MINUTES OF A PUBLIC HEARING FOR PROPOSED DISTRICT 4 RATE, ADOPTION OF DISTRICT 4 IMPACT FEE, AND 2024 WATER RATE INCREASE HELD THURSDAY, FEBRUARY 2, 2023, 6:00 P.M. AT DISTRICT HEADQUARTERS

Present:
Chairman Marlin K. Jensen
Trustee Mark D. Anderson
Trustee Jared Andersen
Trustee Kym O. Buttschardt
Trustee Scott K. Jenkins
Trustee Christopher F. Robinson
Trustee Paul C. Summers
Trustee Randy B. Elliott

Excused:
Trustee Angie Osguthorpe

Scott W. Paxman, General Manager/CEO
Mike Malmborg, Legal Counsel
Jody Williams, Legal Counsel

Brittney Bateman, Financial Analyst
Calysta Bravo, Finance Manager
Suzy Eppens, Contracts Administrator
Greg Pierce, Mgr. of Strategic Initiatives
Darren Hess, Assistant General Manager
Josh Hogge, Mgr. of M&I
Derek Johnson, Mgr. of Engineering
Brad Nelson, Assistant General Manager
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Kendall Searle, Mgr. of Administration

Grant Doty, Bureau of Reclamation
David Robertson, Lewis & Young

I
WELCOME

Chairman Jensen began the public hearing by welcoming all who were in attendance. Gen. Mgr. Paxman explained this public hearing is to adopt the proposed District 4 Rate, the District 4 Impact Fee, and 2024 Water Rates. Chairman Jensen asked if there were questions from the public and there were none.

II
PUBLIC HEARING FOR PROPOSED NEW DISTRICT 4 WATER RATE, IMPACT FEE, AND 2024 WATER RATES

Chairman Jensen welcomed Finance Analyst Bateman to present all items up for consideration in the hearing. She explained the District met all advertising requirements for the public hearing so we are clear to move forward with the meeting.

Finance Analyst Bateman went over the background of water rates and the District's blocks of water. She stated the District has 10,000 a.f. that is projected to last about ten years in the District 4 block of water. She reviewed the District 4 Rate Study and the conclusions from said study. Finance Analyst Bateman then explained the District 4 Impact Fee and the process of projecting the need and amount. She explained this fee is for new development to recoup the cost of projected development of the District 4 block. Gen. Mgr. Paxman made mention of the 90-day waiting period required by the state and said we will be accepting applications but we will hold them until the May board meeting to act on any District 4 contracts to fulfill the impact fee waiting period.

Mgr. Bravo then presented the proposed 2024 Water Rates. She explained the District contracts for water on both a Wholesale and Retail level and our rates are separated into blocks based on development. Mgr. Bravo said the contracts are assigned on a first come first serve basis. She reviewed the two components that make up the water rates, Operations, Maintenance, and Replacement (OM&R), which is the variable component set annually be the board during a regular board meeting, and the Capital component, the fixed component which requires a public hearing for any adjustments. She made mention that retail connections also have a contract/connection fee and may have a meter replacement fee.

Mgr. Bravo continued to present the proposed rates. She stated the total water rate will vary based on the type of water, plus an O&M increase of about 4.25% across all blocks of water, and the Repair and Replacement Increase will vary by type and tier of water. Mgr. Bravo explained the Capital component will increase for District 4 only.

Mgr. Bravo presented the following rate charts:

RETAIL SECONDARY WATER

	2023	2024	%	+Retail Fee(s)
Project	$115.65	$120.29	4.0%	$70.00
Project M&I	$128.65	$133.29	3.6%	$70.00
D1	$251.93	$261.57	3.8%	$70.00
D2	$319.09	$330.98	3.7%	$70.00
D3	$495.36	$501.68	1.3%	$70.00
West Haven	$203.40	$207.66	2.1%	$ 8.00
Retail Rate	$495.36	$500.00	0.9%	$70.00

Range of Increase: 1.0% - 37.9%
Median Increase: 6.27%
Average Allotment: 1.3 Acre-Feet

REPLACEMENT WATER

	2023	2024	%	Cont. Fee
Project	$83.55	$86.47	3.5%	$57.00
D1	$179.02	$186.35	4.1%	$57.00
D2	$246.19	$254.35	3.3%	$57.00
D3	$429.33	$443.52	3.3%	$57.00
D4	$1,404.37	$1,457.56	3.8%	$57.00
Retail Rate	$429.33	$435.00	1.3%	$57.00
Correction Rate	$33.93	$38.10	12.3%	$57.00

