    - (i) each party shall select an arbitrator within 20 days after the date the request is filed; and
    - (ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.
- (3) The arbitration panel shall hold a hearing on the challenge no later than 30 days after the day on which:
- (a) the single arbitrator is agreed on under Subsection (2)(a); or
  - (b) the two arbitrators are selected under Subsection (2)(b)(i).
- (4) The arbitrator or arbitration panel shall issue a decision in writing no later than 10 days after the day on which the hearing described in Subsection (3) is completed.
- (5) Except as provided in this section, each arbitration shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- (6) The parties may agree to:
- (a) binding arbitration;
  - (b) formal, nonbinding arbitration; or
  - (c) informal, nonbinding arbitration.
- (7) If the parties agree in writing to binding arbitration:
- (a) the arbitration shall be binding;
  - (b) the decision of the arbitration panel shall be final;
  - (c) neither party may appeal the decision of the arbitration panel; and
  - (d) notwithstanding Subsection (10), the person or entity challenging the impact fee may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (8)
- (a) Except as provided in Subsection (8)(b), if the parties agree to formal, nonbinding arbitration, the arbitration shall be governed by the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
  - (b) For purposes of applying Title 63G, Chapter 4, Administrative Procedures Act, to a formal, nonbinding arbitration under this section, notwithstanding Section 63G-4-502, "agency" means a local political subdivision.
- (9)
- (a) An appeal from a decision in an informal, nonbinding arbitration may be filed with the district court in which the local political subdivision is located.
  - (b) An appeal under Subsection (9)(a) shall be filed within 30 days after the day on which the arbitration panel issues a decision under Subsection (4).
  - (c) The district court shall consider de novo each appeal filed under this Subsection (9).

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- (d) Notwithstanding Subsection (10), a person or entity that files an appeal under this Subsection (9) may not also challenge the impact fee under Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
- (10)
- (a) Except as provided in Subsections (7)(d) and (9)(d), this section may not be construed to prohibit a person or entity from challenging an impact fee as provided in Subsection 11-36a-701(1) or Subsection 11-36a-703(2)(a) or (2)(c).
  - (b) The filing of a written request for arbitration within the required time in accordance with Subsection (1) tolls all time limitations under Section 11-36a-702 until the day on which the arbitration panel issues a decision.
- (11) The person or entity filing a request for arbitration and the local political subdivision shall equally share all costs of an arbitration proceeding under this section.

Enacted by Chapter 47, 2011 General Session

**APPENDIX B**  
**WATER SYSTEM MAPS**



**APPENDIX C**  
**SPREADSHEET TABLES OF**  
**IMPACT FEE ANALYSIS**

PROJECT	DESCRIPTION	Estimated Cost	Users served	TOTAL
CW-1	Drill & Equip two 12" Wells	\$ 500,000.00	297	\$ 1,683.50
CW-2	Replace 6" Water Lines w/ 8" Water lines	\$ 1,300,000.00	953	\$ 1,364.11
CW-3	Build a 500,000 gallon concrete tank	\$ 800,000.00	436	\$ 1,834.86
CW-4	InterTown Water Loop with 8"	\$ 950,000.00	953	\$ 996.85
				\$ 5,879.33

CW-5	Acquire Water Rights	\$ 5,699,960.00	494	\$ 11,538.38
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FACTOR	<b>3/4" Meter Impact Fee</b>	<b>\$ 5,879.33</b>
1.78	<b>1" Meter Impact Fee</b>	<b>\$ 10,452.14</b>
4.00	<b>1-1/2" Meter Impact Fee</b>	<b>\$ 23,517.32</b>
7.11	<b>2" Meter Impact Fee</b>	<b>\$ 41,808.56</b>
16.00	<b>3" Meter Impact Fee</b>	<b>\$ 94,069.27</b>

**APPENDIX D**  
**SUPPORTING**  
**DOCUMENTATION**



**APPENDIX E**  
**LDWA FACILITY PLAN PROJECT**  
**DETAIL SHEETS**

**Leeds Domestic Water Association  
“LDWA”  
Water System Facility Plan Project Detail**

<i>Project Title:</i> LDWA Wells	<i>Facility No.:</i> CW-01
----------------------------------	----------------------------

<i>Project Description:</i> Drill Equip two 12” Wells	
<i>Requirement/Need for Project:</i> This project is needed to replace waterline and upgrade the material to better serve the capacity needed in the future for fire and water use. Fire suppression capabilities will also be improved with these improvements.	
<i>Consequences of Not Performing Project:</i> Inability to meet the capacity and system requirements of the Utah State Code for Drinking Water Systems. The cost of maintenance of this system will increase exponentially. Immediate replacement will occur if pipelines are not replaced.	
<i>Other Issues:</i> For years 2017 to 2020	<i>Related Projects:</i> All other culinary water projects.

