



# HIDEOUT, UTAH TOWN COUNCIL MEETING

**December 18, 2019**

## **AMENDED Agenda**

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its regularly scheduled meeting at 10860 N. Hideout Trail, Hideout, Utah for the purposes and at the times as described below on Wednesday, December 18, 2019

All public meetings are available via ZOOM conference call and net meeting.  
Interested parties may join by dialing in as follows:

**Meeting URL:** <https://zoom.us/j/4356594739> To join by telephone dial: US: +1 408 638 0986  
**Meeting ID:** 435 659 4739

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### Regular Meeting 6:00 PM

- I. Call to Order and Pledge of Allegiance
- II. Roll Call
- III. Approval of Council Minutes
  - 1. November 19, 2019 Draft Regular Meeting Minutes
  - 2. December 10, 2019 Draft Special Meeting Minutes
- IV. Agenda Items
  - 1. Public Hearing - Discussion and Possible Adoption of an Impact Facilities Plan
  - 2. Public Hearing - Review and Possible Approval of the Final Plat for the Venturi subdivision located at approximately 11378 N. Shoreline Dr., Hideout, UT
  - 3. Ordinance 2019-09 Providing for Adoption of Jordanelle Special Service District Standard Drawings and Specifications for Water and Sewer Public Works Construction and Maintenance
  - 4. Ordinance 2019-08 - An Ordinance Establishing a 2020 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah
- V. Closed Executive Session

Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed.
- VI. Meeting Adjournment

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Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

**HIDEOUT TOWN COUNCIL**  
10860 N. Hideout Trail  
Hideout, UT 84036  
Phone: 435-659-4739  
Posted 12/17/19



HIDEOUT, UTAH  
10860 N. Hideout Trail  
Hideout, Utah 84036  
TOWN COUNCIL MEETING  
November 19, 2019  
6:00 p.m.

TOWN COUNCIL REGULAR MEETING

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Rubin called the order the meeting of the Town Council of the Town of Hideout at approximately 6:07 p.m. on November 19, 2019 at 10860 N. Hideout Trail, Hideout, Utah, and led the Pledge of Allegiance.

**II. ROLL CALL**

**Town Council Members Present:**

Mayor Philip Rubin  
Council Member Chris Baier (by telephone)  
Council Member Kurt Shadle  
Council Member Hanz Johansson (by telephone)

**Absent:** Council Member Dean Heavrin  
Council Member Jim Wahl

**Staff Present:** Town Administrator Jan McCosh  
Town Clerk Allison Lutes  
Public Works Kent Cuillard  
Town Treasurer Wes Bingham

Others Present: Jerry Dwinell, Bill Bartlett, Carol Haselton, Will Pratt, David Gorrell, Roger Timmerman, Thomas Eddington, Josh Chandler Karleen Callahan (telephonically), Donald Blumenthal (telephonically) and others who did not sign in or whose names were illegible.

**III. APPROVAL OF COUNCIL MINUTES: October 10, 2019 and November 12, 2019**

*Council Member Baier moved to approve the **October 10, 2019** minutes. Council Member Shadle made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.*

*Council Member Johansson moved to approve the minutes of the **November 12, 2019** meeting. Council Member Baier made the second. Voting Aye: Council Members Baier, Johansson and Shadle. The motion carried.*

1       **IV. AGENDA ITEMS**

2  
3       **1.       Approval of October Premium Payment for Public Employee Health Plan**  
4       **(PEHP)**

5  
6       Mayor Rubin explained this item was not among the expenses to be approved during the last  
7       meeting. Since then, the Town received payment information on this expense which now  
8       needed approval. The two full-time employees, Kent Cuillard and Allison Lutes are  
9       receiving the PEHP health benefits.

10       *Council Member Shadle moved to approve payment of the October premium for Public*  
11       *Employee Health Plan, Council Member Johansson made the second. Voting Aye:*  
12       *Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.*  
13

14       **2.       Continued Public Hearing - Discussion Regarding the Snow Removal**  
15       **Ordinance Due to Additional Suggested Revisions to the Ordinance**

16  
17       *[Clerk's note: the audio recording for this meeting was disabled until partway through the*  
18       *discussion on this agenda item.]*

19       Mayor Rubin presented the redline of the ordinance for discussion, particularly addressing  
20       the Council's prior concern relating to the 16-hour post-snowfall requirement. The Council  
21       queried Kent Cuillard regarding the average window of time needed to plow the town roads.  
22       Mr. Cuillard stated the time can vary depending on the amount of snow and how much help  
23       he has, but on average the main roads can be plowed in one to two hours, sometimes three. It  
24       was indicated this ordinance relates to the private roads within the town and proposes the  
25       standard under which residents would be expected to comply. Dan Dansie clarified that the  
26       16-hour time window represented an attempt to adopt a period to allow for reasonable  
27       compliance under the circumstances. The Council asked Will Pratt what the HOA required  
28       with respect to snow removal. Mr. Pratt indicated they have a crew in at 6 a.m., adding that  
29       part of their contract provided snow removal at Reflection and Overlook up to three times  
30       daily.

31       Council Member Baier felt the 16-hour time period should remain and if needed can be  
32       changed in the future. She expressed concern with those who leave for work early and could  
33       potentially be in violation of an ordinance with a shorter compliance window. Following a  
34       short discussion, the Council agreed with the 16-hour time period for compliance.

35       Discussion followed concerning the balance of the ordinance and its genesis; namely,  
36       addressing the residents' prior practice of depositing snow from their properties onto the  
37       streets, creating additional challenges for the Town and narrowing the roads for all residents.

38       Mayor Rubin noted State law provides that clearance of fire hydrants was a land owner  
39       responsibility. The Town pitches in for absentee owners, however he stated the Town would  
40       appreciate resident owners assisting in digging out the hydrants. It was indicated the HOA in  
41       Shoreline and Rustler were responsible for hydrant clearing. As for electric boxes, the  
42       Mayor stated it would be helpful if residents would flag anything in their right-of-way,  
43       especially if they had a project in progress.



1 Finally, the Council discussed the issue with construction workers and parking. It was noted  
2 the Town already had an ordinance in place, requiring that construction vehicles park on one  
3 side of the street. Mayor Rubin added for the most part, the construction workers had been  
4 cooperative in moving their vehicles when requested to allow for plowing the snow.

5 At 6:34 p.m., Mayor Rubin opened the hearing to public comments. With no public  
6 comments forthcoming, the Mayor closed the public hearing.

7 *Council Member Johansson moved to adopt Ordinance 2019-07 amending snow removal*  
8 *provisions. Council Member Baier made the second. Voting Aye: Council Members Baier,*  
9 *Johansson and Shadle. Voting Nay: None. The motion carried.*

10 **3. Continued Public Hearing - Possible Adoption of an Impact Facilities Plan**

11 Mayor Rubin explained that some weeks ago, the revised impact facilities fee plan was sent  
12 to all the developers, but several had not yet provided their input. Accordingly, the Mayor  
13 announced he wanted to defer this item to December, and added for the record, it would be  
14 the last meeting on the issue: if the developers do not provide their input by then, it will be  
15 assumed they concur with the plan.

16 Council Member Shadle felt that given the importance of the issue, the Council should defer  
17 its decision until January, when three new Council Members will be sworn in. Mayor Rubin  
18 then suggested all parties provide input through December, consider everything through the  
19 holidays, then be ready to vote on the plan in January.

20 Council Member Baier suggested that given the amount of data to digest and understand, a  
21 detailed presentation be given to the Council and public to go over the plan, including the  
22 maps, data, definitions, etc. Mayor Rubin agreed and stated he would work with Brent  
23 Ventura and Horrocks to prepare such a presentation. Council Member Shadle proposed that  
24 the developer present on their rationale for seeking impact fees several years after installing  
25 improvements. Dan Dansie clarified that written feedback was expected from the  
26 developers, and at the December meeting, the Town could invite them to turn their written  
27 feedback into a presentation, if they should so choose. Mr. Dansie acknowledged this  
28 process was a unique way to go about an impact fee ordinance, however the Town's goal is  
29 creating an ordinance that would be legal, defensible and supported by competent  
30 engineering and data. He added transparency was important, as was the opportunity to allow  
31 all to participate. Council Member Shadle felt it important that given the significant amount  
32 of money and general lack of knowledge among Town residents, the Council do all it can to  
33 educate itself and the residents. Mayor Rubin agreed, and added Dan Dansie could cite to  
34 the relevant sections in the Master Development Agreement ("MDA") that were driving this  
35 issue. Further, he stated the Town would communicate to all landowners via a mailing to  
36 ensure all are made aware.

37 At 6:43 p.m., Mayor Rubin opened the hearing for public comments. Jerry Dwinell  
38 commented that since a new Council would be sworn in in January, he requested the  
39 developer presentations be moved to January so those new Council Members would have  
40 the opportunity to interact and weigh in. Dan Dansie explained there was some time  
41 sensitivity concerning this issue, adding that the objective was to finalize a decision as far in  
42 advance of the building season as possible, because the law requires a 90-day period from  
43 adoption to enactment of the ordinance. Thus, if a decision is made in January, it would

1 make it possible to reach the 2020 building season. It was noted the new Council Members  
2 would have the same opportunity as others during the public hearing in December to ask  
3 questions and provide their input.

4 Karleen Callahan and Donald Blumenthal, appearing by telephone, commented that they  
5 submitted questions concerning the impact fees in July and the new document does not  
6 address those questions. Further, Ms. Callahan stated they never received a letter notice  
7 from the Town. Mayor Rubin stated a letter was sent out some time ago, however a new  
8 letter would be sent out regarding the December hearing in the coming week. Ms. Callahan  
9 and Mr. Blumenthal strongly agreed that the developers should make presentations for their  
10 case for this proposal and provide some documentation before the December meeting to  
11 review those documents. Mayor Rubin explained the Town was proposing the impact fee  
12 plan and not the developers. The impetus for this effort was driven by the Master  
13 Development Agreement for Hideout Canyon, that provides the Master Developer of the  
14 majority of the development of Hideout Canyon would be entitled to reclaim some of the  
15 expenses for infrastructure in the creation of Hideout. Consequently, the Town, with its  
16 engineer, had been attempting to clarify what those expenses would consist of which are  
17 addressed in the proposed plan. Additionally, the Mayor agreed with Council Member  
18 Baier's suggestion to have the engineer present at the December meeting to aid in  
19 understanding the plan. Ms. Callahan expressed her understanding that impact fees were part  
20 of the cost of their home and they believed they already paid that.

21 Dan Dansie further clarified that imposition of impact fees are authorized by State statute,  
22 thus the statute is the controlling authority on what the Town can and can't do, and while the  
23 MDA is the catalyst, State statute controls. Further, the ability to impose impact fees for  
24 system improvements does not bear a correlation to the cost of homes in any particular  
25 development. The impact fee is related to system improvements that are generally built to  
26 benefit the community at large rather than one specific development in town.

27 With no further public comments, Mayor Rubin closed the public hearing at 6:54 p.m. *[At*  
28 *this point in the meeting, Council Member Johansson's telephonic connection dropped.]*

29 Mr. Rubin announced the hearing on this issue will be continued to December 12.

30 **4. Public Hearing - Community Development Block Grant (CDBG) Program**  
31 **and Possible Applications**

32 Jan McCosh explained the federal Community Development Block Grant ("CDBG")  
33 program, which had been in existence for over 30 years through Title 1 of the Community  
34 Development Housing program. In the State of Utah, it is administered by the Association of  
35 Governments, and Hideout is part of the Mountainlands Association of Governments  
36 ("MAG").  
37

38 This year, MAG is expected to allocate approximately \$500,000 to municipalities for 2 to 3  
39 projects, estimated to be no less than \$30,000 and no more than \$250,000. The focus of the  
40 current program is to benefit low and middle income communities. The project submitted  
41 for the grant can be no larger than a 2-block area. Depending on how well the project fits the  
42 MAG criteria, points are awarded.  
43

44 Ms. McCosh explained this hearing was part of the Town's compliance with MAG's criteria,

1 to let the community know the program is available and to propose ideas. She recounted the  
2 Town had applied for CDBG funds three times in the past and was denied each time. Past  
3 applications included an underpass to the State park from Deer Mountain, and a bus shelter.  
4 Ms. McCosh suggested a possible trail section that may include a bike share program. She  
5 felt it may fit with the MAG criteria on how a proposed plan would fit into the overall  
6 community plan. Further, it could be a way to help decrease traffic on SH 248.

7 *[At this time, Council Member Johansson reconnected to the meeting.]* Discussion  
8 continued concerning a potential projects. Ms. McCosh noted the applicant would need to  
9 submit fully engineered drawings and plans, and while the CDBG deadline was quickly  
10 approaching, the concept could be submitted to other sources for grant funds.

11 The discussion turned to ideas for other projects, and what other types of projects in the area  
12 had received funds in the past. Council Member Shadle suggested they might consider  
13 additional bus stops between Hideout and Park City. Ms. McCosh stated she had been in  
14 contact with Park City and they were open to more stops.

15 Council Member Baier felt the Council should focus on the Deer Mountain community and  
16 what they could do for the most vulnerable via the CDBG program. She felt the Town  
17 should find a way to get its residents (most of whom support the Park City area) back and  
18 forth to Park City and add more scheduled bus stops to get those residents to Park City. The  
19 Deer Mountain area is a key area. Ms. McCosh suggested they speak with people who use  
20 the service. Mayor Rubin advised that a team meet with Deer Mountain management to  
21 identify their needs with respect to grant funds.

22  
23 At 7:12 p.m., Mayor Rubin opened the hearing for public comments. Jerry Dwinell  
24 suggested another option to address the needs of the Town's school age children who were  
25 currently being bussed to Wasatch County schools. He queried whether the funds could be  
26 used to buy slots in the Summit or Park City school districts. Mayor Rubin stated they could  
27 look into it.

28 With no further comments, Mayor Rubin closed the public hearing.

29 **5. Discussion and Possible Approval of Resolution 2019-15, Adopting the**  
30 **Mountainland Pre-Disaster Hazard Mitigation Plan**

31 Mayor Rubin explained that communities are required to adopt a hazard analysis plan in  
32 order to receive FEMA funds for a disaster. Because of the size of the Town of Hideout,  
33 MAG does this for its members. He recommended adopting this resolution that was never  
34 adopted by the prior administration. Jan McCosh advised this resolution will likely be  
35 amended, because FEMA was currently updating its plan. However, by adopting the current  
36 resolution, the Town would be in further compliance and would qualify to proceed to the  
37 next step and obtain funding to help in obtaining FEMA's help in developing a plan. This  
38 resolution is basically procedural. Further, Ms. McCosh noted she scheduled an upcoming  
39 appointment with MAG to examine the Hideout community. Its biggest issue at this time  
40 concerned fire hazards, and they would be working with the fire authority to identify and  
41 address the issue and develop a plan.

42 *Council Member Shadle moved to adopt Resolution 2019-15 adopting the Mountainland*  
43 *Pre-Disaster Mitigation Plan. Council Member Baier made the second. Voting Aye:*

1 Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.  
2

3 **6. Discussion and Possible Approval of a Franchise Agreement Between the**  
4 **Town of Hideout and Utopia Fiber Regarding Construction Access for**  
5 **Telecommunications Infrastructure**

6 Mayor Rubin summarized the history relating to the All West franchise agreement; Utopia is  
7 currently seeking the same agreement.

8 Roger Timmerman, Utopia's representative, discussed the rationale concerning their request.  
9 Utopia was essentially seeking permission to utilize the Town's right-of-way, like any other  
10 telecommunications entity; there would be no other obligations imposed on the Town. *[At*  
11 *this time in the meeting, the recording was interrupted and resumed shortly thereafter.]* Mr.  
12 Timmerman further explained that while there was currently no fiber-to-home project  
13 driving their current proposal, they wanted the Town's permission to identify and pursue  
14 other potential future opportunities.

15 Council Member Baier queried whether this request had anything to do with the  
16 infrastructure Utopia had already installed in Deer Waters. Mr. Timmerman responded at  
17 this time it was not clear what the Town would allow in the future. This agreement would  
18 allow them to do more than in the past. For now, since there was no fiber-to-home project, it  
19 would be handled on a case-by-case basis on what does and does not work, just as a city  
20 would handle any other providers. Utopia was simply requesting the same treatment as any  
21 other provider and was seeking general permission to operate in the Town.

22 Discussion followed with Dan Dansie and Utopia discussing federal and state law regarding  
23 regulating and reasonable restrictions on how to provide services. Mr. Dansie advised that if  
24 a municipality were to pick and choose which entities would be entitled to a franchise  
25 agreement, it would give rise to potential future legal challenges.

26 *Council Member Shadle move to approve the Franchise Agreement between the Town of*  
27 *Hideout and Utopia Fiber and to authorize the Mayor to execute the agreement.*

28 Council Member Baier expressed she was not prepared to vote at this time. Discussion  
29 followed concerning the agreement itself and whether it mirrored that of All West. Dan  
30 Dansie explained the Utopia agreement was based on the All West agreement with additions  
31 as follows: 1) because Utopia is not regulated by Public Utilities Commission, language was  
32 added to commit Utopia to comply with all regulatory requirements (paragraph 3D); and 2:  
33 an assignment provision (paragraph 20).

34 *Council Member Johansson made the second. Voting Aye: Council Members Baier,*  
35 *Johansson and Shadle. Voting Nay: None. The motion carried.*

36 **7. Wes Bingham - 2019-2020 Budget: First Quarter Status Update**

37 Wes Bingham summarized the first quarter financial results. Highlights of his discussion  
38 follow:

39 Revenues: Some of the revenue sources, such as property taxes are seasonal. The Town  
40 expected to receive 100% of the budgeted property tax revenue. Overall, the current  
41 revenues total \$175,000, with a budget of \$788,000. Mr. Bingham noted at this time, the  
42 Town earned 22% of its revenue, however a portion of that included appropriated surplus

1 which pushes the figure higher. Regarding sales tax, Mr. Bingham expected \$24,000 for the  
2 year, representing an additional \$5,000.

3  
4 Building Permits: Mr. Bingham noted that sales tax and building permits are the two most  
5 likely fund sources to be volatile, but he added both were doing very well for this point  
6 based on these figures, he was optimistic the Town could expect to meet its budget  
7 revenue figures. Council Member Shadle inquired how many building permits were  
8 currently with the Town. Jan McCosh responded she would find out and advise the Council  
9 later. Mr. Bingham estimated approximately 25 at this time, based on a percentage of  
10 revenue.

11 Mr. Bingham commented it was significant for the Town to have 1/3 of its revenue at this  
12 point, however he cautioned he would have a much better idea at six months and by year  
13 end.

14 Administrative Department Expenditures: 28.7%. While these expenditures are a bit high,  
15 Mr. Bingham felt they were not a significant concern at this time.

16 Professional Services: \$101,000 of that budget had already been expended, however they  
17 were allowed expenditures. Mr. Bingham noted the building inspection costs were quite low  
18 compared to the overall budget.

19 Engineering: \$94.75%. Mayor Rubin noted Engineering's work with GIS is really associated  
20 with the Enterprise Fund as opposed to the General Fund and would need to be reviewed for  
21 potential reclassifying. Further, Mr. Rubin met with T-O to discuss a budget and the  
22 prospect of either putting some Town projects aside or delay them; additionally, the Town  
23 would be decreasing the T-O budget to \$3,000 per month for the remainder of the year for  
24 Town projects, however T-O could continue with pass throughs. Mr. Bingham asserted this  
25 may be a good opportunity to put some of this into a CDBG grant. Further, he pointed out  
26 that budgetary legal limits really applied to departments, so providing the Professional  
27 Services department expenses overall do not exceed the budget, then it is okay.

28 Council Member Shadle noted that the water fund had nearly no expenses; he felt the GIS  
29 system would be more appropriately allocated to that fund. Mr. Bingham responded he  
30 would go back through the Engineering expenses and review allocations. Mr. Rubin added  
31 he and Ryan Taylor were currently looking at a grant for the water and sewer models; he  
32 told Mr. Taylor the Town could not proceed with those models unless it obtains the grant  
33 funds.

34 Public Safety, Streets and Parks and Recreation: The Town has held off on public safety  
35 expenditures at this point. The Streets fund is substantially under budget, with only 15%  
36 expended. Parks and recreation: 50% expended and debt service has been paid. Mayor  
37 Rubin noted there was currently a bill for \$80,000 for road repairs that would be allocated to  
38 the second quarter.

39  
40 Council Member Shadle inquired regarding cash on hand. Mr. Bingham responded the  
41 Town currently had \$622,000 cash on hand, however \$409,000 in liabilities, much of which  
42 relates to performance bonds, of which \$369,000 is allocated to the Deer Waters  
43 performance bond and is held in a separate account. There is also a \$100,000 bond for  
44 GCD. Mr. Bingham stated he would provide the Council with a copy of the balance sheet.

1 He felt the Town was in an "okay" cash position; he still needed to pull out some Class C  
2 and other funds and segregate them into separate funds, enabling the Council to see exactly  
3 what cash would be needed, e.g. water, sewer, Class C etc., and also know which amounts  
4 were restricted and for what purpose.

5 Enterprise funds: Mr. Bingham explained he had not presented depreciation on that fund,  
6 which is typically done at the end of the year to have an idea of how much cash to have  
7 toward enterprise projects. He suggested the public works or engineer identify projects to  
8 address. Through the current year, there the fund has \$221,000 in revenues, representing  
9 about 33% of collected revenue. Mr. Bingham added enterprise funds can be seasonal when  
10 it comes to water, due to increased usage in the summer. He felt a mid-year review of these  
11 numbers would provide more information as the next year's budget is developing.

12  
13 Mr. Bingham noted \$139,000 in expenditures, with \$743,000 budgeted in the Enterprise  
14 Fund. Mayor Rubin announced he had received a contract from JSSD earlier in the day by  
15 which JSSD would assume the maintenance and general service of the sewer system and a  
16 good chunk of the water system for a fixed rate (with add-ons if special equipment is  
17 required, e.g. vac-truck, etc.) After meeting with Kent Cuillard, the Mayor determined the  
18 system was too much for the Town staff to maintain, especially given some recent  
19 significant unplanned interruptions, including a sewer backup near the lift station and a  
20 water leak near the roundabout. Mayor Rubin met with JSSD who is willing to maintain and  
21 support the Town's water and sewer infrastructure. It was projected the income from the  
22 water fund would support a contract with JSSD, estimated to be approximately \$75,000.

23 **8. Presentation and Discussion Regarding the Master Plan from P.O.S.T.**  
24 **(Parks, Open Space and Trails Committee)**

25 Thomas Eddington, representing the POST committee, (Council Members Baier and  
26 Johansson, Jan McCosh and Planning Commissioner Sara Goldkind) summarized the  
27 background of the three-month project to create a map guiding future open space and trails.  
28 The General Plan identifies 22 goals and of those, 11 relate to trails, open space and park  
29 planning.

30 The committee found the community wants aligned well with the committee goals. Mr.  
31 Eddington shared some survey results showing the number one thing the residents dislike  
32 about Hideout is its lack of trails.

33 The Committee recommended 3 segments in laying out the framework for the future:

34  
35 Regulatory: Ensure open space trails, etc. are part of new developments and are clearly  
36 outlined in the Town code. Zoning is the regulatory tool that endows the Town with "some  
37 teeth" where the Town needs to have some of the trails, open space and park area  
38 recommendations, and the developers must adhere to it.

