

**CERTIFICATE OF PASSAGE AND POSTING**

STATE OF UTAH                    )

  ): ss.

**CITY OF BLUFFDALE**

COUNTY OF SALT LAKE)

**I, Teddie K. Bell, the duly chosen, qualified and acting Recorder of Bluffdale City, County of Salt Lake, State of Utah, do hereby certify as follows:**

1.     On the 9th day of December, 2008, the Bluffdale City Council adopted Ordinance No. 2008-20
  
2.     On the 31st day of December, 2008, I caused to be posted in three (3) public and conspicuous places within said City, certified copies of Ordinance No. 2008-20 of said City entitled:

**AN ORDINANCE ADOPTING IMPACT FEES AND RELATED PROVISIONS.**

The places in said City where such certified copies of Ordinance No. 2008-20 were posted are as follows:

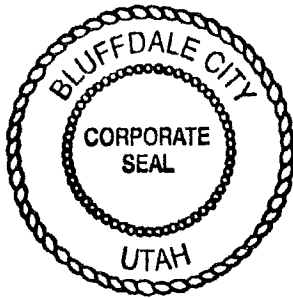
One at Bluffdale City Fire Station – 14350 South 2200 West;

One at Bluffdale City Hall -- 14175 South Redwood Road;

One at The Bluffs Apartments -- 14035 S. Marketview Drive and;

3.     Attached hereto is a full, true and correct copy of Ordinance No. 2008-20 so posted.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of the City of Bluffdale, Utah, Salt Lake County, at 1:30 p.m. this 31st day of December, 2008.



  
\_\_\_\_\_  
Teddie K. Bell, City Recorder

**THE CITY OF BLUFFDALE, UTAH**

**ORDINANCE NO. 2008-20**

**AN ORDINANCE ADOPTING IMPACT FEES AND RELATED PROVISIONS.**

**WHEREAS** the City of Bluffdale (“City”) adopted a general plan on July 13, 1993 entitled, “City of Bluffdale Comprehensive Plan”;

**WHEREAS** the general plan adopted on July 13, 1993, included among other things: a) a land use element, b) a transportation and circulation element, c) and environmental element, d) a public services and facilities element, and e) an economic element as outlined in Utah Code § 10-9a-401;

**WHEREAS** the City has contracted with Horrocks Engineering to prepare a capital improvement plan and impact fee analysis titled “Capital Improvement Plan and Impact Fee Analysis, 2008” (CIP) as a reasonable plan for the future development of the City;

**WHEREAS** the Bluffdale City Council has adopted revised land use principles for most areas of the City;

**WHEREAS** the Bluffdale City Council recognizes that impact fees imposed must be based on a reasonable plan in accordance with Utah Code §11-36-201(2)(f), and that it is not required to prepare a capital facilities plan;

**WHEREAS**, pursuant to Utah Code Ann. §§ 11-36-201(5), (6) and § 11-36-202(1)(f), the City has prepared a written analysis of the impact fees and a simple summary designed to be understood by a lay person and has provided a copy of that written analysis and simple summary 14 days prior to the public hearing on this impact fee enactment to the Utah Home Builders Association, the Utah Association of Realtors, and the Utah Chapter of the Associated General Contractors of America, but because there is no public library located within the City the City has not submitted a copy of the written analysis to a public library, but has instead made it available to the public at the City public works building (14175 S. Redwood Road) and the City fire station (14350 South 2200 West);

**WHEREAS** a public hearing was held on November 4, 2008, before the Bluffdale City Planning Commission, and after the Planning Commission had recommended adoption of the proposed CIP, the City Council held a public hearing on November 11, 2008, pertaining to the proposed CIP;

**WHEREAS** a duly noticed public hearing was held on November 25, 2008, on the subject of the proposed impact fee enactment and the City has provided all other notices and procedures specified by the Utah Impact Fees Act; and

**WHEREAS** the City has complied in all respects with the Utah Impact Fees Act, Title 11, Chapter 36, of the Utah Code;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:**

**Section 1. Adoption of Impact Fee Analysis.** The City Council hereby approves and adopts the impact fee analysis contained in the CIP attached hereto as Exhibit A for the purpose of determining the

amount of the impact fees for culinary water, secondary water, transportation, storm drain, public safety, and parks and recreation facilities.

**Section 2. Impact Fee Ordinance.** This ordinance is known as the City of Bluffdale Impact Fees Ordinance, or impact fee enactment, and all prior ordinances and resolutions regarding existing impact fees are hereby repealed.

