

OGDEN VALLEY CITY, UTAH
ORDINANCE NO. 2026-19

AN ORDINANCE ADOPTING ROADS, STORM DRAIN, AND TRAILS IMPACT FEE FACILITIES PLANS; ADOPTING ROADS, STORM DRAIN, AND TRAILS IMPACT FEE ANALYSES AND SUMMARIES THEREOF; ENACTING IMPACT FEES FOR SUCH PUBLIC FACILITIES; PROVIDING FOR CREDITS, REFUNDS, ACCOUNTING, APPEALS, ADMINISTRATION, COLLECTION, AND USE OF SUCH FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The City Council of Ogden Valley City, Utah, ordains as follows:

RECITALS

WHEREAS, Ogden Valley City is a Utah municipality that may prepare impact fee facilities plans, prepare impact fee analyses, and enact impact fees in accordance with the Utah Impact Fees Act, Utah Code Title 11, Chapter 36a; and

WHEREAS, the City posted notice of its intent to prepare the Roads, Storm Drain, and Trails Impact Fee Facilities Plans on March 19, 2026, pursuant to Utah Code § 11-36a-501, and posted notice of its intent to prepare the Roads, Storm Drain, and Trails Impact Fee Analyses on March 19, 2026, pursuant to Utah Code § 11-36a-503, in each case on the Utah Public Notice Website and at required physical posting locations; and

WHEREAS, J-U-B Engineers, Inc. prepared the Roads, Storm Drain, and Trails Impact Fee Facilities Plans (collectively, the "Impact Fee Facilities Plans") and certified each such plan pursuant to Utah Code § 11-36a-306(1) on April 2, 2026; and

WHEREAS, Zions Public Finance, Inc. prepared the Roads, Storm Drain, and Trails Impact Fee Analyses (collectively, the "Impact Fee Analyses") and certified each such analysis pursuant to Utah Code § 11-36a-306(2) on April 2, 2026; and

WHEREAS, the adopted Impact Fee Facilities Plans identify a single service area coinciding with the boundaries of Ogden Valley City for each of the roads, storm drain, and trails systems; and

WHEREAS, the Roads Impact Fee Facilities Plan identifies an existing and proposed roadway level of service of LOS A and B, and the Roads Impact Fee Analysis establishes a 2026 final cost per trip of \$992.77 and 2026 maximum roadway impact fees for specified land use categories, including \$4,512.14 per single-family detached dwelling unit, \$3,261.25 per single-family attached dwelling unit, \$3,082.55 per multifamily dwelling unit, \$3,906.55 per occupied mobile home unit, \$3,886.70 per 1,000 square feet of general office building, \$14,631.41 per 1,000 square feet of shopping center gross leasable area, and \$16,216.91 per 1,000 square feet of strip retail plaza gross leasable area; and

WHEREAS, the Storm Drain Impact Fee Facilities Plan identifies the existing and proposed storm drain level of service as 0.10 cfs per acre maximum allowable runoff, 10-year storm capacity for initial systems, 100-year storm capacity for major systems, and 100-year storm capacity for regional detention basin capacity, and the Storm Drain Impact Fee Analysis establishes a 2026 maximum storm drain impact fee of \$1,575.78 per equivalent service unit (ESU); and

WHEREAS, the Trails Impact Fee Facilities Plan identifies existing and proposed trail service levels based on dirt/gravel trail investment, paved/asphalt trail investment, and trailhead investment, and the Trails Impact Fee Analysis establishes a 2026 maximum trails impact fee of \$3,101.97 per residential dwelling unit; and

WHEREAS, the City posted notice of the public hearing on the Utah Public Notice Website and the City's website on April 2, 2026, pursuant to Utah Code §§ 11-36a-504, 10-20-205, and 10-20-502; and

WHEREAS, the City made copies of the proposed Impact Fee Enactment, the Impact Fee Facilities Plans, the Impact Fee Analyses, and the Summaries of the Impact Fee Analyses available to the public at least ten (10) days prior to the public hearing, both at the City office and on the City's website, pursuant to Utah Code §§ 11-36a-504(1)(d) and 11-36a-504(1)(e); and