39 Partnership and Collaboration: Partnership and Collaboration: Ensure Hideout participates  
40 effectively within the larger area among the other regional participants. Suggested entities  
41 with which the Town would collaborate include the HOA, Jordanelle, MIDA, UDOT, non-  
42 profits, trail organization (Mountain Trail Foundation), Wasatch County (Doug Smith)

1 Financing Tools: Identify different financing tools, given the Town's various budgetary  
2 constraints. Mr. Eddington explained the committee focused on what might a \$5 million  
3 bond look like for an example. In 20 years at 3.25% it would add approximately \$925 per  
4 year per resident for 20 years to pay it off went to \$8400. Mr. Eddington noted that now  
5 would be a good time to look at trails before the Town is built out, when it would be more  
6 challenging and more expensive. He indicated \$5 million would cover most of the seven  
7 projects the committee identified, outlined below.

8  
9 Mr. Eddington commented the master HOA covered a significant area and it was important  
10 to work with them. He indicated the committee had been working cooperatively with Will  
11 Pratt and it was their hope that the private trails could be accessed in the future. The HOA  
12 had been a partner since the beginning, which was a positive.

13 As for the financing portion of the plan, Mr. Eddington was in the process of updating it to  
14 include the MIDA aspect concerning the Town's financial position. It was further indicated  
15 impact fees would be another potential source of funding.

16 Mr. Eddington then outlined seven priorities identified by the committee:

17 1. Ensure developer compliance with previously approved plans and subdivisions. The  
18 committee mapped out all the subdivisions over the years and identified where developers'  
19 traols were to have been built as part of the approved plans. At this time, the committee was  
20 unable to calculate the exact percentage of uncompleted trails. Council Member Baier noted  
21 there was no clear definition concerning what a "complete trail" is, which was a challenge to  
22 the committee. For example, a trail could be cut in but not maintained; would that be  
23 considered complete?

24 2. Work with the Deer Springs developer on building the trail. He indicated much of this  
25 had already been done. Additionally, the Rustler plat area could be considered for  
26 improvement. (\$50,000-\$100,000)

27 3. Create a spine to connect Hideout neighborhoods and all of Highway 248 from Kamas to  
28 Park City. This would require working with UDOT to create a 10 to 12-foot wide asphalt  
29 path along 248. The Master HOA indicated some interest in investing money in this project,  
30 which could cost \$250,000-300,000 per mile (possibly more based on potential legal and  
31 easement costs); there are four miles running within the Town of Hideout. It would also  
32 involve collaborating with neighboring communities and MIDA. Council Member Baier  
33 expressed that this was a very important corridor regionally, because Hideout is in the center  
34 of the connection.

35 Mr. Eddington recounted the committee had a discussion with Doug Smith of Wasatch  
36 County regarding a regional trail known as the "Posting Trail" that could connect Deer  
37 Springs, the Richardson Flat trail toward Park City, and then a trail the county was looking  
38 at that would run along the west side of the Jordanelle that could then be wrapped around to  
39 the east. Mayor Rubin noted there was a powerline trail planned along the Jordanelle  
40 Parkway by MIDA.

41 4. Purchase land for a park. The committee recommended considering the rock pile at the  
42 roundabout for a park. That land (approx. 2 acres) was not zoned for residential  
43 development, and there may be a possibility Mustang Development would sell it for a park.

1 5. Providing a trail from the park (identified in Priority #4) through Dead Man's Gulch and  
2 connect to Jordanelle. Currently there was a rough trail of about 700 feet. If extended to  
3 1000 ft, it could connect to trails in Jordanelle. Other possibilities would include near the  
4 sewer lift station or along the access road that parallels the fence line to the park. It was  
5 noted entry to the State park would entail a fee, and the Mayor indicated there was a  
6 possibility of adding park access fees or green space fees to the Town's monthly utility bills.  
7 Council Member Baier noted the committee still needed to work through the details with the  
8 State concerning possible access to and fees regarding the Jordanelle.

9 6. Connecting the last mile to connect all neighborhoods. The committee analyzed the  
10 existing and approved private trails, many of which do not connect to each other. The  
11 objective would be to connect all to Highway 248 so that access would be fluid. The  
12 committee identified eleven sites that would need to connect.

13 7. The opportunity to utilize existing utility lines for easements, for example working with  
14 Rocky Mountain Power for potential power line trails, pocket parks, etc. Mr. Eddington  
15 noted it could be a little complicated legally working with utilities to access easements,  
16 however other municipalities have done it, and there were significant easements through the  
17 Town that may be utilized. Mayor Rubin noted there was also land in the Town under power  
18 lines owned by JSSD and he believed JSSD would be open to working with the Town on  
19 potential trails there. Council Member Baier commented that she was involved in past work  
20 on trails in the State Park that included working with Rocky Mountain Power, who indicated  
21 that as long as the land owner(s) approved, and the easement along the property and access  
22 to power pole were not blocked, then they were amendable to having trails constructed near  
23 power lines.

24 In closing, Mayor Rubin thanked the committee and Mr. Eddington for their work. He  
25 expressed the importance regarding the Town's priority to identify and acquire surrounding  
26 land before the area is built out.

## 27 **V. ADJOURNMENT TO EXECUTIVE SESSION**

28 *Council Member Shadle moved to enter into executive session. Council Member Baier made*  
29 *the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None.*  
30 *The motion carried.*

31 At 9:00 p.m., the regular meeting was adjourned and the executive session convened.

## 32 **VI. MEETING ADJOURNMENT**

33 At 9:45 pm, the Executive Session was adjourned.

34  
35  
36  
37  
38  
39  

---

Allison Lutes, Town Clerk





**Item Attachment Documents:**

2. December 10, 2019 Draft Special Meeting Minutes

HIDEOUT, UTAH  
10860 N. Hideout Trail  
Hideout, UT 84036  
TOWN COUNCIL MEETING  
December 10, 2019  
6:30 PM

TOWN COUNCIL SPECIAL MEETING (TELEPHONIC)

**I. CALL TO ORDER**

Mayor Rubin called to order the meeting of the Town Council of the Town of Hideout at approximately 6:35 p.m. on December 10, 2019. The meeting was held telephonically.

**II. ROLL CALL**

**Town Council Members Present:**

Mayor Philip Rubin  
Council Member Chris Baier  
Council Member Kurt Shadle  
Council Member Hanz Johansson

**Absent:** Council Member Dean Heavrin  
Council Member Jim Wahl

**III. REVIEW OF NOVEMBER BILLS TO BE PAID**

A short discussion ensued regarding the list of bills to be paid.

*Council Member Shadle moved to approve payment of the November bills. Council Member Johansson made the second. Voting Aye: Council Members Baier, Johansson and Shadle. Voting Nay: None. The motion carried.*

**IV. MEETING ADJOURNMENT**

*Council Member Johansson moved to adjourn the meeting. Council Member Shadle made the second. Voting Aye: Council Members Baier, Shadle and Johansson. Voting Nay: None. The motion carried.*

The meeting was adjourned at 6:45 p.m.

---

Allison Lutes, Town Clerk

**Item Attachment Documents:**

1. Public Hearing - Discussion and Possible Adoption of an Impact Facilities Plan

OCTOBER  
20  
19

# HIDEOUT TOWN

***CAPITAL IMPROVEMENTS PLAN***  
INCLUDING

***IMPACT FEE FACILITIES PLAN***  
***IMPACT FEE ANALYSIS***

**HORROCKS**  
  
ENGINEERS

***A REASONABLE PLAN***  
***FOR THE FUTURE OF HIDEOUT***

## Impact Fee Facilities Plan Certification Page

I certify that the attached impact fee facilities plan:

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

---

Brent R. Ventura, P.E.

## Impact Fee Analysis Certification Page

I certify that the attached impact fee analysis:

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

---

Brent R. Ventura, P.E.

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### Demographics

As demographics form the basis of all other projections in this study, the first section prepared is a population study. Current population is approximately 314 residential units. Future population projections provide the basis for determining the proportionate share of system improvements based upon the current Level of Service (LOS). Currently, Hideout is projected to grow to approximately 2,264 residential units by the year 2033.

### Water

This study identifies the **City's** existing water system and its cost. The culinary water infrastructure has been constructed to meet projected future needs while maintaining Hideout's **current LOS**. Existing water infrastructure costs are discussed in Chapter 3 and have been identified as \$2,239,051.

### Transportation

Population growth throughout Hideout should not require new system roads to meet future needs. The City currently provides a LOS "A". The cost of installing the transportation infrastructure for Hideout is discussed in Chapter 4 and is identified as \$10,004,312.

### Storm Water

Equivalent Residential Connections (ERC's) **for future storm water runoff are based on an average lot having 2,700 square feet of impervious surface. The current LOS is based on the City's current standards and ordinances. In order to meet the City's future needs**, storm water improvements were constructed the cost of which is identified as \$1,522,398. Details are discussed in Chapter 5.

### Sewer

The Town currently provides collection systems but not treatment. The sewer infrastructure is detailed in Chapter 6 and its cost has been identified as \$1,954,514.

### Impact Fee Plan

This study has identified a combined cost of \$17,482,476 in project and system improvements installed by the Master Developer. Improvements determined to be "project improvements", as defined by state law, cannot be included in impact fee calculations. In addition, not all of the "system improvements" are eligible for inclusion in the Impact Fee Plan and Impact Fee Analysis because some were funded by alternate sources and some that would otherwise be considered system improvements have not been dedicated to the public and, therefore, are not included in the impact fee calculation. This study identifies \$7,740,330 in impact fee eligible system improvements.

### Impact Fee Analysis

Impact fees have been calculated based on a reasonable plan. Impact fees are based on service areas where services are provided. Finance charges have been applied to each element considered financing over twenty years at six percent. Although Hideout is not required to enact impact fees exactly as outlined in this study, under state law it may not impose fees higher than what is recommended. Following are the recommended fees that correlate to the \$7,740,330 of system improvements that are eligible for reimbursement across the service areas.

## EXECUTIVE SUMMARY

Element/Service Area	Units	Impact Fee
<b>Water</b>	ERC	
WSA1		\$1,320
WSA2		\$0
<b>Transportation</b>	ERC	
All units		\$3,675
<b>Storm Drain</b>	ERC	
SDSA1		\$5,380
SDSA2		\$3,945
SDSA3		\$0
<b>Sewer</b>	ERC	
SSA1		\$1,240
SSA2		\$1,220

Hideout Town is made up of many different subdivisions. Service areas, and applicable impact fees, vary per subdivision. Following is a schedule of impact fees applicable to each subdivision.

Subdivision	Water	Roads	Storm Drain	Sewer	Total Impact Fee
ADA LLC	\$1,320	\$3,675	\$0	\$1,220	\$6,215
Apartments at Deer Mountain	\$0	\$3,675	\$0	\$0	\$3,675
Deer Springs (tentative)	\$0	\$3,675	\$0	\$0	\$3,675
Deer Waters	\$0	\$3,675	\$0	\$0	\$3,675
Forevermore	\$1,320	\$3,675	\$5,380	\$1,220	\$11,595
Glistening Ridge	\$1,320	\$3,675	\$5,380	\$1,220	\$11,595
Golden Eagle	\$0	\$3,675	\$0	\$1,220	\$4,895
KLAIM	\$0	\$3,675	\$0	\$0	\$3,675
New Town Center	\$1,320	\$3,675	\$3,945	\$1,220	\$10,160
Overlook Village	\$1,320	\$3,675	\$3,945	\$1,220	\$10,160
Perch (The Settlement)	\$1,320	\$3,675	\$3,945	\$1,220	\$10,160
Plumb	\$1,320	\$3,675	\$3,945	\$1,220	\$10,160
Reflection Lane	\$0	\$3,675	\$3,945	\$1,220	\$8,840
Reflection Ridge	\$0	\$3,675	\$3,945	\$1,220	\$8,840
Ross Creek Entrance	\$0	\$3,675	\$0	\$0	\$3,675
Rustler	\$1,320	\$3,675	\$5,380	\$1,220	\$11,595
Salzman	\$1,320	\$3,675	\$0	\$1,220	\$6,215
Shoreline Phase I	\$1,320	\$3,675	\$0	\$1,220	\$6,215
Shoreline Phase II	\$1,320	\$3,675	\$0	\$1,220	\$6,215
Shoreline Remaining (tentative)	\$1,320	\$3,675	\$0	\$1,220	\$6,215
Silver Sky	\$1,320	\$3,675	\$3,945	\$1,240	\$10,180
Soaring Hawk	\$0	\$3,675	\$0	\$1,240	\$4,915
Sunrise	\$1,320	\$3,675	\$0	\$1,220	\$6,215
Van Den Akker	\$0	\$3,675	\$0	\$0	\$3,675
Venturi	\$1,320	\$3,675	\$3,945	\$1,220	\$10,160
Woolf	\$0	\$3,675	\$0	\$1,240	\$4,915

The Town of Hideout is a growing community located in the Wasatch Mountains to the west of Kamas and bordering the east shore of Jordanelle Lake south of Deer Mountain. Established in 2008, Hideout now has approximately 314 units (an estimated 820 residents). As growth continues, Hideout is projected to grow to 2,264 residential units in the next 20 year, as discussed in the following chapter.

This Capital Improvements Plan (CIP) evaluates Hideout's current infrastructure supporting future growth and analyzes its potential future growth. Services addressed are: (1) water, (2) transportation, (3) storm drain, and (4) sewer. It provides an inventory of existing facilities for each element and outlines facilities already constructed that have been financed for future growth. Identification of these facilities will lay the foundation for calculating impact fees for each element in each service area.

### *Proportionate Share*

This document attempts to assign only a proportionate share of costs for existing and future improvements due to development activity. Every effort has been made to evaluate impact fees considering only those costs that are allowed under the Impact Fee Act including Utah Code Section 11-36a-305. As such, a current Level of Service (LOS) has been defined for each element and master planning performed to maintain the existing standards. Impact fees have been evaluated assigning the costs associated with maintaining these standards to future development as Hideout grows.

### *Impact Fee Adjustments*

Hideout understands that future developments will each have individualized impacts on the Town and therefore, in order to impose impact fees fairly, the Town may adjust standard impact fees to meet unusual circumstances as allowed by State Code. Adjustments may be made for any of a number of reasons including studies or data submitted by the developer, land dedicated as a condition of development, and/or system improvements constructed by a new development.

The first step in creating an impact fee study is to evaluate and verify the Town's current demographics and future population projections. The following section discusses Hideout's population, growth trends, and projected build-out population. This will be the first effort to evaluate Hideout's future population.

## 2.1 Existing Conditions

### *Current Population*

Hideout's population estimate is based on a current count of approximately 314 residential units. Population data and projections were obtained from Hideout Town. It should be noted, that consideration of the Apartments at Deer Mountain, for purposes of this impact fee analysis, has been limited to the number of registered voters, estimated to be approximately 71, as of November 2017.

### *Current Zoning and Land Use Plans*

Hideout's current projections include only residential growth on properties included in the Town of Hideout boundaries. Figure 2-1 illustrates the Town boundaries and various parcels within the Town.

## 2.2 Build-out Population

Total build-out for a municipality is reached when all vacant land within city boundaries has been developed to the current zoning and land use plans. Currently constructed, approved and anticipated subdivisions are shown in Figure 2-1. Extrapolating from approved and projected subdivision plans, build-out population has been estimated at approximately 2,264 units as illustrated in Table 2-1.

Table 2-1: Hideout Build-out Projection

<b>Subdivision</b>	<b>Residential Units</b>
ADA LLC	67
Apartments at Deer Mountain	71
Deer Springs (tentative)	248
Deer Waters	112
Forevermore	13
Glistening Ridge	63
Golden Eagle	316
KLAIM	88
New Town Center	4
Overlook Village	47
Perch (The Settlement)	92
Plumb	4
Reflection Lane	9
Reflection Ridge	15
Ross Creek Entrance (City owned)	18
Rustler	88
Salzman	42
Shoreline Phase I	50

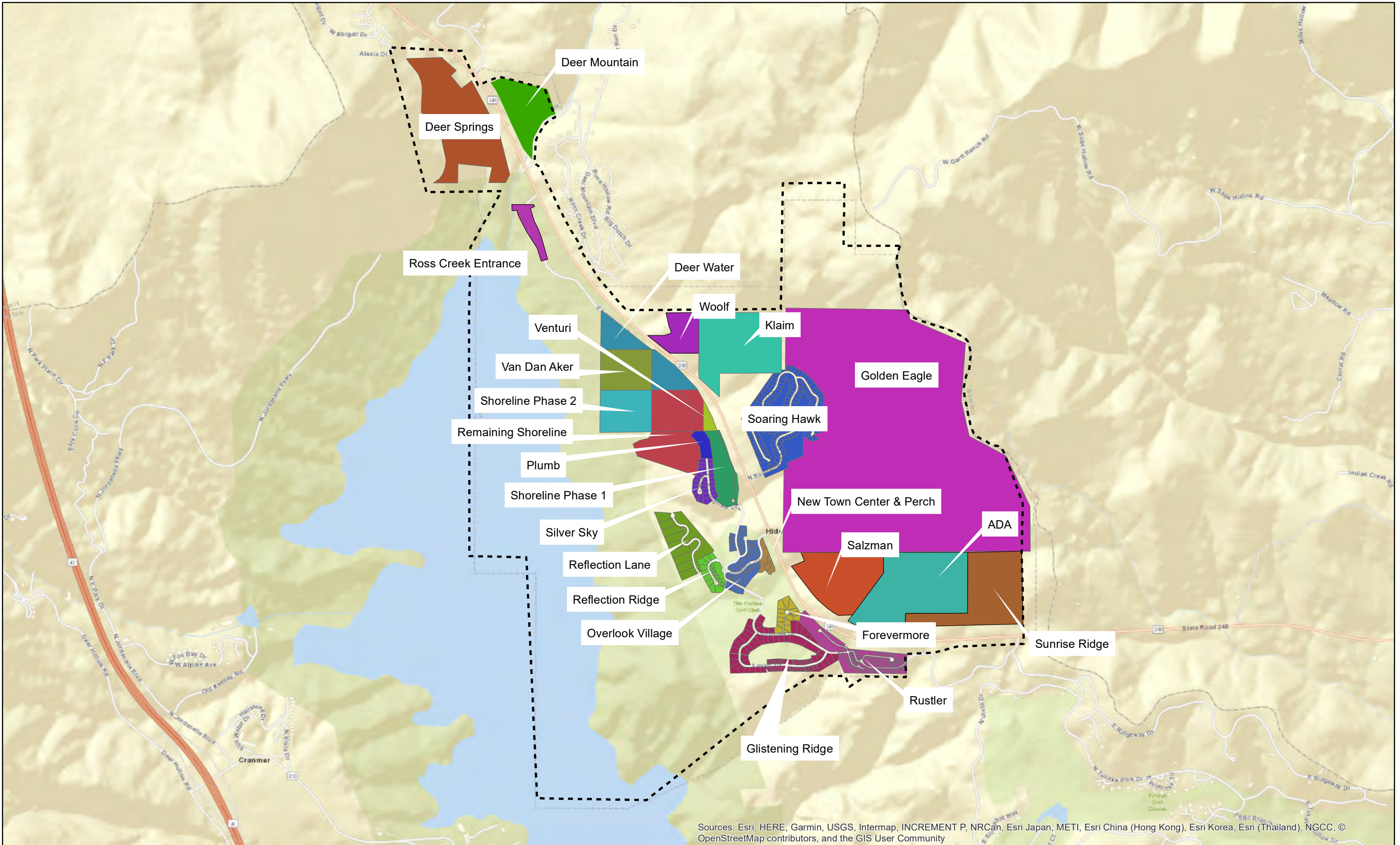
Shoreline Phase II	103
Shoreline Remaining (tentative)	547
Silver Sky	26
Soaring Hawk	148
Sunrise	51
Van Den Akker	35
Venturi	2
Woolf	5
<b>Projected Build-Out Projection</b>	<b>2,264</b>

### 2.3 Other Considerations

Issues that have been considered throughout the preparation of this impact fee plan and analysis include:

- 1) Only the voting population of Deer Mountain Apartments has been used in evaluating impacts and calculating fees.
- 2) In approximately 2010, the Town supported the creation of Hideout Local District No. 1 (Local District) pursuant to Title 17B of the Utah Code. The Local District has issued bonds “to finance the cost of construction and acquisition of improvements, including but not limited to certain transportation, water, curb, gutter and sidewalk, landscaping and all other miscellaneous work.” See, e.g., *Notice of Encumbrance and Assessment Area Designation* recorded in the office of the Wasatch County Recorder on October 8, 2013, as Entry No. 394619 and *Amended Notice of Assessment Interest* recorded in the office of the Wasatch County Recorder on July 11, 2014, as Entry No. 402596 and the *Notice of Assessment interest* recorded in the office of the Wasatch County Recorder on August 4, 2017 as Entry Number 441182. The bond proceeds were used to pay for all of the infrastructure within the Soaring Hawk Subdivision and for infrastructure in certain other areas of the town. The bonds issued by the Local District will be repaid by a separate assessment collected by the Local District. Thus, the system improvements within the Soaring Hawk Subdivision are not eligible to be included within the impact fee calculation. Future infrastructure constructed within the Golden Eagle Subdivision will also be financed by the Local District.
- 3) The Reflection Ridge Subdivision is a gated community. The private road within the Reflection Ridge Subdivision has not been dedicated to the public and, consequently, is not impact fee eligible.





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Hideout has constructed a culinary water distribution system that can provide water for existing residents as well as all of its projected residents that will connect directly to the system in the future. As Hideout grows new water lines and connections will need to be constructed in local subdivisions. These new lines are not considered in the impact fee calculations. New services and subdivision connections will need to be financed by individual developers and contractors.

### 3.1 Definitions

ERC	Equivalent Residential Connection
gpm	gallons per minute
gpd	gallons per day
IFC	International Fire Code

#### *Equivalent Residential Connections (ERC)*

ERCs compare a water user's use rate to that of a single-family dwelling. Since Hideout currently has only residential connections, each connection is considered 1.00 ERC. In the future, if other types of connections such as businesses, schools or churches are approved for construction in Hideout, an evaluation will need to be performed and the study updated to reflect ERC's accurately per connection type.

### 3.2 Level of Service (LOS)

The current level of service that Hideout applies to its water systems is governed by the Town of Hideout Water Distribution System Design Standards, Construction Specifications and Standard Drawings as well as the minimum requirements dictated by the State of Utah Division of Drinking Water and the International Fire Code. Some of the requirements are as follows.

Culinary water system requirements:

- Maintain 20 psi in all areas of the system during peak instantaneous usage.
- Maintain 20 psi in all areas of the water system during maximum day usage with imposed fire flows.
- New service areas added after January 1, 2007 are required to meet the following additional requirements:
  - a) 30 psi during peak instantaneous demand;
  - b) 40 psi during peak day demand.
- Maintain 1,000 gpm fire flows for all homes under 3,600 square feet.
- Maintain 1,750 gpm fire flows for all homes between 3,600 and 4,800 sq. ft.
- Maintain adequate fire flows for all other buildings according to IFC standards.



### 3.3 Existing Culinary System

The existing culinary water system (see Figure 3-1) includes 8 to 12-inch water lines, three wholesale meters and three pressure reducing valves. The water system complies with state standards. The graphical illustration is based on Town staff knowledge and record drawings for some of the subdivisions within the Town.

The water infrastructure is estimated to have cost \$2,239,051 (construction year dollars) to construct. We have calculated costs through research and discussion with developer representatives and current city staff. We have utilized the CAD drawings provided by the developer, record drawings and other provided information regarding quantities and prices. Our detailed cost estimates reflect, to the best available information, the costs of installed water infrastructure based on industry standards and actual circumstances. Details of the cost estimate are included in the Appendix.