Range of Increase: 1.5% - 4.0%
Median Increase: 3.2%
Average Allotment: 1.1 Acre-Feet

RETAIL AGRICULTURAL WATER

	2023	2024	%	Cont. Fee
Wasatch Back	$17.09	$17.70	3.6%	$5.75
Wasatch Front	$24.79	$24.79	0.0%	$18.25
West Haven	$36.61	$37.16	1.5%	$8.00
WB Correction	$13.25	$14.50	9.4%	$5.75
WF Correction	$17.84	$19.50	9.3%	$18.25

Range of Increase: 0% - 9.7%
Median Increase: 2.48%
Average Allotment: 20.4 Acre-Feet

WB = Wasatch Back
WF = Wasatch Front

WHOLESALE TREATED WATER

	2023	2024	%
Project Municipal	$244.62	$254.32	4.0%
Project Municipal (Fluoride)	$260.16	$270.44	4.0%
Project Industrial	$254.76	$265.29	4.1%
Project Industrial (Fluoride)	$307.25	$318.63	3.7%
D1 Municipal	$320.90	$332.89	3.7%
D1 Municipal (Fluoride)	$332.74	$345.66	3.9%
D1 Industrial	$325.18	$337.33	3.7%
D1 Industrial (Fluoride)	$349.58	$360.99	3.3%

WHOLESALE TREATED WATER CONT.

	2023	2024	%
D2 M&I	$467.37	$482.47	3.2%
D2 M&I (Fluoride)	$483.89	$499.49	3.2%
D3 M&I	$693.95	$712.35	2.7%
D3 M&I (Fluoride)	$705.09	$723.89	2.7%
D4 M&I	$1,543.95	$1,601.35	3.7%
D4 M&I (Fluoride)	$1,555.09	$1,612.89	3.7%

M&I = Municipal & Industrial

MISC. M&I TREATED RATES

	2023	2024	%
Military Springs	$45.57	$47.89	5.1%
Treated O&M	$229.62	$239.32	4.2%
Treated O&M (Fluoride)	$245.16	$255.44	4.2%
Fixed O&M	$120.23	$125.02	4.0%
Variable O&M	$54.62	$56.71	3.8%
Trilateral Treated	$304.24	$310.60	2.1%
Stream Treatment	$208.96	$215.50	3.1%

O&M = Operations & Maintenance

WHOLESALE IRRIGATION WATER

	2024	%	2024 Correction	%
Project Secondary	$56.05	0.0%	$48.32	5.2%
Project Secondary (Pump)	$53.86	3.6%	$33.07	5.3%
Project Secondary (O&M)	$53.80	0.0%		-
WB Agriculture	$14.35	0.0%	$10.32	5.5%
WF Agriculture	$21.60	0.0%	$18.70	5.1%
WB Agriculture (O&M)	$19.60	0.0%	$14.57	5.4%
WF Agriculture (O&M)	$13.50	0.0%	$7.88	3.8%

O&M = Operations & Maintenance

WB = Wasatch Back
WF = Wasatch Front

WHOLESALE M&I UNTREATED WATER

	2023	2024	%
Project Municipal	$101.58	$102.62	1.0%
Project Industrial	$132.02	$136.36	3.3%
D1 M&I	$223.74	$228.18	2.0%
D4 M&I	$1,455.26	$1,501.49	3.2%
Lost Canyon	$312.72	$323.61	3.5%
Willard Wholesale	$243.31	$246.20	1.2%
Trilateral District	$179.04	$185.90	3.8%
Trilateral D&W	$55.52	$56.01	0.9%
Trilateral Layton Canal	$62.94	$64.74	2.9%
Trilateral Banked	$47.13	$47.26	0.3%
Correction	$95.60	$101.39	6.1%

M&I = Municipal & Industrial
D&W = Davis & Weber Counties Canal Company

Mgr. Bravo summarized the staff recommendations and asked the board to consider enacting the new $22,405/a.f. Impact Fee/Capital Charge and $15,000/a.f. Impact Fee for new retail connections, to create and adopt the new District 4 water rates as presented, and adopt the rate increases for 2024 water rates and fees as presented.

