CITY OF LOGAN, UTAH
ORDINANCE NO. 05-84
AN ORDINANCE ADOPTING AND IMPOSING
IMPACT FEES ON DEVELOPMENT ACTIVITIES
IN THE CITY OF LOGAN

WHEREAS, the City of Logan (the “City”) has been experiencing significant growth and
development which creates a demand for adequate public facilities and infrastructure which are
reasonably related to and necessary in order to service anticipated future growth; and

WHEREAS, the City is authorized to enact impact fees for public facilities in accordance
with the provisions of the Utah Impact Fees Act, Utah Code Ann. § 11-36-101, et seq. (the
“Act”); and

WHEREAS, the City has caused a written analysis to be prepared by TischlerBise, a
fiscal, economic and planning consulting firm, for each impact fee which has identified and
analyzed the proportionate share of the costs of the impacts on public facilities which are
reasonably related to and necessary to service anticipated future growth; and

WHEREAS, the written analysis and impact methodology study prepared by
TischlerBise has identified and analyzed the statutory criteria and established that impact fees are
necessary in order to achieve an equitable allocation of the costs of providing the adequate public
facilities and system improvements which are reasonably related to and necessary to service
anticipated future growth and identifies a methodology establishing how the proposed impact
fees have been calculated for public facilities including the culinary water system; waste water
collection and treatment facilities; public safety facilities, including police, fire and rescue;
roadway or transportation facilities; storm water, drainage and flood control facilities; and
municipal power facilities;

WHEREAS, the City has held numerous meetings to review and consider the draft of the
impact fee written analysis; and

WHEREAS, a copy of the written analysis and impact fee ordinance, including a
summary, has been available for public inspection at the City library for at least 14 days before
the public hearing; and

WHEREAS, the City has complied with all applicable notice and public hearing
requirements as established under the Utah Impact Fees Act and related statutes; and

WHEREAS, a public hearing was held before the Logan City Municipal Council on
September 6, 2005 to receive public input and comment on the proposed adoption of this impact
fees ordinance; and

WHEREAS, the impact fees established by this ordinance are reasonably related to the
costs of providing such public facilities necessitated by anticipated future growth within the City
and do not exceed the highest fee justified by the written analysis; and
WHEREAS, after consideration of all of the relevant factors, the Logan City Municipal Council finds and determines that it is in the best interests of the health, safety and general welfare of its current and future residents to adopt this ordinance in order to provide for adequate public facilities to service anticipated future growth and development, the need for which is reasonably related to and created by the anticipated future growth.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Logan, State of Utah, as follows:

SECTION I: ADOPTION OF CAPITAL FACILITIES PLAN AND IMPACT FEE ANALYSIS.

The Municipal Council of the City of Logan hereby approves and adopts the written analysis from TischlerBise entitled “Impact Fee Study and Capital Improvement Plan,” dated September 1, 2005, and the analysis reflected therein for each of the impact fees in question.


Title 3. Revenue and Finance
Chapter 3.36.

IMPACT FEES

Sections: 3.36.010 Impact Fees Imposed
3.36.020 Definitions
3.36.030 Service Area
3.36.040 Time of Collection
3.36.050 Adjustment of Impact Fees
3.36.060 Administrative Challenges and Appeals Procedures
3.36.070 Legal Challenges and Arbitration
3.36.080 Accounting, Expenditure and Refund of Impact Fees

3.36.010 - Impact Fees Imposed. Impact fees are hereby imposed as a condition of the issuance of a building permit by the City for any development activity which creates additional demand and need for public facilities for the culinary water system; wastewater collection and treatment system; public safety facilities including police, fire and rescue; roadway or transportation facilities; storm water drainage and flood control facilities; and municipal power facilities; all as more fully set forth in Table 1 which is attached hereto and incorporated herein by this reference.