**NOTE: Table 3-1 identifies the estimated total cost of construction of the Town's water infrastructure and contains some costs which are not eligible to be included in the impact fee calculation.**

Table 3-1: Water Infrastructure Costs per Subdivision (Construction year dollars)

Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	\$433,591	2006
Glistening Ridge	\$425,039	2009
Reflection Ridge	\$460,065	2014
Forevermore	\$36,888	2013
Silver Sky	\$287,655	2014
Rustler	\$202,764	2010
Soaring Hawk	\$393,050	2014
<b>Total</b>	<b>\$2,239,051</b>	

System improvements that are impact fee eligible are identified in Chapter 7 – Impact Fee Facilities Plan.

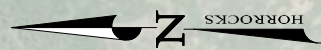
### 3.4 Future Culinary Facilities

Any further improvements to the water system have not been included in these impact fee calculations. New delivery lines and connections are anticipated to be financed and constructed by developers of individual subdivisions.

### 3.5 Impact Fee Structure

The existing culinary system supplies both indoor and outdoor use for Hideout's residents. It provides the City with its current level of service. The City is currently planning on meeting the demands of future growth with its current culinary water system. No secondary system is planned at this time.

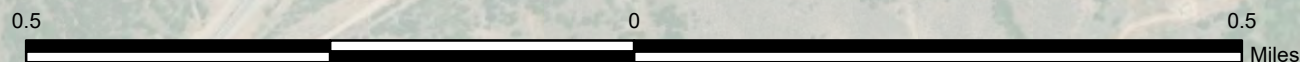
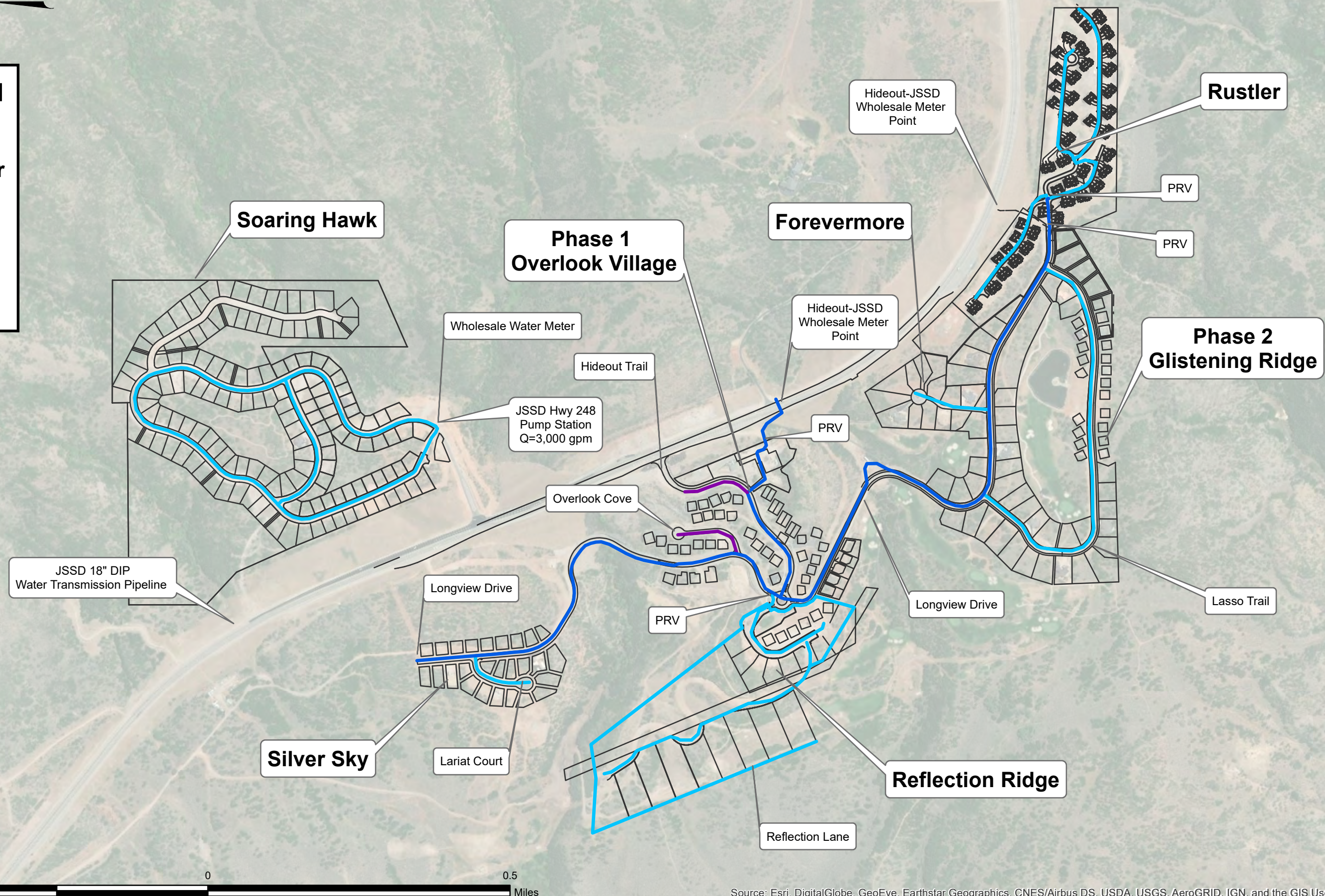




## Legend

### Water Diameter

- 6
- 8
- 10
- 12



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**HORROCKS**  
ENGINEERS

2162 West Grove Parkway  
Suite 400  
Pleasant Grove, UT 84062  
(801) 763-5100

Town of Hideout  
Existing Water

DATE  
2/1/2019

DRAWN

Figure 3-1



Hideout's current and future transportation needs are met with the existing system of roadway facilities, which include excess capacity. Future project improvements will need to be financed and constructed by the future developer.

#### 4.1 Level of Service (LOS)

Adequacy of an existing transportation system can be quantified by assigning Levels of Service (LOS) to major roadways and intersections. As defined in the *Highway Capacity Manual*, a special report published by the Transportation Research Board, LOS serves as the traditional measuring stick of a roadway's functionality. LOS is identified by reviewing elements such as the number of lanes assigned to a roadway, the amount of traffic using the roadway and amount of delay per vehicle at intersections. Levels of service range from A (free flow) to F (complete congestion).

#### 4.2 Existing Facilities

The existing transportation infrastructure within the Town (see Figure 4-1) includes Longview Drive, Hideout Trail, Lariat Court, Lasso Trail, Overlook Cove as well as others. Hideout's current LOS is "A" on all roads and is anticipated to remain LOS A with the existing roads at build out. This is typical for a community of Hideout's size. The transportation facilities include roads, sidewalks, ADA facilities, utility conduits/trenching, street lights, retaining walls, landscaping/ irrigation, and appurtenances. Costs for the Town's transportation facilities are atypical due in part to retaining walls, rock excavation, and additional UDOT requirements which are applicable because of topography and other unique circumstances. The total cost of improvements are estimated to be \$10,004,312 (construction year dollars) as summarized below. Detailed cost estimates can be found in the Appendix for each subdivision.

**NOTE: Table 4-1 identifies the estimated total cost of construction of the transportation infrastructure and contains some costs which are not eligible to be included in the impact fee calculation.**

Table 4-1: Roadway Costs per Subdivision (Construction year dollars)

Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	\$2,994,729	2006
Glistening Ridge	\$1,923,473	2009
Reflection Ridge	\$592,405	2014
Forevermore	\$118,096	2013
Silver Sky	\$443,100	2014
Rustler	\$809,151	2010
Soaring Hawk	\$3,123,358	2014
<b>Total</b>	<b>\$10,004,312</b>	

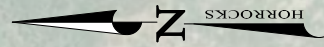
Hideout does not currently have a transportation masterplan. However, we have been able to identify which roads can be classified as collector roads throughout the community. Collector roads are considered essential to traffic flow throughout the entire

community and are, therefore, considered system improvements. System improvements that are impact fee eligible are identified in Chapter 7 – Impact Fee Facilities Plan.

### 4.3 Future Facilities

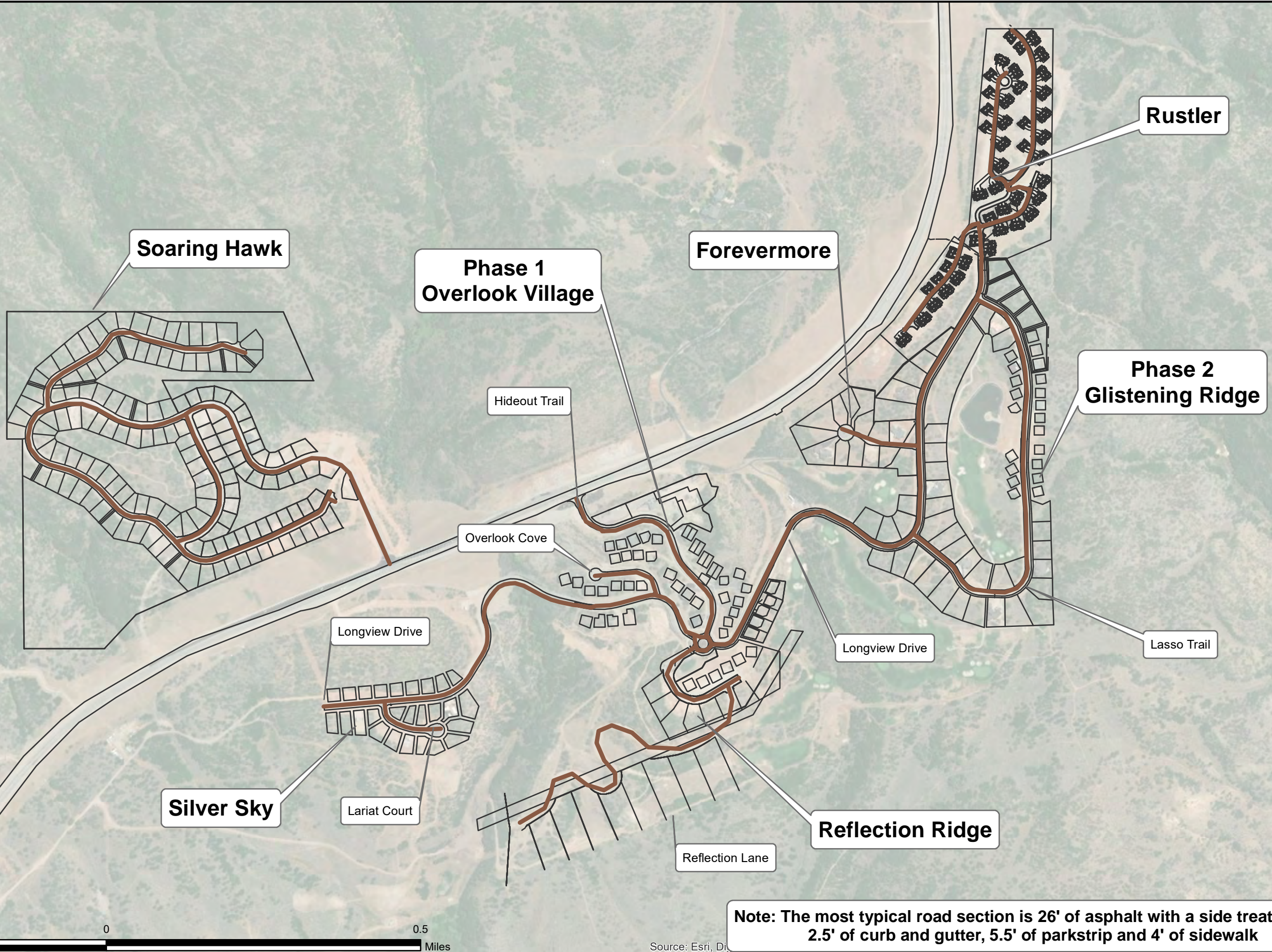
Any further improvements to the roadway system have not been included in these impact fee calculations. New roads and accesses that connect to the current transportation system are anticipated to be financed and constructed by developers of individual projects and subdivisions.





# Legend

— Roads



Source: Esri, Dig



2162 West Grove Parkway  
Suite 400  
Pleasant Grove, UT 84062  
(801) 763-5100

Town of Hideout  
Existing Roads

DATE  
2/22/2019

DRAWN

Figure 4-1



A city's storm drain system plays a vital role in protecting life and property. Planning for Hideout's storm drainage system had to consider major flooding that could occur from roadways and mountain drainages that pass through the Town, as well as localized flooding that occurs from storm water runoff generated within the Town. As Hideout continues to grow, the potential for localized flooding will increase, requiring improvements to the storm drain system to accommodate new development. Future improvements are expected to be financed and constructed by developers and contractors as project level improvements.

### 5.1 Definitions

ERC - Equivalent Residential Connection. Development contributes to storm water runoff based on the amount of impervious area it contains. For the purposes of this study, single family dwellings and multi-family residential units will each be considered one (1) ERC. ERC's for non-residential development including commercial, industrial, school and church buildings are based on their total impervious surface with one (1) ERC equalling 2,700 square feet of impervious surface area.

Single Family Units	= 1 ERC/home unit
Multi-Family Residential Units	= 1 ERC/dwelling unit
Non-Residential Units	= 1 ERC/2,700 SF of impervious area

cfs - Cubic feet per second (449 gallons per minute)

Ac-Ft - Acre foot (volume of water required to cover an acre of land to a depth of one foot)

Detention - Short term storage of runoff provided by a pond or similar facility. An outlet is provided that allows water to be released from the facility at a predetermined rate.

Retention - Long term storage of storm water provided by a pond or similar facility, but does not allow water to be discharged. Water will stay in a retention pond after a storm event until it either evaporates or soaks into the soil of the pond bottom.

### 5.2 Level of Service (LOS)

Level of service of Hideout's current storm drain system is defined by the current city ordinances and construction standards. The following criteria establish conditions for which storm drainage facilities are currently designed.

- Design storm drains to keep water from ponding in streets and intersections during a 10 year storm event.
- Evaluate how storm drains will function during a 100 year storm event to identify areas where major flooding may occur.
- Require detention, distributed discharge to natural vegetation and other improvements that will limit discharge from a 100 year storm event.

### 5.3 Existing System

The Town's existing storm drain infrastructure is shown in Figure 5-1. It consists of small collection systems and a detention pond that were installed with recent developments. The total cost of improvements is estimated at \$1,522,398 (Construction year dollars) as detailed in the Appendix.

**NOTE: Table 5-1 identifies the estimated total cost of construction of the storm drain infrastructure and contains some costs, which are not eligible to be included in the impact fee calculation.**

Table 5-1: Storm Drain Costs per Subdivision (Construction year dollars)

Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	\$423,782	2006
Glistening Ridge	\$624,381	2009
Reflection Ridge	\$86,106	2014
Forevermore	\$0	2013
Silver Sky	\$113,856	2014
Rustler	\$77,609	2010
Soaring Hawk	\$196,664	2014
<b>Total</b>	<b>\$1,522,398</b>	

Lines that collect storm water from individual lots or serve only one subdivision are project improvements. System improvements that are impact fee eligible are indicated in Chapter 7 – Impact Fee Facilities Plan.

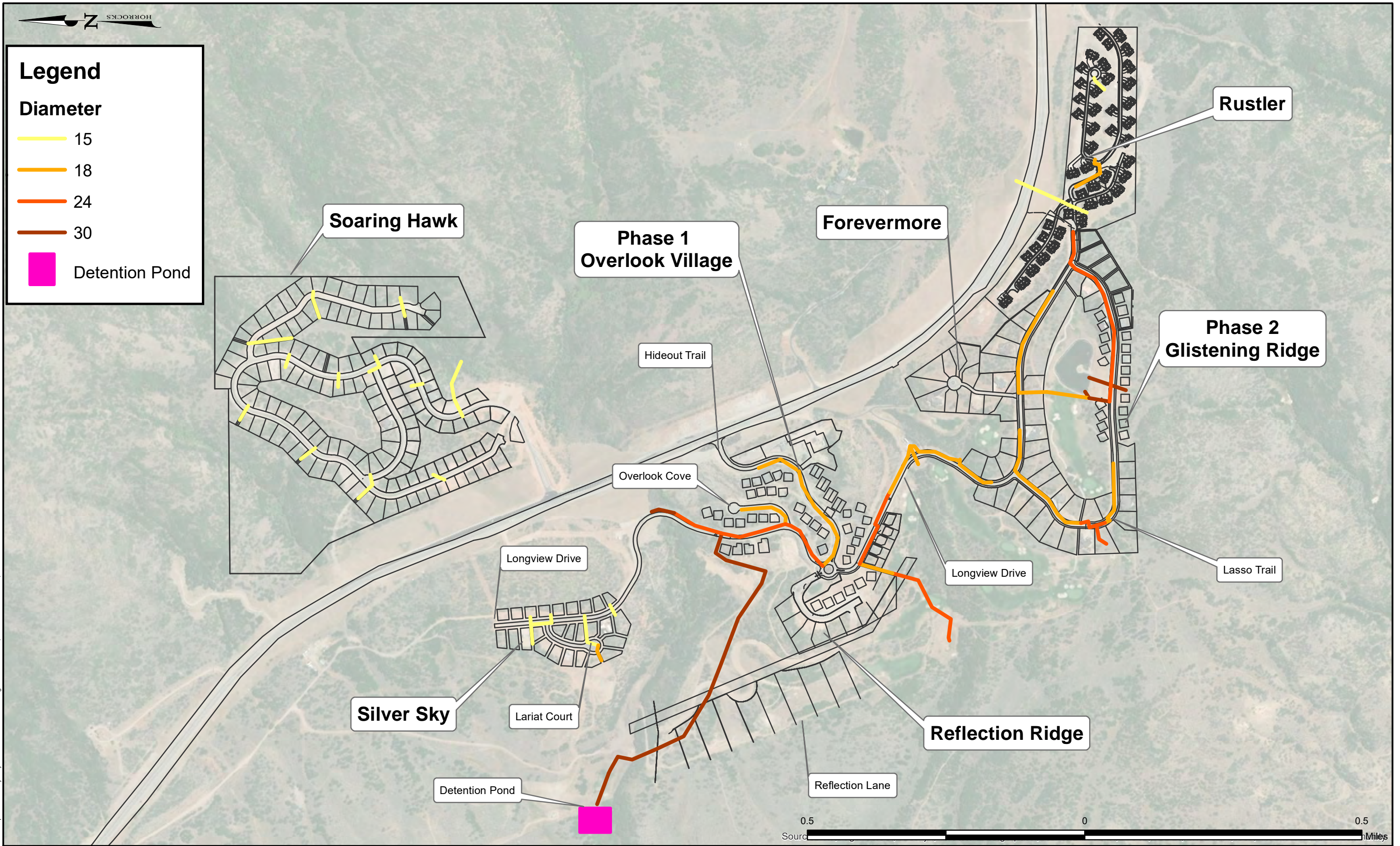
We have estimated construction costs through research and discussion with developer representatives and current city staff. We have utilized the CAD drawings of the improvements provided by the developer and other provided information regarding quantities and prices. Our detailed cost estimates reflect, to the best available information, the costs of installed storm drain infrastructure based on industry standards and actual circumstances. Details of the cost estimate are included in the Appendix.

### 5.4 Future Facilities

Any further improvements to the storm drain system have not been included in these impact fee calculations. New connections to the existing storm drain system and future storm drain pipes, structures and detention facilities are anticipated to be financed and constructed by developers of individual subdivisions as project improvements.



O:\2017\PG-18-1706 Hideout Impact Fee Study\Project Data\GIS\Tanner-Existing Storm Drain.mxd, 2/12/2019 1:35:04 PM, Drew G



## Legend

### Diameter

15

18

24

30



Detention Pond



Hideout has constructed a public sewer system that can collect and transport sanitary sewer for treatment. The Apartments at Deer Mountain, Deer Springs, Deer Waters and Klaim are not served by the Town's sewer system. As Hideout grows new collection lines will need to be constructed in local subdivisions. These new lines are not considered in the impact fee calculations. New services and subdivision connections will need to be financed by individual developers and contractors.

### 6.1 Definitions

ERC	Equivalent Residential Connection
gpd	gallons per day
gpdpc	gallons per day per capita

#### *Equivalent Residential Connections (ERC)*

ERCs compare a user's use rate to that of a single-family dwelling. Since Hideout currently has only residential connections, each connection is considered 1.00 ERC. In the future, if other types of connections such as businesses, schools or churches are approved for construction in Hideout, an evaluation will need to be performed and the study updated to reflect ERC's accurate per connection type.

### 6.2 Level of Service (LOS)

The Utah Department of Environmental Quality (DEQ) provides guidelines and regulations for new sewer system design. These guidelines include:

- 1) 8-inch thru 15-inch sewer lines are not to exceed 50% capacity at peak flow
- 2) 18-inch and larger sewer lines are not to exceed 80% capacity at peak flow
- 3) New collector lines must be capable of providing a minimum peak daily flow of 400 gallons per day per capita (gpdpc)
- 4) New interceptors and outfall lines must be capable of providing a minimum peak daily flow of 250 gpcpd
- 5) Minimum size of collection lines is 8 inches.

Hideout has designed its current system using both DEQ standard and the Town of Hideout Sanitary Sewer System Design Standards, Construction Specifications and Standard Drawings (Revised July 2014). Any future improvements and project improvements will be required to meet these standards as well.

### 6.3 Existing System

The existing sewer infrastructure (see Figure 6-1) includes 8-inch collection lines throughout the Town and a sewer pump station. The infrastructure cost an estimated \$1,954,514 (Construction year dollars) to construct.

***NOTE: Table 6-1 identifies the estimated total cost of construction of the sewer infrastructure and contains some costs which are not eligible to be included in the impact fee calculation.***

Table 6-1: Sewer Costs per Subdivision (Construction year dollars)

Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	\$258,567	2006
Glistening Ridge	\$455,450	2009
Reflection Ridge	\$341,482	2014
Forevermore	\$33,056	2013
Silver Sky	\$138,551	2014
Rustler	\$192,123	2010
Soaring Hawk	\$535,285	2014
<b>Total</b>	<b>\$1,954,514</b>	

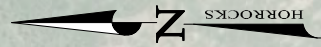
We have estimated construction costs through research and discussion with both previous developer representatives and current city staff. We have utilized the CAD drawings of the system provided by the developer and other information regarding quantities and prices. Our detailed cost estimates reflect, to the best available information, the costs of installed sewer infrastructure based on industry standards and actual circumstances. The details of the cost estimate are included in the Appendix.

The sewer system was necessary as a whole to make the Town feasible. As a result, all of the trunklines have been designated as system improvements for this study. However, infrastructure serving individual subdivisions has been assigned to that specific service area. System improvements that are impact fee eligible are illustrated in Chapter 7 – Impact Fee Facilities Plan.

## 6.4 Future Facilities

Any further improvements to the sewer system have not been included in these impact fee calculations. New collection lines and connections to the existing sewer system are anticipated to be financed and constructed by developers of individual subdivisions as project improvements.

