

BIG PLAINS WATER SPECIAL SERVICE DISTRICT

RESOLUTION NO. BPW-R-2023-09

A RESOLUTION OF BIG PLAINS WATER SPECIAL SERVICE DISTRICT (“DISTRICT”) APPROVING AND ADOPTING AN IMPACT FEE FACILITIES PLAN AND ANALYSIS FOR WATER INFRASTRUCTURE; AND ESTABLISHING AND ADOPTING AN ASSOCIATED IMPACT FEE TO MEET THE DEMANDS OF NEW GROWTH. THIS RESOLUTION AMENDS, SUPERSEDES AND REPLACES THE EXISTING DISTRICT IMPACT FEE ANALYSIS.

WHEREAS, the board of Big Plains Water Special Service District (“Board”) finds and determines growth and development activity in the District will create additional demand and need for water infrastructure improvements in the District; and

WHEREAS, the District, pursuant to Utah Code Ann. 11-36a-303, had a study and analysis performed to determine the existing conditions and needs regarding public safety, and to determine projected needs as the District grows during the next 20 years, which study and analysis shall serve as an impact fee facilities plan, also known as a capital facilities plan, for said public facilities; and

WHEREAS, the Board desires to give formal acceptance and approval of said public facilities impact fee facilities plan and impact fee analysis; and

WHEREAS, the Board desires to impose impact fees based upon said public facilities impact fee facilities plan and the analysis contained therein; and

WHEREAS, the Board finds that impact fees should be charged to all new development activity, as defined in Utah Code 11-36a-102(3), unless excepted below, which may be used to pay for the debt service associated with the debt capacity built into the existing facilities, the cost of additional improvements that are required to support new growth and development; and

WHEREAS the Board, after a public notice as required by law, held a public hearing on August 10, 2023, to consider the adoption of this Resolution, a copy of which, as well as the copy of the public facilities impact fee facilities plans and impact fee analysis, has been made available for public inspection at 1777 N Meadowlark Dr, Apple Valley, UT 84737 for a period of 10 days prior to such public hearing.

NOW THEREFORE, BE IT RESOLVED by the District Board as follows:

1. The District hereby approves and adopts the following impact fee facilities plan and impact fee analysis: Big Plains Water Special Service District Culinary Water Master Plan (including a Five Point System Analysis, Recommended System Improvements, System Financing Plan, Impact Fee Facilities Plan and Impact Fee Analysis), dated July 17, 2023, prepared by Sunrise Engineering.
2. The Board hereby establishes one service area consisting of the entire geographical area of the District.
3. The Board hereby establishes the following residential unit impact fees and non-residential development impact fees:

Year	Maximum Residential Fee per Unit
2023	\$17,788.00
2024	\$17,788.00
2025	\$17,788.00
2026	\$17,788.00

Year	Maximum Residential Fee per Unit
2027	\$17,788.00

Year	Size of Connection	Maximum Non-Residential Fee per Unit
2023	3/4"	\$17,788.00
2024	1"	\$31,623.11
2025	1 1/2 "	\$71,152.00
2026	2"	\$126,492.44
2027	3"	\$284,608.00

4. The impact fees shall be calculated and charged to all new development as follows:
 - (a) Single Family Residential Unit or Equivalent Residential Unit or ERU shall mean the system improvement capacity required for a dwelling unit intended for the use and occupancy of a single family with no restriction on time of use. A residential unit is defined as a house, apartment unit, condominium unit, etc. The impact fees shall be paid to the District prior to final plat recordation, or paid prior to issuance of a building permit if for an existing platted lot where fees were not collected at the time of final plat recordation. Remodels or additions are not required to pay an additional impact fee unless an additional residential unit is created.
 - (b) The 'Non-Residential' impact fee shall be charged for non-residential units according to the total size of the connection and the equivalent residential units. The impact fees shall be paid to the District prior to final plat recordation, or paid prior to issuance of a building permit if for an existing platted lot where fees were not collected at the time of final plat recordation. Remodels or additions that result in increased size of connection are subject to impact fees.

5. The Board may adjust the impact fee at the time the same is charged to
 - (a) respond to:
 - (i) unusual circumstances in specific cases; or
 - (ii) 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
 - (b) ensure that impact fees are imposed fairly.

6. The amount of an impact fee for a particular development may be adjusted based upon studies and data submitted by the developer that proves that the enacted impact fee would be unfair to impose upon the development, and shows what the amount should reasonably be.

7. A developer, including a school district or a charter school, is allowed 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.

8. A developer shall receive a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - (a) are system improvements; or
 - (b) (i) are dedicated to the public; and
 - (ii) offset the need for an identified system improvement.
9. The District Board may exempt, either wholly or partially, an impact fee for:
 - (a) Development activity attributable to:
 - (i) Low income housing;
 - (ii) The state;
 - (iii) A school district or charter school; or
 - (b) Other development activity that the Board determines has a broad public purpose.

Furthermore, if any exemption is given (other than for low income housing), the Board may pay for the impact through grants, other fees, the general fund, or other budgetary funds.
10. Any fee payer that has paid an impact fee pursuant to this Resolution may challenge the impact fee only in accordance with Utah Code 11-36a-701.
11. This Resolution supersedes and/or repeals the provision(s) of any ordinance(s) or resolution(s) that is/are inconsistent with the provisions of this Resolution.
12. This Resolution shall take effect November 3, 2023, upon publication or posting, as required by law.

PASSED AND ADOPTED BY THE BOARD on this 10th day of August 2023.

Barratt Nielson, Board Chair

Jenna Vizcardo, District Clerk

Harold Merritt voted _____
 Frank Lindhart voted _____
 Ross Gregerson voted _____
 Barratt Nielson voted _____
 Andy McGinnis voted _____