<b>PROPOSED EXPENDITURES</b>	<b>2017</b>	<b>2018 Through Build-Out</b>
Design/Engineering/Admin.	\$9,000	\$0
Land Acquisition/R.O.W.	\$0	\$0
Construction	\$84,000	\$0
Contingency	\$9,000	\$0
Other	\$0	\$0
<b>TOTAL COST</b>	\$500,000	\$0

<i>Possible Funding Sources:</i> Water Depreciation Fund and Water Impact Fees
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**Leeds Domestic Water Association  
 “LDWA”  
 Water System Facility Plan Project Detail**

<i>Project Title:</i> LDWA Water Lines	<i>Facility No.:</i> CW-02
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<i>Project Description:</i> Replace 6” Water Lines w/8” Water Lines	
<i>Requirement/Need for Project:</i> This project is needed to replace waterline and upgrade the material to better serve the capacity needed in the future for fire and water use. Fire suppression capabilities will also be improved with these improvements.	
<i>Consequences of Not Performing Project:</i> Inability to meet the capacity and system requirements of the Utah State Code for Drinking Water Systems. The cost of maintenance of this system will increase exponentially. Immediate replacement will occur if tank is not replaced.	
<i>Other Issues:</i> For years 2017 to 2020	<i>Related Projects:</i> All other culinary water projects.

<b>PROPOSED EXPENDITURES</b>	<b>2016</b>	<b>2017 Through Build-Out</b>
Design/Engineering/Admin.	\$0	\$28,000
Land Acquisition/R.O.W.	\$0	\$0
Construction	\$0	\$275,000
Contingency	\$0	\$28,000
Other, Legal Fees	\$0	\$0
<b>TOTAL COST</b>	\$0	\$1,300,000

<i>Possible Funding Sources:</i>	Water Depreciation Fund, Water Impact Fees, FUNDING from Division of Drinking Water, C.I.B., Rural Development and/or Division of Water Resources.
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**Leeds Domestic Water Association  
“LDWA”  
Water System Facility Plan Project Detail**

<i>Project Title:</i> LDWA Water Tank	<i>Facility No.:</i> CW-03
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<i>Project Description:</i> Build a 500,000 gallon concrete tank	
<i>Requirement/Need for Project:</i> This project is needed to offset growth in the future and have enough water for fire coverage.	
<i>Consequences of Not Performing Project:</i> Inability to meet the capacity and system requirements of the Utah State Code for Drinking Water Systems. The cost of maintenance of this system will increase exponentially. Immediate replacement will occur if pipelines are not replaced.	
<i>Other Issues:</i> During 2017 to 2025.	<i>Related Projects:</i> All other culinary water projects.

<b>PROPOSED EXPENDITURES</b>	<b>2016</b>	<b>2017 Through Build-Out</b>
Design/Engineering/Admin.	\$0	\$39,000
Land Acquisition/R.O.W.	\$0	\$0
Construction	\$0	\$382,000
Contingency	\$0	\$39,000
Other	\$0	\$0
<b>TOTAL COST</b>	\$0	\$800,000

<i>Possible Funding Sources:</i> Water Depreciation Fund and Water Impact Fees
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**Leeds Domestic Water Association  
 “LDWA”  
 Water System Facility Plan Project Detail**

<i>Project Title:</i> LDWA InterTown Water Loop	<i>Facility No.:</i> CW-04
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<i>Project Description:</i> InterTown Water Loop with 8”	
<i>Requirement/Need for Project:</i> This project is needed to replace waterline and upgrade the material to better serve the capacity needed in the future for fire and water use. Fire suppression capabilities will also be improved with these improvements.	
<i>Consequences of Not Performing Project:</i> Inability to meet the capacity and system requirements of the Utah State Code for Drinking Water Systems. The cost of maintenance of this system will increase exponentially. Immediate replacement will occur if pipelines are not replaced.	
<i>Other Issues:</i> During 2017 to 2025	<i>Related Projects:</i> All other culinary water projects.

<b>PROPOSED EXPENDITURES</b>	<b>2016</b>	<b>2017 Through Build-Out</b>
Design/Engineering/Admin.	\$0	\$4,000
Land Acquisition/R.O.W.	\$0	\$0
Construction	\$0	\$40,000
Contingency	\$0	\$4,000
Other	\$0	\$0
<b>TOTAL COST</b>	\$0	\$950,000

<i>Possible Funding Sources:</i> Water Depreciation Fund and Water Impact Fees
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