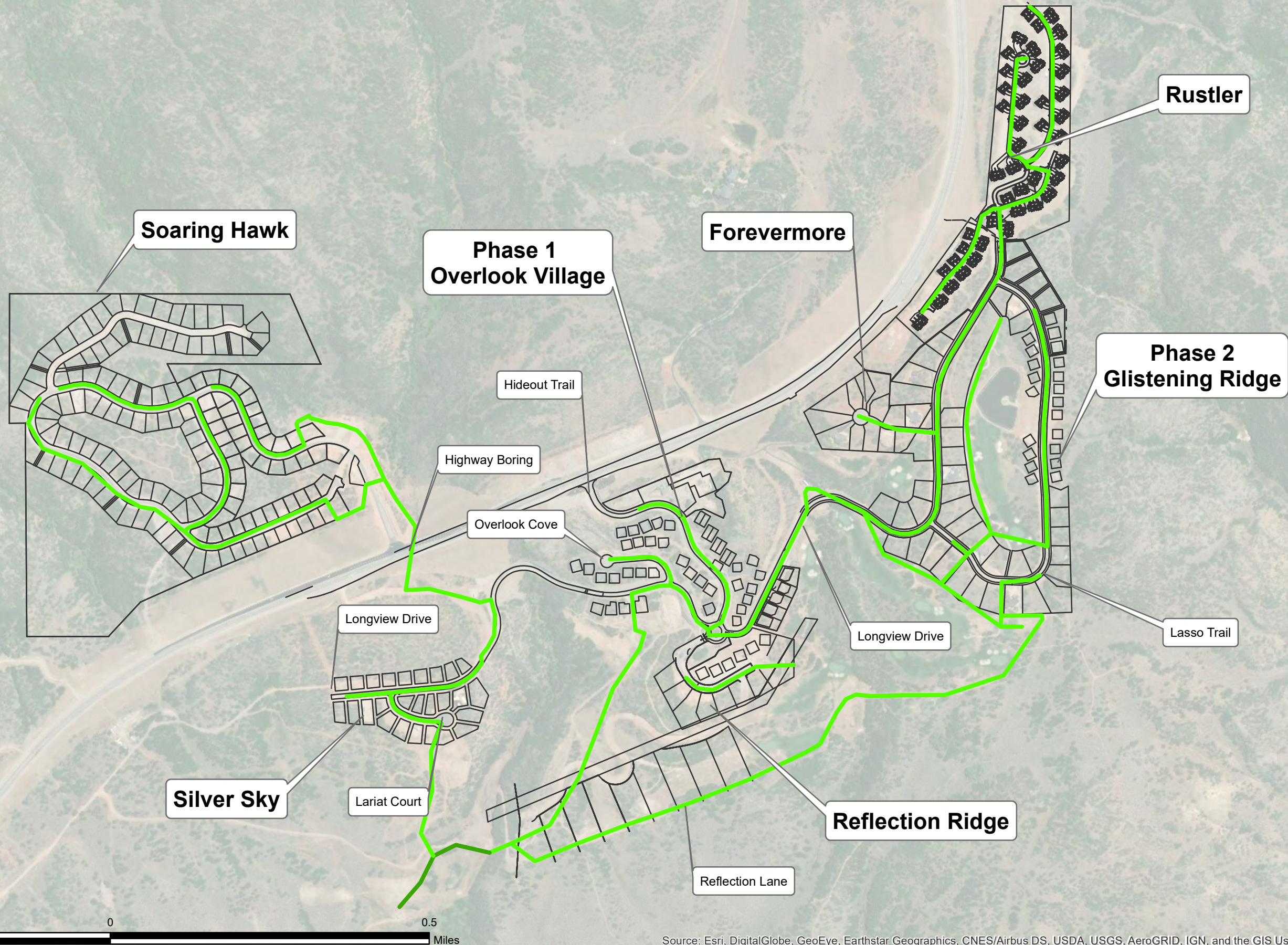




**Legend**

**Sewer Diameter**

- 8
- 10



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



## CHAPTER 7 – IMPACT FEE FACILITIES PLAN

Impact fees provide communities with a legal means to obtain funds from new developments to finance the construction of infrastructure improvements that are needed to serve new growth. State law allows under Title 11-36a-301 (3) for “a local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than \$250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that: (a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and (b) each applicable notice required by this chapter is given.”

As a result, this study identifies system improvements in water, sewer, storm drain and roads that are impact fee eligible. System and project improvements are defined as follows:

**System Improvement** – existing public facilities that are designed to provide services to service areas within the community at large and future public facilities that are intended to provide services to service areas within the community at large.

**Project Improvement** – means site improvements and facilities that are

- 1) Planned and designed to provide service for development resulting from a development activity.
- 2) Necessary for the use and convenience of the occupants or users of development resulting from a development activity.

System improvements included in this study include trunklines, outfalls and collector roadways throughout the Town. They include all materials, appurtenances, installation, mobilization and engineering for each facility. System improvements do not include connections, laterals, incidental work, development amenities or general development activities. Project improvements are not included in this study. Table 7-1 below illustrates the estimated cost of all system improvements that have been installed in Hideout.

Table 7-1: Estimated Impact Fee Eligible Improvement Costs (Construction year dollars)

<b>Subdivision</b>	<b>Water</b>	<b>Roads</b>	<b>Storm Drain</b>	<b>Sewer</b>	<b>Estimated System Improvements Cost</b>
Overlook Village	\$433,591	\$2,864,306	\$386,458	\$258,567	\$3,942,922
Glistening Ridge	\$425,039	\$374,846	\$551,345	\$455,450	\$1,806,680
Reflection Ridge	\$460,065	\$0	\$86,106	\$341,482	\$887,653
Forevermore	\$36,888	\$0	\$0	\$33,056	\$69,944
Silver Sky	\$287,655	\$194,170	\$17,868	\$138,551	\$638,244
Rustler	\$202,764	\$0	\$0	\$192,123	\$394,887
Soaring Hawk	\$0	\$0	\$0	\$0	\$0
Future Shoreline Dr		\$1,762,200			
<b>Total</b>	<b>\$1,846,002</b>	<b>\$5,195,220</b>	<b>\$1,041,777</b>	<b>\$1,419,229</b>	<b>\$7,740,330</b>

### Impact Fee Eligible Cost Adjustments

The Infrastructure described above has already been installed and incorporates excess capacity to serve the potential build out population. Quantities have been calculated utilizing current infrastructure neat line measurements of existing drawings provided by the Town and the original developer. Costs have been estimated by applying unit prices to the infrastructure with adjustments made for special conditions. This section defines the service areas for system infrastructure and calculates impact eligible costs for each element.

### Water

Water system improvements are separated into two service areas. Water Service Area 1 (WSA1) includes the entire pressurized/looped system in the Town excluding Soaring Hawk, Golden Eagle, Deer Waters, Deer Springs, KLAIM, Van Den Aker, Deer Mountain and future developments Woolf and Ross Creek Entrance. Water Service Area 2 (WSA2) is composed of the Soaring Hawk area. See Figure 7-1.

WSA1 includes the trunklines in Longview Drive (from the north end to the west end), Reflection Ridge, Silver Sky, Forevermore, Rustler, Glistening Ridge and Overlook Village and future developments excluding Golden Eagle and any development proximate to Golden Eagle. It also includes the water line from the JSSD connection to Longview Drive and the three PRV's. Every trunkline within each subdivision attributes to the overall functionality of the system including its pressures, flows and circulation. WSA1 will also include Salzman, ADA and Sunrise in the future.

WSA2 includes the trunklines in Soaring Hawk including the metering and pump stations. However, the cost of that infrastructure is not eligible for impact fee reimbursement since it was already financed by the Local District bond that is being repaid by Soaring Hawk residents through a special assessment.

The following table , Table 7-2, illustrates the difference between the total existing water system costs and impact fee eligible costs.

Table 7-2: Impact Fee Eligible Water System Improvements (Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
<b>WSA1</b>				
Overlook Village	\$433,591	\$0		\$433,591
Glistening Ridge	\$425,039	\$0		\$425,039
Reflection Ridge	\$460,065	\$460,065	Local District Bond	\$0
Forevermore	\$36,888	\$0		\$36,888
Silver Sky	\$287,655	\$0		\$287,655
Rustler	\$202,764	\$0		\$202,764
<b>WSA 1 Subtotal</b>				<b>\$1,385,937</b>
<b>WSA2</b>				
Soaring Hawk	\$393,050	\$393,050	Local District Bond	\$0
<b>WSA2 Subtotal</b>				<b>\$0</b>
<b>Total</b>	<b>\$2,239,052</b>	<b>\$853,115</b>		<b>\$1,385,937</b>

## CHAPTER 7 – IMPACT FEE FACILITIES PLAN

### Roads

Road system improvements include all collector roads throughout the Town including Hideout Trail, Longview Drive and Shoreline Drive. Loop roads, dead ends and cul de sacs serving only a specific subdivision are considered project improvements and have been specifically removed from system improvement costs. It should be noted that the roads in Reflection Ridge are private roads, not owned by the Town and are, therefore, not impact fee eligible. In addition, not only do the roads in Soaring Hawk only service that subdivision, they have been constructed using the Local District bond that is being reimbursed by an assessment to residents and the cost of the Soaring Hawk roads, therefore, is ineligible for impact fee reimbursement. However, because Soaring Hawk residents use the transportation system they are included in the transportation system allocation. See Figure 7-2. The following table, Table 7-3 illustrates the difference between the total existing roadway costs and system improvements eligible for impact fee reimbursement.

Table 7-3: Impact Fee Eligible Existing Road Improvements (Construction year dollars)

<b>Subdivision</b>	<b>Existing Improvements</b>	<b>Ineligible Improvements</b>	<b>Reason for Exclusion</b>	<b>Total Eligible Improvements</b>
Overlook Village	\$2,994,729	\$130,423	Cul de sac	\$2,864,306
Glistening Ridge	\$1,923,473	\$1,548,627	Loop Road	\$374,846
Reflection Ridge	\$592,405	\$592,405	Private Road	\$0
Forevermore	\$118,096	\$118,096	Cul De Sac	\$0
Silver Sky	\$443,100	\$248,930	Cul De Sac	\$194,170
Rustler	\$809,151	\$809,151	Cul De Sac	\$0
Soaring Hawk	\$3,123,358	\$3,123,358	Local District Bond	\$0
<b>Total</b>	<b>\$10,004,312</b>	<b>\$6,570,990</b>		<b>\$3,433,322</b>

In addition to the eligible existing subdivision infrastructure, Shoreline Drive has become a designated collector that is not yet complete. There are approximately 9,900 linear feet of 40' wide road left to complete at an estimated unit cost of \$178 (road and drainage) per linear foot or approximately \$1,762,200 total.

Therefore, total impact fee eligible road improvements are:

$$\$3,433,322 + \$1,762,200 = \underline{\underline{\$5,195,220 \text{ (Construction year dollars)}}}$$

### Storm Drain

Storm Drain System Improvements are broken into three service areas: Storm Drain Service Area 1, 2 and 3. See Figure 7-3.

*Storm Drain Service Area 1 (SDSA1)* includes trunklines and concrete structures currently serving the Rustler, Forevermore and Glistening Ridge areas.

*Storm Drain Service Area 2 (SDSA2)* includes trunklines and concrete structures serving the Overlook Village, Reflection Ridge and Silver Sky areas. In the future, Venturi, Plumb will likely utilized these facilities as well.

*Storm Drain Service Area 3 (SDSA3)* includes trunklines and concrete structures serving Soaring Hawk area. Graphical representation for this infrastructure has not

## CHAPTER 7 – IMPACT FEE FACILITIES PLAN

been provided for this study. The cost of that infrastructure is not eligible for impact fee reimbursement since it was financed by the Local District bond that is being repaid by Soaring Hawk residents through a special assessment.

Based on the topography we anticipate that future developments will need to construct their own storm drain facilities. As a result, KLAIM, Deer Water, Van Den Akker, Sunrise, ADA, Salzman, Woolf and Ross Creek Entrance are not included in service areas 1-3. Deer Mountain has its own drainage facilities and is not included in service areas 1-3 either. The following table, Table 7-4 illustrates the difference between the total existing storm drain costs and system improvements eligible for impact fee reimbursement.

Table 7-4: Impact Fee Eligible Existing Storm Drain System Improvements  
(Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
<b>SDSA1</b>				
Glistening Ridge	\$624,381	\$73,036	Loop Road	\$551,345
Forevermore	\$0	\$0		\$0
Rustler	\$77,609	\$77,609	Cul De Sac	\$0
<b>SDSA1 Subtotal</b>				<b>\$551,345</b>
<b>SDSA2</b>				
Overlook Village	\$423,782	\$37,324	Cul de sac	\$386,458
Reflection Ridge	\$86,106	\$0		\$86,106
Silver Sky	\$113,856	\$95,988	Cul De Sac	\$17,868
<b>SDSA2 Subtotal</b>				<b>\$490,432</b>
<b>SDSA3</b>				
Soaring Hawk	\$196,664	\$196,664	Local District Bond	\$0
<b>SDSA3 Subtotal</b>				<b>\$0</b>
<b>Total</b>	<b>\$1,522,398</b>	<b>\$480,621</b>		<b>\$1,041,777</b>

### Sewer

Sewer system Improvements are separated into two service areas representing the two major trunklines.

*Sewer Service Area 1 (SSA1)* includes both Soaring Hawk and Silver Sky, although the cost of infrastructure in Soaring Hawk is not eligible for impact fee reimbursement because that cost was financed by the Local District. Because Soaring Hawk residents tie into the sewer system, they are included in the sewer system allocation.

*Sewer Service Area 2 (SSA2)* includes Overlook Village, Reflection Ridge, Forevermore, Glistening Ridge, Rustler and all future developments excluding KLAIM, Deer Water, Deer Springs and Van Den Akker. The following table, Table 7-5 illustrates the difference between the total existing sewer costs and system improvements eligible for impact fee reimbursement.

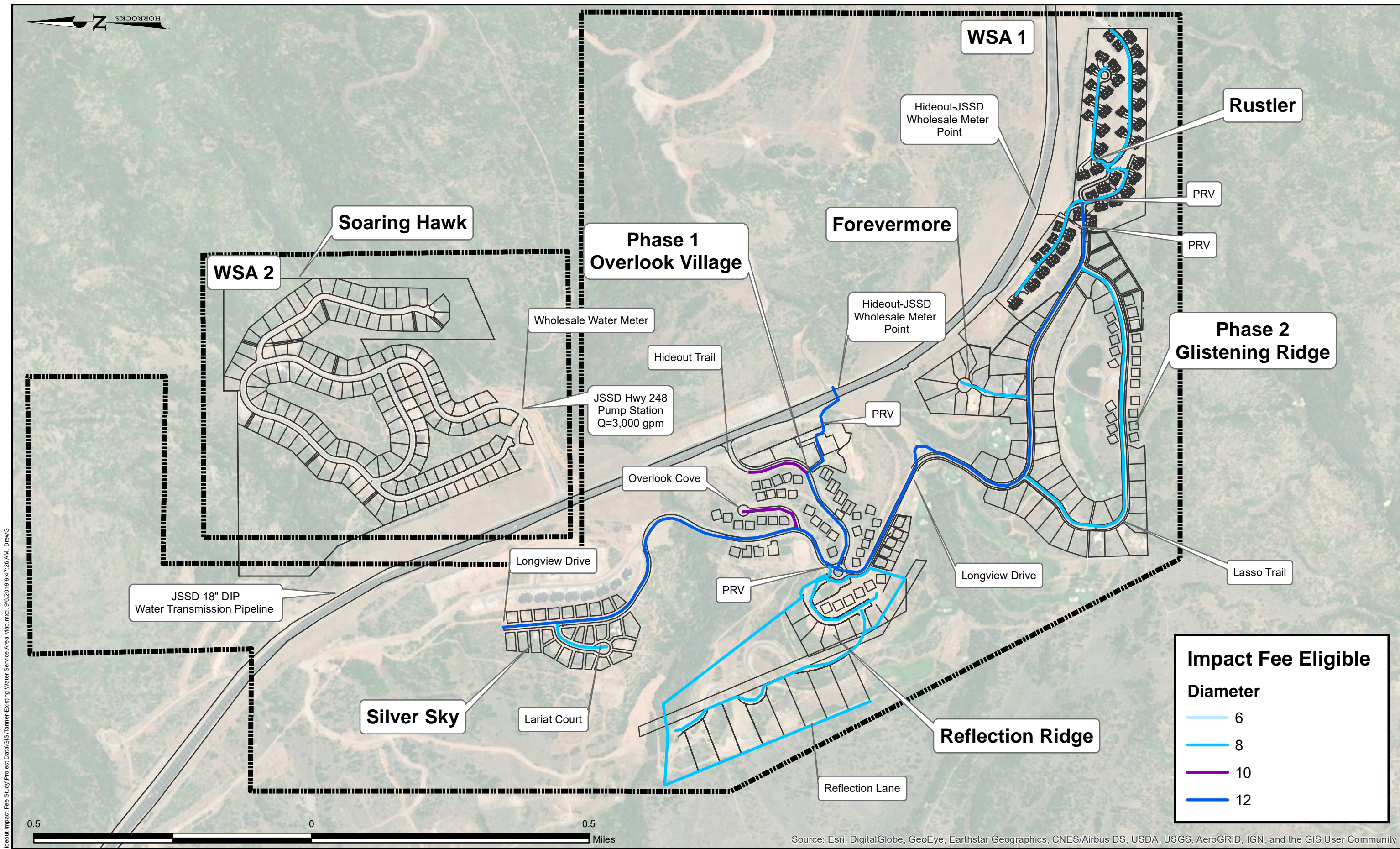
## CHAPTER 7 – IMPACT FEE FACILITIES PLAN

Table 7-5: Impact Fee Eligible Sewer System Improvements (Construction year dollars)

<b>Subdivision</b>	<b>Existing Improvements</b>	<b>Ineligible Improvements</b>	<b>Reason for Exclusion</b>	<b>Total Eligible Improvements</b>
<b>SSA1</b>				
Soaring Hawk	\$535,285	\$535,285	Local District Bond	\$0
Silver Sky	\$138,551	\$0		\$138,551
<b>SSA 1 Subtotal</b>				<b>\$138,551</b>
<b>SSA2</b>				
Overlook Village	\$258,567	\$0		\$258,567
Glistening Ridge	\$455,450	\$0		\$455,450
Reflection Ridge	\$341,482	\$0		\$341,482
Forevermore	\$33,056	\$0		\$33,056
Rustler	\$192,123	\$0		\$192,123
<b>SSA2 Subtotal</b>				<b>\$1,280,678</b>
<b>Total</b>	<b>\$1,954,514</b>	<b>\$535,285</b>		<b>\$1,419,229</b>

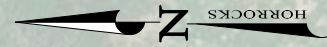
As currently anticipated, all known future subdivisions could utilize infrastructure in these two service areas and have been included in the impact fee calculations. However, an impact fee analysis update would need to be performed in the future to ensure that future subdivisions are appropriately assigned to a service area.



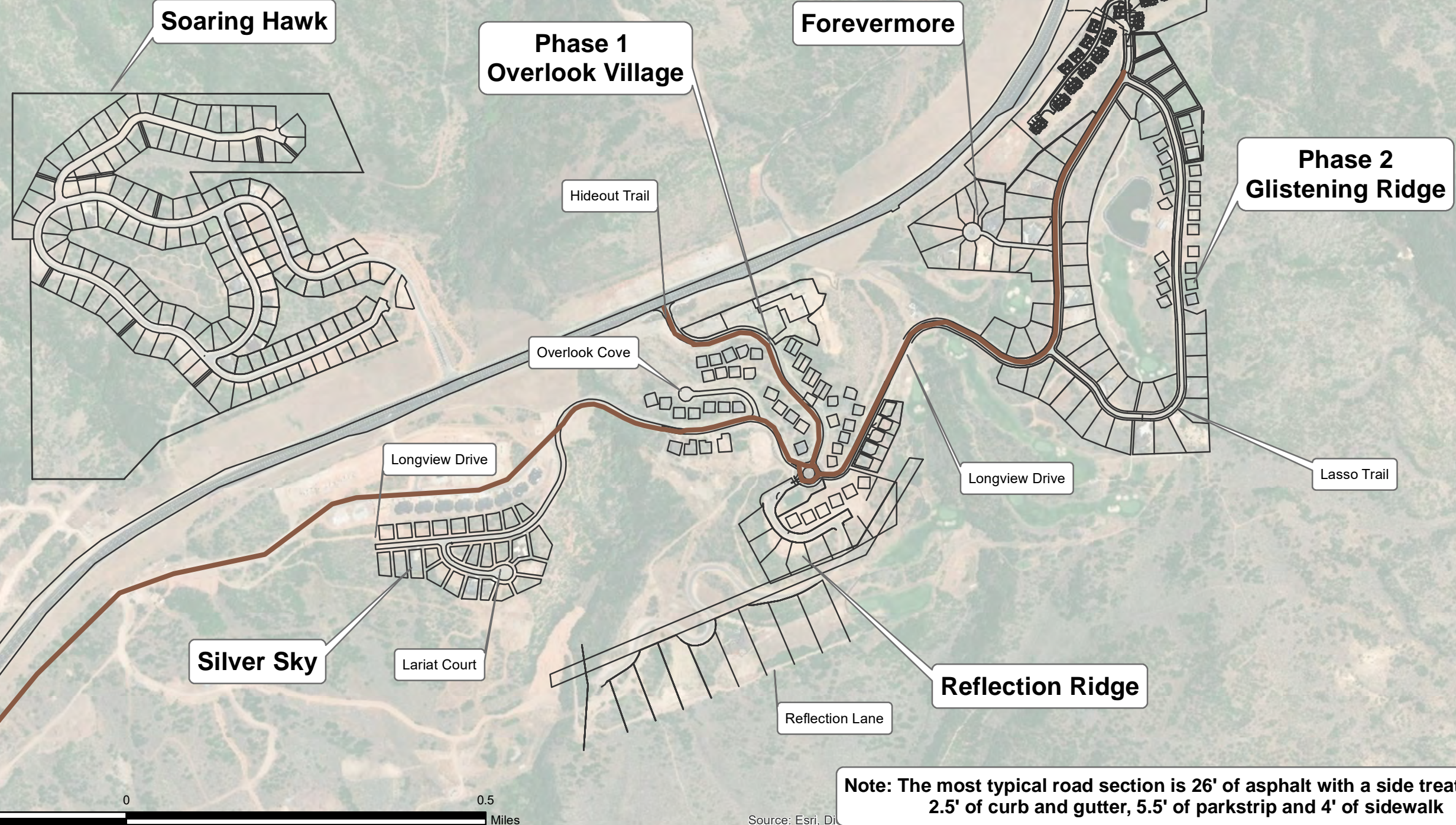


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





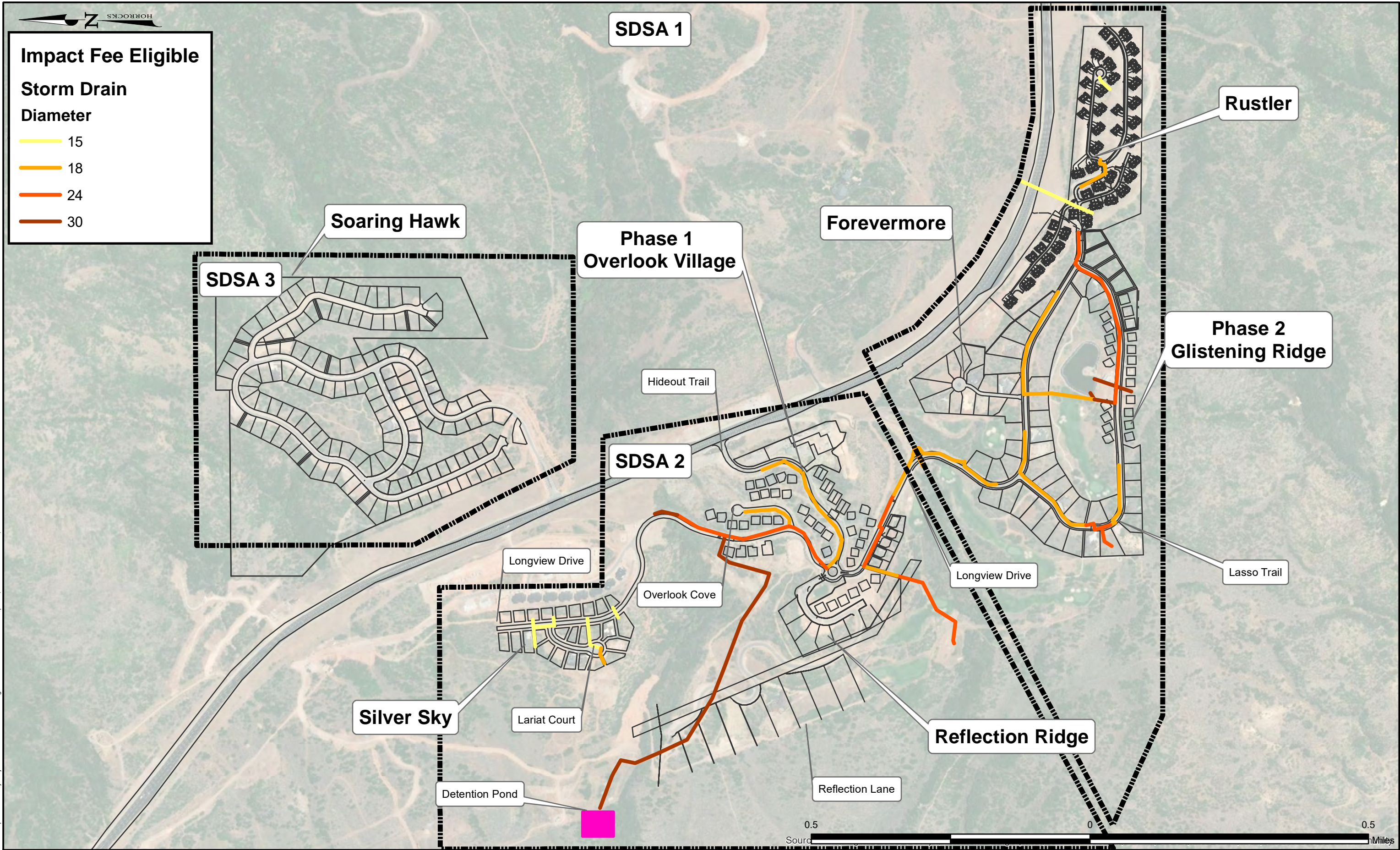
**Impact Fee Eligible  
Roads**



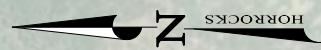
**Note: The most typical road section is 26' of asphalt with a side treatment of 2.5' of curb and gutter, 5.5' of parkstrip and 4' of sidewalk**



