

REVISED HEBER VALLEY SPECIAL SERVICE DISTRICT  
IMPACT FEE

RESOLUTION NO. 2021-04

A RESOLUTION ADOPTING A REVISED IMPACT FEE ON ADDITIONAL USERS WHICH DISCHARGE WASTEWATER INTO THE WASTEWATER TREATMENT SYSTEM OPERATED BY THE HEBER VALLEY SPECIAL SERVICE DISTRICT AND PROVIDING FOR RELATED MATTERS.

BE IT RESOLVED BY THE ADMINISTRATIVE CONTROL BOARD OF THE HEBER VALLEY SPECIAL SERVICE DISTRICT

Section 1. Authority.

This resolution is adopted pursuant to authority granted to the Heber Valley Special Service District (the "District") under Section 17D-1-103(2)(o) and Section 11-36a-101 et seq. Utah Code Annotated (the "Act").

Section 2. Purpose.

The purpose of this resolution shall be to generate revenue to pay costs of construction and/or the debt service on long-term debt issued to finance the cost of additions to the wastewater treatment system of the district.

Section 3. Determining the total annual cost of construction and long-term debt service attributable to improvements to the wastewater treatment system.

The Administrative Control Board of the District has estimated the total annual costs of construction and debt service on long term debt based upon advice from its engineers and the advice of its financial advisors. The district has approved and adopted an Impact Fee Facilities Plan consistent with that advice as required by the Act which plan was adopted on October 28, 2021.

Section 4. Service Area.

In accordance with the Impact Fees Facilities Plan and the financial analysis provided, the district has identified a single service area which constitutes facilities that equally serve all users of the system. The service area is comprised of those portions of the Midway Sanitation District and Heber City that are serviced by the district.

Section 5. Condition of Development Activity.

The district has determined that it will not provide services for any additional users which discharge wastewater into the wastewater treatment system operated by the district unless and until each user pays the fee specified below. "User" as used herein is broader than each governmental entity that contracts with the district to provide treatment services and shall be interpreted to mean every occupant of any such governmental entity and every entity and occupant that contracts with such governmental entity that creates a new source of wastewater to be treated by the district. No governmental entity that has contracted with the district shall issue a permit for building or development without such fee first being paid. If any such governmental entity issues such a permit without the fee first being paid, the district may immediately discontinue providing any service to the governmental entity or to any of its occupants whether new or existing.

Section 6. Fee Imposed and Formula.

Each User will be charged \$4,170.45 for each equivalent residential unit associated with each building permit issued after the effective date of this resolution. Each structure serviced by a septic facility that connects to the system after the effective date of this resolution shall be charged \$4,170.45 for each equivalent residential unit. Any significant user, defined as dischargers of 5,000 gallons per month or more, who increase their amount of discharge over what was used to calculate the original impact fee, shall be charged additional impact fees for each equivalent residential unit or portion thereof.

An equivalent residential unit shall be equal to 5,000 gallons per month. The number of equivalent residential units for each building permit issued shall be calculated using the 315 gallons per day per ERU or according to section 7.

Section 7. Adjustments to Impact Fee.

The District may adjust the standard impact fee at the time the fee is charged to any user to (1) ensure that the impact fees are imposed fairly, to (2) respond to unusual circumstances in specific cases; or (3) respond to a request for a prompt and individualized impact fee review for the development activity of the state or 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. The district may also adjust the impact fee imposed or charged to a particular development based upon studies and data submitted by the developer.

Section 8. Credit.

A developer, including a school district or charter school, may receive a credit against or proportionate reimbursement of an impact fee if the developer:

- (a) dedicates land for an improvement to the district's system.
- (b) builds and dedicates some or all an improvement to the district's system; or

(c) dedicates a public facility that the district and the developer agree will reduce the need for an improvement to the district's system.

The district shall provide 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: (1) are improvements to the District's system, or (2) are dedicated to the public and offset the need for an identified improvement to the District's system.

Section 9. Effective Date.

The rates and procedures established by this resolution will be effective ninety (90) days after the date this resolution is adopted and approved and will continue until modified by the Administrative Control Board. Any impact fee enactment currently in effect shall remain in effect until the effective date of this resolution.

ADOPTED AND APPROVED the \_\_\_\_ day of \_\_\_\_\_, 2021.

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Chairperson  
Administrative Control Board

Attest:

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Secretary

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