Discussion continued and Mgr. Bravo answered several clarification questions from the Trustees. Mgr. Bravo stated it is worth noting that before paying off the federal project, we were unable to raise some of these agricultural rates, and now we can do so. Trustee Summers asked if these agricultural contracts are becoming less and less. Gen. Mgr. Paxman replied agricultural water contracts are slowly but surely being converted to M&I water. He stated we are out of agricultural water and now all new contracts are M&I water. Gen. Mgr. Paxman stated we are raising the agricultural rates, but we are being slow and careful.

Trustee Jenkins asked if we have any projects that are for the purpose of getting the District 4 rate block usable. Gen. Mgr. Paxman said yes, the whole purpose of the new treatment plant is to use District 4 water.

Trustee Jenkins asked about the other water districts and if they are doing similar rate increases. Gen. Mgr. Paxman stated yes, and explained he meets with the other four large water Districts often, and there is a unified front due to the importance of being consistent state-wide.

Trustee M. Anderson asked for clarification about the impact fee analysis and that 45% of these funds will be attributed to the District 4 costs, then the additional will be developed in District 5. Finance Analyst Bateman replied that is correct.

III
ADJOURNMENT

Discussion continued. Once discussion ceased, Chairman Jensen asked for a motion to adjourn the public hearing and re-open the regular board meeting. Trustee Robinson motioned, seconded by Trustee Elliott with a unanimous vote, and the hearing adjourned at 6:38p.m.

IV
CONSIDERATION AND ADOPTION OF WEBER BASIN WATER CONSERVANCY DISTRICT'S NEW DISTRICT 4 RATE

Chairman Jensen first entertained a motion for approval of the adoption of the District's new District 4 Rate. Motion was made by Trustee Summers, seconded by Trustee Buttschardt and the vote passed unanimously creating and adopting the new District 4 water rates as presented.

V
CONSIDERATION AND ADOPTION OF WEBER BASIN WATER CONSERVANCY DISTRICT'S DISTRICT 4 IMPACT FEE

Chairman Jensen then entertained a motion for approval of a draft resolution approving Impact Fee Facilities Plan, Impact Fee Analysis, and enacting $22,405/a.f. Impact Fee/Capital Charge and $15,000/a.f. Impact Fee for new retail connections.

Trustee M. Anderson motioned, seconded by Trustee J. Andersen and the vote was unanimous in approving a draft resolution approving Impact Fee Facilities Plan, Impact Fee Analysis, and enacting $22,405/a.f. Impact Fee/Capital Charge and $15,000/a.f. Impact Fee for new retail connections and the following resolution was adopted.

RESOLUTION

A RESOLUTION ADOPTING AN AMENDED AND UPDATED IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR DISTRICT IV WATER; ADOPTING AN AMENDED AND UPDATED IMPACT FEE FOR DISTRICT IV WATER; ESTABLISHING CERTAIN POLICIES RELATED TO DISTRICT IV WATER IMPACT FEES; ESTABLISHING SERVICE AREAS; AND/OR OTHER RELATED MATTERS

WHEREAS, Weber Basin Water Conservancy District (the "District") is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the District 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 District has historically assessed Impact Fees as a condition precedent to development approval in order to assign capital infrastructure costs to development in an equitable and proportionate manner; and

WHEREAS, the District properly noticed its intent to prepare the Impact Fee Facilities Plan ("IFFP") and Impact Fee Analysis ("IFA") for District IV Water; and

WHEREAS, the District has completed an IFFP and IFA for District IV Water which meets the requirements of State Law and District Resolution; and

WHEREAS, the District and consultants retained by the District have reviewed and evaluated the land within the District boundaries and have determined the Service Area to be as follows:

• The Service Area for District IV Water includes all areas within the District.

The Service Area supported by impact fees includes all land served by the District for District IV Water impact fee services as described in the attached IFFP and IFA. 2

NOW THEREFORE, BE IT ORDAINED BY THE DISTRICT BOARD (the "Board") OF WEBER BASIN WATER CONSERVANCY DISTRICT, UTAH AS FOLLOWS:

SECTION 1 PURPOSE
This Impact Fee Resolution establishes the District's District IV Water Impact Fee policies and procedures and conforms to the requirements of the Utah Impact Fees Act (§11-36a, the Act). This Resolution supersedes, to the extent of any inconsistency, any prior resolutions related to District IV Water Impact Fees within the Service Area; provides a schedule of District IV Water Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing District IV Water Impact Fees. This Resolution does not replace, supersede, or modify any resolution regarding Impact Fees unrelated to District IV Water.