WHEREAS, the City Council of Ogden Valley City met on April 13, 2026, convened a public hearing, received public input, and considered the adoption of the Impact Fee Facilities Plans, the Impact Fee Analyses, and this Ordinance; and

WHEREAS, the City Council has considered the Impact Fee Facilities Plans, the Impact Fee Analyses, and the fee schedules set forth in this Ordinance, and finds that the impact fees enacted herein do not exceed the highest fees justified by the adopted Impact Fee Analyses, as required by Utah Code § 11-36a-401(1)(b), and are in the best interest of the public health, safety, and welfare; and

WHEREAS, growth and development activity within Ogden Valley City will create additional demands on public infrastructure, and the persons responsible for such growth and development activity should pay a proportionate share of the costs of the public facilities needed to serve that activity; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety, and welfare of the inhabitants of Ogden Valley City to adopt the Impact Fee Facilities Plans and Impact Fee Analyses and to enact roads, storm drain, and trails impact fees as set forth herein;

NOW, THEREFORE, the City Council of Ogden Valley City, Utah, hereby ordains as follows:

Section 1. Adoption of Recitals.

The foregoing recitals are incorporated into this Ordinance as findings and legislative determinations of the City Council.

Section 2. Adoption of Impact Fee Facilities Plans, Impact Fee Analyses, and Summaries.

2.1 The following Impact Fee Facilities Plans are hereby approved and adopted as the City's impact fee facilities plans under Utah Code Title 11, Chapter 36a: the Roads Impact Fee Facilities Plan dated March 2026, the Storm Drain Impact Fee Facilities Plan dated March 2026, and the Trails Impact Fee Facilities Plan dated March 2026, each prepared by J-U-B Engineers, Inc.

2.2 The following Impact Fee Analyses are hereby approved and adopted as the City's impact fee analyses under Utah Code Title 11, Chapter 36a: the Roads Impact Fee Analysis dated April 2026, the Storm Drain Impact Fee Analysis dated April 2026, and the Trails Impact Fee Analysis dated April 2026, each prepared by Zions Public Finance, Inc.

2.3 The lay-person summaries of each Impact Fee Analysis prepared pursuant to Utah Code § 11-36a-303 are hereby approved and adopted. The City Recorder shall ensure that current copies of all Impact Fee Analyses and their summaries are maintained on the City's website and available at each public library within the City, as required by Utah Code § 11-36a-504(1)(e).

2.4 Copies of the adopted Impact Fee Facilities Plans, Impact Fee Analyses, and summaries shall be kept on file in the office of the City Recorder and made available for public inspection in accordance with applicable law.

Section 3. Impact Fee Enactment.

Pursuant to Utah Code §§ 11-36a-401 and 11-36a-402, the City hereby enacts roads, storm drain, and trails impact fees in the amounts set forth in Exhibit A attached to and incorporated into this Ordinance.

Section 4. Service Areas and Public Facilities.

4.1 The roads impact fee enacted herein applies to roads system improvements within the City's roads service area, which is the area within the municipal boundaries of Ogden Valley City.

4.2 The storm drain impact fee enacted herein applies to storm drain system improvements within the City's storm drain service area, which is the area within the municipal boundaries of Ogden Valley City.

4.3 The trails impact fee enacted herein applies to trails system improvements within the City's trails service area, which is the area within the municipal boundaries of Ogden Valley City.

Section 5. Collection and Administration.

5.1 General. Except as otherwise provided by law, the impact fees enacted by this Ordinance shall be calculated and collected at the time and in the manner provided in the Utah Impact Fees Act and the City's land use and development administration procedures.

5.2 Roads Impact Fees. The roads impact fee shall be determined using the land use category and unit basis identified in Exhibit A. For a land use not expressly listed in Exhibit A, the City may determine the applicable fee using the most comparable category from the adopted Roads Impact Fee Analysis, the Institute of Transportation Engineers Trip Generation Manual referenced in that analysis, or an independent fee calculation prepared in a manner consistent with Utah Code Title 11, Chapter 36a.