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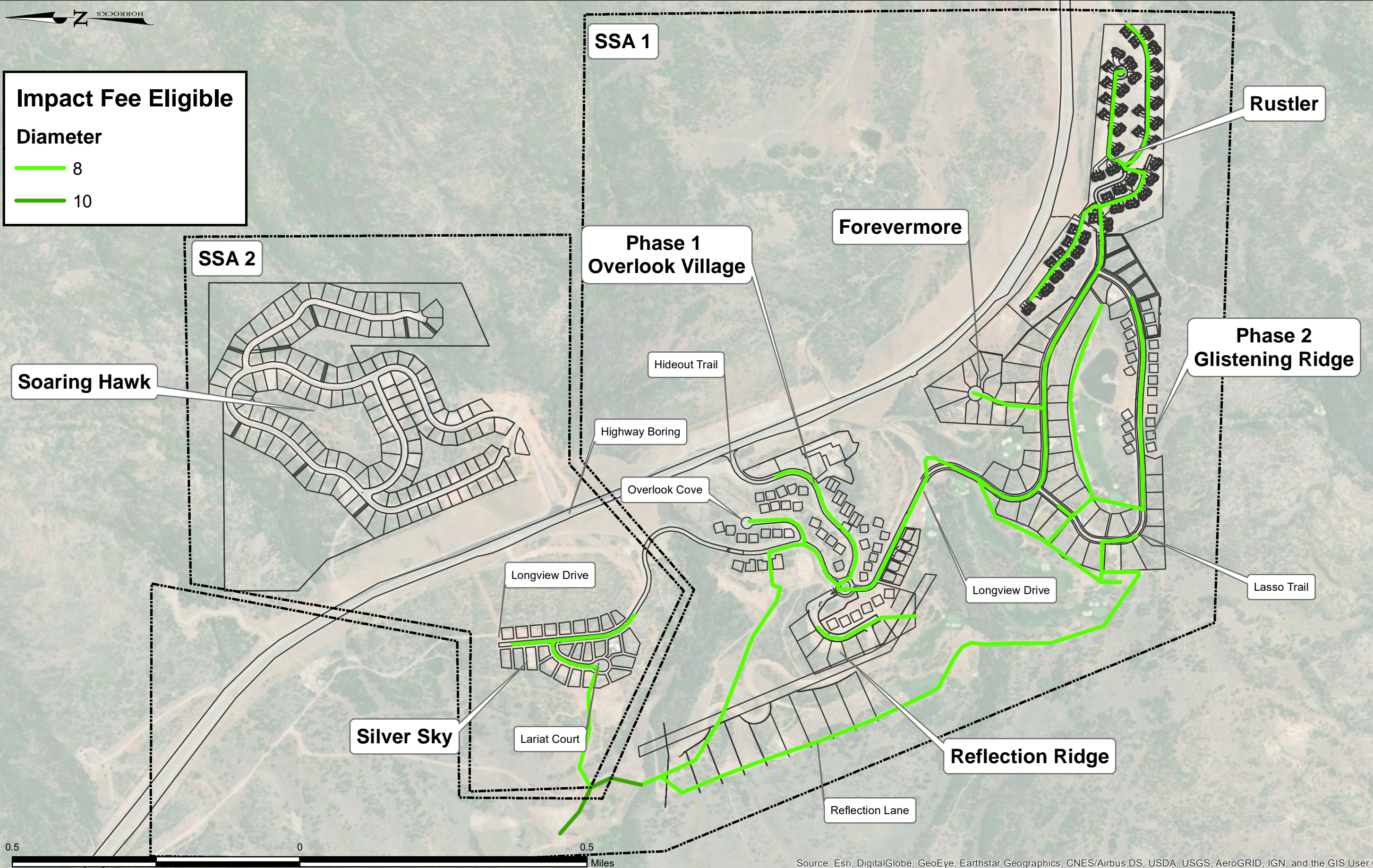




**Impact Fee Eligible**

**Diameter**

- 8
- 10



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**HORROCKS**  
ENGINEERS

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Town of Hideout  
Impact Fee Facilities - Sewer

DATE	2/12/2019
DRAWN	
Figure 7-4	



The Town of Hideout was incorporated in 2008. After incorporation, the primary developer within the Town, Mustang Development, LLC (herein after referred to as the "Master Developer") built the improvements shown in Figures 3-1, 4-1, 5-1 and 6-1. Chapter 7 illustrates the cost of these improvements and which facilities are impact fee eligible according to Utah Title 11-36a. No other method of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants has been used by the Town to provide these existing public system improvements in the Town unless otherwise noted in Chapter 7.

The Town intends to use impact fees from new development that benefits directly from the system improvements the Master Developer has constructed to reimburse, in part, the expense incurred by the Master Developer in connection with construction of such improvements. These fees will be collected at the time of building permit in the amount approved by the Town, but no greater than the amount recommended in this impact fee analysis.

This study considers the cost of system improvements that were recently constructed to support growth into the foreseeable future. It does not contemplate, and removes from calculations, the portion of the improvements that are project costs specific to a subdivision and do not serve the Town as a whole.

It also defines a proportionate share of the impact fee eligible costs to all potential future lots that will use them and recommends impact fees for each element analyzed in this study. These fees will be needed to finance the existing level of service that has been created throughout the Town. It does not include any existing deficiencies.

Calculations for the impact fees are included in this chapter for each element. The calculations are estimates based on the best data available to us. For purposes of calculating the actual impact fee, we have rounded the estimated cost to the next greatest five dollar (\$5) increment.

### 8.1 Financing Charges

Under Utah Code 11-36a-305, a municipality is entitled to include reasonable debt service charges in the calculation of an impact fee. Based on available data, we have determined that reasonable finance charges applicable to the cost of the eligible system improvement is not more than six percent (6%) over twenty (20) years making uniform annual payments. Therefore, we will calculate the total financed estimate for each element using the following formula for simple interest:

$$\text{Total Cost} = \text{Principal} + (\text{Principal} / 2) \times (\text{rate} \times \text{years})$$

Over the life of a twenty year repayment period the average principal balance will be half of the total principal amount. As such, interest calculations will show half of the infrastructure cost as the principal in the formula. The applicable financing charge for eligible system improvements is calculated separately for each element in the following sections.

## 8.2 Water Impact Fees

The impact fee eligible water system costs have been calculated for the separate service areas of WSA1 and WSA 2 at \$1,385,937 and \$0 respectively. These improvements are illustrated in Chapter 7.

### WSA1

WSA1 will serve the entire Town excluding Soaring Hawk, Deer Mountain, Reflection Ridge, the future Golden Eagle, Ross Creek and Woolf. Golden Eagle will be responsible for constructing its own water system. As such, WSA1 will serve 1,682 units (2,264 – (148 + 71 + 15 + 9 + 316 + 18 + 5)).

#### WSA1 Impact Fee Calculation

The cost for the WSA1 system improvements is \$1,385,937. These projects will serve 1,682 ERC's. Considering twenty years of financing at 6%, the total WSA1 water impact fee will be:

$$\$1,385,937 + ((\$1,385,937 / 2) \times (0.06 \times 20)) = \$2,217,499$$

$$\$2,217,499 / 1,682 = \underline{\$1,318.37 \text{ per ERC (use \$1,320)}}$$

### WSA2

WSA2 serves only Soaring Hawk. It will serve the 148 units located there. However, residents of Soaring Hawk pay a special assessment toward the repayment of the Local District bond which financed the water infrastructure in Soaring Hawk. As a result, the Soaring Hawk water infrastructure is not impact fee eligible. Therefore, the water impact fee for residents of WSA2 is \$0.

## 8.3 Transportation Impact Fees

The impact fee eligible transportation system costs have been calculated at \$5,195,220. These improvements are illustrated in Chapter 7 and their costs are calculated in the Appendix. They will serve the entire Town, although not all costs are included in the impact fee calculation. As a result, they will serve approximately 2,264 units. Therefore, the impact fee can be calculated as follows.

#### Impact Fee Calculation

The cost for the transportation system improvements is \$5,195,220. These projects will serve 2,264 ERC's. Considering twenty years of financing at 6%, the total transportation impact fee will be:

$$\$5,195,220 + ((\$5,195,220 / 2) \times (0.06 \times 20)) = \$8,312,352.00$$

$$\$8,312,352 / 2,264 = \underline{\$3,671.53 \text{ per ERC (use \$3,675)}}$$

## 8.4 Storm Drain Impact Fees

The impact fee eligible storm drain system costs have been calculated for the separate service areas of SDSA1, SDSA2 and SDSA3 at \$839,628, \$594,641 and \$0 respectively. These improvements are illustrated in Chapter 7.

### SDSA1

SDSA1 will serve the Glistening Ridge (63 units), Rustler (88 units) and Forevermore (13 units) areas

#### SDSA1 Impact Fee Calculation

The cost for the SDSA1 system improvements is \$839,628. These projects will serve 164 ERC's. Considering twenty years of financing at 6%, the total SDSA1 storm drain impact fee will be:

$$\$551,345 + ((\$551,345 / 2) \times (0.06 \times 20)) = \$882,152.00$$

$$\$882,152.00 / 164 = \underline{\$5,378.98 \text{ per ERC (use \$5,380)}}$$

### SDSA2

SDSA2 will serve the Overlook Village (47 units), Perch (92 units), Town Center (4 units), Silver Sky (26 units), Reflection Ridge (15 units), Reflection Lane (9 units), Venturi (2 units) and Plumb (4 units) areas

#### SDSA2 Impact Fee Calculation

The cost for the SDSA2 system improvements is \$490,432. These projects will serve 199 ERC's. Considering twenty years of financing at 6%, the total SDSA2 storm drain impact fee will be:

$$\$490,432 + ((\$490,432 / 2) \times (0.06 \times 20)) = \$784,691.20$$

$$\$784,691.20 / 199 = \underline{\$3,943.17 \text{ per ERC (use \$3,945)}}$$

### SDSA3

SDSA3 will serve the Soaring Hawk (148 units) area. However, residents of Soaring Hawk pay a special assessment toward the repayment of the Local District bond which financed the storm drain infrastructure in Soaring Hawk. As a result, the Soaring Hawk storm drain infrastructure is not impact fee eligible. Therefore, the storm drain impact fee for residents of SDSA3 is \$0.

Golden Eagle, Deer Springs, future Shoreline phases, KLAIM, ADA, Salzman, Sunrise, Ross Creek Entrance and Woolf will be responsible for their own storm drain infrastructure. The Deer Mountain, Deer Waters and Van Dan Aker areas have their own storm drain systems and are not included in the storm drain allocation.

## 8.5 Sewer Impact Fees

The impact fee eligible sewer system costs have been calculated for two separate service areas SSA1 and 2 at \$138,551 and \$1,280,678 respectively. These

improvements are illustrated in Chapter 7 and their costs are calculated in the Appendix.

### SSA1

SSA1 serves both Soaring Hawk (148 units), Silver Sky (26 units) and the future Woolf development (5 units). However, the cost of infrastructure in Soaring Hawk is being reimbursed by a special assessment charged by the Local District to Soaring Hawk residents, so only infrastructure in Silver Sky is eligible for impact fees.

#### Impact Fee Calculation

The cost for the impact eligible sewer system improvements is \$138,551. These projects will serve 179 ERC's. Considering twenty years of financing at 6%, the total SSA1 sewer impact fee will be:

$$\$138,551 + ((\$138,551 / 2) \times (0.06 \times 20)) = \$221,681.60$$

$$\$221,681.60 / 179 = \underline{\$1,238.44 \text{ per ERC (use \$1,240)}}$$

### SSA2

SSA2 serves the remaining 1,685 units in Hideout except the future Ross Creek Entrance, KLAIM, Van Den Akker, Deer Springs and Deer Waters (2,264 units – 179 units – 18 units – 88 units – 35 units – 248 units – 11 units).

#### Impact Fee Calculation

The cost for the impact eligible sewer system improvements is \$1,280,678. These projects will serve 1,685 ERC's. Considering twenty years of financing at 6%, the total SSA2 sewer impact fee will be:

$$\$1,280,678 + ((\$1,280,678 / 2) \times (0.06 \times 20)) = \$2,049,084.80$$

$$\$2,049,084.80 / 1,685 = \underline{\$1,216.07 \text{ per ERC (use \$1,220)}}$$

## 8.6 Impact Fee Summary

The recommended impact fees can be summarized as illustrated below.

Element	Fee
<b>Water</b>	
WSA1	\$1,320
WSA2	\$0
<b>Transportation</b>	\$3,675
<b>Storm Drain</b>	
SDSA1	\$5,380
SDSA2	\$3,945
SDSA3	\$0
<b>Sewer</b>	
SSA1	\$1,240
SSA2	\$1,220



# Appendix “A”

## **Data**

**Overlook Village**  
**Cost Estimate (2006 dollars)**

**Figure A.1**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	12 - inch Ductile Iron Water Line Pipe	5,254	LF	\$31.00	\$162,874.00
	12 - inch PRV Station	2	Each	\$70,000.00	\$140,000.00
	Meter Stations	1	Each	\$20,000.00	\$20,000.00
	10 - inch Ductile Water Line	1,218	LF	\$22.00	\$26,796.00
	<b>Subtotal</b>				<b>\$349,670.00</b>
	Mobilization 6%				\$20,980.20
	Design Engineering 9%				\$31,470.30
	Construction Engineering 9%				\$31,470.30
	<b>Water Total</b>				<b>\$433,590.80</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE (SDR 35) Sewer Pipe	6,489	LF	\$27.00	\$175,203.00
	4 ft. Diameter Sewer Manhole	13	Each	\$2,600.00	\$33,319.00
	<b>Subtotal</b>				<b>\$208,522.00</b>
	Mobilization 6%				\$12,511.32
	Design Engineering 9%				\$18,766.98
	Construction Engineering 9%				\$18,766.98
	<b>Sewer Total</b>				<b>\$258,567.28</b>
<b>Storm Drain Improvements</b>					
	18 inch ADS	1,976	LF	\$27.00	\$53,352.00
	24 inch ADS	1,681	LF	\$32.00	\$53,792.00
	30 inch ADS	3,869	LF	\$38.00	\$147,022.00
	4 ft. Diameter Storm Drain Manholes	8	Each	\$2,300.00	\$18,618.50
	5 ft. Diameter Storm Drain Manholes	8	Each	\$3,000.00	\$25,345.00
	Catch Basin	29	Each	\$1,500.00	\$43,630.00
	<b>Subtotal</b>				<b>\$341,759.50</b>
	Mobilization 6%				\$20,505.57
	Design Engineering 9%				\$30,758.36
	Construction Engineering 9%				\$30,758.36
	<b>Storm Drain Total</b>				<b>\$423,781.78</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	12,538	LF	\$11.50	\$144,187.00
	Road Base installed	250,760	Sq. Ft.	\$0.70	\$175,532.00
	3 - inch Asphalt Bituminous Mix	162,994	Sq. Ft.	\$0.90	\$146,694.60
	Roadside Drainage Channels (Ditches)	2,000	LF	\$7.50	\$15,000.00
	4 foot Sidewalk	11,438	LF	\$12.50	\$142,975.00
	6 foot Sidewalk	1,100	LF	\$19.00	\$20,900.00
	Landscaping	1	LS	\$81,000.00	\$81,000.00
	Guardrail	1,500	LF	\$26.00	\$39,000.00
	Retaining Wall	51,500	SF	\$12.00	\$618,000.00
	Erosion Control	6	Acre	\$3,500.00	\$20,148.30
	Clearing and Grubbing	6	Acre	\$3,000.00	\$17,269.97
	Street Lights (at hydrants & intersections)	32	Each	\$3,600.00	\$115,200.00
	Irrigation	1	LS	\$51,000.00	\$51,000.00
	UDOT Entrance	1	LS	\$531,000.00	\$531,000.00
	Roadway Excavation	37,150	CY	\$8.00	\$297,197.04
	<b>Subtotal</b>				<b>\$2,415,103.91</b>
	Mobilization 6%				\$144,906.23
	Design Engineering 9%				\$217,359.35
	Construction Engineering 9%				\$217,359.35
	<b>Roadway Total</b>				<b>\$2,994,728.85</b>
	<b>Construction Subtotal</b>				<b>\$4,110,668.71</b>
<b>Overlook Village - Roadway Project Improvements (Overlook Cove)</b>					
	Curb and Gutter	1,102	LF	\$11.50	\$12,673.00
	Road Base installed	22,040	Sq. Ft.	\$0.70	\$15,428.00
	3 - inch Asphalt Bituminous Mix	14,326	Sq. Ft.	\$0.90	\$12,893.40
	Roadside Drainage Channels (Ditches)	0	LF	\$7.50	\$0.00
	4 foot Sidewalk	1,102	LF	\$12.50	\$13,775.00
	6 foot Sidewalk	0	LF	\$19.00	\$0.00
	Landscaping	0	LS	\$81,000.00	\$0.00
	Guardrail	0	LF	\$26.00	\$0.00
	Retaining Wall	1,500	SF	\$12.00	\$18,000.00
	Erosion Control	1	Acre	\$3,500.00	\$1,770.89
	Clearing and Grubbing	1	Acre	\$3,000.00	\$1,517.91
	Street Lights (at hydrants & intersections)	1	Each	\$3,000.00	\$3,000.00
	Irrigation	0	LS	\$51,000.00	\$0.00
	Roadway Excavation	3,265	CY	\$8.00	\$26,121.48
	<b>Subtotal</b>				<b>\$105,179.68</b>
	Mobilization 6%				\$6,310.78
	Design Engineering 9%				\$9,466.17
	Construction Engineering 9%				\$9,466.17
	<b>Roadway Project Total</b>				<b>\$130,422.80</b>
<b>Overlook Village - Storm Drain Project Improvements (Overlook Cove)</b>					
	18 Inch ADS	500	LS	\$27.00	\$13,500.00
	SD Catch Basin	8	LS	\$1,500.00	\$12,000.00
	4 ft. Diameter Storm Drain Manhole	2	LS	\$2,300.00	\$4,600.00
	<b>Subtotal</b>				<b>\$30,100.00</b>
	Mobilization 6%				\$1,806.00
	Design Engineering 9%				\$2,709.00
	Construction Engineering 9%				\$2,709.00
	<b>Storm Drain Project Total</b>				<b>\$37,324.00</b>

**Glistening Ridge**  
**Cost Estimate (2009 dollars)**

**Figure A.2**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	8 - inch Ductile Iron Water Line Pipe	2,863	LF	\$30.00	\$85,890.00
	12 - inch Ductile Iron Water Line Pipe	3,197	LF	\$39.00	\$124,683.00
	12 inch PRV Station	1	Each	\$55,000.00	\$55,000.00
	12 inch Butterfly Valve	8	Each	\$1,600.00	\$12,800.00
	8 inch Butterfly Valve	8	Each	\$1,000.00	\$8,000.00
	Fire Hydrant Assembly	16	Each	\$3,100.00	\$49,600.00
	2 inch Washout with Drainline	2	Each	\$900.00	\$1,800.00
	2 inch Air-Vac Valve	2	Each	\$2,500.00	\$5,000.00
	<b>Subtotal</b>				<b>\$342,773.00</b>
	Mobilization 6%				\$20,566.38
	Design Engineering 9%				\$30,849.57
	Construction Engineering 9%				\$30,849.57
	<b>Water Total</b>				<b>\$425,038.52</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE Sewer Pipe	10,574	LF	\$27.00	\$285,498.00
	4 ft. Diameter Sewer Manhole	28	Each	\$2,600.00	\$72,800.00
	5 ft. Diameter Sewer Manhole	3	Each	\$3,000.00	\$9,000.00
	<b>Subtotal</b>				<b>\$367,298.00</b>
	Mobilization 6%				\$22,037.88
	Design Engineering 9%				\$33,056.82
	Construction Engineering 9%				\$33,056.82
	<b>Sewer Total</b>				<b>\$455,449.52</b>
<b>Storm Drain Improvements</b>					
	18 - inch ADS Pipe	5,506	LF	\$27.00	\$148,662.00
	24 - inch ADS Pipe	4,026	LF	\$32.00	\$128,832.00
	30 - inch ADS Pipe	640	LF	\$35.00	\$22,400.00
	4 ft. Diameter Manholes	18	Each	\$2,300.00	\$41,139.33
	Detention Pond	1	Each	\$95,000.00	\$95,000.00
	Catch Basin	45	Each	\$1,500.00	\$67,500.00
	<b>Subtotal</b>				<b>\$503,533.33</b>
	Mobilization 6%				\$30,212.00
	Design Engineering 9%				\$45,318.00
	Construction Engineering 9%				\$45,318.00
	<b>Storm Drain Total</b>				<b>\$624,381.33</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	13,586	LF	\$12.00	\$163,032.00
	Excavation for C&G	13,586	LF	\$6.50	\$88,309.00
	Road Base installed	271,720	Sq. Ft.	\$0.70	\$190,204.00
	3 - inch Asphalt Bituminous Mix	176,618	Sq. Ft.	\$0.90	\$158,956.20
	Roadside Drainage Channels	700	LF	\$7.50	\$5,250.00
	4-foot Sidewalk	11,516	LF	\$12.50	\$143,950.00
	10-foot Sidewalk	2,070	LF	\$27.50	\$56,925.00
	Golf Cart Tunnel	1	Each	\$75,000.00	\$75,000.00
	Street Lights	19	Each	\$3,800.00	\$72,200.00
	Landscape	1	LS	\$41,000.00	\$41,000.00
	Cut Slope	16,500	Sq. Ft.	\$20.00	\$330,000.00