**Section 3. Municipal Impact Fees Imposed.** Impact fees are hereby imposed as a condition of the issuance of a building permit or development approval by the City for any development activity which creates additional demand and need for public facilities for the for culinary water, secondary water, transportation, storm drain, public safety, and parks and recreation systems or facilities. The fees and analysis are set forth in the Impact Fee Analysis contained in the Executive Summary of the capital improvement plan titled "Capital Improvement Plan and Impact Fee Analysis, 2008," and suggested Impact Fees (attached and incorporated herein by this reference as Exhibit A) are hereby adopted as a schedule of impact fees.

**Section 4. Service Area.** The entire area of the City and any areas outside of the City serviced by such systems are hereby designated and established as one service area with respect to the provision of services for culinary water, secondary water, transportation, storm drain, public safety, and parks and recreation unless otherwise specified in the CIP attached as Exhibit A.

**Section 5. Adjustment of Impact Fees.** The City may adjust the impact fees imposed pursuant to this ordinance as necessary 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 standard impact fee based upon studies and data submitted by the developer; and
4. Allow a developer to receive a credit against or proportionate reimbursement of an impact fee if:
  - a. the developer is required by the City, as a condition of development activity approval, to dedicate land for a system improvement, improve a system improvement, or provide new construction for a system improvement;
  - b. the system improvement is included in the impact fee analysis; and
  - c. the land, improvement, or new construction provides a system improvement that exceeds the requirements for the project.

**Section 6. Policies.** The governing body may adopt policies consistent with this ordinance and resolutions to assist in the implementation, administration, and interpretation of this ordinance related to impact fees.

**Section 7. Accounting, Expenditure, and Refund of Impact Fees.**

1. The City shall:
  - a. establish separate interest bearing ledger accounts for each type of public facility for which an impact fee is collected;
  - b. deposit impact fee receipts in the appropriate ledger account;
  - c. retain the interest earned on each fund or account in the fund or account; and
  - d. at the end of each fiscal year, prepare a report on each fund or account showing:
    - i. the source and amount of all monies collected, earned, and received by the fund or account; and

- ii. each expenditure from the fund or account.
2. The City may expend impact fees only for system improvements for public facilities identified in the capital facilities plan and system improvements for the specific public facility type for which the fee was collected.
3. The City shall expend or encumber the impact fees for a permissible use within six years of their receipt, except that the City may hold the fees for longer than six years if it identifies in writing an extraordinary and compelling reason why the fees should be held longer than six years and provides an absolute date by which the fees will be expended.
4. The City shall refund any impact fees paid by a developer, plus interest earned, when the developer does not proceed with the development activity and has filed a written request for a refund, the fees have not been spent or encumbered, and no impact has resulted.

**Section 8. Administrative Challenges and Appeals.**

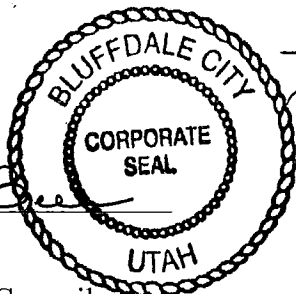
1. Any person or entity required to pay an impact fee who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by the Utah Impact Fees Act. Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by Section 11-36-201, the capital facilities plan, and with any other relevant information relating to the impact fee.
2. Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interests of persons or entities owning property within the City who believes the fee does not meet the requirements of the law or wishes to challenge the fee shall file a written appeal within 30 days after payment of any impact fee with the Bluffdale City Recorder setting forth in detail all factual and legal grounds in support of the appeal. Upon receipt of the appeal, the City Manager shall make a recommendation to the City Council and schedule a public hearing before the City Council on the appeal for the purpose of receiving comment and input from all interested persons. The City Council shall thereafter render its decision on the appeal no later than 30 days after the date the appeal was filed.

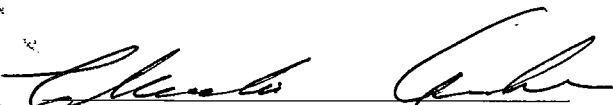
**Section 9. Liberal Construction.** The provisions of the Ordinance shall be liberally construed to effectively carry out its purposes in the interests of furthering, promoting, and protecting the public health, safety, and welfare.

**Section 10. Severability.** Should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

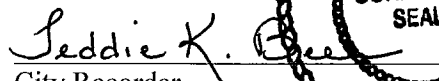
**Section 11. Effective Date.** In compliance with Utah Code Section 11-36-202(9), this ordinance shall take effect ninety (90) days following its adoption by the Bluffdale City Council.

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF BLUFFDALE CITY THIS  
9th DAY OF DECEMBER, 2008.



  
Mayor Claudia Anderson

ATTEST:

  
City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Chisholm	<u>  x  </u>	_____
Councilmember Flanigan	<u>Absent</u>	_____
Councilmember Kartchner	<u>Absent</u>	_____
Councilmember Lord	<u>  x  </u>	_____
Councilmember Maxwell	<u>  x  </u>	_____

Exhibit A

Bluffdale City  
Capital Improvement Plan and Impact Fees