5.3 Storm Drain Impact Fees. The storm drain impact fee shall be assessed at \$1,575.78 per equivalent service unit (ESU), and the number of ESUs attributable to a development shall be determined using the City's adopted engineering standards, ordinances, and approved project data regarding impervious area.

5.4 Trails Impact Fees. The trails impact fee shall be assessed only to residential development at \$3,101.97 per dwelling unit unless a different lawful fee is later adopted by the City.

5.5 Adjustment for Unusual Circumstances. The City is authorized to adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases and to ensure that impact fees are imposed fairly, as authorized by Utah Code § 11-36a-402(1)(c)(i)(A).

5.6 Prompt and Individualized Review — State, School Districts, and Charter Schools. Pursuant to Utah Code § 11-36a-402(1)(c)(i)(B), the City shall, upon request, provide a prompt and individualized impact fee review for development activity of the State of Utah, a school district, or a charter school, and shall apply an offset or credit for any public facility for which an impact fee has been or will be collected in connection with such development.

5.7 Developer-Submitted Studies and Data. Pursuant to Utah Code § 11-36a-402(1)(d), a developer may submit studies and data to the City to support adjustment of the standard impact fee to an amount more consistent with the true impact of the proposed development on public facilities. The City shall consider such studies and data in determining the applicable fee.

5.8 Developer Credits and Reimbursements. Pursuant to Utah Code § 11-36a-402(2), a developer, including a school district or charter school, shall be allowed a credit against or proportionate reimbursement of an impact fee if the developer:

- (a) dedicates land for a system improvement;
- (b) builds and dedicates some or all of a system improvement; or
- (c) dedicates a public facility that the City and the developer agree will reduce the need for a system improvement.

5.9 Mandatory Credit for Developer-Provided System Improvements. Pursuant to Utah Code § 11-36a-402(3), the City shall provide a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by a developer, where those facilities (a) are system improvements, or (b) are dedicated to the public and offset the need for an identified system improvement.

5.10 Credit and Offset Administration. All credits, reimbursements, offsets, independent fee calculations, or other adjustments shall be administered only as authorized by the Utah Impact Fees Act and approved through the City's applicable administrative procedures and development approvals.

Section 6. Accounting and Reporting.

6.1 Separate Accounts. Pursuant to Utah Code § 11-36a-601, the City shall establish a separate interest-bearing ledger account for each type of public facility for which impact fees are collected under this Ordinance: one account each for roads, storm drain, and trails. Interest earned on each account shall be credited to that account.

6.2 Permitted Expenditures. Funds collected in each account shall be used only for eligible system improvements, related costs, and other lawful purposes for the specific public facility category for which the fee was collected, consistent with Utah Code § 11-36a-602.

6.3 Annual Report. At the end of each fiscal year, the City shall prepare a report in accordance with Utah Code § 11-36a-601 generally showing the source and amount of all monies collected, earned, and received by each impact fee fund or account and each expenditure from each account. The report shall identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure, and shall be provided to the State Auditor on the appropriate form as required by law.

Section 7. Refunds.

Pursuant to Utah Code § 11-36a-603, the City shall refund an impact fee paid under this Ordinance, together with interest, if:

- (a) the fee payer has not proceeded with the development activity and submits a written request for a refund within one (1) year after the impact fee was paid; or
- (b) the impact fees have not been spent or encumbered within six (6) years of the payment date and no impact has resulted from the development activity for which the fee was paid.

Refunds shall be administered in accordance with the procedures set forth in Utah Code § 11-36a-603.

Section 8. Administrative Appeals.

8.1 Request for Information. Any person required to pay an impact fee under this Ordinance who believes the fee does not meet the requirements of law may file a written request for information with the City. Within two (2) weeks of receipt of such request, the City shall provide the person with the Impact Fee Analysis, the Impact Fee Facilities Plan, and any other relevant information relating to the impact fee, as required by Utah Code § 11-36a-701(2).