3.36.020 - Definitions. As used in this ordinance, terms shall have the same meaning as the definitions provided in the Utah Impact Fees Act, Utah Code Ann. § 11-36-101, et seq., except as otherwise provided herein.
3.36.030 - Service Area. The entire area of the City and any areas outside of the City serviced by such public facilities are hereby designated and established as one service area for purposes of the public facilities for which impact fees are being imposed under the provisions of this ordinance.

3.36.040 - Time of Collection. Unless otherwise recommended by City staff and approved by the Municipal Council, impact fees shall be payable prior to and as a condition of the issuance of a building permit by the City.

3.36.050 - Adjustment of Impact Fees.

A. The City may adjust the impact fees imposed pursuant to this ordinance as necessary in order to:

1. Respond to unusual circumstances in specific cases;

2. Ensure that the impact fees are imposed fairly;

3. Permit the adjustment of the amount of the fee based upon studies and data submitted by an applicant as approved by the City in order to ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities;

4. Allow credits against impact fees for dedication of land for, improvement to or new construction of, any system improvements, which are identified in the Capital Facilities Plan and required by the City as a condition of approving the development activity. No credits shall be given for project improvements. The determination of what constitutes a project improvement will, of necessity, vary somewhat depending on the specific facts and circumstances presented by the nature, size and scope of any particular development activity. All new development activity will be required to install site improvements and facilities which are reasonably necessary to service the proposed development at adopted level of service standards; and

5. Exempt low income housing and other development activities with broad public purposes from impact fees and establish one or more sources of funds other than impact fees to pay for that development activity.

B. The Mayor or his designee shall have the authority to make such adjustments based upon information submitted by an applicant and any recommendation from the City staff.

C. The Mayor may adopt policies consistent with this ordinance and any resolutions passed by the Municipal Council to assist in the implementation, administration and interpretation of this ordinance related to impact fees.
D. If the applicant, person or entity is not satisfied with the decision of the Mayor, a further appeal may be made to the Municipal Council under the procedures set forth in Section 3.20.060.

3.36.060 – Administrative Challenges and Appeals Procedure

A. Any person or entity required to pay an impact fee who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by the Act. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Act and any other relevant information relating to the impact fee.

B. Any person or entity that has paid an impact fee as imposed by this ordinance may challenge the fee by filing a written appeal within 30 days after payment of any impact fee with the City Recorder setting forth in detail all factual and legal grounds in support of the appeal. Upon receipt of the appeal, the City Recorder shall send copies of the appeal to the Mayor, City Attorney and each member of the Municipal Council and schedule an appeal hearing before the Municipal Council. After allowing the appellant and the City staff to be heard, the Municipal Council shall thereafter render its decision on the appeal no later than 30 days after the date the appeal was filed.

3.36.070 - Legal Challenges and Arbitration

Any person or entity that has paid an impact fee as imposed by this ordinance may initiate a challenge by filing a request for arbitration or an action in the district court in the manner and within the time as prescribed by the Utah Impact Fees Act, Utah Code Ann. § 11-36-401, et seq.

3.36.080 - Accounting, Expenditure and Refund of Impact Fees

The impact fees collected pursuant to this enactment shall be deposited into a separate interest-bearing ledger account and may only be used for capital improvements to the public facilities for which the fees were collected. The accounting, expenditure and refund of all such impact fees collected shall be handled in accordance with the provisions of the Act.

SECTION III. SEVERABILITY.

If an action, paragraph, sentence, clause, or phrase of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE.

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The Municipal Council of the City of Logan specifically finds that it is necessary for the immediate preservation of the health, safety and welfare of the present and future inhabitants of the City that this ordinance take effect immediately, and therefore this ordinance shall take effect immediately after passage by the City Council and subsequent publication and posting as required by law.

PASSED AND ADOPTED by the Municipal Council of the City of Logan this __th day of Sept., 2005.

AYES: ____________

NAYS: ____________

ABSENT: ____________

Joseph C. Needham, Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the __th day of Sept., 2005.

Joseph C. Needham, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this __th day of Sept., 2005.

Douglas A. Thompson, Mayor