SECTION 2 DEFINITIONS
Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Resolution. For purposes of this Resolution, the following words and phrases shall have the following meanings:

1. "Impact Fee Facilities Plan" or "IFFP" means the District's District IV Water Impact Fee Facilities Plan required by Section 11-36a-301 of the Act, which has been prepared in accordance with the Act

and is to be adopted by passage of this Resolution. The Impact Fee Facilities Plan is attached hereto as a part of Exhibit A and is incorporated into this Resolution by this reference.

2. "Development Activity" means any construction or expansion of building, structure or use, any change in rise of building or structure, or any change in the use of land located within the Service Area that creates additional demand and need for Public Facilities related to treated and/or untreated Water.

3. "Development Approval" means any written authorization from a City that authorizes the commencement of Development Activity (typically in the form of a building permit issued by a City's building department) or any written authorization from the District to reserve or provide a water right, system capacity or distribution facility, or to deliver District IV Water for a Development Activity.

4. "City" means a political subdivision of the State of Utah within the District.

5. "District" means the Weber Basin Water Conservancy District, a political subdivision of the State of Utah.

6. "Impact Fee" means a payment of money imposed upon Development Activity as a condition of development approval to mitigate the impact of the development on public infrastructure. "Impact Fee" includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.

7. "Impact Fee Analysis" or "IFA" means the District's written analysis required by Section 11-36a-303 of the Act. The Impact Fee Analysis is attached hereto as a part of Exhibit A and incorporated into this Resolution by this reference.

8. "Project Improvements" includes but is not limited to site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary for the use and convenience of the occupants or users of said Development Activity. "Project Improvements" do not include "System Improvements" as defined below.

9. "Proportionate Share" means the cost of public facility improvements that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.

10. "Public Facilities" includes, but is not limited to, treated or untreated water facilities of the District for the Service Area.

11. "Service Area" means all areas within the District served by District IV Water. The Service Area has been designated by the District based on sound planning and engineering principles in which a Public Facility for treated or untreated Water of the District, or a defined set of Public Facilities for treated or untreated Water of the District, provides service.

12. "System Improvements" means both existing Public Facilities designed to provide services within the Service Area and to future Public Facilities identified in the IFFP that are intended to provide service to the Service Area. "System Improvements" do not include "Project Improvements" as defined above.

13. "District IV Water" means treated and untreated water made available by System Improvements and water development projects after all of the District III water supply has gone under contract.

14. "District IV Impact Fee" means the Impact Fee adopted by this Resolution.

SECTION 3 WRITTEN IMPACT FEE ANALYSIS

1. Executive Summary. A summary of the IFA designed to be understood by a lay person (the "Executive Summary") is included in the attached Exhibit A and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least fourteen (14) days prior to the adoption of this Resolution.

2. Impact Fee Analysis. The District has commissioned the IFFP and IFA for the District's District IV Water Impact Fee, which identify the impacts upon Public Facilities required by anticipated Development Activity and the anticipated impacts on System Improvements required by anticipated Development Activity to maintain the established level of service for each Public Facility, demonstrate how such anticipated impacts are reasonably related to the anticipated Development Activity, estimate the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity, and identify how the District IV Impact Fee is calculated. Copies of the IFFP and IFA have been available for public inspection at least fourteen (14) days prior to the adoption of this Resolution.

3. Proportionate Share Analysis. In connection with the IFFP and IFA, the District has prepared a Proportionate Share analysis which analyzes whether or not the proportionate share of the costs of Public Facilities is reasonably related to new Development Activity. The Proportionate Share analysis identifies, as applicable: (a) the costs of each existing Public Facility that has excess capacity to serve the anticipated development resulting from new Development Activity; (b) the cost of System Improvements for each Public Facility; (c) the manner of financing for each Public Facility (such as user charges, special assessments, bonded indebtedness, general taxes or funded grants) other than impact fees; (d) the relative extent to which Development Activity will contribute to financing the excess capacity of and System Improvements for each existing Public Facility by such means as user charges, special assessments or payment from the proceeds of general taxes; (e) the relative extent to which Development Activity will contribute to the cost of existing Public Facilities and System Improvements in the future; (f) the extent to which Development Activity is entitled to a credit against District IV Impact Fees because the Development Activity will dedicate System Improvements or Public Facilities that will offset the demand for System Improvements, inside or outside the proposed development; (g) any extraordinary costs in servicing the newly developed properties; and (h) the time price differential inherent in fair comparisons of amounts paid at different times. A copy of the Proportionate Share analysis is included in the IFA and has been available for public inspection at least fourteen (14) days prior to the adoption of this Resolution.

