Title 7. ASSESSMENTS AND FEES

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Chapter 7.01. Culinary Water Impact Fee.

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7.01.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"City"** means the City of Saratoga Springs and its incorporated boundaries.
2. **"Culinary Water Impact Fees"** means the Culinary Water Impact Fees adopted and imposed by this Chapter on Development Activity within the City.
3. **"Culinary Water Public Facilities"** means the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of the City as well as water rights for culinary water owned by or on behalf of the City.
4. **"Development Activity"** or **"new development"** 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.
5. **"Equivalent Residential Connection" or "ERC"** means that measure of impact on public facilities equal to the impacts of one typical single-family detached dwelling unit in full time occupancy. One ERC is equivalent to 40 WSFUs (as defined below
6. **"Utah Impact Fees Act"** means Utah Code 11-36a.
7. **"Water Supply Fixture Unit" or "WSFU"** means the International Plumbing Code ("IPC") fixture count method developed to predict water use for various fixture types. Each fixture type is assigned a load value in water supply fixture units (WSFU).

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.02. Findings and Purpose.

1. The City Council hereby finds and determines: There is a need to establish a culinary water facilities impact fee for a single service area to maintain the level of service for culinary water proposed in the Culinary Water Impact Fee Facilities Plan and Analysis.
2. The 2014 Culinary Water Facilities Impact Fee Plan and Analysis identify the:
    a. projected development activity in the City through 2020;
    b. level of service for culinary water facilities that serve existing residents;
    c. excess culinary water facilities capacity that is available to serve new growth in the existing infrastructure;

d. proposed level of service for the City, which does not raise the existing level of service for current residents;
e. additional capital facilities that are required to maintain the proposed culinary water level of service without burdening existing residents with costs of new development activity; and
f. the maximum fee justified by the study.

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.03. Establishment of Culinary Water Service Area.

The City Council hereby approves and establishes the City Wide Culinary Water Service Area for which the Culinary Water Impact Fee herein provided will be imposed.(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.04. Adoption and Imposition of Culinary Water Impact Fees.

1. A Culinary Water Impact Fee for all new development activity shall be calculated in three separate components, as follows:
   a. Indoor Water Use:
      i.

Type	Per WSFU	w/Offset[1]
Source	$35.56	-$35.56
Storage	$13.70	0
Pipe	$4.90	0
Planning	$0.60	0
Total	$54.76	$19.20

      ii. The minimum multiple for a primary home, single family detached structure is 40 WSFU (1 ERC);
   b. Fire Flow Capacity:

Fire Flow Requirement	Duration Requirement	Volume (MG) Requirement	Unit Cost Distribution	Fee per Connection
1,500	2	0.18	1	$207
1,750	2	0.21	2	$516
2,000	2	0.24	5	$953
2,250	2	0.27	8	$1,603

[1] Properties designated on Appendix C of the Culinary Water Impact Fee and Analysis have incurred separate financial responsibility for a separately-supplied culinary water source and are entitled to an offset for WSFU costs associated with the Citywide source cost component for Indoor Water Use

2,500	2	0.30	13	$2,649
2,750	2	0.33	22	$4,531
3,000	3	0.54	128	$26,497
3,250	3	0.59	162	$33,557
3,500	3	0.63	208	$42,971
3,750	3	0.68	276	$57,091
4,000	4	0.96	1,140	$235,952

c. Water Rights[2]:
   i. $33.88 per WSFU;
   ii. Equivalent pre-paid water right credit; or
   iii. Equivalent City-approved leased or deeded water right.

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.05. Use of Culinary Water Impact Fees.

The Culinary Water Impact Fees collected by the City shall be used as provided in the Culinary Water Impact Fee Facilities Plan and Analysis.

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.06. Adjustments.

1. The City shall adjust the calculation of all, or any component, of the Culinary Water impact fees imposed by this Chapter as necessary to:

   a. respond to unusual circumstances in specific cases;
   b. ensure that the impact fees are imposed fairly; and
   c. adjust the amount of the Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council.
2. The City Council shall allow credit against, or proportionate reimbursement from, impact fees for the:
   a. dedication of land for; or
   b. full or partial construction of a:
      i. System Improvement identified in the Impact Fee Facilities Plan; or
      ii. Publicly accepted and dedicated capital improvement that will offset the need for a System Improvement.

[2] Properties designated on Appendix C of the Culinary Water Impact Fee and Analysis have incurred separate financial responsibility for dedicated water rights and are entitled to an offset of citywide costs associated with acquiring culinary water rights.

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.07. Accounting, Expenditure, and Refunds.

The City shall account for, expend, and refund Culinary Water Impact Fees in accordance with this Chapter and the Utah Impact Fee Act.

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.08. Impact Fee Challenges and Appeals.

1. Any person required to pay an Impact Fee who believes the fee does not meet the requirements of the Impact Fees Act or this Chapter may file a written request for information with the City.

2. The City shall provide the person with a copy of the Impact Fee Facilities Plan and Analysis for Culinary Water, the specific calculation staff used to calculate the Culinary Water Impact Fee for the person, if applicable, and any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

3. At any time prior to thirty days after paying an Impact Fee, the person required to pay an Impact Fee and wishes to challenge the fee may request a third party advisory opinion in accordance with UCA §13-43-205.

4. Within thirty days after paying an Impact Fee, any person who has paid the fee and wishes to challenge the fee shall file:

    a. a written appeal with the City Hearing Examiner,
    b. a request for arbitration; or
    c. an action in district court.
5. The written appeal shall be delivered to the City Manager and shall set forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Hearing Examiner shall schedule a hearing and shall consider all evidence presented by the appellant, as well as all evidence presented by staff. The City Hearing Examiner shall schedule the appeal hearing and thereafter render its written findings of fact, conclusions of law, and decision no later than thirty days after the challenge to the impact fee is filed.
    b. Within ninety days of a decision upholding an Impact Fee by the City Hearing Examiner or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, the person who filed the appeal may petition the Fourth Judicial District Court for Utah County for review of the Hearing Examiner's decision. In the event of a petition to the Fourth 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.

i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.
ii. If there is an adequate record, the:
    1. court's review is limited to the record provided by the City; and
    2. court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Hearing Examiner and the court determines that it was improperly excluded by the City Hearing Examiner.
iii. If there is an inadequate record, the court may call witnesses and take evidence.
iv. The court shall affirm the decision of the City Hearing Examiner if the decision is supported by substantial evidence.

6. If the request is for arbitration, both the City and the person requesting arbitration shall comply with UCA §11-36a-705.
7. Within thirty days after paying an Impact Fee, the state, a school district or a charter school may alternatively submit a written request for mediation to the City Manager.
    a. Both the City and the specified public agency shall comply with UCA §11-36a-704.

(Ord. 14-6; Ord. 11-9; Ord. 05-21)

7.01.09. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 14-6; Ord. 11-9; Ord. 05-21

Chapter 7.02. [Reserved]

Chapter 7.03. Secondary Water Impact Fee.

7.03.01. Definitions.
7.03.02. Findings and Purpose.
7.03.03. Establishment of Secondary Water Service Area.
7.03.04. Adoption and Imposition of Secondary Water Impact Fee.
7.03.05. Use of Secondary Water Impact Fees.
7.03.06. Adjustments
7.03.07. Accounting, Expenditure, and Refunds.
7.03.08. Impact Fee Challenges and Appeals.
7.03.09. Severability.

7.03.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"City"** means the City of Saratoga Springs and its incorporated boundaries.

2. **"Development Activity"** or **"new development"** 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.

3. **"Equivalent Residential** Connection**" or "ERC"** means that measure of impact on public facilities equal to the impacts of one typical single -family detached dwelling unit. For Secondary Water, an ERC equals .24 irrigated acres.

4. **"Secondary Water Impact Fees"** means the Secondary Water Impact Fees adopted and imposed by this Chapter on Development Activity within the City.

5. **"Secondary Water Public Facilities"** means the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of the City as well as water rights for Secondary water owned by or on behalf of the City.