8.2 Administrative Appeal Procedure. Pursuant to Utah Code § 11-36a-703, any person or entity required to pay an impact fee imposed under this Ordinance who believes the fee does not meet the requirements of law may request an administrative appeal. The appeal shall be filed with the City Recorder within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action. The notice of appeal shall contain:

- (a) the appellant's name, mailing address, and daytime telephone number;
- (b) a brief summary of the grounds for appeal and a copy of the written request for information previously submitted, if any; and
- (c) the relief sought.

8.3 Hearing. The City shall schedule the appeal before the City Council no sooner than five (5) days and no later than fifteen (15) days from the date of filing. The City Council's written decision shall be issued no later than thirty (30) days after the appeal is filed.

8.4 Judicial Challenge. Nothing in this Section limits the right of any person to challenge an impact fee pursuant to Utah Code §§ 11-36a-701 through 11-36a-703. Exhaustion of the administrative appeal procedure under this Section is not required before filing a judicial challenge.

Section 9. No Waiver of Other Development Requirements.

Nothing in this Ordinance shall be construed to waive, limit, or replace any other lawful development exaction, approval condition, construction obligation, or code requirement imposed by the City, except to the extent a credit or offset is expressly authorized under the Utah Impact Fees Act.

Section 10. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or Exhibit A is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the remaining portions shall remain in full force and effect.

Section 11. Conflicts and Codification.

All ordinances, resolutions, policies, or parts thereof in conflict with this Ordinance are hereby repealed only to the extent of such conflict. The City Recorder is authorized to codify this Ordinance or its substantive provisions in the Ogden Valley City Code as directed by the City Council.

Section 12. Effective Date.

Pursuant to Utah Code § 11-36a-401(2), this impact fee enactment shall take effect ninety (90) days after the date of approval of this Ordinance, subject to publication and other requirements of applicable law.

PASSED AND ADOPTED by the City Council of Ogden Valley City, Utah, this ___ day of _____, 2026.

	AYE	NAY
Councilmember Don Hickman	_____	_____
Councilmember Kay Hoogland	_____	_____
Councilmember Tia Shaw	_____	_____
Councilmember Peggy Dooling-Baker	_____	_____
Councilmember Chad Booth	_____	_____

APPROVED:

Mayor Janet Wampler

ATTEST:

Sharon Robbins, City Recorder

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
2026 IMPACT FEE SCHEDULE

The following 2026 fee schedule is derived from the adopted April 2026 Impact Fee Analyses prepared by Zions Public Finance, Inc. Impact fees shall not exceed the maximum fees set forth herein. If the City later adopts amended fee schedules or annual updates supported by a lawfully adopted analysis, those amendments shall control from their effective date forward.

A. Roads Impact Fees (2026)

ITE Code	Category	Unit	Max Fee (2026)
130	Industrial Park	1,000 sq. ft. gross floor area	\$1,330.31
140	Manufacturing	1,000 sq. ft. gross floor area	\$2,119.57
150	Warehousing	1,000 sq. ft. gross floor area	\$685.01
210	Single-Family Detached Housing	Dwelling unit	\$4,512.14
215	Single-Family Attached Housing	Dwelling unit	\$3,261.25
220	Multifamily Housing	Dwelling unit	\$3,082.55
240	Mobile Home Park	Occupied dwelling unit	\$3,906.55
710	General Office Building	1,000 sq. ft. gross floor area	\$3,886.70
820	Shopping Center	1,000 sq. ft. gross leasable area	\$14,631.41
822	Strip Retail Plaza	1,000 sq. ft. gross leasable area	\$16,216.91

Administrative Note: Pass-by trip adjustments and other assumptions reflected in the adopted Roads Impact Fee Analysis are incorporated by reference. For a land use not listed above, the applicable fee shall be determined pursuant to Section 5.2 of this Ordinance.

B. Storm Drain Impact Fees (2026)

Storm drain impact fee: \$1,575.78 per equivalent service unit (ESU). ESUs shall be assigned from impervious area data and City engineering review in accordance with Section 5.3 of this Ordinance.

C. Trails Impact Fees (2026)

Trails impact fee: \$3,101.97 per residential dwelling unit. The trails impact fee applies only to residential development, as set forth in Section 5.4 of this Ordinance.