	Clear and Grub	7	Acres	\$2,500.00	\$16,250.00
	Erosion Control	7	Acres	\$1,800.00	\$11,700.00
	Erosion Control Matting	101,840	Sq. Ft.	\$0.20	\$20,368.00
	Reseeding	101,840	Sq. Ft.	\$0.04	\$4,073.60
	Road Cuts and Fills	40,000	CY	\$3.75	\$150,000.00
	Guardrail	940	LF	\$25.50	\$23,970.00
				<b>Subtotal</b>	<b>\$1,551,187.80</b>
				Mobilization 6%	\$93,071.27
				Design Engineering 9%	\$139,606.90
				Construction Engineering 9%	\$139,606.90
				<b>Roadway Total</b>	<b>\$1,923,472.87</b>
				<b>Construction Total</b>	<b>\$3,428,342.25</b>

#### Glistening Ridge - Roadway Project Improvements (Lasso Trail)

	Curb and Gutter	13,586	LF	\$12.00	\$163,032.00
	Excavation for C&G	13,586	LF	\$6.50	\$88,309.00
	Road Base installed	271,720	Sq. Ft.	\$0.70	\$190,204.00
	3 - inch Asphalt Bituminous Mix	176,618	Sq. Ft.	\$0.90	\$158,956.20
	Roadside Drainage Channels	0	LF	\$7.50	\$0.00
	4-foot Sidewalk	0	LF	\$12.50	\$0.00
	10-foot Sidewalk	0	LF	\$27.50	\$0.00
	Golf Cart Tunnel	1	Each	\$75,000.00	\$75,000.00
	Street Lights	0	Each	\$3,800.00	\$0.00
	Landscape	1	LS	\$41,000.00	\$41,000.00
	Cut Slope	16,500	Sq. Ft.	\$20.00	\$330,000.00
	Clear and Grub	7	Acres	\$2,500.00	\$16,250.00
	Erosion Control	7	Acres	\$1,800.00	\$11,700.00
	Erosion Control Matting	101,840	Sq. Ft.	\$0.20	\$20,368.00
	Reseeding	101,840	Sq. Ft.	\$0.04	\$4,073.60
	Road Cuts and Fills	40,000	CY	\$3.75	\$150,000.00
	Guardrail	0	LF	\$25.50	\$0.00
				<b>Subtotal</b>	<b>\$1,248,892.80</b>
				Mobilization 6%	\$74,933.57
				Design Engineering 9%	\$112,400.35
				Construction Engineering 9%	\$112,400.35
				<b>Roadway Project Total</b>	<b>\$1,548,627.07</b>

#### Glistening Ridge - Storm Drain Project Improvements (Lasso Trail)

	24 Inch ADS	500	LF	\$32.00	\$16,000.00
	SD Catch Basin	24	LF	\$1,500.00	\$36,000.00
	4 ft. Diameter Storm Drain Manhole	3	LF	\$2,300.00	\$6,900.00
				<b>Subtotal</b>	<b>\$58,900.00</b>
				Mobilization 6%	\$3,534.00
				Design Engineering 9%	\$5,301.00
				Construction Engineering 9%	\$5,301.00
				<b>Storm Drain Project Total</b>	<b>\$73,036.00</b>

**Reflection Ridge**  
**Cost Estimate (2014 dollars)**

**Figure A.3**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	8 - inch Ductile Iron Water Line Pipe	10,012	LF	\$35.00	\$350,420.00
	8 inch Gate Valve	2	Each	\$1,800.00	\$3,600.00
	Fire Hydrant Assembly	3	Each	\$4,500.00	\$13,500.00
	2 inch Air-Vac Valve	1	Each	\$3,500.00	\$3,500.00
	<b>Subtotal</b>				<b>\$371,020.00</b>
	Mobilization 6%				\$22,261.20
	Design Engineering 9%				\$33,391.80
	Construction Engineering 9%				\$33,391.80
	<b>Water Total</b>				<b>\$460,064.80</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE Sewer Pipe	7,841	LF	\$29.00	\$227,389.00
	10 inch HDPE Sewer Pipe	1,000	LF	\$33.00	\$33,000.00
	4 ft. Diameter Sewer Manhole	5	Each	\$3,000.00	\$15,000.00
	<b>Subtotal</b>				<b>\$275,389.00</b>
	Mobilization 6%				\$16,523.34
	Design Engineering 9%				\$24,785.01
	Construction Engineering 9%				\$24,785.01
	<b>Sewer Total</b>				<b>\$341,482.36</b>
<b>Storm Drain Improvements</b>					
	18 - inch ADS Pipe	984	LF	\$35.00	\$34,440.00
	24 - inch ADS Pipe		LF	\$38.00	\$0.00
	30 - inch ADS Pipe		LF	\$42.00	\$0.00
	4 ft. Diameter Manholes	4	Each	\$2,500.00	\$10,000.00
	Detention Pond		Each	\$100,000.00	\$0.00
	Catch Basin	10	Each	\$2,500.00	\$25,000.00
	<b>Subtotal</b>				<b>\$69,440.00</b>
	Mobilization 6%				\$4,166.40
	Design Engineering 9%				\$6,249.60
	Construction Engineering 9%				\$6,249.60
	<b>Storm Drain Total</b>				<b>\$86,105.60</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	8,608	LF	\$11.00	\$94,688.00
	Excavation for C&G	8,608	LF	\$1.00	\$8,608.00
	Road Base installed	172,160	Sq. Ft.	\$1.00	\$172,160.00
	3 - inch Asphalt Bituminous Mix	111,904	Sq. Ft.	\$1.20	\$134,284.80
	Clear and Grub	4	Acres	\$2,500.00	\$9,880.62
	Erosion Control	4	Acres	\$1,800.00	\$7,114.05
	Roadway Excavation	6,376	CY	\$8.00	\$51,010.37
	<b>Subtotal</b>				<b>\$477,745.84</b>
	Mobilization 6%				\$28,664.75
	Design Engineering 9%				\$42,997.13
	Construction Engineering 9%				\$42,997.13
	<b>Roadway Total</b>				<b>\$592,404.85</b>
	<b>Construction Total</b>				<b>\$1,480,057.61</b>

**Forevermore**  
**Cost Estimate (2013 dollars)**

**Figure A.4**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	8 - inch Ductile Iron Water Line Pipe	664	LF	\$32.00	\$21,248.00
	8 inch Gate Valve	1	Each	\$1,500.00	\$1,500.00
	Fire Hydrant Assembly	1	Each	\$3,500.00	\$3,500.00
	2 inch Air-Vac Valve	1	Each	\$3,500.00	\$3,500.00
	<b>Subtotal</b>				<b>\$29,748.00</b>
	Mobilization 6%				\$1,784.88
	Design Engineering 9%				\$2,677.32
	Construction Engineering 9%				\$2,677.32
	<b>Water Total</b>				<b>\$36,887.52</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE Sewer Pipe	654	LF	\$27.00	\$17,658.00
	4 ft. Diameter Sewer Manhole	3	Each	\$3,000.00	\$9,000.00
	<b>Subtotal</b>				<b>\$26,658.00</b>
	Mobilization 6%				\$1,599.48
	Design Engineering 9%				\$2,399.22
	Construction Engineering 9%				\$2,399.22
	<b>Sewer Total</b>				<b>\$33,055.92</b>
<b>Storm Drain Improvements</b>					
	18 - inch ADS Pipe		LF	\$33.00	\$0.00
	24 - inch ADS Pipe		LF	\$35.00	\$0.00
	30 - inch ADS Pipe		LF	\$40.00	\$0.00
	4 ft. Diameter Manholes		Each	\$2,500.00	\$0.00
	Detention Pond		Each	\$95,000.00	\$0.00
	Catch Basin		Each	\$2,500.00	\$0.00
	<b>Subtotal</b>				<b>\$0.00</b>
	Mobilization 6%				\$0.00
	Design Engineering 9%				\$0.00
	Construction Engineering 9%				\$0.00
	<b>Storm Drain Total</b>				<b>\$0.00</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	1,716	LF	\$11.00	\$18,876.00
	Excavation for C&G	1,716	LF	\$1.00	\$1,716.00
	Road Base installed	34,320	Sq. Ft.	\$1.00	\$34,320.00
	3 - inch Asphalt Bituminous Mix	22,308	Sq. Ft.	\$1.20	\$26,769.60
	Clear and Grub	1	Acres	\$2,500.00	\$1,969.70
	Erosion Control	1	Acres	\$1,800.00	\$1,418.18
	Roadway Excavation	1,271	CY	\$8.00	\$10,168.89
	<b>Subtotal</b>				<b>\$95,238.37</b>
	Mobilization 6%				\$5,714.30
	Design Engineering 9%				\$8,571.45
	Construction Engineering 9%				\$8,571.45
	<b>Roadway Total</b>				<b>\$118,095.58</b>
	<b>Construction Total</b>				<b>\$188,039.02</b>

**Silver Sky**  
**Cost Estimate (2014 dollars)**

**Figure A.5**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	12 - inch Ductile Iron Water Line Pipe	2,484	LF	\$70.00	\$173,880.00
	8 - inch Ductile Iron Water Line Pipe	600	LF	\$42.00	\$25,200.00
	2" Air-Vac Station	3	Each	\$4,300.00	\$12,900.00
	Fire Hydrant	4	Each	\$5,000.00	\$20,000.00
					<b>\$231,980.00</b>
	Mobilization 6%				\$13,918.80
	Design Engineering 9%				\$20,878.20
	Construction Engineering 9%				\$20,878.20
	<b>Water Total</b>				<b>\$287,655.20</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE (SDR 35) Sewer Pipe	2,121	LF	\$35.00	\$74,235.00
	4 ft. Diameter Sewer Manhole	8	Each	\$3,300.00	\$26,400.00
	5 ft. Diameter Sewer Manhole	3	Each	\$3,700.00	\$11,100.00
					<b>\$111,735.00</b>
	Mobilization 6%				\$6,704.10
	Design Engineering 9%				\$10,056.15
	Construction Engineering 9%				\$10,056.15
	<b>Sewer Total</b>				<b>\$138,551.40</b>
<b>Storm Drain Improvements</b>					
	15 inch ADS	988	LF	\$27.00	\$26,676.00
	18 inch ADS	158	LF	\$30.00	\$4,740.00
	4 ft. Diameter Drain Manholes	4	Each	\$3,300.00	\$12,903.00
	Catch Basin	19	Each	\$2,500.00	\$47,500.00
					<b>\$91,819.00</b>
	Mobilization 6%				\$5,509.14
	Design Engineering 9%				\$8,263.71
	Construction Engineering 9%				\$8,263.71
	<b>Storm Drain Total</b>				<b>\$113,855.56</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	4,814	LF	\$14.00	\$67,396.00
	Road Base installed	96,280	Sq. Ft.	\$1.00	\$96,280.00
	3 - inch Asphalt Bituminous Mix	62,582	Sq. Ft.	\$1.40	\$87,614.80
	Guardrail	550	LF	\$42.00	\$23,100.00
	Retaining Wall	1,500	SF	\$20.00	\$30,000.00
	Rock Excavation	1	Acre	\$20,000.00	\$20,000.00
	Clearing and Grubbing	2	Acre	\$2,000.00	\$4,420.57
	Roadway Excavation	3,566	CY	\$8.00	\$28,527.41
					<b>\$357,338.78</b>
	Mobilization 6%				\$21,440.33
	Design Engineering 9%				\$32,160.49
	Construction Engineering 9%				\$32,160.49
	<b>Roadway Total</b>				<b>\$443,100.08</b>
	<b>Construction Total</b>				<b>\$983,162.24</b>
<b>Silver Sky - Roadway Project Improvements (Lariat Court and partial Longview Dr)</b>					
	Curb and Gutter	3,400	LF	\$14.00	\$47,600.00
	Road Base installed	68,000	Sq. Ft.	\$1.00	\$68,000.00
	3 - inch Asphalt Bituminous Mix	44,200	Sq. Ft.	\$1.40	\$61,880.00
	Guardrail	0	LF	\$42.00	\$0.00
	Retaining Wall	0	SF	\$20.00	\$0.00
	Rock Excavation	0	Acre	\$20,000.00	\$0.00
	Clearing and Grubbing	2	Acre	\$2,000.00	\$3,122.13
	Roadway Excavation	2,519	CY	\$8.00	\$20,148.15
					<b>\$200,750.28</b>
	Mobilization 6%				\$12,045.02
	Design Engineering 9%				\$18,067.53
	Construction Engineering 9%				\$18,067.53
	<b>Roadway Project Total</b>				<b>\$248,930.35</b>
<b>Silver Sky - Storm Drain Project Improvements (Lariat Court and partial Longview Dr)</b>					
	15 Inch ADS	988	Sq. Ft.	\$43.00	\$42,484.00
	18 Inch ADS	158	Sq. Ft.	\$47.00	\$7,426.00
	SD Catch Basin	11	Sq. Ft.	\$2,500.00	\$27,500.00
	4 ft. Diameter Storm Drain Manhole	0	Sq. Ft.	\$3,300.00	\$0.00
					<b>\$77,410.00</b>
	Mobilization 6%				\$4,644.60
	Design Engineering 9%				\$6,966.90
	Construction Engineering 9%				\$6,966.90
	<b>Storm Drain Project Total</b>				<b>\$95,988.40</b>

**Rustler**  
**Cost Estimate (2010 dollars)**

**Figure A.6**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	8 - inch Ductile Iron Water Line Pipe	4,449	LF	\$31.00	\$137,919.00
	12 - inch Ductile Iron Water Line Pipe	290	LF	\$40.00	\$11,600.00
	Fire Hydrant Assembly	4	Each	\$3,500.00	\$14,000.00
	<b>Subtotal</b>				<b>\$163,519.00</b>
	Mobilization 6%				\$9,811.14
	Design Engineering 9%				\$14,716.71
	Construction Engineering 9%				\$14,716.71
	<b>Water Total</b>				<b>\$202,763.56</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE Sewer Pipe	4,625	LF	\$29.00	\$134,125.00
	4 ft. Diameter Sewer Manhole	8	Each	\$2,700.00	\$20,812.50
	<b>Subtotal</b>				<b>\$154,937.50</b>
	Mobilization 6%				\$9,296.25
	Design Engineering 9%				\$13,944.38
	Construction Engineering 9%				\$13,944.38
	<b>Sewer Total</b>				<b>\$192,122.50</b>
<b>Storm Drain Improvements</b>					
	15 - inch ADS Pipe	878	LF	\$27.00	\$23,706.00
	18 - inch ADS Pipe	441	LF	\$32.00	\$14,112.00
	4 ft. Diameter Manholes	4	Each	\$2,500.00	\$10,495.83
	Catch Basin	8	Each	\$1,700.00	\$14,274.33
	<b>Subtotal</b>				<b>\$62,588.17</b>
	Mobilization 6%				\$3,755.29
	Design Engineering 9%				\$5,632.94
	Construction Engineering 9%				\$5,632.94
	<b>Storm Drain Total</b>				<b>\$77,609.33</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	11,394	LF	\$13.00	\$148,122.00
	Excavation for C&G	11,394	LF	\$7.00	\$79,758.00
	Road Base installed	227,880	Sq. Ft.	\$0.80	\$182,304.00
	3 - inch Asphalt Bituminous Mix	148,122	Sq. Ft.	\$1.00	\$148,122.00
	Clear and Grub	5	Acres	\$2,500.00	\$13,078.51
	Erosion Control	5	Acres	\$1,800.00	\$9,416.53
	Roadway Excavation	8,440	CY	\$8.50	\$71,740.00
	<b>Subtotal</b>				<b>\$652,541.04</b>
	Mobilization 6%				\$39,152.46
	Design Engineering 9%				\$58,728.69
	Construction Engineering 9%				\$58,728.69
	<b>Roadway Total</b>				<b>\$809,150.89</b>
	<b>Construction Total</b>				<b>\$1,281,646.28</b>



**Soaring Hawk System Improvements**  
**Cost Estimate (2014 dollars)**

**Figure A.7**

No.	Item Description	Bid Quantity	Units	Unit Price	Total Amount
<b>Culinary Water Improvements</b>					
	8 - inch Ductile Iron Water Line Pipe	7,893	LF	\$32.00	\$252,576.00
	8 inch Gate Valves	8	Each	\$1,800.00	\$14,400.00
	Meter Stations	1	Each	\$50,000.00	\$50,000.00
					<b>\$316,976.00</b>
				Mobilization 6%	\$19,018.56
				Design Engineering 9%	\$28,527.84
				Construction Engineering 9%	\$28,527.84
				<b>Water Total</b>	<b>\$393,050.24</b>
<b>Sanitary Sewer Improvements</b>					
	8 inch HDPE (SDR 35) Sewer Pipe	8,673	LF	\$34.00	\$294,882.00
	4 ft. Diameter Sewer Manhole	40	Each	\$2,800.00	\$112,000.00
	5 ft. Diameter Sewer Manhole	8	Each	\$3,100.00	\$24,800.00
					<b>\$431,682.00</b>
				Mobilization 6%	\$25,900.92
				Design Engineering 9%	\$38,851.38
				Construction Engineering 9%	\$38,851.38
				<b>Sewer Total</b>	<b>\$535,285.68</b>
<b>Storm Drain Improvements</b>					
	15 inch ADS	1,400	LF	\$36.00	\$50,400.00
	18 inch ADS		LF	\$41.00	\$0.00
	30 inch ADS	200	LF	\$64.00	\$12,800.00
	36 inch ADS	300	LF	\$83.00	\$24,900.00
	6 ft. Diameter Manholes	2	Each	\$4,000.00	\$8,000.00
	Catch Basin	25	Each	\$2,500.00	\$62,500.00
					<b>\$158,600.00</b>
				Mobilization 6%	\$9,516.00
				Design Engineering 9%	\$14,274.00
				Construction Engineering 9%	\$14,274.00
				<b>Storm Drain Total</b>	<b>\$196,664.00</b>
<b>Roadway Improvements</b>					
	Curb and Gutter	21,522	LF	\$11.00	\$236,742.00
	Road Base installed	430,440	Sq. Ft.	\$0.80	\$344,352.00
	3 - inch Asphalt Bituminous Mix	279,786	Sq. Ft.	\$1.20	\$335,743.20
	Landscaping	1	LS	\$190,000.00	\$190,000.00
	Retaining Wall	3,000	SF	\$15.00	\$45,000.00
	Clearing and Grubbing	9	Acre	\$2,000.00	\$17,000.00
	UDOT Accel Lane	1	LS	\$575,000.00	\$575,000.00
	Roadway Excavation	155,000	CY	\$5.00	\$775,000.00
					<b>\$2,518,837.20</b>
				Mobilization 6%	\$151,130.23
				Design Engineering 9%	\$226,695.35
				Construction Engineering 9%	\$226,695.35
				<b>Roadway Total</b>	<b>\$3,123,358.13</b>
				<b>Construction Total</b>	<b>\$4,248,358.05</b>

## Appendix “B”

### **Applicable State Codes**

## **Chapter 36a Impact Fees Act**

### **Part 1 General Provisions**

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

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

Enacted by Chapter 47, 2011 General Session

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

As used in this chapter:

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

- (B) irrigation water; or
- (d) a written authorization from a sanitary sewer authority, as defined in Section 10-9a-103:
  - (i) to reserve or provide:
    - (A) sewer collection capacity; or
    - (B) treatment capacity; or
  - (ii) to provide sewer service for a development activity.
- (5) "Enactment" means:
  - (a) a municipal ordinance, for a municipality;
  - (b) a county ordinance, for a county; and
  - (c) a governing board resolution, for a local district, special service district, or private entity.
- (6) "Encumber" means:
  - (a) a pledge to retire a debt; or
  - (b) an allocation to a current purchase order or contract.
- (7) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility system of a municipality, county, local district, special service district, or private entity.
- (8)
  - (a) "Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure.
  - (b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.
- (9) "Impact fee analysis" means the written analysis of each impact fee required by Section 11-36a-303.
- (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.
- (11) "Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.
- (12)
  - (a) "Local political subdivision" means a county, a municipality, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.
  - (b) "Local political subdivision" does not mean a school district, whose impact fee activity is governed by Section 53A-20-100.5.
- (13) "Private entity" means an entity in private ownership with at least 100 individual shareholders, customers, or connections, that is located in a first, second, third, or fourth class county and provides water to an applicant for development approval who is required to obtain water from the private entity either as a:
  - (a) specific condition of development approval by a local political subdivision acting pursuant to a prior agreement, whether written or unwritten, with the private entity; or
  - (b) functional condition of development approval because the private entity:
    - (i) has no reasonably equivalent competition in the immediate market; and
    - (ii) is the only realistic source of water for the applicant's development.
- (14)
  - (a) "Project improvements" means site improvements and facilities that are:
    - (i) planned and designed to provide service for development resulting from a development activity;
    - (ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity; and

- (iii) not identified or reimbursed as a system improvement.
- (b) "Project improvements" does not mean system improvements.
- (15) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (16) "Public facilities" means only the following impact fee facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity:
  - (a) water rights and water supply, treatment, storage, and distribution facilities;
  - (b) wastewater collection and treatment facilities;
  - (c) storm water, drainage, and flood control facilities;
  - (d) municipal power facilities;
  - (e) roadway facilities;
  - (f) parks, recreation facilities, open space, and trails;
  - (g) public safety facilities; or
  - (h) environmental mitigation as provided in Section 11-36a-205.
- (17)
  - (a) "Public safety facility" means:
    - (i) a building constructed or leased to house police, fire, or other public safety entities; or
    - (ii) a fire suppression vehicle costing in excess of \$500,000.
  - (b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.
- (18)
  - (a) "Roadway facilities" means a street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.
  - (b) "Roadway facilities" includes associated improvements to a federal or state roadway only when the associated improvements:
    - (i) are necessitated by the new development; and
    - (ii) are not funded by the state or federal government.
  - (c) "Roadway facilities" does not mean federal or state roadways.
- (19)
  - (a) "Service area" means a geographic area designated by an entity that imposes an impact fee on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.
  - (b) "Service area" may include the entire local political subdivision or an entire area served by a private entity.
- (20) "Specified public agency" means:
  - (a) the state;
  - (b) a school district; or
  - (c) a charter school.
- (21)
  - (a) "System improvements" means:
    - (i) existing public facilities that are:
      - (A) identified in the impact fee analysis under Section 11-36a-304; and
      - (B) designed to provide services to service areas within the community at large; and
    - (ii) future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide services to service areas within the community at large.
  - (b) "System improvements" does not mean project improvements.

Amended by Chapter 363, 2014 General Session

## **Part 2**

### **Impact Fees**

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

- (1) A local political subdivision or private entity shall ensure that any imposed impact fees comply with the requirements of this chapter.
- (2) A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102.
- (3) Nothing in this chapter may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this chapter that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this chapter.

Enacted by Chapter 47, 2011 General Session

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

- (1) A local political subdivision or private entity may not:
  - (a) impose an impact fee to:
    - (i) cure deficiencies in a public facility serving existing development;
    - (ii) raise the established level of service of a public facility serving existing development;
    - (iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement; or
    - (iv) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with:
      - (A) generally accepted cost accounting practices; and
      - (B) the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
  - (b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or
  - (c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.
- (2)
  - (a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:
    - (i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;
    - (ii) on a school district or charter school for a park, recreation facility, open space, or trail;
    - (iii) on a school district or charter school unless:
      - (A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
      - (B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;

- (iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:
    - (A) the Utah National Guard;
    - (B) the Utah Highway Patrol; or
    - (C) a state institution of higher education that has its own police force; or
  - (v) on development activity on the state fair park, as defined in Section 63H-6-102.
- (b)
- (i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
    - (A) the school is intended to replace another school, whether on the same or a different parcel;
    - (B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and
    - (C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.
  - (ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)
    - (i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.
  - (c) Notwithstanding any other provision of this chapter, a political subdivision or private entity may impose an impact fee for a road facility on the state only if and to the extent that:
    - (i) the state's development causes an impact on the road facility; and
    - (ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.
- (3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 53A-20-100.5.