6. **Utah Impact Fees Act"** means Utah Code 11-36a

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.02. Findings and Purpose.

The City Council hereby finds and determines:

1. There is a need to establish a secondary water facilities impact fee for a single service area to maintain the level of service for secondary water proposed in the Secondary Water Impact Fee Facilities Plan and Analysis.

2. The 2014 Secondary Water Facilities Impact Fee Plan and Analysis identify the:

    a. projected development activity in the City through 2020,

b. level of service for secondary water facilities that serve existing residents;
c. excess secondary water facilities capacity that is available to serve new growth in the existing infrastructure;
d. proposed level of service for the City, which does not raise the existing level of service for current residents;
e. additional capital facilities that are required to maintain the proposed secondary water level of service without burdening existing residents with costs of new development activity; and
f. maximum fee justified by the study.

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.03. Establishment of Secondary Water Service Area.

The City Council hereby approves and establishes the City Wide Secondary Water Service Area for which the Secondary Water Impact Fee herein provided will be imposed.

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.04. Adoption and Imposition of Secondary Water Impact Fees.

1. A Secondary Water Impact Fee for all new development activity shall be calculated as the sum of three components, as follows:

Type	Per ERC
Source	$2017
Storage	$1478
Water Rights	$2263
Planning	$24
Total	$5782

2. The City shall accept payment for the Water Rights component of the secondary water impact fee as follows:
   a. $2263 per ERC;
   b. surrender of an equivalent pre-paid water right credit; or
   c. dedication of an equivalent City-approved leased or deeded water right

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.05. Use of Secondary Water Impact Fees.

The Secondary Water Impact Fees collected by the City shall be used as provided in the Secondary Water Impact Fee Facilities Plan and Analysis.

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.06. Adjustments.

1. The City shall adjust the calculation of all, or any component, of the Secondary Water impact fees imposed by this Chapter as necessary to:
    a. respond to unusual circumstances in specific cases;
    b. ensure that the impact fees are imposed fairly; and
    c. adjust the amount of the Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council.

2. The City Council shall allow credit against, or proportionate reimbursement from, impact fees for the:
    a. dedication of land for a System Improvement; and
    b. full or partial construction of a:
        i. System Improvement identified in the Secondary Water Impact Fee Facilities Plan; or
        ii. publicly accepted and dedicated capital improvement that will offset the need for a System Improvement.

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.07. Accounting, Expenditures, and Refunds.

The City shall account for, expend, and refund Secondary Water Impact Fees in accordance with this Chapter and the Utah Impact Fees Act.

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.08. Impact Fee Challenges and Appeals.

i.

1. Any person required to pay an Impact Fee who believes the fee does not meet the requirements of the Impact Fees Act or this Chapter may file a written request for information with the City.

2. The City shall provide the person with a copy of the Impact Fee Facilities Plan and Analysis for Secondary water, the specific calculation staff used to calculated the Secondary water Impact Fee for the person, if applicable, and any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

3. At any time prior to thirty days after paying an Impact Fee, the person required to pay an Impact Fee and wishes to challenge the fee may request a third party advisory opinion in accordance with UCA §13-43-205.

4. Within thirty days after paying an Impact Fee, any person who has paid the fee and wishes to challenge the fee shall file:
    a. a written appeal with the City Hearing Examiner;
    b. a request for arbitration; or
    c. an action in district court.

5. The written appeal shall be delivered to the City Manager and shall set forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Hearing Examiner shall schedule a hearing and shall consider all evidence presented by the appellant, as well as all evidence presented by staff. The City Hearing Examiner shall schedule the appeal hearing and thereafter render its written findings of fact, conclusions of law and decision no later than thirty days after the challenge to the impact fee is filed.
    b. Within ninety days of a decision upholding an Impact Fee by the City Hearing Examiner or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, the person who filed the appeal may petition the Fourth Judicial District Court for Utah County for review of the Hearing Examiner's decision. In the event of a petition to the Fourth 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.
        i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.
        ii. If there is an adequate record, the:
            1. court's review is limited to the record provided by the City; and
            2. court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Hearing Examiner and the court determines that it was improperly excluded by the City Hearing Examiner.
        iii. If there is an inadequate record, the court may call witnesses and take evidence.
        iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence.

6. If the request is for arbitration, both the City and the person requesting arbitration shall comply with UCA § 11-36a-705.

7. Within thirty days after paying an Impact Fee, the state, a school district or a charter school may alternatively submit a written request for mediation to the City Manager.
    a. Both the City and the specified public agency shall comply with UCA §11-36a-704.

(Ord. 14-7; Ord. 11-9; Ord. 05-22)

7.03.09. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 11-9; Ord. 05-22)

7.04 Storm Drainage Impact Fee Sections:

7.04.01. Definitions.
7.04.02. Findings and Purpose.
7.04.03. Adoption of Capital Facilities Plan.
7.04.04. Adoption and Imposition of Impact Fees.
7.04.05. Service Area Established.
7.04.06. Time of Collection.
7.04.07. Use of Impact Fees.
7.04.08. Adjustments.
7.04.09. Accounting, Expenditure, and Refunds.
7.04.10. Impact Fee Challenges and Appeals.
7.04.11. Severability

7.04.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1 **"City"** means the City of Saratoga Springs and its incorporated boundaries.
2 **"Development Activity"** or **"new development"** means any subdivision of land, Or any construction or expansion of a building, structure, or surface use of land that creates additional demand and need for Storm Drain Facilities on any land for which a storm drain impact fee has not been paid.
3 **"Gross Lot Acreage"** means the sum of the area of a subdivided lot plus its proportionate share of area within the subdivision that is not within a subdivided lot:

GLA =lot area + (common* area/# subdivision lots)

4 **"Storm Drain Impact Fees"** means the Impact Fees adopted and imposed by this Chapter on Development Activity within the City and as allowed by Utah Code Chapter 11-36a.
5 **"Storm Drain Facilities"** means the capital facilities identified in the 2015 Storm Drain Impact Fee Facilities Plan dated May 2015:
6 **"Utah Impact Fees Act"** means Utah Code Chapter 11-36a.

(Ord. 15-25)

7.04.02. Findings and Purpose.

The City Council hereby finds and determines:

1. There is a need to update the City's storm drain facilities impact fee to meet the requirements of the Utah Impact Fees Act and to maintain the level of service for storm water drainage proposed in the Storm Drain Impact Fee Facilities Plan dated May 2015 and the Storm Drain Impact Fee Analysis dated August 2015.

2. The 2015 Storm Drain Impact Fee Facilities Plan and the 2015 Storm Drain Impact Fee Analysis identify the:
    a. projected development activity in the City through 2025,
    b. level of service for storm drain facilities that the City currently provides to existing residents;
    c. excess storm drain facilities capacity that is available to serve new growth in the existing infrastructure;
    d. proposed level of service for the City, which is identical to the existing level of service for current residents;
    e. additional capital facilities that are required to maintain the level of service without burdening existing residents with costs of new development activity; and the
    f. maximum fee justified by the study.

(Ord. 15-25)

7.04.03. Adoption of Storm Drain Impact Fee Facilities Plan and Storm Drain Impact Fee Analysis.

The City Council hereby approves and adopts the 2015 Storm Drain Impact Fee Facilities Plan and the 2015 Storm Drain Impact Fee Analysis reflected therein and the methodology used for calculation of the Impact Fees imposed by this Chapter for the Public Facilities covered by this Chapter.

(Ord. 15-25)

7.04.04. Adoption and Imposition of Storm Drain Impact Fee.

The City Council hereby approves and imposes and levies on all Development Activity the Impact Fee for storm drain system facilities in the amount of $1,649 per acre.

(Ord. 15-25)

7.04.05. Service Area Established.

There is a single, citywide service area for storm drain facilities.

(Ord. 15-25)

7.04.06. Time of Collection.

1. For all new subdivision development applications filed on or after November 18, 2015 the Storm Drain Facilities Impact Fees imposed by this Chapter shall be paid prior to plat recordation, at a rate of $1,649 per subdivided acre.