SECTION 4 IMPACT FEE FACILITIES PLAN

1. Impact Fee Facilities Plan. The District has developed the IFFP for the District's treated and untreated water system, which identifies the existing level of service, establishes a proposed level of service, identifies any excess capacity to accommodate future growth at the proposed level of service, identifies demands placed upon existing Public Facilities by new development activity at the proposed level of service, and identifies the means by which the District will meet those growth demands. The District has considered all revenue sources to finance the impacts on System Improvements, including grants, bonds, interfund loans, Impact Fees, and anticipated dedication of System Improvements. The District's plan for financing System Improvements establishes that Impact Fees are necessary to maintain a proposed level of service that complies with Subsection 11-36a- 302(1)(b) or 11-36a-302(l)(c) of the Act. The IFFP has been prepared based on reasonable growth assumptions for the Service Area, and analyzes the general demand characteristics of current and future users of the systems. Furthermore, the IFFP identifies the impact on System Improvements created by Development Activity and estimates the Proportionate Share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

SECTION 5 IMPACT FEE CALCULATIONS

1. Resolution Enacting Impact Fees. The District Board will, by this Resolution, approve and enact Impact Fees in accordance with the IFFP and IFA.

a. Elements. In calculating the District IV Impact Fee, the District has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the District might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements.

b. Notice and Hearing. In conjunction with the approval of this Resolution, the District held a public hearing on February 2, 2023, gave public notice of the IFFP, said hearing and the District's intent to adopt this Resolution at least fourteen (14) days before the date of said hearing by posting notice in at least three public places within the District, publishing notice on the Utah Public Notice Website and the District website, made a copy of this Resolution, the IFFP, the IFA and the Executive Summary available to the public on the District's website and at the District's offices, and placed a copy of the IFFP and Executive Summary and this resolution in each public library within the District, all in

conformity with the requirements of Utah Code Annotated 11- 36a-502 and 17B-1-111. After the public hearing, the Board adopted this Impact Fee Resolution as presented herein.

c. Contents of the Resolution. The Resolution adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the Board, including designation of the Service Area within which the Impact Fee is to be calculated and imposed. The Service Area for District IV Water will be District-wide. The Resolution herein includes (i) a schedule of Impact Fees to be imposed for District IV Water, and (ii) the formula to be used by the District in calculating the District IV Impact Fees.

d. Adjustments. The standard District IV Impact Fee may be adjusted at the time the fee is assessed due to inflation and/or in response to unusual circumstances, to fairly allocate costs associated with impacts created by a Development Activity or project, or due to a request for a prompt and individualized impact fee review for the development activity of the state or a school district or charter school and an offset or credit for Public Facilities for which an impact fee has been or will be collected. The standard District IV Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly for Development Activities attributable to low income housing or other development activities with broad public purposes. The District IV Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written studies and data to the District showing a discrepancy between the fee being assessed and the actual impact on the system.

e. Previously Incurred Costs. To the extent that new growth and Development Activity will be served by previously constructed improvements, the District IV Impact Fee may include Public Facility costs and outstanding bond costs related to treated and untreated Water improvements previously incurred by the District. These costs may include all projects included in the Impact Fee Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity may also be included to offset the costs of future capital projects.

2. Developer Credits. Development Activity may be allowed a credit against District IV Impact Fees for any dedication of land for a System Improvement, any building, and dedication of some or all of a System Improvement, any dedication of a Public Facility that the District and the developer agree will reduce the need for a System Improvement, or a dedication of land for improvement to or new construction of any System Improvement by the developer if the facilities are System Improvements or are dedicated to the public and offset the need for an identified System Improvement.

