

RESOLUTION FD-97-2

A RESOLUTION OF THE NORTH TOOELE COUNTY FIRE PROTECTION SERVICE DISTRICT PROVIDING FOR THE ENACTMENT OF AN IMPACT FEE FOR PUBLIC SAFETY FACILITIES AND RELATED MATTERS.

Be it Resolved and Ordained by the Administrative Control Board of the North Tooele County Fire Protection Service District of Tooele County, State of Utah as follows:

SECTION ONE: PURPOSE. The North Tooele County Fire Protection Service District (hereafter "District") has experienced rapid growth and a dramatic increase in the number of subdivision plat approvals and residential building permits which have put a significant burden on the District's ability to provide adequate fire protection capital facilities. The District has adopted a Capital Facilities Plan for Public Safety Capital Facilities that is intended to provide an adequate level of services to accommodate new development within the District. Impact fees are a reasonable and legally permissible means of generating the revenue necessary to provide funding to construct adequate public facilities which are necessary to service new development. This impact fee resolution is supported by adequate studies and analysis justifying the need for additional funding in order to assure that the District can provide adequate public safety facilities, the need for which is created by proposed new development. The studies and analysis include but are not limited to the Capital Facilities Plan and Impact Fee Study and Calculations prepared by Planning and Development Services of Salt Lake City, Utah. Said Impact Fee Study and Calculations are attached to this resolution and by this reference are made a part hereof. The amount to be collected in the form of this impact fee is comparable to the amount of funds the District would reasonably expect to expend to mitigate the impact reasonably attributable to new development. The Administrative Control

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Board in reviewing this impact fee resolution has considered a number of factors including, but not limited to the following:

- a. The cost of existing capital facilities used for public safety services;
- b. The manner of financing existing capital facilities for these services;
- c. The relative extent to which newly developed property and other properties in the District have already contributed to the cost of existing capital facilities;
- d. The relative extent to which newly developed properties and other properties in the District will contribute to the cost of existing capital facilities in the future;
- e. The extent to which the newly developed properties are entitled to a credit because the District may be requiring owners or developers to provide common facilities that have historically been provided by the District and financed through general taxation or other charges in other parts of the District;
- f. The extraordinary costs, if any, in servicing newly developed properties, and
- g. The time-price differential inherent in fair comparisons of amounts paid at different times.

After consideration of all the factors outlined above, the Administrative Control Board finds and determines that the impact fees to be imposed by virtue of this resolution will be expended for capital improvement projects that will have a demonstrable benefit to newly developing properties against which the impact fee will be imposed. It is determined in the best interest of District and the health, safety and general welfare of its citizens to adopt this resolution in order to provide adequate public safety facilities necessary to service new development, the need for which is reasonably created

by the anticipated new development. This resolution is also for the purpose of adopting administrative procedures to challenge the validity of this impact fee and to provide collection and accounting procedures.

SECTION TWO: DEFINITIONS. The definitions referred to in U.C.A. § 11-36-102, 1953 as amended, shall apply to the terms used in this Resolution.

The “Service Area”, which shall be served by this impact fee enactment, shall constitute the entire corporate boundaries of the North Tooele County Fire Protection Service District.

SECTION THREE: PUBLIC SAFETY FACILITIES IMPACT FEE ENACTMENT-COLLECTION PROCEDURES-EXEMPTIONS. Prior to the issuance of a building permit for any new residential development activity or the placement of any residential structure intended for use as a single or multi-family dwelling within the District’s boundaries, the developer, owner or builder thereof, shall pay the District an impact fee of \$670.00 for each single family dwelling unit and \$670.00 for each individual dwelling unit in a multi-family dwelling. Prior to the issuance of a building permit for any non-residential development activity within the District’s boundaries, the developer, owner or builder thereof, shall pay an impact fee of \$0.44 per square feet for each square foot of said non-residential development.

After the effective date of this Resolution, no application for a building permit as set forth herein, shall be approved by Tooele County unless the applicable impact fee has been paid or is adjusted or waived by the Administrative Control Board.

The impact fees imposed by this resolution shall not apply to the following development activities:

- a. Residential development activities that do not increase the number of residential dwelling units.
- b. Non-residential development activities that do not increase the total square footage in an existing non-residential development.
- c. Proposed development for which a building permit has been issued prior to the effective date of this resolution.

SECTION FOUR: ACCOUNTING. The District Administrator shall establish separate interest bearing ledger accounts for each type of public facility for which an impact fee is collected. The District shall also deposit impact fee receipts in the appropriate ledger account and retain the interest earned on each fund or account in the fund. The District Administrator shall, at the end of each fiscal year prepare and submit a report to the Administrative Control Board on each fund or account showing the source and amount of all monies collected, earned or received by the fund or account and each expenditure from the fund or account including other expenditures to support this impact fee process.