Example:

The Storm drain Facilities Impact Fee for the subdivision of22.43 acres is

calculated as follows:

$1649/acre x 22.43 acres = $36,987.07

2. For development activity on undeveloped land for which a storm drain facilities impact fee was not charged as a condition of subdivision development, the Storm Drain Facilities Impact Fees imposed by this Chapter is due prior to the issuance of a building permit, at a rate of $1,649 per Gross Lot Acreage.

Example:

The Storm Drain Facilities Impact Fee for the development of quarter acre lot in a vested 60-lot subdivision within a plat with 5.2 acres of land that is outside of the individually platted lots is calculated as follows:

GLA = 0.25 acres. + (5.2 sq. ft. -c 60 lots) = 0.3367 acres
0.3367 acres x $1,649/acre = $555.16

3. For new development activity on land for which a Storm Drain Facilities Impact Fee has been paid, the storm drain facilities impact fee is zero.

4. For a plat amendment or boundary adjustment that does not increase the area of a subdivision the storm drain facilities impact is zero.

(Ord. 15-25)

7.04.07. Use of Impact Fees.

Storm Drain Facilities Impact Fees collected by the City shall be used solely to:

1 pay for the Storm Drain Facilities provided for in the 2015 Storm Drain Impact Fee Facilities Plan;
2 reimburse the City for a existing storm drain facilities with excess capacity for growth identified in the 2015 Storm Drain Impact Fee Facilities Plan; and
3 reimburse developers who construct or dedicate facilities identified in the 2015 Storm Drain Impact Fee Facilities Plan in lieu of city construction of the same facilities.

(Ord. 15-25)

7.04.08. Adjustments.

The City may adjust the Storm Drain Impact Fees imposed by this Chapter as necessary in order to:

1. respond to unusual circumstances in specific cases;
2. ensure that the Storm Drain Facilities Impact Fees are imposed fairly;

3. adjust the amount of the Storm Drain Facilities Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council; and
4. allow credits, as approved by the City Council, for dedication of land and for improvements to, or construction of, Storm Drain Facilities identified in the 2015 Storm Drain Facilities Impact Fee Facilities Plan that the City has required as a condition of approving the Development Activity.

(Ord. 15-25)

7.04.09. Accounting, Expenditure, and Refunds.

The City shall account for, expend, and refund Storm Drain Impact Fees collected pursuant to this Chapter in accordance with the Utah Impact Fees Act.

(Ord. 15-25)

7.04.10. Challenges and Appeals.

1. 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 Storm Drain Facilities Impact Fees after filing an appeal with the City Council as provided in Subsection (4) of this Section.
2. Any person or entity required to pay a Storm Drain Facilities Impact Fee who believes the fee does not meet the requirements of law may file a written request for information with the City.
3. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Utah Impact Fee Act and with any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule
4. Within thirty days after paying a Storm Drain Facilities Impact Fee, any person or entity who has paid the fee and wishes to challenge the fee shall: file a written appeal with the City Council by delivering a copy of such appeal with the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Council shall thereafter schedule a 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 days after the challenge to the impact fee is filed.
    b. 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 the Storm Drain Facilities Impact Fee imposed.
    c. Within ninety days of a decision upholding an Impact Fee by the City Councilor within 120 days after the date the challenge to the impact fee

was filed, whichever is earlier, any party to the appeal who is adversely affected by the City Council's decision may petition the Fourth Judicial District Court for Utah County for review of the decision. In the event of a petition to the Fourth 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.

i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.

ii. If there is a record:

A. the court's review is limited to the record provided by the City; and

B. the court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Council and the court determines that it was improperly excluded by the City Council.

iii. If there is an inadequate record, the court may call witnesses and take evidence.

iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence in the record.

v. The court may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

(Ord. 15-25)

7.04.11. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 15-25, Ord. 11-9; Ord. 05-22)

Chapter 7.05. Sewer Collection Facilities Impact Fee.

Sections:

7.05.01. Definitions.
7.05.02. Findings and Purpose.
7.05.03. Establishment of Sewer Collection Facilities Service Areas.
7.05.04. Adoption and Imposition of Sewer Collection Facilities Impact Fees.
7.05.05. Use of Adjusted Wastewater Impact Fees.
7.05.06. Adjustments.
7.05.07. Accounting, Expenditure, and Refunds.
7.05.08. Impact Fee Challenges and Appeals.
7.05.09. Severability.

7.05.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"City"** means the City of Saratoga Springs and its incorporated boundaries.

2. **"Development Activity"** or **"new development"** 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.

3. **"Equivalent Residential Connection"** or **"ERC"** means that measure of impact on public facilities equal to the impact of one typical primary residential single-family detached dwelling unit. For Sewer Collection Facilities, an ERC equals 40 water supply fixture units (WSFU).

4. **"Sewer Collection Facilities Impact Fees"** means the Sewer Collection Facilities Impact Fees adopted and imposed by this Chapter on Development Activity within the City.

5. **"Sewer Collection Facilities"** means the capital facilities identified in the 2014 Sewer Collection Impact Fee Facilities Plan dated May 29, 2014.

6. **"Utah Impact Fees Act"** means Utah Code 11-36a.

7. **"Water Supply Fixture Unit"** or **"WSFU"** means the International Plumbing Code ("IPC") fixture count method developed to predict water use for various fixture types. Each fixture type is assigned a load value in water supply fixture units (WSFU).

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01)

7.05.02. Findings and Purpose.

The City Council hereby finds and determines:

1. There is a need to establish a sewer collection facilities impact fee for four separate service areas in the City to maintain the level of service for sewer collection facilities proposed in the 2014 Sewer Collection Impact Fee Facilities Plan and Analysis.

2. The 2014 Sewer Collection Facilities Impact Fee Plan and Analysis identify the:
    a. Projected development activity in the City through 2020;
    b. level of service for sewer collection facilities that serve existing residents;
    c. excess sewer collection facilities capacity that is available to serve new growth in the existing infrastructure;
    d. proposed level of service for the City, which does not raise the existing level of service for current residents;
    e. additional capital facilities that are required to maintain the proposed sewer collection level of service without burdening existing residents with costs of new development activity; and the
    f. maximum fee that is legally justified by the study.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01)

7.05.03. Establishment of Sewer Collection Facilities Service Areas.

The City Council hereby approves and four sewer collection facilities service areas and acknowledges a fifth area of the city with no sewer collection facilities in place and no facilities planned for construction with public funds through 2020. The sewer service areas are depicted on exhibit C.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01)

7.05.04. Adoption and Imposition of Sewer Collection Facilities Impact Fees.

1. A Sewer Collection Impact Fee for all new development activity shall be calculated as a multiple of water supply fixture units, in each service area, with the minimum residential connection (ERC) equal to 40 water supply fixture units.
    a. North Service Area-Posey sewer collection impact fee=$1020 per ERC;
    b. South Service Area sewer collection impact fee=$642 per ERC;
    c. Harbor Bay North Service Area sewer collection impact fee-$1987 per ERC;
    d. Harbor Bay South Service Area sewer collection impact fee=$3580 per ERC

2. The sewer collection facilities impact fee for new non-residential development activity shall be calculated by dividing the number of water supply fixture units proposed by the approved building plans by 40 water supply fixture units and then by multiplying that number by the impact fee per ERC that has been imposed in the service area in which the development activity will occur:

    #wsfu÷40 wsfu x Service Area Sewer Collection Impact Fee (per ERC)

(Ord. 14-19; Ord. 11-9; Ord. 05-3)

7.05.05. Use of Sewer Collection Facilities Impact Fees.

The Sewer Collection Facilities Impact Fees collected by the City shall be used as provided in the 2014 Sewer Collection Impact Fee facilities Plan and Analysis.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01)

7.05.06. Adjustments.

1. At the time an impact fee is charged the City shall adjust the calculation of all, or any component, of the Sewer Collection Facilities impact fees imposed by this Chapter as necessary in order to:

a. respond to unusual circumstances in specific cases;

b. ensure that the impact fees are imposed fairly; and

c. adjust the amount of the Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council.