Amended by Chapter 2, 2016 Special Session 3

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

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

Enacted by Chapter 47, 2011 General Session

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

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

Enacted by Chapter 47, 2011 General Session

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

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

- (1) the local political subdivision has formally agreed to fund a Habitat Conservation Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq. or other state or federal environmental law or regulation;
- (2) the impact fee bears a reasonable relationship to the environmental mitigation required by the Habitat Conservation Plan; and
- (3) the legislative body of the local political subdivision adopts an ordinance or resolution:
  - (a) declaring that an impact fee is required to finance the Habitat Conservation Plan;
  - (b) establishing periodic sunset dates for the impact fee; and
  - (c) requiring the legislative body to:
    - (i) review the impact fee on those sunset dates;
    - (ii) determine whether or not the impact fee is still required to finance the Habitat Conservation Plan; and
    - (iii) affirmatively reauthorize the impact fee if the legislative body finds that the impact fee must remain in effect.

Enacted by Chapter 47, 2011 General Session

**11-36a-206 Prohibition of school impact fees.**

- (1) As used in this section, "school impact fee" means a charge on new development in order to generate revenue for funding or recouping the costs of capital improvements for schools or school facility expansions necessitated by and attributable to the new development.
- (2) Beginning March 21, 1995, there is a moratorium prohibiting a county, city, town, local school board, or any other political subdivision from imposing or collecting a school impact fee unless hereafter authorized by the Legislature by statute.
- (3) Collection of any fees authorized before March 21, 1995, by any ordinance, resolution or rule of any county, city, town, local school board, or other political subdivision shall terminate on May 1, 1996, unless hereafter authorized by the Legislature by statute.

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

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



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

Amended by Chapter 200, 2013 General Session

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

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

- (4)
- (a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:
    - (i) through the planning process; or
    - (ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.
  - (b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).
  - (c)
    - (i) In accordance with Subsections 10-9a-305(3) and 17-27a-305(3), a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.
    - (ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Amended by Chapter 200, 2013 General Session

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

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

Enacted by Chapter 47, 2011 General Session

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

- (1) An impact fee analysis shall:
  - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
  - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
  - (c) subject to Subsection (2), demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
  - (d) estimate the proportionate share of:
    - (i) the costs for existing capacity that will be recouped; and
    - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
  - (e) based on the requirements of this chapter, identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
  - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;

- (b) the cost of system improvements for each public facility;
- (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;
- (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
- (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
- (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
- (g) extraordinary costs, if any, in servicing the newly developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

Enacted by Chapter 47, 2011 General Session

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

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

Enacted by Chapter 47, 2011 General Session

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

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

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

Amended by Chapter 278, 2013 General Session

## **Part 4**

### **Enactment of Impact Fees**

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

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

Enacted by Chapter 47, 2011 General Session

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

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

- (c) a provision authorizing the local political subdivision or private entity, as the case may be, to adjust the standard impact fee at the time the fee is charged to:
    - (i) respond to:
      - (A) unusual circumstances in specific cases; or
      - (B) a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected; and
    - (ii) ensure that the impact fees are imposed fairly; and
  - (d) a provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- (2) A local political subdivision or private entity shall ensure that an impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
- (a) dedicates land for a system improvement;
  - (b) builds and dedicates some or all of a system improvement; or
  - (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- (3) A local political subdivision or private entity shall include a provision in an impact fee enactment that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
- (a) are system improvements; or
  - (b)
    - (i) are dedicated to the public; and
    - (ii) offset the need for an identified system improvement.

Enacted by Chapter 47, 2011 General Session

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

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

Enacted by Chapter 47, 2011 General Session

## **Part 5 Notice**

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

- (1) Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.
- (2) A notice required under Subsection (1) shall:
  - (a) indicate that the local political subdivision or private entity intends to prepare or amend an impact fee facilities plan;
  - (b) describe or provide a map of the geographic area where the proposed impact fee facilities will be located; and
  - (c) subject to Subsection (3), be posted on the Utah Public Notice Website created under Section 63F-1-701.
- (3) For a private entity required to post notice on the Utah Public Notice Website under Subsection (2)(c):
  - (a) the private entity shall give notice to the general purpose local government in which the private entity's private business office is located; and
  - (b) the general purpose local government described in Subsection (3)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

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

- (1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:
  - (a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;
  - (b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;
  - (c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and
  - (d) hold a public hearing to hear public comment on the plan or amendment.
- (2) With respect to the public notice required under Subsection (1)(a):
  - (a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);
  - (b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections 17-27a-205 and 17-27a-801 and Subsection 17-27a-502(2); and
  - (c) each local district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.
- (3) Nothing contained in this section or Section 11-36a-503 may be construed to require involvement by a planning commission in the impact fee facilities planning process.



Enacted by Chapter 47, 2011 General Session

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

- (1) Before preparing or contracting to prepare an impact fee analysis, each local political subdivision or, subject to Subsection (2), private entity shall post a public notice on the Utah Public Notice Website created under Section 63F-1-701.
- (2) For a private entity required to post notice on the Utah Public Notice Website under Subsection (1):
  - (a) the private entity shall give notice to the general purpose local government in which the private entity's primary business is located; and
  - (b) the general purpose local government described in Subsection (2)(a) shall post the notice on the Utah Public Notice Website.

Enacted by Chapter 47, 2011 General Session

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

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

Amended by Chapter 84, 2017 General Session

## **Part 6**

### **Impact Fee Proceeds**

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

A local political subdivision that collects an impact fee shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
- (4) at the end of each fiscal year, prepare a report that:
  - (a) for each fund or ledger account, shows:
    - (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
    - (ii) each expenditure from the fund or ledger account;
  - (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
  - (c) identifies the impact fee funds described in Subsection (4)(b) by:
    - (i) the year in which the impact fee funds were received;
    - (ii) the project from which the impact fee funds were collected;
    - (iii) the project for which the impact fee funds are budgeted; and
    - (iv) the projected schedule for expenditure; and
  - (d) is:
    - (i) in a format developed by the state auditor;
    - (ii) certified by the local political subdivision's chief financial officer; and
    - (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

Amended by Chapter 394, 2017 General Session

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

- (1) A local political subdivision may expend impact fees only for a system improvement:
  - (a) identified in the impact fee facilities plan; and
  - (b) for the specific public facility type for which the fee was collected.
- (2)
  - (a) Except as provided in Subsection (2)(b), a local political subdivision shall expend or encumber an impact fee collected with respect to a lot:
    - (i) for a permissible use; and
    - (ii) within six years after the impact fee with respect to that lot is collected.
  - (b) A local political subdivision may hold the fees for longer than six years if it identifies, in writing:
    - (i) an extraordinary and compelling reason why the fees should be held longer than six years; and
    - (ii) an absolute date by which the fees will be expended.

Amended by Chapter 190, 2017 General Session

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

- (1) A local political subdivision shall refund any impact fee paid by a developer, plus interest earned, when:
  - (a) the developer does not proceed with the development activity and has filed a written request for a refund;
  - (b) the fee has not been spent or encumbered; and
  - (c) no impact has resulted.
- (2)
  - (a) As used in this Subsection (2):
    - (i) "Affected lot" means the lot or parcel with respect to which a local political subdivision collected an impact fee that is subject to a refund under this Subsection (2).
    - (ii) "Claimant" means:
      - (A) the original owner; or
      - (B) another person who, under Subsection (2)(d), submits a timely notice of the person's valid legal claim to an impact fee refund.
    - (iii) "Original owner" means the record owner of an affected lot at the time the local political subdivision collected the impact fee.
    - (iv) "Unclaimed refund" means an impact fee that:
      - (A) is subject to refund under this Subsection (2); and
      - (B) the local political subdivision has not refunded after application of Subsections (2)(b) and (c).
  - (b) If an impact fee is not spent or encumbered within the time specified in Subsection 11-36a-602(2), the local political subdivision shall, subject to Subsection (2)(c):
    - (i) refund the impact fee to:
      - (A) the original owner, if the original owner is the sole claimant; or
      - (B) to the claimants, as the claimants agree, if there are multiple claimants; or
    - (ii) interplead the impact fee refund to a court of competent jurisdiction for a determination of the entitlement to the refund, if there are multiple claimants who fail to agree on how the refund should be paid to the claimants.
  - (c) If the original owner's last known address is no longer valid at the time a local political subdivision attempts under Subsection (2)(b) to refund an impact fee to the original owner, the local political subdivision shall:
    - (i) post a notice on the local political subdivision's website, stating the local political subdivision's intent to refund the impact fee and identifying the original owner;
    - (ii) maintain the notice on the website for a period of one year; and
    - (iii) disqualify the original owner as a claimant unless the original owner submits a written request for the refund within one year after the first posting of the notice under Subsection (2)(c)(i).
  - (d)
    - (i) In order to be considered as a claimant for an impact fee refund under this Subsection (2), a person, other than the original owner, shall submit a written notice of the person's valid legal claim to the impact fee refund.
    - (ii) A notice under Subsection (2)(d)(i) shall:
      - (A) explain the person's valid legal claim to the refund; and
      - (B) be submitted to the local political subdivision no later than 30 days after expiration of the time specified in Subsection 11-36a-602(2) for the impact fee that is the subject of the refund.
  - (e) A local political subdivision:
    - (i) may retain an unclaimed refund; and

- (ii) shall expend any unclaimed refund on capital facilities identified in the current capital facilities plan for the type of public facility for which the impact fee was collected.

Amended by Chapter 190, 2017 General Session

## **Part 7**

### **Challenges**

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

- (1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.
- (2)
  - (a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.
  - (b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.
- (3)
  - (a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was imposed by a local political subdivision may challenge:
    - (i) if the impact fee enactment was adopted on or after July 1, 2000:
      - (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and
      - (B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and
    - (ii) except as limited by Subsection (3)(c), the impact fee.
  - (b)
    - (i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.
    - (ii) The protections given to a municipality under Section 10-9a-801 and to a county under Section 17-27a-801 do not apply in a challenge under Subsection (3)(a)(i)(A).
  - (c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
- (4)
  - (a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:
    - (i) the substantially prevailing party on that cause of action:

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

Enacted by Chapter 47, 2011 General Session

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

- (1) A person or an entity that initiates a challenge under Subsection 11-36a-701(3)(a) may not initiate that challenge unless it is initiated within:
  - (a) for a challenge under Subsection 11-36a-701(3)(a)(i)(A), 30 days after the day on which the person or entity pays the impact fee;
  - (b) for a challenge under Subsection 11-36a-701(3)(a)(i)(B), 180 days after the day on which the person or entity pays the impact fee; or
  - (c) for a challenge under Subsection 11-36a-701(3)(a)(ii), one year after the day on which the person or entity pays the impact fee.
- (2) The deadline to file an action in district court is tolled from the date that a challenge is filed using an administrative appeals procedure described in Section 11-36a-703 until 30 days after the day on which a final decision is rendered in the administrative appeals procedure.

Enacted by Chapter 47, 2011 General Session

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

- (1)
  - (a) A local political subdivision may establish, by ordinance or resolution, or a private entity may establish by prior written policy, an administrative appeals procedure to consider and decide a challenge to an impact fee.
  - (b) If the local political subdivision or private entity establishes an administrative appeals procedure, the local political subdivision shall ensure that the procedure includes a requirement that the local political subdivision make its decision no later than 30 days after the day on which the challenge to the impact fee is filed.
- (2) A challenge under Subsection 11-36a-701(3)(a) is initiated by filing:

- (a) if the local political subdivision or private entity has established an administrative appeals procedure under Subsection (1), the necessary document, under the administrative appeals procedure, for initiating the administrative appeal;
  - (b) a request for arbitration as provided in Section 11-36a-705; or
  - (c) an action in district court.
- (3) The sole remedy for a successful challenge under Subsection 11-36a-701(1), which determines that an impact fee process was invalid, or an impact fee is in excess of the fee allowed under this act, is a declaration that, until the local political subdivision or private entity enacts a new impact fee study, from the date of the decision forward, the entity may charge an impact fee only as the court has determined would have been appropriate if it had been properly enacted.
- (4) Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1) may not be construed as requiring a person or an entity to exhaust administrative remedies with the local political subdivision before filing an action in district court under Subsections (2), (3), 11-36a-701(3), and 11-36a-702(1).
- (5) The judge may award reasonable attorney fees and costs to the prevailing party in an action brought under this section.
- (6) This chapter may not be construed as restricting or limiting any rights to challenge impact fees that were paid before the effective date of this chapter.

Amended by Chapter 200, 2013 General Session

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

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

Enacted by Chapter 47, 2011 General Session

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

- (1) A person or entity intending to challenge an impact fee under Section 11-36a-703 shall file a written request for arbitration with the local political subdivision within the time limitation described in Section 11-36a-702 for the applicable type of challenge.
- (2) If a person or an entity files a written request for arbitration under Subsection (1), an arbitrator or arbitration panel shall be selected as follows:
- (a) the local political subdivision and the person or entity filing the request may agree on a single arbitrator within 10 days after the day on which the request for arbitration is filed; or
  - (b) if a single arbitrator is not agreed to in accordance with Subsection (2)(a), an arbitration panel shall be created with the following members:
    - (i) each party shall select an arbitrator within 20 days after the date the request is filed; and
    - (ii) the arbitrators selected under Subsection (2)(b)(i) shall select a third arbitrator.



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

Enacted by Chapter 47, 2011 General Session



## FOR TOWN COUNCIL MEETING ON DEC. 18, 2019 – IMPACT FEE FACILITIES PLAN AND FEE ENACTMENT

**Property Owners – Karleen Callahan and Donald Blumenthal**  
**Lot 100 Soaring Hawk – 11515 N. White Tail Ct.**

As property owners in Soaring Hawk with the intention of beginning construction in 2020, we've been reviewing the October 2019 Impact Fee Proposal documents from Horrocks Engineers which raises questions as summarized here regarding the impact fees for Soaring Hawk properties and other concerns:

1. In the Executive Summary of the Impact Fee Analysis on page 2, in the second Table that lists the many subdivisions, it shows that Soaring Hawk owners would be assessed \$1240 for Sewer. Some clarification would be helpful regarding the bullet points below: (Note: key phrases below are bolded by us)
  - On page 5, Section 2.3 it is stated that "The bond proceeds were used to pay for **all of the infrastructure** within the Soaring Hawk Subdivision...." And "The bonds issued by the Local District will be repaid by a separate assessment collected by the Local District. Thus, the system improvements within the Soaring Hawk subdivision are not eligible to be included in the impact fee calculation."

*We and other Soaring Hawk owners have been, and are currently paying on this bond annually as found in the Wasatch County Tax Records.*

- On page 22, under Sewer, Sewer Service Area 1 (SSA1), it states that "the cost of infrastructure in Soaring Hawk is not eligible for impact fee reimbursement because that cost was financed by the Local District. Because Soaring Hawk residents tie into the sewer system, they are included in the **sewer system allocation**."
- On page 23 in Table 7.5 it shows that Soaring Hawk Existing Improvements of \$535,285 are being financed by the current Local District Bond referenced above while the Silver Sky Existing Improvement (also in SSA1) of \$138,551 is eligible for the Impact Fee assessment.
- On page 30, Section 8.5 under SSA1 it states "However, the **costs of infrastructure** in Soaring Hawk is being reimbursed by a special assessment charged by the Local District to Soaring Hawk residents, so only infrastructure in Silver Sky is eligible for impact fees". The calculation in this section of \$138,551 (plus financing costs) from Table 7.5. for 179 ERCs includes the 148 units in Soaring Hawk, the 26 units in Silver Sky, and the 5 units in Woolf, which results in the proposed assessment of \$1240 per ERC for SSA1.

*It is not clear what the distinction is between "**costs of infrastructure**" and "**sewer system allocation**" under the SSA1 fee of \$1240. It would appear that Soaring Hawk residents are being double-billed for this sewer system portion of the proposed Impact Fee.*

2. A general question regards how, and from whom, the proposed Impact Fee will be correctly calculated and collected as there seems to be some inconsistencies. All the calculations in the document are based upon the total number of units in each subdivision as defined as Equivalent Residential Connections

(ERC). However, a proportion of these ERCs are already under construction or built. Consequently, all the calculations in this document would seem to require upwards revision of fees per ERC going forward since the proposal states that the Impact Fee would be "collected at the time of building permit" (Chapter 8, page 27). Consequently, the total number of properties taken into the fee calculations would appear to be less than the number included in the calculations and therefore inaccurate.

In addition, In the Notice of Public it is stated that "persons developing property within the Town of Hideout may be required to pay an Impact Fee prior to, or in connection with, such **development activity**". The term "development activity" seems imprecise and should be more clearly defined. For example, Golden Eagle is currently being developed with roads and infrastructure so is the Developer going to be assessed the Impact Fee as well as future home owner? Or will it only be passed along to future homeowners.

Finally, presumably current homeowners (house plans with permit fees already submitted or house built) are not going to be paying an Impact Fee so this should be explicitly stated.

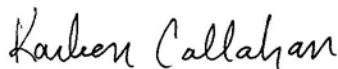
3. Can the earlier question as per our letter for the July 11<sup>th</sup> meeting (as listed below) be addressed:

Financing charges are proposed to "not more than six percent over twenty years". What is the basis for this – is there going to be a loan or bond? According to Utah Code 11-36a-602 (2)ii , "a local political subdivision shall expend or encumber an impact fee collected with respect to a lot ....within six years after the impact fee with respect to that lot is collected". Consequently a 20-year time period would seem to be in conflict with this Utah code.

In summary, as future residents of Hideout, we are not opposed to the enactment of Impact Fees as we understand the necessity to support infrastructure in a rapidly growing community. Ideally, all residents will benefit from having the resources necessary to maintain roads, water, sewer, and storm drains. It just seems to us that there are still some outstanding issues for consideration and clarification before adoption of the plan is passed.

We will appreciate responses on the questions listed herein and plan to participate in the upcoming Public Meeting on Dec. 18th.

Respectfully,





Karleen Callahan and Donald Blumenthal  
[Kscallahan74@comcast.net](mailto:Kscallahan74@comcast.net) or Ph:801-699-6399

**From:** [Robert Hedges](#)  
**To:** [hideoututah](#)  
**Subject:** Impact Fees  
**Date:** Thursday, December 12, 2019 11:15:07 AM

---

Hello.

I live in Soaring Hawk. How will Impact Fee Enactment effect current residents?

1. Are these fee's for future purchases and builds ?
2. I see the schedule for Soaring Hawk has the 1240 / year sewer we are currently billed with tax's. What about the \$3,675 listed under roads.
3. Bottom line for me .... will there be new costs ? How Much ? Is it a one time fee or is it paid over a series of years?
4. Please let me know how this will effect current residents in Soaring Hawk.

Sincerely,

Bob Hedges



THOMPSON MILLER  
& SIMPSON PLC

December 16, 2019

Town Clerk  
City of Hideout  
10860 N. Hideout Trail  
Hideout, UT 84036

*VIA EMAIL*

**RE: Objections to proposed Impact Fee Facilities Plan and  
Impact Fee Enactment**

Dear Clerk:

I am an attorney in the Commonwealth of Kentucky and an owner of a lot in the Soaring Hawk Subdivision. I am planning to build a home on my lot in 2020. As a property owner, I recently received a Notice of a Public Meeting to address the proposed Impact Fee Facilities Plan ("Plan") and Impact Fee Enactment.

I object to the Plan and the as yet unknown Impact Fee which might be assessed against me as a Soaring Hawk resident.

The standard for determining the constitutionality of impact fees was set forth by the Utah Supreme Court in the seminal case of *Banberry Development Corp. v. South Jordan City*, 631 P.2d 899 (Utah 1981). The *Banberry* decision unequivocally held that impact fees must be *reasonable* to withstand a constitutional challenge. *Id* at 901-902. Moreover, the Utah Supreme Court held that impact fees *cannot* require newly developed properties to bear more than their equitable share of the capital costs in relation to the benefit conferred. *Id* at 903. The High Court also set out a multi-factorial analysis that must be conducted by a municipality to determine if the burden already borne or yet to be borne by newly developed properties is equitable. Finally, whether an impact fee is reasonable in any particular case is a question of fact to be resolved at trial.

It is important to emphasize that impact fees are a result of a municipality needing to raise money to create, enlarge or improve upon a system or service that is being constructed *by the municipality for the benefit of the public*. Infrastructure improvements paid for by a developer to improve his or its private land for subdividing is *not* an expenditure by the municipality. In the case of Soaring Hawk, the roads within the subdivision were constructed nearly 9 years ago by the developer. The City of Hideout does not need to construct further roadways within Soaring Hawk and that was made absolutely clear in the Horrocks engineering plan and analysis. In fact, when it came to transportation, Horrocks stated that future growth throughout Hideout "should not require new system roads to meet future needs." (Horrock's report on p. 7).

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734 West Main Street, Suite 400  
Louisville, Kentucky 40202  
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[www.tmslawplc.com](http://www.tmslawplc.com)



The Horrocks report suggests that a road impact fee would be charged to Soaring Hawk residents even though Soaring Hawk is "not impact fee eligible." Again, the Soaring Hawk roads were constructed years ago by the developer *not* the City, thus infrastructure costs were passed down to the lot purchasers as part of the acquisition costs and no further improvements or enlargements to the Soaring Hawk subdivision roads are needed, much less contemplated. If the impact fee is mere pretext to allow for reimbursement to a private developer for costs not borne by the municipality, than that would be unreasonable and unconstitutional.


With respect to the water, storm water and sewer impact fees, Soaring Hawk residents are *already paying fees annually* to cover the costs of a municipal bond that was used to construct the water and sewer system. Thus, to assess a new impact fee on Soaring Hawk residents for water and sewer systems would be a *double* assessment and, thus, unconstitutional.

Impact fees that help a municipality pay fees for infrastructure costs *borne by the municipality* can be appropriate provided they are reasonable, which includes an analysis based on the factors enumerated in *Banberry*.

At this juncture, the Horrocks engineering report raises numerous questions regarding what costs have been or will be borne by the municipality for infrastructure improvement. Moreover, the Horrocks report is unconstitutionally vague, internally contradictory and woefully inadequate when it comes to addressing the reasonableness of the proposed impact fees.

I strongly urge the City to *not* approve the Impact Fee Facilities Plan and the proposed impact fees, and engage in further study and analysis to ensure that any impact fee proposed is constitutionally sound.

Very truly yours,

  
Byron N. Miller

BNM/smb

**To: Hideout Town Council and Horrocks Engineers, attn.: Brent R. Ventura, P.E.**

**From: Jessica Rancie and Tom Checketts, attorneys with Kirton McConkie, legal counsel for Solstice Development (“Solstice”) and Western State Ventures, LLC (“Western Ventures”)**

**Date: December 16, 2019**

**Re: Official Comments to Hideout Town Capital Improvements Plan; including Impact Fee Facilities Plan and Impact Fee Analysis dated October 2019 (the “October 2019 Plan”)**

Our clients are pleased to own land in Hideout and desire to be good neighbors and members of the beautiful community of Hideout. Our clients desire to pay their proportionate share of impact fees in accordance with the Utah Impact Fees Act (UCA §11-36a-101 et seq.).

We are grateful to the town council for the refinements made to the proposed impact fee regime being considered and are grateful to offer these additional insights into how the October 2019 Plan could be further refined to be even fairer and more aligned with the requirements and spirit of the Impact Fees Act.

