

**WEST BOUNTIFUL CITY**

**ORDINANCE #385-16**

***AN ORDINANCE AMENDING WEST BOUNTIFUL CITY CODE SECTION 3.22.060 TO ALLOW FOR IMPACT FEE DEFERRALS***

**WHEREAS**, West Bountiful City has legal authority, pursuant to Title 11, Chapter 36a Utah Code Annotated, as amended (“Impact Fees Act” or “Act”), to impose Impact Fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity; and,

**WHEREAS**, the Council desires to re-codify Chapter 3.22 Impact Fees, of the West Bountiful Municipal Code to incorporate the fees adopted in Ordinance 351-13 and make technical changes, including modifications to be consistent with current State Law provisions related to Impact Fees Act (11-36a); and

**WHEREAS**, the City Council held a public hearing on December 6th, 2016 to receive input and consider approval and adoption of the proposed amendment.

***NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT THE FOLLOWING RECODIFICATION OF CHAPTER 3.22 IMPACT FEES, OF THE WEST BOUNTIFUL CITY CODE BE ADOPTED AS REFLECTED IN ATTACHMENT A.***

This ordinance will become effective upon signing and posting.

Adopted this 6<sup>th</sup> day of December, 2016.

By:

  
Ken Romney, Mayor

Voting by the City Council:

Councilmember Ahlstrom  
Councilmember Bruhn  
Councilmember Enquist  
Councilmember Preece  
Councilmember Williams

Aye

Nay

*Attest:*

  
Cathy Brightwell, City Recorder



## Ordinance 385-16 Exhibit A

### 3.22.060 Fee Exemptions, Deferrals, and Adjustments

- A. Waiver for “Public Purpose”. The City Council may authorize, on a project-by-project basis and subject to the Act, exemptions or adjustments to the impact fee rate structure for development activity the City Council determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such development activity may be attributable to tax-supported agencies, low income housing, or facilities of a temporary nature.
- ~~A.~~B. Deferral for Insignificant Use of Water. The City Council may authorize, on a project-by-project basis and subject to the Act, deferral of the payment of a culinary water impact fee when the applicant shows: (1) the property will not be used for anything other than non-commercial agricultural purposes, (2) the property will receive the majority of its water from secondary or other sources, and (3) the applicant will not use more than 24,000 gallons a year of water from the City’s culinary water system. To receive a deferral, the applicant must record against the property an agreement with the City stating that all required water impact fees shall be paid upon any further development activity or when any of the three listed criteria ceases to apply. When the fees are paid, they will be based on the fees at that time, and not on the fees in place at the time the deferral is granted.
- ~~B.~~C. Procedure. Applications for deferrals, exemptions, or adjustments are to be filed with the City at the time the applicant first requests the extension of service to the applicant’s development or property.

**CERTIFICATE OF  
PASSAGE AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,  
do hereby certify that the foregoing Ordinance No. 385-16  
was duly passed and published, or posted at three public places within the  
municipality on December 9, 2016, which public places  
are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

Cathy Brightwell  
Cathy Brightwell, City Recorder

DATE: 12/9/16