2. At the time an impact fee is charged, the City Council shall allow credit against, or proportionate reimbursement from, impact fees for the:

a. dedication of land for a System Improvement; and
b. full or partial construction of:
   i. System Improvements identified in the Sewer Collection Impact Fee Facilities Plan; or
   ii. publicly accepted and dedicated capital improvement that will offset the need for a System Improvement.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01; Ord. 99-0413-1)

7.05.07. Accounting, Expenditure, and Refunds.

The City shall account for, expend and refund Sewer Collection Impact Fees in accordance with this Chapter and the Utah Impact Fees Act.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01; Ord. 99-0413-1)

7.05.08. Impact Fee Challenges and Appeals.

1. Any person or entity required to pay an Impact Fee who believes the fee does not meet the requirements of the Impact Fees Act or this Chapter may file a written request for information with the City.

2. The City shall provide the person with a copy of the Sewer Collection Impact Fee Facilities Plan, the specific calculation staff used to calculate the Sewer Collection Impact Fee for the person, if applicable, and any other relevant information relating to the

Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

3. At any time prior to thirty days after paying an Impact Fee, the person required to pay an Impact Fee and wishes to challenge the fee may request a third party advisory opinion in accordance with UCA §13-43-205.

4. Within thirty days after paying an Impact Fee, any person who has paid the fee and wishes to challenge the fee shall file:

    a. a written appeal with the City Hearing Examiner;
    b. a request for arbitration;
    c. an act in district court.

5. The written appeal shall be delivered to the City manager and shall set forth in detail all grounds for appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Hearing Examiner shall schedule a hearing and shall consider evidence presented by the appellant, as well as all evidence presented by staff. The City Hearing Examiner shall schedule the appeal hearing and thereafter render its written findings of fact, conclusions of law, and decision no later than thirty days after the challenge to the impact fee is filed.
    b. Within ninety days of a decision upholding an Impact Fee by the City Hearing Examiner or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, the person who filed may petition the Fourth Judicial District Court for Utah County for review of the Hearing Examiner's decision. In the event of a petition to the Fourth 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.
        i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.
        ii. If there is an adequate record, the:
            6. court's review is limited to the record provided by the City; and
            7. court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Council and the court determines that it was improperly excluded by the City Council.
        iii. If there is an inadequate record, the court may call witnesses and take evidence.
        iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence in the record.
6. If the request is for arbitration, both the City and the person requesting arbitration shall comply with UCA § 11.36a.705.

7. Within thirty days after paying an Impact Fee, the state, a school district or a charter school may alternatively submit a written request for mediation to the City Manager.
    a. Both the City and the specified public agency shall comply with UCA § 11 36a-704.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01; Ord. 99-0413-1)

7.05.09. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 14-19; Ord. 11-9; Ord. 05-3; Ord. 00-0713-01)

Chapter 7.06. Parks, Recreation, Open Space, and Trails.

Sections:

7.06.01. Definitions.
7.06.02. Findings and Purpose.
7.06.03. Adoption of Capital Facilities Plan.
7.06.04. Adoption and Imposition of Impact Fees.
7.06.05. Service Area Established.
7.06.06. Other Impact Fees Remain Unaffected.
7.06.07. Collection.
7.06.08. Use of Impact Fees.
7.06.09. Adjustments.
7.06.10. Accounting, Expenditure, and Refunds.
7.06.11. Impact Fee Challenges and Appeals.
7.06.12. Severability.

7.06.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"City"** means the City of Saratoga Springs and its incorporated boundaries.

2. **"Development Activity"** or **"new development"** 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.

3. **"Equivalent Residential Unit"** means that measure of impact on certain public facilities equal to the impacts of one typical single family dwelling unit.

4. **"Impact Fees"** means the Impact Fees adopted and imposed by this Chapter on Development Activity within the City and as allowed by Utah Code Chapter 11-36a.

5. **"New Capital Facilities Plans"** means the capital facilities plans prepared by City Staff for parks, recreation facilities, open space and trails, and public safety facilities and adopted by the City council in this Chapter.

6. **"Public Facilities"** means the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of the City:
    a. parks, recreation facilities, trails and open space; and
    b. public safety facilities.

7. **"Service Area"** means the service area formally adopted by the City Council in this Chapter.

8. **"Utah Impact Fees Act"** means Utah Code Chapter 11-36a.

(Ord. 11-9; Ord. 05-9)

7.06.02. Findings and Purpose.

The City Council hereby finds and determines:

1. As the result of the City being a relatively new and rapidly growing city, there are very limited existing public facilities and new development will create the need for the Public Facilities as set out in the New Capital Facilities Plans.

2. There is a need for Public Facilities for new development 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.

3. The rapid and continuing growth of the City necessitates the imposition and collection of the Impact Fees that require new development to pay its fair share of the costs of providing the Public Facilities occasioned by the demands and needs of the Development Activity at service levels necessary to promote and preserve the public health, safety, and welfare.

4. The New Capital Facilities Plans establish the estimated costs for providing the Public Facilities covered by this Chapter, identifies the impact on the needs for those Public Facilities by Development Activity, demonstrates how the impacts on the need for the applicable Public Facilities are reasonably related to the Development Activity, estimates the proportionate share of the costs of the needed Public Facilities related to new development, and identifies how the Impact Fees set out in the New Capital Facilities Plans and adopted by this Chapter were determined.

5. The Impact Fees established by this Chapter are reasonably related to the costs of providing such Public Facilities necessitated by anticipated future growth within the City and are consistent with requirements of the Utah Impact Fees Act.

(Ord. 11-9; Ord. 05-9)

7.06.03. Adoption of Capital Facilities Plan.

The City Council hereby approves and adopts the new Capital Facilities Plans and the analyses reflected therein and the methodology used for calculation of the Impact Fees imposed by this Chapter for the Public Facilities covered by this Chapter.

(Ord. 11-9; Ord. 05-9)

7.06.04. Adoption and Imposition of Impact Fees.

The City Council hereby approves and imposes and levies on all Development Activity the following Impact Fees for parks, recreation facilities, open space and trails, and public safety facilities as follows: $1,800 per ERU

(Ord. 11-9; Ord. 05-9)

7.06.05. Service Area Established.

The entire area of the City and any area outside of the City covered by the new Capital Facilities Plans which may hereafter be annexed into the City or serviced by any Public Facility are hereby designated as one service area with respect to parks, recreation facilities, open space and trails and public safety facilities.

(Ord. 11-9; Ord. 05-9)

7.06.06. Other Impact Fees Remain Unaffected.

The previously adopted impact fees established for roads, storm drainage, and wastewater collection shall remain unaffected by this Chapter and shall remain subject to the impact fee ordinances by which they were adopted.

(Ord. 11-9; Ord. 05-9)

7.06.07. Collection.

The Impact Fees imposed by this Chapter shall be paid prior to and as a condition of the issuance of a building permit for any Development Activity.

(Ord. 11-9; Ord. 05-9)

7.06.08. Use of Impact Fees.

The Impact Fees collected by the City shall be used solely to:

1. pay for the Public Facilities provided for by this Chapter and the new Capital Facilities Plans by the City;

2. reimburse the City for a Development Activity's share of Public Facilities already constructed by the City; and

3. reimburse developers who have constructed Public Facilities where those Public Facilities are beyond that needed to meet the demands of the developers Development Activities.

(Ord. 11-9; Ord. 05-9)

7.06.09. Adjustments.

The City may adjust the Impact Fees imposed by this Chapter as necessary in order to:

1. respond to unusual circumstances in specific cases;

2. ensure that the Impact Fees are imposed fairly;

3. adjust the amount of the Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council; and

4. allow credits as approved by the City Council for dedication of land for, improvements to, or construction of Public Facilities providing services to the City at large, provided such facilities are identified in the New Capital Facilities Plans and are required by the City as a condition of approving the development or Development Activity.