We will limit our comments to the Transportation Impact Fee. We believe that the Transportation Impact Fee should be refined in the following ways:

#### **I. Only System Improvements can be Included in the Impact Fee Calculation**

Project improvements are not eligible for inclusion in impact fee calculation; therefore, it is important that infrastructure be properly classified as either a project improvement or a system improvement.

The Impact Fees Act defines “project improvements” as those improvements “(i) planned and designed to provide service for development resulting from a development activity; [and] (ii) necessary for the use and convenience of the occupants or users of development resulting from the development activity” (UCA §11-36a-102(14)) and “system improvements” as those improvements “designed to provide services . . . within the community at large” (UCA §11-36a-102(21)).

It is important to distinguish between project improvements (which must not be included in impact fees) and system improvements (which may be included in impact fees). The following examples will highlight the distinction:

##### **Example A**

Consider a simple subdivision – Hideout Hollow – where the developer needs to install a four-inch sewer line and 30-foot-wide road to serve his development.<sup>1</sup> These infrastructure improvements should be classified as project improvements and would not be eligible for inclusion in an impact fee calculation.

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<sup>1</sup> For purposes of this memorandum we will assume that a 30-foot-wide road consists of 30-foot-wide right of way with a 21-foot-wide asphalt surface. Likewise, a 40-foot-wide road consists of a 40-foot-wide right of way with a 26-foot-wide asphalt surface.

### Example B

Now consider that when the developer of Hideout Hollow seeks subdivision approval the city requires the installation of an eight-inch sewer line (even though the project by itself only needed a four-inch line) and a 40-foot wide road (even though the developer only needed a 30-foot-wide road. In Example B, the cost of installing a four-inch sewer line and a 21-foot-wide road would be considered project improvements because they were “necessary for the use and convenience of the occupants or users of” Hidden Hollow. The only system improvements would be the additional cost of installing a slightly large pipe and a slightly wider road.<sup>2</sup>

The October 2019 Plan errs by designating as system improvements all costs associated with 40-foot-wide collector roads together with “sidewalks, ADA facilities, utility conduits/trenching, street lights, retaining ways, landscaping/irrigation, and appurtenances” and putting the entire cost into the impact fee calculation (*see* October 2019 Plan, §4.2). Ironically, most of the roads that are classified entirely as system improvements have driveways coming directly off of them. In other words, they are clearly project improvements, or at least, the first 30-foot-wide road together with all other appurtenances that would be associated with a 30-foot-wide road.

Including the cost of the entire roadway and related appurtenances creates the unfair result of having an existing home on Longview Drive not pay any impact fee for the road in front of it, but a home in a far corner of Hideout paying an impact fee for the entire cost of Longview Drive even though most of the costs associated with that road would have been incurred even if the road was only 21 feet wide. Categorizing the entire width of a 40-foot-road as a system improvement is prohibited under the Impact Fees Act, which only allows the municipality to “recoup . . . costs actually incurred for excess capacity.” UCA §11-36a-202(1)(a)(iii) (emphasis added).

### **Recommendation**

The Total Eligible Improvements listed on Table 7-3 of the October 2019 Plan should be revised to only include the delta between (a) the cost of constructing a 30-foot-wide project improvement road, and (b) the cost of constructing a 40-foot wide road and in a 40-foot-wide system improvement road. The cost of “sidewalks, ADA facilities, utility conduits/trenching, street lights, retaining ways, landscaping/irrigation, and appurtenances” should not be included as system improvements unless it can be shown that they were required because that section of road was a system improvement road (and that they would not have been required if the road had just been 26-feet wide).

In short, it would be generous if those that constructed 40-foot-wide roads, were allowed to include even 25% of their actual costs as possible system improvements. ( $30/40 = 75\%$ . This means at approximately

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<sup>2</sup> It is significant to note that the difference in installing a four inch verses an eight-inch sewer line pipe may literally be limited to the difference in the cost of the pipe. The cost of designing, trenching, installing and backfilling may not be at all different for the two different sizes of pipe.

75% of collector road costs listed in the October 2019 Plan are project costs and only approximately 25% are system improvements.<sup>3</sup>

## **II. Connectivity**

The October 2019 Plan § 4.2, states that “Collector roads are considered essential to traffic flow through the entire community and are, therefore, considered system improvements.” Just because a right of way is 40 feet wide does not necessary mean that the road is a “collector road” or “essential to traffic flow throughout the community.” It is our experience that most cities will not include any roads that do not provide connectivity to another portion of the city or access to an important public facility like a park, city hall, or a community center as a system improvement regardless of the width of the road. Under this application of the Impact Fees Act and consistent with the October 2019 Plan’s definition of a collector road, no portion of East Lasso Trail should be considered a system improvement. After all, why should some future lot in a far corner of Hideout, be assessed for Lasso Drive regardless of its width?

### **Recommendation**

No portion of Lasso Trail should be considered a system improvement.

## **III. Actual Costs**

The Impact Fees Act is specific that only fees that are actually incurred are eligible to be included in impact fee calculations. UCA §11-36a-202 is clear that “a local political subdivision . . . may not: impose an impact fee to: recoup more than the local political subdivision’s or private entity’s cost actually incurred for excess capacity in an existing system improvement.” (Emphasis added.)

The traffic impact fee calculation appears to have a few flaws related to actual costs.

- 1- The October 2019 Plan, page 21, indicates, “In addition to the eligible subdivision infrastructure, Shoreline Drive has become a designated collector that is not yet complete. There are approximately 9,900 linear feet of 40’ wide road left to complete at an estimated unit cost of \$178 (road and drainage) per linear foot or approximately \$1,762,200 Total.” Besides the problems associated with including the entire cost of the road as explained above, this is problematic because we believe that all, or almost all, of this road will be built by one of our clients and he has never been asked what his costs “actually incurred” are (and he feels that this number is likely high).
- 2- Table 7-3 of the October 2019 Plan indicates that \$3,433,322 of Total Eligible Improvements are appropriate for inclusion in the Impact Fee Calculation for existing system improvements.

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<sup>3</sup> Even these percentages are generous to the developers because the cost of lights, sidewalks, engineering, etc. would have likely been incurred for a 30-foot-wide road and, therefore, none of these costs should be included as system improvements. In other words, taking the total actual cost of a 40-foot-wide road and allowing 25% of that cost to be a system improvement is generous to the developer providing that system improvement.

Table 7-3: Impact Fee Eligible Existing Road Improvements (Construction year dollars)

Subdivision	Existing Improvements	Ineligible Improvements	Reason for Exclusion	Total Eligible Improvements
Overlook Village	\$2,994,729	\$130,423	Cul de sac	\$2,864,306
Glistening Ridge	\$1,923,473	\$1,548,627	Loop Road	\$374,846
Reflection Ridge	\$592,405	\$592,405	Private Road	\$0
Forevermore	\$118,096	\$118,096	Cul De Sac	\$0
Silver Sky	\$443,100	\$248,930	Cul De Sac	\$194,170
Rustler	\$809,151	\$809,151	Cul De Sac	\$0
Soaring Hawk	\$3,123,358	\$3,123,358	Local District Bond	\$0
<b>Total</b>	<b>\$10,004,312</b>	<b>\$6,570,990</b>		<b>\$3,433,322</b>

This means that if the prior constructed “Total Eligible Improvements” cost the same amount per linear foot as the extension piece that is referenced in the preceding paragraph, then 19,288 linear feet ( $\$3,433,322 / \$178$  per linear foot) of 40’ wide road should be included. However, as shown on Exhibit A, our rough calculation of the eligible “40’ system roads” is that there is only about 10,500 linear feet. If \$3,433,322 were to be charged for this length of road, it means that it would be at the whopping rate of \$327 per linear foot ( $\$3,433,322 / 10,500$  linear feet). This is almost double the per linear foot estimate for the recently constructed portion of Longview Drive.

A cost of \$327 per linear foot becomes doubly egregious when one considers that many of these collector roads were constructed years ago as shown in Table 4-1 of the October 2019 Plan when construction costs were likely much less per linear foot.

Table 4-1: Roadway Costs per Subdivision (Construction year dollars)

Subdivision	Estimated Infrastructure Cost	Construction Year
Overlook Village	\$2,994,729	2006
Glistening Ridge	\$1,923,473	2009
Reflection Ridge	\$592,405	2014
Forevermore	\$118,096	2013
Silver Sky	\$443,100	2014
Rustler	\$809,151	2010
Soaring Hawk	\$3,123,358	2014
<b>Total</b>	<b>\$10,004,312</b>	

## Recommendation

UCA §11-36a-202 is clear that “a local political subdivision . . . may not: impose an impact fee to: recoup more than the local political subdivision’s or private entity’s cost actually incurred for excess capacity in an existing system improvement” (emphasis added). The city should require evidence “cost[s] actually incurred” in calculating the road impact fee. It is important to note that “realistic estimates” can be used for system improvements that have not been built, but in this situation all costs have been incurred and actual costs must be used. (See UCA §11-36a-305(2))

## IV. Finance Charges

The October 2019 Plan, §8.3, includes finance charges of over \$3,000,000, thereby increasing the transportation impact fee by more than 50%. It is our understanding that no evidence of payment or

interest by the developer of the Total Eligible Improvements has been provided. Further, contrary to the assertion of the October 2019 Plan §8.1, a city may only include “debt service changes, if the political subdivision might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements.” (UCA §11-36a-305(1)(d).)

The October 2019 plan is devoid of any reference to any agreement that the City may have to pay interest or any plan by the City to finance system improvements in the future. However, we readily admit that such a plan may be in place, in which case it should be disclosed in the October 2019 Plan and the actual costs of financing such existing infrastructure should be used instead of simply using “realistic estimates” as is only allowed for yet to be built and financed system improvements. (See UCA §11-36a-305(2).)

### **Recommendation**

If Hideout has an obligation to pay interest on existing system improvements, then those actual numbers should be used. If Hideout does not have current obligations to pay interest, and no plans to use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements,” then the roadway finance changes should be removed. (UCA §11-36a-305(1)(d).)

## **V. Service Areas**

The October 2019 Plan is greatly improved over prior versions, because it includes service areas for other types of impact fees. Hideout ought to consider implementing service areas for traffic impact fee purposes. This would be consistent with other portions of the October 2019 Plan and would be consistent with the Utah Impact Fees Act. For instance, Hideout could be divided between the land that is north of Highway 248 and the land that is south of Highway 248.

## **VI. Future System Improvements**

The traffic Impact fee that is ultimately adopted should allow for the identification of future traffic system improvements. For instance, if a developer is required to construct a 40-foot-wide road in some other part of Hideout in the future, then that developer should be entitled to (1) an appropriate credit against traffic impact fees for this future traffic system improvement, and (2) if the credit is not sufficient to offset the actual cost of the system improvements provided, then that new system improvement should become eligible for reimbursement under Hideout’s traffic impact fee regime – all in accordance with the Utah Impact Fees Plan.



## **Conclusion**

The following modifications should be made to the October 2019 Plan to bring it into greater compliance with the Utah Impact Fees Act:

- 1- Only the delta in the cost of a 40-foot-wide collector road and a 30-foot-wide road should be used to determine the amount of the system improvement that is correctly eligible for reimbursement. This alone should result in at least a 75% reduction in the Traffic Impact Fee.
- 2- Lasso Drive is not a collector road regardless of its width. No portion of Lasso Drive should be included as a system improvement (regardless of its width) for which impact fees should be assessed.
- 3- Actual costs for existing system improvements should be used in calculating the impact fee.
- 4- If the developer of the existing 40-foot-wide roads cannot produce actual costs, then the costs attributed should be appropriately discounting from today's costs (i.e., approximately \$178 per linear foot).
- 5- Only actual financing costs for existing system improvements should be used in adding a time value of money component to the transportation impact fee. If there are no written obligations to pay interest for existing system improvements, then the interest component should be removed.
- 6- Traffic Impact Fee service areas should be considered.
- 7- Provision should be made for future traffic system improvements.

Our clients are committed to making Hideout a great place and remain desirous to pay their fair share of system improvements as set forth in the Utah Impact Fees Act. We appreciate the opportunity to provide this feedback and would appreciate the opportunity to review future iterations of the October 2019 Plan before it is formally adopted.

### **Simple Calculation of What the Traffic Impact Fee Could Be**

**Another way to look at this is to consider that if you have 9,900 linear feet of 40-foot-wide road to construct and approximately 10,500 linear feet of 40-foot-wide road already constructed, then you can take this 20,400 linear feet of road and multiple it by \$178 psf for a total of \$3,631,200. This is a significant reduction from the \$5,195,220 that is identified as the reimbursable amount on page 21 of the October 2019 Plan.**

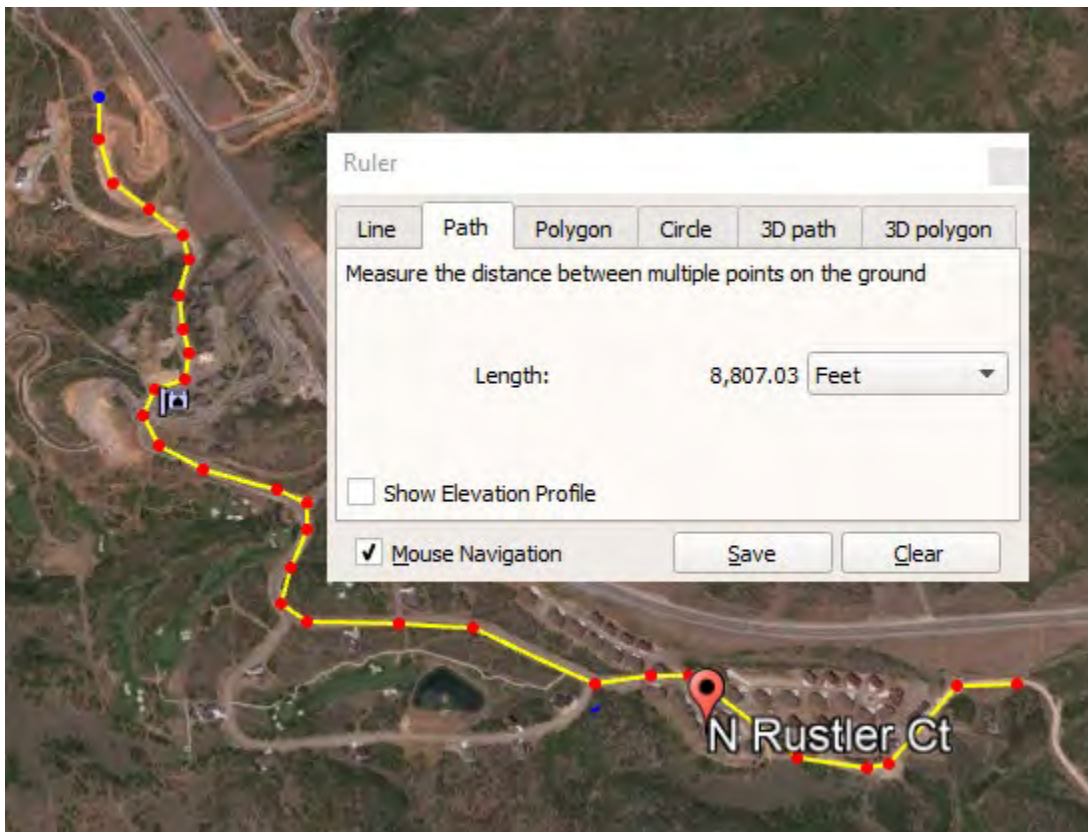
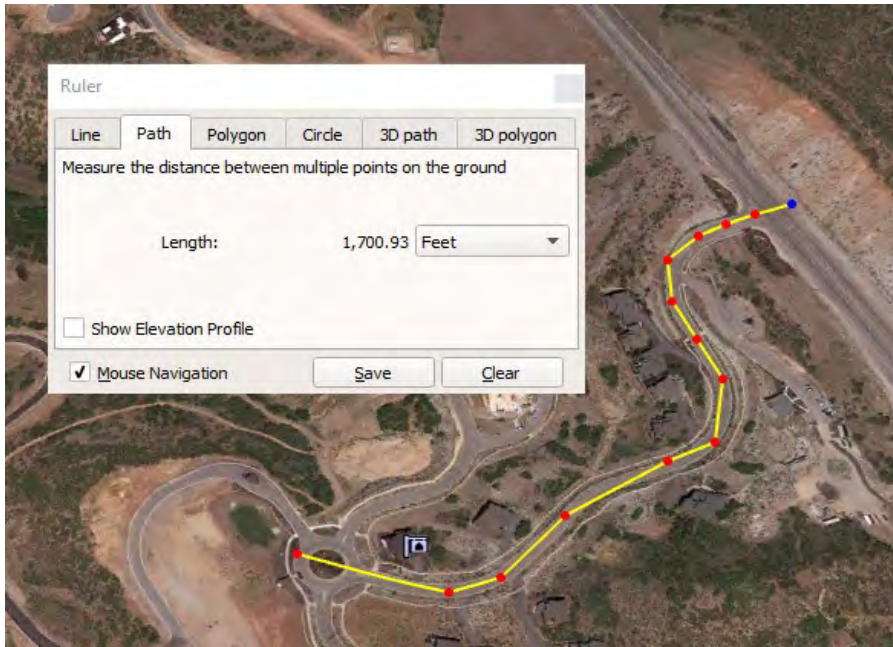
**If we then reduce this amount by 75%, then the reimbursable amount is further, reduced to \$907,800 – significantly less than the \$5,195,220 in the October 2019 Plan.**

**If we then use the model set forth on page 28 of the October 2019 Plan to calculate interest, we get the following:**

$$\text{\$907,800} + ((\text{\$907,800} / 2) \times (0.06 \times 20)) = \text{\$1,452,480}$$

$$\text{\$1,452,480} / 2,264 = \underline{\text{\$641.55 per ERU}}$$

## Exhibit A



**Item Attachment Documents:**

2. Public Hearing - Review and Possible Approval of the Final Plat for the Venturi subdivision located at approximately 11378 N. Shoreline Dr., Hideout, UT



T.O. ENGINEERS

## Staff Report Town of Hideout Planning Commission

**Date:** November 7, 2019  
**Applicant:** Venturi Capital, LLC  
**Subject:** Venturi – Plat A Residential Subdivision  
**Recommendation:** Final Approval

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### **BACKGROUND:**

The proposed Venturi Subdivision is located along Shoreline Drive between the Shoreline Phase 1 and Deer Waters Phase 2 developments in Hideout. The Applicant has proposed splitting the property into 2 lots on approximately 2.26 acres. The subdivision is within the boundaries of the master development agreement and thus will be part of the Community Preservation Association (CPA). Physical improvements are not a part of this application and no physical improvements have been otherwise proposed at this time.

**Town Of Hideout Working Map**





**T.O ENGINEERS**

**Lot Sizes and Setbacks**

The final plat map is for splitting of the parcel only. Upon development, setbacks will need to be reviewed. Based on the plat map provided, lot sizes are given in the table below:

<b>Lot Number</b>	<b>Lot Size (acres)</b>
1	1.13
2	1.13

**Public Street Access**

Each lot has adequate access to public streets.

**Outstanding Developer Balance**

It is our understanding that the applicant has resolved its outstanding balance with the Town of Hideout.

**Utility (Water and Sewer) Will-Serve Letters**

It is our understanding that utility will-serve letters have been provided for the subdivision.

**Final Design**

We recommend approval of the final subdivision plat. Final design for construction will come upon application for building permit.

**RECOMMENDATION:**

The Engineering department recommends final approval of the Venturi – Plat A Residential subdivision.

**ATTACHMENTS:**

VENTURI, PLAT “A” Subdivision Plat Map

**Item Attachment Documents:**

3. Ordinance 2019-09 Providing for Adoption of Jordanelle Special Service District Standard Drawings and Specifications for Water and Sewer Public Works Construction and Maintenance



**ORDINANCE 2019-09**

**AN ORDINANCE PROVIDING FOR ADOPTION OF JORDANELLE SPECIAL SERVICE DISTRICT STANDARD DRAWINGS AND SPECIFICATIONS FOR WATER AND SEWER PUBLIC WORKS CONSTRUCTION AND MAINTENANCE AND AMERICAN PUBLIC WORKS ASSOCIATION (APWA) UTAH CHAPTER 2017 STANDARD DRAWINGS AND SPECIFICATIONS FOR ALL OTHER TYPES OF PUBLIC WORKS CONSTRUCTION AND MAINTENANCE**

**WHEREAS**, there is a commonality of standard specifications for Public Works Projects among public works jurisdictions within the State of Utah; and

**WHEREAS**, many nearby municipalities and counties have found commonality in adoption of American Public Works Association (“APWA”) standards for consistency, continuity and quality in construction of public works projects; and

**WHEREAS**, the Town of Hideout is serviced by the Jordanelle Special Service District (“JSSD”) for water and sewer; and

**WHEREAS**, the Town of Hideout would benefit from standards and specifications similar to surrounding municipalities’ service districts, and standards and specifications have already been developed which meet state and national requirements.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:**

1. The most recent addition of the American Public Works Association (“APWA”) Utah Chapter Manual of Standard Plans and Specifications for all public works construction (with the exception of water and sewer standards and specifications) including Utah Chapter APWA supplements and updates are hereby adopted.
2. The most recent adopted Jordanelle Special Service District (“JSSD”) standard plans and specifications for all water and sewer public works construction are hereby adopted.
3. The Town Code is hereby amended to incorporate the standards set forth in Section 1 and Section 2 of this Ordinance. The Town Clerk is hereby instructed to coordinate with the Town Engineer to codify the provisions of Section 1 and Section 2 of this Ordinance into Title 8 or Title 9 of the Town Code in a location the Town Engineer deems appropriate.

**WHEREFORE**, Ordinance 2019-09 has been **Passed** and **Adopted** by the Town Council this 18<sup>th</sup> day of December 2019.

\_\_\_\_\_  
Philip J. Rubin, Mayor

Attest:

\_\_\_\_\_  
Allison Lutes, Town Clerk

**Item Attachment Documents:**

4. Ordinance 2019-08 - An Ordinance Establishing a 2020 Regular Meeting Schedule for the Meetings of the Town Council of Hideout, Utah

ORDINANCE #19-08

AN ORDINANCE ESTABLISHING A 2020 REGULAR MEETING SCHEDULE FOR THE  
MEETINGS OF THE TOWN COUNCIL OF HIDEOUT UTAH

WHEREAS, pursuant to State law, each municipality shall, by ordinance, prescribe the time and location of its regular meetings; and

WHEREAS, Hideout has determined to meet on the second Thursday of each month.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF  
HIDEOUT, UTAH:

SECTION I: Repealer. If any provisions of the Town's Code heretofore adopted are inconsistent herewith, they are hereby repealed.

SECTION II: Enactment. The Town of Hideout, Utah, hereby prescribes the following as its regular meeting schedule for the year 2020:

January 9, 2020	6:00 p.m.
February 13, 2020	6:00 p.m.
March 12, 2020	6:00 p.m.
April 9, 2020	6:00 p.m.
May 14, 2020	6:00 p.m.
June 11, 2020	6:00 p.m.
July 9, 2020	6:00 p.m.
August 13, 2020	6:00 p.m.
September 10, 2020	6:00 p.m.
October 8, 2020	6:00 p.m.
November 12, 2020	6:00 p.m.
December 10, 2020	6:00 p.m.

All meetings will be held at 10860 North Hideout Trail, Hideout, Utah, 84036.

SECTION IV: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: Effective Date. In order to protect the health, safety and welfare of the citizenry and public at large, this ordinance shall go into effect immediately upon posting.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 18<sup>th</sup> day of December 2019.

THE TOWN OF HIDEOUT

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Philip Rubin, Mayor

ATTEST:

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Allison Lutes, Town Clerk