

RESOLUTION NO. _____

A Resolution Setting for the Meaning of “Development Activity” for Impact Fees

WHEREAS, the Utah State Code Section 11-36a-201(2) states “A local political subdivision and private entity may establish impact fees only for those public facilities defined in Section 11-36a-102;” and,

WHEREAS, the Utah State Code Section 11-36a-102(15) states “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, and distribution facilities; and,

WHEREAS, North Ogden City conducted a “Development Impact Fee Calculation Report” in 1997 and updated the Impact Fee Report in 2006; and,

WHEREAS, the North Ogden Resolution 2000-04, Section establishing the North Ogden City impact fees; and,

WHEREAS, North Ogden City has changed the impact fee amounts from time to time and the current fees are included in the North Ogden City Consolidated Fee Schedule; and,

WHEREAS, the North Ogden Resolution 2000-04 also states “No building permit shall be issued in North Ogden City for a new primary use until the following fees have been paid”; and,

WHEREAS, a resident on 2100 North asked if the water impact fee applied to a remodeled house that has received culinary water service from a private well and the owner now desires to connect to the City’s culinary water system; and,

WHEREAS, the North Ogden City Council desires to more clearly define the term “new primary use;” and,

WHEREAS, the Utah State Code Section 11-36a-102(3) states “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.

NOW THEREFORE BE IT RESOLVED by the North Ogden City Council that no building permit shall be issued in North Ogden City for development activity until the impact fees as set forth in the North Ogden City Consolidated Fee Schedule are paid.

BE IT FURTHER RESOLVED by the North Ogden City Council that the term “development activity” shall mean 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.

PASSED and **ADOPTED** this 26th day of February, 2013.

Richard G. Harris, Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	_____	_____
Council Member Bigler:	_____	_____
Council Member Fawson:	_____	_____
Council Member Stoker:	_____	_____
Council Member Taylor:	_____	_____
(In event of a tie vote of the Council):		
Mayor Harris:	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder