

CHAPTER 9

DEVELOPMENT FEES

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12-9-010 **Definitions.**

(A) "Capital Facilities Plan" means the Capital Facility Plan most recently adopted by Resolution of the City Council.

(B) "City" means Farmington City, a Utah municipal corporation.

(C) "Development activity" means an 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.

(D) "Development approval" means any written authorization from the City that authorizes the commencement of development activity.

(E) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval.

(F) "Service area" means the geographic area designated by the City which a defined set of public facilities provides service within the area.

12-9-020 **Findings and Purposes.**

The City Council hereby finds and determines:

- (A) There is a need for public facilities for new developments which have not been constructed and are required to be consistent with the City's General Plan and to protect the public's health, safety, and welfare.

- (B) The rapid and continuing growth of Farmington City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public health, safety, and welfare.
- (C) The City Council hereby adopts the reports from Tischler & Associates, Inc., dated April 25, 2003, entitled "Impact Fees and Capital Facilities Plan" which establishes the costs for providing public facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.
- (D) The impact fees established by this Ordinance are based upon the cost which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City.
- (E) The impact fees established by this Ordinance do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

12-9-030 Service Areas Established.

Except for storm water facilities, the City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included within such service area. There shall be two (2) service areas for storm water facilities.

12-9-040 Impact Fees Levied.

The impact fees for the City's service areas are hereby established and/or levied and are contained in Exhibit "A" attached hereto and by this reference made a part hereof.

12-9-050 Time of Collection.

Unless otherwise provided by the City Council, impact fees shall be payable prior to the issuance of a building permit by the City except for impact fees for parks, storm sewer, and water which shall be payable prior to recordation of a final subdivision plat for new subdivisions.

12-9-060 Use of Fees.

The fees shall be used solely to:

- (A) Pay for the described public facilities to be constructed by the City;
- (B) For reimbursing the City for the development's share of those capital

improvements already constructed by the City; or

- (C) To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impacts of the developer's project(s).

12-9-070 Adjustments.

The City may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:

- (A) Respond to unusual circumstances in specific cases; and
- (B) Ensure that the impact fees are imposed fairly; and
- (C) Allow credits as specified in the Impact Fee report for the City of Farmington, Utah.
- (D) Adjust the amount of the fee based upon studies and data submitted by the Developer which are approved by the City after review of the same; and
- (E) Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

12-9-080 Accounting, Expenditure and Refund.

The City shall account for, expend, and refund impact fees in accordance with the provisions of the Act.

12-9-090 Impact Fee Challenges and Appeals.

A. Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interests of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.

B. Any person or entity required to pay an impact fee imposed by the City who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by law.

C. Within two (2) weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Act and with any other relevant information relating to the impact fee.

D. Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:

1. File a written appeal with the Farmington City Council by delivering a copy of such appeal to the Farmington City Administrator setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this section may not file or join an action challenging the validity of any impact fee.
2. Within ninety (90) days of a decision upholding an impact fee by the City or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the Second Judicial District Court in and for Davis County for review of the decision.
3. In the event of a petition to the Second Judicial District Court, the City shall transmit to the reviewing Court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
4. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of Subsection 3. above.
5. If there is a record:
 - i. the District Court's review is limited to the record provided by the City; and
 - ii. the District Court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City and the Court determines that it was improperly excluded by the City.
6. If there is an inadequate record, the District Court may call witnesses and take evidence.

7. The District Court shall affirm the decision of the City if the decision is supported by substantial evidence in the record.
8. The judge may award reasonable attorney's fees and costs to the prevailing party in any action brought under this section.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
6-9-101(2) and (5) (now covered under 12-9-020) Amended, 7-07-93, Ord. 93-27
Chapter 9 Amended and Recodified, 6-19-96, Ord. 96-24
Chapter 9 Amended, 6-11-97, Ord. 97-32
Amended 12-9-010(A); 12-9-020(C); & 12-9-040 5-7-03, Ord. 2003-16.

EXHIBIT "A"
Impact Fees

EAST

Water Storm Water Parks and Trans- Police Fire & EMS

	System*	Facilities**	Recreation	portation	Facilities	Facilities	TOTAL
Residential Per Housing Unit							
Single Family Detached		\$ 563	\$ 2,097	\$ 516	\$ 167	\$ 133	\$ 3,476
All Other Housing		306	1,371	314	109	87	2,187
Nonresidential Per 1,000 Square Feet of Floor Area							
Com/Shop Ctr 50,000 SF or less		355		1,662	140	184	2,341
Com/Shop Ctr 50,001 - 100,000 SF		355		1,465	123	161	2,104
Com/Shop Ctr 100,001-200,000 SF		355		1,276	107	143	1,881
Com/Shop Ctr over 200,000 SF		355		1,103	93	129	1,680
Office/Inst 25,000 SF or less		335		1,725	145	260	2,465
Office/Inst 25,001- 50,000 SF		335		1,090	91	244	1,760
Office/Inst 50,001- 100,000 SF		335		768	64	230	1,397
Office/Inst over 100,000 SF		335		611	51	216	1,213
Business Park		335		518	43	203	1,099
Light Industrial		335		434	36	149	954
Warehousing		335		245	20	82	682
All Development Per Water Meter Size (inches)							
	0.75	\$ 2,156					\$ 2,156
	1.00	3,665					3,665
	1.50	7,114					7,114
	2.00	11,426					11,426
	3.00	23,716					23,716
	4.00	36,652					36,652
WEST							
	Water System*	Storm Water Facilities**	Parks and Recreation	Trans- portation	Police Facilities	Fire & EMS Facilities	TOTAL
Residential Per Housing Unit							
Single Family Detached		\$ 554	\$ 2,097	\$ 516	\$ 167	\$ 133	\$ 3,467
All Other Housing		Not Applicable	1,371	314	109	87	1,881
Nonresidential Per 1,000 Square Feet of Floor Area							
Com/Shop Ctr 50,000 SF or less		327		1,662	140	184	2,313
Com/Shop Ctr 50,001-100,000 SF		327		1,465	123	161	2,076
Com/Shop Ctr 100,001-200,000 SF		327		1,276	107	143	1,853
Com/Shop Ctr over 200,000 SF		327		1,103	93	129	1,652
Office/Inst 25,000 SF or less		327		1,725	145	260	2,457
Office/Inst 25,001-50,000 SF		327		1,090	91	244	1,752
Office/Inst 50,001- 100,000 SF		327		768	64	230	1,389
Office/Inst over 100,000 SF		327		611	51	216	1,205
Business Park		327		518	43	203	1,091
Light Industrial		327		434	36	149	946
Warehousing		327		245	20	82	674
All Development Per Water Meter Size (inches)							
	0.75	\$2,156					2,156
	1.00	3,665					3,665
	1.50	7,114					7,114
	2.00	11,426					11,426
	3.00	23,716					23,716
	4.00	36,652					36,652

*Impact fees for meters larger than four inches (4") will be based on annualized average day demand and the net capital cost per gallon of capacity.

For ease of comparison, storm water fees are shown per housing unit and per KSF of nonresidential development. However, Farmington will impose storm water impact fees on a per-acre basis. In east Farmington, the storm water impact fee for single-family detached housing is **\$1,692 (Rural/Low Density) **\$2,449** (Medium Density); **\$3,867** (Commercial/Mixed Use); and **\$3,660** (Office/Inst/Bus/Park/Man) per acre. In west Farmington, the storm water impact fee for single family detached housing is **\$1,664** (Rural Res/Low Density) and **\$3,570** (Mixed Use/Lt. Manufacturing) per acre.