SECTION FIVE: REFUNDS-CREDITS-CHALLENGES - APPEALS.

(1) Refunds. The District shall refund any impact fees paid by a developer, plus interest earned when:

- a. The developer does not proceed with the development activity and has filed a written request for a refund; or

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- b. The fees have not been timely spent or encumbered as required by law; or
- c. No impact has resulted.

(2) Credits. Credits against the amount of an impact fee due from a proposed development shall be provided for the dedication of land/or the provision of District facilities by an applicant when such land or facilities are determined to provide additional District facilities capacity to meet the demand generated by the development and when either; (a) the costs of such land or facilities have been included in the District impact fee calculation methodology or (b) the land dedicated or facilities provided is determined by the Administrative Control Board to be a reasonable substitute for the cost of facilities which are included in the District's impact fee calculation methodology. Applications for a credit shall be made to the District Administrator and shall be submitted at or before the time of building permit issuance. The application for a credit shall be accompanied by relevant documentary evidence indicating the eligibility of the applicant for the credit. The District Administrator shall present an application for any credit to the Administrative Control Board, accompanied by a recommendation by the District Administrator. Any credit determined appropriate by the Administrative Control Board shall be applied against the impact fee calculated to be due; provided, however, that in no event shall a credit be granted in an amount exceeding the impact fee due.

(3) Unusual Circumstances. The Administrative Control board may adjust the impact fee at the time the fee is charged, to respond to unusual circumstances in specific cases and ensure that the impact fees are imposed fairly.

(4) Challenges. Any person claiming that the impact fee required by this resolution has no reasonable relationship to the needs created by or benefits conferred upon the proposed development and does not demonstrably benefit the new development or is otherwise constitutionally invalid or unlawful pursuant to the standards of applicable case law or statutes then in effect, must file a written challenge with the District in order to obtain a final determination regarding the application of the impact fee to their development by the Administrative Control Board, which may include a request for a credit against the impact fees paid. Such a determination shall be a necessary prerequisite before filing any legal challenge to the basis of or the amount of the impact fee in question. Any challenge to an impact fee must be filed within 30 days after paying an impact fee. The Administrative Control Board shall make its decision no later than 30 days after the date the challenge to the impact fee is filed.

SECTION SIX: CONTRACT FOR COLLECTION OF IMPACT FEES. The District is authorized by this resolution to contract with Tooele County for the collection of this impact fee at the same time that a building permit is issued by the County for a new development activity within the District.

SECTION SEVEN: CONFLICT. To the extent of any conflict between other District Resolutions and this Resolution, the more restrictive is deemed to be controlling.


SECTION EIGHT: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion shall be deemed

a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION NINE: EFFECTIVE DATE. This resolution shall take effect immediately upon adoption.

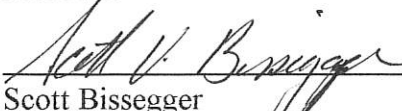
ADOPTED AND PASSED BY THE ADMINISTRATIVE CONTROL BOARD OF NORTH TOOELE COUNTY FIRE PROTECTION SERVICE DISTRICT, UTAH, THIS 19TH DAY OF JUNE 1997.

North Tooele County Fire Protection
Service District



By Scott Frost
Chairman Administrative Control Board

ATTEST



Scott Bissegger
Secretary

(S E A L)



*North Tooele County Fire District
Stansbury Fire Station
179 Country Club Drive
Stansbury Park, UT 84074
Phone: 882-6730*

July 2, 1997

Resolution No. FD-97-2

A resolution has been adopted and passed by the Administrative Control Board of North Tooele County Fire Protection Service District providing for the enactment of an Impact Fee for public safety facilities and related matters. The Impact Fee is effective July 1, 1997 and will be collected on all new residential and commercial development upon issue of building permits.

Dated this 2nd Day of July 1997

A handwritten signature in cursive script, appearing to read 'Myrna Jones', is written in black ink.

Myrna Jones, Administrator
North Tooele County Fire District



North Tooele County Fire District
Stansbury Fire Station
179 Country Club Drive
Stansbury Park, UT 84074
Phone: 882-6730 - Fax 882-8778

TO: Tooele Transcript Bulletin

FAX NUMBER: 882-6123

FROM: Myna

COMMENTS: Please publish in legal notices
on Tuesday, 7/8/97

Thanks