(Ord. 11-9; Ord. 05-9)

7.06.10. Accounting, Expenditure, and Refunds.

The City shall account for, expend, and refund Impact Fees collected pursuant to this Chapter in accordance with the Utah Impact Fee Act.

(Ord. 11-9; Ord. 05-9)

7.06.11. Impact Fee Challenges and Appeals.

1. 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 Impact Fees after filing an appeal with the City Council as provided in Subsection (4) of this Section.

2. Any person or entity required to pay an Impact Fee who believes the fee does not meet the requirements of law may file a written request for information with the City.

3. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Utah Impact Fee Act and with any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

4. Within thirty days after paying an Impact Fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal with the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Council shall thereafter schedule a 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 days after the challenge to the impact fee is filed.

b. 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.

c. Within ninety days of a decision upholding an Impact Fee by the City Council or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal who is adversely affected by the City Council's decision may petition the Fourth Judicial District Court for Utah County for review of the decision. In the event of a petition to the Fourth 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.

    i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.

    ii. If there is a record:

        1. the court's review is limited to the record provided by the City; and

        2. the court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Council and the court determines that it was improperly excluded by the City Council.

    iii. If there is an inadequate record, the court may call witnesses and take evidence.

    iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence in the record.

    v. The court may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

(Ord. 11-9; Ord. 05-9)

7.06.12. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 11-9; Ord. 05-9)

Chapter 7.07. Public Safety.

Sections:

7.07.01. Definitions.
7.07.02. Findings and Purpose.
7.07.03. Adoption of Capital Facilities Plan.
7.07.04. Adoption and Imposition of Impact Fees.
7.07.05. Service Area Established.
7.07.06. Other Impact Fees Remain Unaffected.
7.07.07. Collection.
7.07.08. Use of Impact Fees.
7.07.09. Adjustments.
7.07.10. Accounting, Expenditure, and Refunds.
7.07.11. Impact Fee Challenges and Appeals.
7.07.12. Severability.

7.07.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"City"** means the City of Saratoga Springs and its incorporated boundaries.

2. **"Development Activity"** or **"new development"** 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.

3. **"Equivalent Residential Unit"** means that measure of impact on certain public facilities equal to the impacts of one typical single family dwelling unit.

4. **"Impact Fees"** means the Impact Fees adopted and imposed by this Chapter on Development Activity within the City and as allowed by Utah Code Chapter 11-36a.

5. **"New Capital Facilities Plans"** means the capital facilities plans prepared by City Staff for public safety facilities and adopted by the City council in this Chapter.

6. **"Public Facilities"** covered by this Chapter means the capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of the City for public safety facilities.

7. **"Service Area"** means the service area formally adopted by the City Council in this Chapter.

8. **"Utah Impact Fees Act"** means Utah Code Chapter 11-36a.

(Ord. 11-9; Ord. 05-9)

7.07.02. Findings and Purpose.

The City Council hereby finds and determines:

1. As the result of the City being a relatively new and rapidly growing city, there are very limited existing public facilities and new development will create the need for the Public Facilities as set out in the New Capital Facilities Plans.

2. There is a need for Public Facilities for new development 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.

3. The rapid and continuing growth of the City necessitates the imposition and collection of the Impact Fees that require new development to pay its fair share of the costs of providing the Public Facilities occasioned by the demands and needs of the Development Activity at service levels necessary to promote and preserve the public health, safety, and welfare.

4. The New Capital Facilities Plans establish the estimated costs for providing the Public Facilities covered by this Chapter, identifies the impact on the needs for those Public Facilities by Development Activity, demonstrates how the impacts on the need for the applicable Public Facilities are reasonably related to the Development Activity, estimates the proportionate share of the costs of the needed Public Facilities related to new development, and identifies how the Impact Fees set out in the New Capital Facilities Plans and adopted by this Chapter were determined.

5. The Impact Fees established by this Chapter are reasonably related to the costs of providing such Public Facilities necessitated by anticipated future growth within the City and are consistent with requirements of the Utah Impact Fees Act.

(Ord. 11-9; Ord. 05-9)

7.07.03. Adoption of Capital Facilities Plan.

The City Council hereby approves and adopts the new Capital Facilities Plans and the analyses reflected therein and the methodology used for calculation of the Impact Fees imposed by this Chapter for the Public Facilities covered by this Chapter.

(Ord. 11-9; Ord. 05-9)

7.07.04. Adoption and Imposition of Impact Fees.

The City Council hereby approves and imposes and levies on all Development Activity the following Impact Fee for public safety facilities as follows: $850 per ERU
(Ord. 11-9; Ord. 05-9)

7.07.05. Service Area Established.

The entire area of the City and any area outside of the City covered by the new Capital Facilities Plans which may hereafter be annexed into the City or serviced by any Public Facility are hereby designated as one service area with respect to public safety facilities.

(Ord. 11-9; Ord. 05-9)

7.07.06. Other Impact Fees Remain Unaffected.

The previously adopted impact fees established for roads, storm drainage, and wastewater collection shall remain unaffected by this Chapter and shall remain subject to the impact fee ordinances by which they were adopted.

(Ord. 11-9; Ord. 05-9)

7.07.07. Collection.

The Impact Fees imposed by this Chapter shall be paid prior to and as a condition of the issuance of a building permit for any Development Activity.

(Ord. 11-9; Ord. 05-9)

7.07.08. Use of Impact Fees.

The Impact Fees collected by the City shall be used solely to:

1. pay for the Public Facilities provided for by this Chapter and the new Capital Facilities Plans by the City;

2. to reimburse the City for a Development Activity's share of Public Facilities already constructed by the City; and

3. to reimburse developers who have constructed Public Facilities where those Public Facilities are beyond that needed to meet the demands of the developers Development Activities.

(Ord. 11-9; Ord. 05-9)

7.07.09. Adjustments.

The City may adjust the Impact Fees imposed by this Chapter as necessary in order to:

1. respond to unusual circumstances in specific cases;

2. ensure that the Impact Fees are imposed fairly;

3. adjust the amount of the Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council; and

4. allow credits as approved by the City Council for dedication of land for, improvements to, or construction of Public Facilities providing services to the City at large, provided such facilities are identified in the New Capital Facilities Plans and are required by the City as a condition of approving the development or Development Activity.

(Ord. 11-9; Ord. 05-9)

7.07.10. Accounting, Expenditure, and Refunds.

The City shall account for, expend, and refund Impact Fees collected pursuant to this Chapter in accordance with the Utah Impact Fee Act.

(Ord. 11-9; Ord. 05-9)

7.07.11. Impact Fee Challenges and Appeals.

1. 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 Impact Fees after filing an appeal with the City Council as provided in Subsection (4) of this Section.

2. Any person or entity required to pay an Impact Fee who believes the fee does not meet the requirements of law may file a written request for information with the City.

3. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Utah Impact Fee Act and with any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

4. Within thirty days after paying an Impact Fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal with the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Council shall thereafter schedule a 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 days after the challenge to the impact fee is filed.
    b. 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.
    c. Within ninety days of a decision upholding an Impact Fee by the City Council or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal who is adversely affected by the City Council's

decision may petition the Fourth Judicial District Court for Utah County for review of the decision. In the event of a petition to the Fourth 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.

i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.
ii. If there is a record:
    1. the court's review is limited to the record provided by the City; and
    2. the court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Council and the court determines that it was improperly excluded by the City Council.
iii. If there is an inadequate record, the court may call witnesses and take evidence.
iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence in the record.
v. The court may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

(Ord. 11-9; Ord. 05-9)

7.07.12. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 11-9; Ord. 05-9)

Chapter 7.08. Additional Sewer Impact Fee—Harbor Bay Special Service Area

Sections:

7.08.01. Definitions.
7.08.02. Findings and Purpose.
7.08.03. Establishment of Harbor Bay Special Service Area.
7.08.04. Continuation of South Service Area.
7.08.05. Adoption and Imposition of Additional Sewer Impact Fees.
7.08.06. Stacked Unit, Multi-Family Residential Dwellings.
7.08.07. Use of Additional Sewer Impact Fees.
7.08.08. Adjustments.
7.08.09. Accounting, Expenditure, and Refunds
7.08.10. Impact Fee Challenges and Appeals.
7.08.11. Severability.

7.08.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"Additional Sewer Impact Fees"** means the Additional Sewer Impact Fees adopted and imposed by this Chapter on development activity within the Harbor Bay Special Service Area.

2. **"Development Activity"** or **"new development"** 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.

3. **"Harbor Bay Special Service Area"** means the service area formally adopted by the City Council in this Chapter for Additional Sewer Impact Fees that covers the area east of Redwood Road extending from the Harbor Bay development north to Saratoga Springs Development as more fully described in this Chapter.

4. **"Impact Fees"** means the Impact Fees adopted and imposed by this Chapter on Development Activity within the City.

5. **"North Benefited Area"** means property within the Harbor Bay Special Service Area extending from the proposed lift station near El Nautica north to Saratoga Springs Development as further described in this Chapter. There are 282 estimated equivalent residential units in the North Benefited Area.

6. **"Public Facilities"** means the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of the City.

7. **"South Benefited Area"** means property within the Harbor Bay Special Service Area extending from the Harbor Bay Development north to El Nautica as further described in this Chapter.

8. **"South Special Service Area"** means the sewer Special Service Area originally established by the City Council in July 2000 that covers all of the City except for the portion of the City being included in the North Special Service Area adopted by the City Council.

(Ord. 11-9; Ord. 06-14)

7.08.02. Findings and Purpose.

The City Council hereby finds and determines:

1. The City of Saratoga Springs was incorporated in 1997 and has experienced a tremendous amount of growth which requires the installation of public utilities to serve anticipated growth.

2. The City is authorized to enact impact fees for public facilities and adjust the standard impact fees as necessary to respond to unusual circumstances in accordance with the provisions of the Utah Impact Fees Act, Utah Code § 11-36-101, et seq.

3. The City adopted an Impact Fee Ordinance on April 13, 1999, covering roads, storm drainage, culinary and secondary water (subject to the City's Water Utility Ordinance), wastewater collection, parks and open space, and public safety. Said Impact Fee Ordinance was based upon the capital facilities plan prepared by Wilding Engineering, Inc. (the "Capital Facilities Plan") which covered the "Public Facilities" for which "Impact Fees" were proposed and which established the estimated costs for providing Public Facilities occasioned by "Development Activities" within the City as well as a written analysis for each Public Facility upon which Impact Fees were adopted that identified and analyzed the proportionate share of the costs of the impacts on the Public Facilities which are reasonably related to Development Activity within the City.

4. In 2000 the City could not meet its reimbursement obligations for the south area of the City based upon the sewer impact fees established by the original Impact Fee Ordinance and as a result the City established a sewer Special Service Area covering the south portion of the City and adopted an increased sewer impact fee for that Special Service Area of $1,200 for each sewer connection or equivalent residential unit ("ERU").

5. It was determined through an engineering analysis that a portion of the south area needed to install an additional sewer gravity line, lift station, and pressure line in order to serve certain properties located on the east side of Redwood Road and extending from the Harbor Bay Development north to Saratoga Springs Development.
    a. This sewer project would benefit approximately 775 ERUs and would allow development to continue for said area. However, the cost of this additional sewer line project cannot be reimbursed through the existing sewer impact fee. Therefore, the City has determined that it needs to

establish a special service area for the developments in the aforementioned part of the City referred to as the "Harbor Bay Special Service Area," and to adjust the sewer impact fee for the Harbor Bay Special Service Area to an amount that will provide sufficient proceeds to meet the City's needs and obligations for development served by the existing and needed additional sewer facilities.

b. Since certain developments within the Harbor Bay Special Service Area will utilize different portions of the sewer facilities, impact fees will be assessed differently depending upon where the development is located in the service area. Therefore, the Harbor Bay Special Service Area will be divided into the "North Benefited Area" and the "South Benefited Area" and will be assessed in the amounts hereinafter set out.

6. There is a need to charge an additional wastewater collection impact fee for the area identified as the Harbor Bay Special Service Area in order to meet the needs and obligations regarding new sewer facilities and the improvements and additions to be made to the same.

7. Establishing the Harbor Bay Special Service Area and establishing the Additional Sewer Impact Fees for that area, as opposed to changing to the wastewater collection impact fee for the City or the South Special Service Area in general, is appropriate since the additional sewer facilities are being constructed to benefit only the Harbor Bay Special Service Area within the City.

8. The Harbor Bay Special Service Area Sewer Facilities Agreement identifies the need for the additional sewer impact fees for the Harbor Bay Special Service Area and demonstrates why the proposed additional sewer impact fees for that area is fair in light of the circumstances relating sewer facilities needed to serve the Harbor Bay Special Service Area.

(Ord. 11-9; Ord. 06-14)

7.08.03. Establishment of Harbor Bay Special Service Area.

The City Council hereby approves and establishes the Harbor Bay Special Service Area for which the Additional Sewer Impact Fees herein provided will be imposed. The Harbor bay Special Service Area shall include all land within the City east of Redwood Road extending from and including the Harbor Bay Development on the south north to but excluding the Saratoga Springs Development on the north.

(Ord. 11-9; Ord. 06-14)

7.08.04. Continuation of South Service Area.

The creation of the Harbor Bay Special Service Area is in addition to and not in lieu of the South Special Service Area that was previously created by the City. The development within the

Harbor Bay Special Service Area will utilize the City's sewer system covered by the South Special Service District Impact Fee in addition to the newly installed sewer lines and lift station covered by the Harbor Bay Special Service Additional Impact Fees.

(Ord. 11-9; Ord. 06-14)

7.08.05. Adoption and Imposition of Additional Sewer Impact Fees.

1. The City Council hereby approves and imposes and levies on all Development Activity in the South Benefited Area of the Harbor Bay Special Service Area the Additional Wastewater Impact Fee in the amount of $2,174.00 per residential connection. This impact fee will be in addition to and not in lieu of the $1,200 impact previously established by creating the South Special Service Area.

2. The City Council hereby approves and imposes and levies on all Development Activity in the North Benefited Area of the Harbor Bay Special Service Area the Additional Sewer Impact Fee in the amount of $646.00 per residential connection. This impact fee will be in addition to and not in lieu of the $1,200 impact previously established by creating the South Special Service Area.

3. In adopting the Additional Sewer Impact Fees for the Harbor Bay Special Service Area, the City Council hereby adopts the analysis set forth in the Harbor Bay Special Service Area Sewer Facilities Agreement and the methodology used for the calculating the Additional Sewer Impact Fee imposed for the Harbor Bay Special Service Area by this Chapter.

(Ord. 11-9; Ord. 06-14)

1. 7.08.06. Stacked Unit, Multi-Family Residential Dwellings.

Impact fees for stacked unit, multi-family residential dwelling units shall be computed at 0.5 Equivalent Residential Units (ERUs) per individual dwelling unit in a building.

(Ord. 11-9; Ord. 10-3)

7.08.07. Use of Additional Sewer Impact Fees.

The Additional Sewer Impact Fees collected by the City in the Harbor Bay Special Service Area shall be used as provided in the Harbor Bay Special Service Area Sewer Facilities Agreement and as provided in this Chapter.

(Ord. 11-9; Ord. 06-14)

7.08.08. Adjustments.

The City may adjust the impact fees imposed by this Chapter as necessary in order to:

1. respond to unusual circumstances in specific cases;

2. ensure that the impact fees are imposed fairly;

3. adjust the amount of the Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council; and

4. allow credits as approved by the City Council for dedication of land for, improvements to, or construction of Public Facilities providing services to the City 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 or Development Activity.

(Ord. 11-9; Ord. 06-14; Ord. 99-0413-1)

7.08.09. Accounting, Expenditure, and Refunds

The City shall account for, expend and refund Additional Sewer Impact Fees for the Harbor Bay Special Service Area collected pursuant to this Chapter and the Utah Impact Fee Act.

(Ord. 11-9; Ord. 06-14)

7.08.10. Impact Fee Challenges and Appeals.

1. Any person or entity residing in or owning property within the Harbor Bay Special Service Area and any organization, association, or corporation representing the interests of persons or entities owning property within the Harbor Bay Special Service Area, may file a declaratory judgment action challenging the validity of the Additional Wastewater Impact Fees for the Harbor Bay Special Service Area after filing an appeal with the City Council as provided in Subsection (4) of this Section.

2. Any person or entity required to pay an Impact Fee who believes the fee does not meet the requirements of law may file a written request for information with the City.

3. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Utah Impact Fee Act and with any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

4. Within thirty days after paying an Impact Fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal with the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an 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 days after the challenge to the impact fee is filed.

b. 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.
c. Within ninety days of a decision upholding an Impact Fee by the City Council or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal who is adversely affected by the City Council's decision may petition the Fourth Judicial District Court for Utah County for review of the decision. In the event of a petition to the Fourth 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.
    i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.
    ii. If there is a record:
        1. the court's review is limited to the record provided by the City; and
        2. the court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Council and the court determines that it was improperly excluded by the City Council.
    iii. If there is an inadequate record, the court may call witnesses and take evidence.
    iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence in the record.
    v. The judge may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

(Ord. 11-9; Ord. 06-14; Ord. 99-0413-1)

7.08.11. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 11-9; Ord. 06-14)

Chapter 7.09. Transportation Impact Fee.

Sections:

7.09.01. Definitions.
7.09.02. Findings and Purpose.
7.09.03. Adoption of Capital Facilities Plan.
7.09.04. Adoption and Imposition of Amended Impact Fees
7.09.05. Service Area Established.
7.09.06. Other Impact Fees Remain Unaffected.
7.09.07. Time of Collection.
7.09.08. Use of Impact Fees.
7.09.09. Adjustments.
7.09.10. Accounting, Expenditure, and Refunds.
7.09.11. Challenges and Appeals.
7.09.12. Severability.

7.09.01. Definitions.

As used in this Chapter the following terms shall have the meanings herein set out:

1. **"City"** means the City of Saratoga Springs and its incorporated boundaries.

2. **"Development Activity"** or **"new development"** 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.

3. **"Equivalent Residential Unit"** means that measure of impact on certain public facilities equal to the impacts of one typical single family dwelling unit.

4. **"Impact Fees"** means the amended Impact Fees adopted and imposed by this Chapter on Development Activity within the City and as allowed by Utah Code Chapter 11-36a.

5. **"New Capital Facilities Plans"** means the capital facilities plans prepared by City Staff for parks, recreation facilities, open space and trails, transportation, and public safety facilities and adopted by the City council in this Chapter.

6. **"Public Facilities"** means the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of the City:
    a. parks, recreation facilities, trails, transportation, and open space; and
    b. public safety facilities.

7. **"Service Area"** means the service area formally adopted by the City Council in this Chapter.

8. **"Utah Impact Fees Act"** means Utah Code Chapter 11-36a.

(Ord. 11-9; 05-19)

7.09.02. Findings and Purpose.

The City Council hereby finds and determines:

1. As the result of the City being a relatively new and rapidly growing city, there are very limited existing public facilities and new development will create the need for the Public Facilities as set out in the New Capital Facilities Plans.

2. There is a need for Public Facilities for new development 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.

3. The rapid and continuing growth of the City necessitates the imposition and collection of the amended Impact Fees that require new development to pay its fair share of the costs of providing the Public Facilities occasioned by the demands and needs of the Development Activity at service levels necessary to promote and preserve the public health, safety, and welfare.

4. The New Capital Facilities Plans establish the estimated costs for providing the Public Facilities covered by this Chapter, identifies the impact on the needs for those Public Facilities by Development Activity, demonstrates how the impacts on the need for the applicable Public Facilities are reasonably related to the Development Activity, estimates the proportionate share of the costs of the needed Public Facilities related to new development, and identifies how the amended Impact Fees set out in the New Capital Facilities Plans and adopted by this Chapter were determined.

5. The amended Impact Fees established by this Chapter are reasonably related to the costs of providing such Public Facilities necessitated by anticipated future growth within the City and are consistent with requirements of the Utah Impact Fees Act.

(Ord. 11-9; 05-19)

7.09.03. Adoption of Capital Facilities Plan.

The City Council hereby approves and adopts the new Capital Facilities Plans and the analyses reflected therein and the methodology used for calculation of the amended Impact Fees imposed by this Chapter for the Public Facilities covered by this Chapter.

(Ord. 11-9; 05-19)

7.09.04. Adoption and Imposition of Amended Impact Fees

The City Council hereby approves and imposes and levies on all Development Activity the amended Impact Fees for transportation as follows:

Transportation: $2,500 per ERU

(Ord. 11-9; 05-19)

7.09.05. Service Area Established.

The entire area of the City and any area outside of the City covered by the new Capital Facilities Plans which may hereafter be annexed into the City or serviced by any Public Facility are hereby designated as one service area with respect to parks, recreation facilities, open space, trails, and public safety facilities.

(Ord. 11-9; 05-19)

7.09.06. Other Impact Fees Remain Unaffected.

The previously adopted impact fees established for roads, storm drainage, and wastewater collection shall remain unaffected by this Chapter and shall remain subject to the impact fee ordinances by which they were adopted.

(Ord. 11-9; 05-19)

7.09.07. Time of Collection.

The amended Impact Fees imposed by this Chapter shall be paid prior to and as a condition of the issuance of a building permit for any Development Activity.

(Ord. 11-9; 05-19)

7.09.08. Use of Impact Fees.

The amended Impact Fees collected by the City shall be used solely to:

1. pay for the Public Facilities provided for by this Chapter and the new Capital Facilities Plans by the City;

2. reimburse the City for a Development Activity's share of Public Facilities already constructed by the City; or

3. reimburse developers who have constructed Public Facilities where those Public Facilities are beyond that needed to meet the demands of the developers Development Activities.

(Ord. 11-9; 05-19)

7.09.09. Adjustments.

The City may adjust the amended Impact Fees imposed by this Chapter as necessary in order to:

1. respond to unusual circumstances in specific cases;

2. ensure that the amended Impact Fees are imposed fairly;

3. adjust the amount of the amended Impact Fees to be imposed on a particular development based upon studies and data submitted by the developer that are approved by the City Council; and

4. allow credits as approved by the City Council for dedication of land for, improvements to, or construction of Public Facilities providing services to the City at large, provided such facilities are identified in the New Capital Facilities Plans and are required by the City as a condition of approving the development or Development Activity.

(Ord. 11-9; 05-19)

7.09.10. Accounting, Expenditure, and Refunds.

The City shall account for, expend and refund amended Impact Fees collected pursuant to this Chapter in accordance with the Utah Impact Fee Act.

(Ord. 11-9; 05-19)

7.09.11. Challenges and Appeals.

1. 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 amended Impact Fees after filing an appeal with the City Council as provided in Subsection (4) of this Section.

2. Any person or entity required to pay an amended Impact Fee who believes the fee does not meet the requirements of law may file a written request for information with the City.

3. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Utah Impact Fee Act and with any other relevant information relating to the Impact Fees. The City may charge for all copies provided for in response to such a request in an amount set out in the City's Consolidated Fee Schedule.

4. Within thirty days after paying an amended Impact Fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City Council by delivering a copy of such appeal with the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fee being appealed.
    a. Upon receipt of an appeal, the City Council shall thereafter schedule a 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 days after the challenge to the impact fee is filed.

b. 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.

c. Within ninety days of a decision upholding an amended Impact Fee by the City Council or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal who is adversely affected by the City Council's decision may petition the Fourth Judicial District Court for Utah County for review of the decision. In the event of a petition to the Fourth 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.

    i. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this Subsection.

    ii. If there is a record:

        1. the court's review is limited to the record provided by the City; and
        2. the court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City Council and the court determines that it was improperly excluded by the City Council.

    iii. If there is an inadequate record, the court may call witnesses and take evidence.

    iv. The court shall affirm the decision of the City Council if the decision is supported by substantial evidence in the record.

    v. The court may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

(Ord. 11-9; 05-19)

7.09.12. Severability.

If any section, subsection, sentence, clause, or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

(Ord. 11-9; 05-19)

Chapter 7.10. [Reserved]

Chapter 7.11. [Reserved]

Chapter 7.12. Utah Special Improvement District 2005-1.

Sections:

7.12.01. Determination of Costs of the Improvements.
7.12.02. Approval of Assessment List; Findings.
7.12.03. Levy of Assessments.
7.12.04. Amount of Total Assessments.
7.12.05. Method and Rates.
7.12.06. Stacked Unit, Multi-Family Residential Dwellings.

7.12.01. Determination of Costs of the Improvements.

The acquisition and construction costs of the Improvements described herein within the Utah Special Improvement District 2005-1 ("District") have been determined and the City Council has determined that the total acquisition and construction costs of Improvements within the District, including overhead costs, is $9,966,051.75, of which the City will pay approximately $2,013,860, and that the properties benefited within the District will be assessed an assessment in an aggregate principal amount of $8,441,691.75.

(Ord. 11-9; Ord. 09-20; Ord. 09-18)

7.12.02. Approval of Assessment List; Findings.

The City Council hereby accepts and adopts the Findings and Recommendation of the Board of Equalization and Review. The Council confirms and adopts the equalized and adjusted assessment list for the District, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the "Assessment List"). The Council has determined that the Assessment List, as adjusted and equalized, is just and equitable; that each piece of property to be assessed within the District will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the Assessment List will bear more than its proportionate share of the cost of Improvements.

(Ord. 11-9; Ord. 09-20; Ord. 09-18)

7.12.03. Levy of Assessments.

The Council hereby levies an assessment against the real properties identified in the Assessment List. Said assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List. The assessments are levied upon the parcels of land in the District in accordance with the benefit received from the Improvements.

(Ord. 11-9; Ord. 09-20; Ord. 09-18)

7.12.04. Amount of Total Assessments.

The assessments to be assessed against property affected or benefited by the Improvements in the District do not exceed in the aggregate the sum of:

1. the acquisition price of Improvements;

2. the reasonable cost of utility services, maintenance, operation, labor, materials, or equipment supplied by the City, if any;

3. the property price or estimated property price;

4. the cost of funding a reserve fund; and

5. overhead costs not to exceed fifteen percent of the sum of (1) and (2).

(Ord. 11-9; Ord. 09-20; Ord. 09-18)

7.12.05. Method and Rate.

Benefited properties will be assessed per developable acre. The developable acre cost used to calculate the assessment set forth in the Assessment List is as follows:

Improvements	Assessment	Method of Assessment
culinary water tank and several secondary water facilities, including a reservoir, a series of transmission and distribution lines to various facilities and projects, filtering stations, and improvements to the existing secondary water pond	$9,076.65* Acre**	Per Developable

* If a property owner prepays his or her assessment in full within twenty-five days after the Assessment Ordinance adopted on September 22, 2009, takes effect, the total assessment to be paid will be $8,170.84 instead of $9,076.65, since the City would not be required to fund a reserve fund with respect to that assessment.

** The City has estimated the total number of developable acres to be benefited by the Improvements. The actual number of developable acres may vary somewhat from the City Council's initial estimate.

(Ord. 11-9; Ord. 09-20; Ord. 09-18)

7.12.06. Stacked Unit, Multi-Family Residential Dwellings.

Impact fees for stacked unit, multi-family residential dwelling units shall be computed at 0.5 Equivalent Residential Units (ERUs) per individual dwelling unit in a building.
(Ord. 11-9; Ord. 10-3; Ord. 09-20; Ord. 09-18)

Chapter 7.13. Connection Fees.

Sections:

7.13.01. Sewer Connection Fee.

7.13.01. Sewer Connection Fee.

1. A connection fee is hereby imposed as a condition of the issuance of a building permit for each new connection to the City's sewer (wastewater collection) system.

2. The connection fee shall be assessed upon and paid by or on behalf of the applicant for the building permit being sought.

3. The connection fee is due and payable prior to and as a condition precedent to the issuance of a building permit, and is in addition to all other applicable fees, including any impact fees.

4. The amount of such connection fee shall:
    a. be fair and reasonable;
    b. fairly reflect the actual (direct) and indirect costs to the City occasioned by the desired or required connection to the City's sewer (wastewater collection) system;
    c. be based upon and reflective of the number of separate service laterals required under the provisions of Section 8.02.13 of this Code; and
    d. be established by resolution of the City Council.

5. The City Council is hereby authorized to pass one or more resolutions, or a series of resolutions, establishing the applicable connection fees payable by the applicant. Said resolution or resolutions may further establish and confirm policies and procedures to assist in the implementation, administration, and interpretation of the connection fee and related requirements of this Section.

6. The public works director is authorized to adopt written policies consistent with this Section and any resolutions authorized hereunder to assist in the implementation, administration, and interpretation thereof.

7. The City Council shall have the authority, in its sole discretion, to consider studies and data submitted by an applicant, user, or developer, and to thereupon adjust the applicable connection fee as necessary to respond to unusual circumstances and to ensure that connection fees are imposed fairly and equitably.

(Ord. 11-9; Ord. 09-16)

Chapter 7.14. Street Lighting.

Sections:

7.14.01. Saratoga Springs Development Special Improvement District.

7.14.01. Saratoga Springs Development Special Improvement District.

1. **Established.** There is hereby created a Special Improvement District ("SID") to pay for the maintenance of street lighting in the Saratoga Springs Development (the "SSD Lighting SID") within the subdivisions included within the SSD Lighting SID.

2. **Generally.**
   a. Each piece of property within the SSD Lighting SID will be benefited in an amount not less than the assessment proposed to be levied against the property; and
   b. No piece of property within the SSD Lighting SID will bear more than its proportionate share of the cost of the improvement under the proposed assessment.

3. **Assessment Area.**
   a. The lots included in the SSD Lighting SID and to be assessed under this Chapter are all lots located within the following Subdivisions:
      i. Saratoga Springs #01 PUD,
      ii. Saratoga Springs #02 PUD,
      iii. Saratoga Springs #03 PUD,
      iv. Saratoga Springs #04 PUD,
      v. Saratoga Springs "4" SHEET 2 PUD,
      vi. Saratoga Springs "4" SH3 PUD AMD,
      vii. Saratoga Springs #05 PUD,
      viii. Saratoga Springs Plat #512,
      ix. Saratoga Springs #06 PUD,
      x. Saratoga Springs #07 PUD,
      xi. Saratoga Springs #08 PUD,
      xii. Saratoga Springs #08A PUD AMD,
      xiii. Saratoga Springs #09 PUD,
      xiv. Saratoga Springs #10 PUD,
      xv. Saratoga Springs #11 PUD,
      xvi. Saratoga Springs #12 PUD,
      xvii. Saratoga Springs #13 PUD,
      xviii. Saratoga Springs Plat 13A,
      xix. Saratoga Springs Plat 13B,
      xx. Saratoga Springs #15 PUD,
      xxi. Saratoga Springs #15C PUD,
      xxii. Saratoga Springs Plat 16, and
      xxiii. Saratoga Springs #23 PUD.

b. Additional areas of the SSD Lighting SID shall include all lots in subdivisions subsequently added or hereafter added to the SSD Lighting SID by the City Council.

4. **Assessment.**

a. All of the property included in the SSD Lighting SID shall be assessed an equal amount on a per lot basis for the maintenance of street lights installed within the SSD Lighting SID.

b. The per lot annual assessment being levied by this Section is hereby set at $40.08. The annual assessments shall be billed on a monthly basis at $3.34 in connection with each lot's utility bill.

c. The assessment for each lot will commence the earlier of the date of occupancy and commencement of utility billings or the first month after the street lighting assessment has been approved by the City Council.