3. Impact Fees Accounting. The District will establish a separate interest-bearing ledger account for each type of Public Facility for which a District IV Impact Fee is collected, deposit all District IV Impact Fees in the appropriate ledger account, retain the interest earned on each account in the ledger account, and otherwise conform to the accounting requirements provided in the Impact Fees Act. Impact Fees collected prior to the effective date of this Resolution need not meet the requirements of this section.

a. Reporting. At the end of each fiscal year, the District shall prepare a report pursuant to Utah Code Ann. §11-36a-601.

b. Impact Fee Expenditures. The District may expend District IV Impact Fees pursuant to Utah Code Ann. §11-36-602 only for System Improvements that are (i) identified in the IFFP and (ii) for the specific Public Facility type for which the fee was collected.

c. Time of Expenditure. District IV Impact Fees collected pursuant to the requirements of this Resolution are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the District, unless the District identifies in writing an extraordinary and compelling reason why the fees should be held longer than six (6) years and an absolute date by which the fees will be expended. District IV Impact Fees will be expended on a First-In First-Out ("FIFO") basis, with the first funds received deemed to be the first funds expended.

4. Refunds. The District shall refund any District IV Impact Fees paid by a developer, plus interest actually earned, when (i) the developer does not proceed with the Development Activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the District may include any impact reasonably identified by the District, including, but not limited to, the District having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part

upon the developer's planned Development Activity even though that capacity may, at some future time, be utilized by another development.

5. Other Impact Fees. To the extent allowed by law, the District Board may negotiate or otherwise impose Impact Fees and other fees different from those currently charged. Those charges may, at the discretion of the District Board, include but not be limited to reductions or increases in Impact Fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the District's system.

6. Additional Fees and Costs. The District IV Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the District and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the District recognizes that the fees must be a reasonable charge for the service provided.

7. Fees Effective at Time of Payment. Unless the District is otherwise bound by a contractual requirement, the District IV Impact Fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 6 below.

8. Imposition of Additional Fee or Refund after Development. Should any developer undertake Development Activities such that the ultimate density or other impact of the Development Activity is not revealed to the District, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the District IV Impact Fee is not initially charged against all units or the total density within the development, the District shall be entitled to recover the total District IV Impact Fee pursuant the IFFP and IFA from the developer or other appropriate person covering the density for which a District IV Impact Fee was not previously paid.

SECTION 6 IMPACT FEE SCHEDULES AND FORMULAS

1. Fee Adoption. The District hereby adopts the following as the Impact Fee for District IV Water in the Service Area:

Full Impact Fee:
Acre Feet of Water Needed * Impact Fee per Acre Foot ($22,405) = Impact Fee

Hybrid Impact Fee:**
Acre Feet of Water Needed * Impact Fee per Acre Foot ($15,000) = Impact Fee

********The Hybrid Impact Fee would require the customer to pay a higher water rate annually to pay for the annualized capital portion of the Facility and System Improvements.*

2. Maximum Supportable Impact Fees. The fee schedule included in the IFFP and IFA indicates the maximum District IV Impact Fee which the District may impose on development within the defined Service Area and is based upon general demand characteristics and potential demand that can be created by each class of user. The District reserves the right under the Impact Fees Act to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

SECTION 7 FEE EXCEPTIONS AND ADJUSTMENTS

1. Waiver for "Public Purpose". The District Board may, on a project-by-project basis, authorize exceptions or adjustments to the District IV Impact Fees due from development for those projects the Board determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by the state, school districts, charter schools, low-income housing projects, or facilities of a temporary nature. The District Board may elect to waive or adjust District IV Impact Fees in consideration of economic benefits to be received from the Development Activity.

2. Adjustments. The District may, upon a proper showing, adjust the impact fee at the time the fee is charged to:

• Respond to unusual circumstances in specific cases; and

• Ensure that the impact fees are imposed fairly; and

• Allow credits pursuant to the Impact Fee Policy of the District; and

• Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the District after review of the same; and

• Allow credits as approved by the District for dedication of land for, improvement to, or new construction of, public facilities providing services to the District at large, provided such facilities are identified in the Impact Fee Facilities Plan and are required by the District as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.
• Any *ex gratia* payments made to the District by a developer in order to induce or entice the District to accelerate construction of future system improvements shall not be considered a developer credit.

3. Procedures. Applications for exceptions or adjustments are to be filed with the District at the time the applicant first requests the extension of service to the applicant's development or property.

SECTION 8 APPEAL PROCEDURE
1. Any challenge to the Impact Fees imposed by the District shall comply with the provisions of Utah Code Annotated §11-36a-701, et seq., as amended. Administrative appeals of the impact fees imposed by the District shall follow the following procedure: Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the Board of Trustees by delivering a copy of such appeal to the District's General Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the Board of Trustees shall thereafter schedule a public hearing on the appeal at which time all interested parties will be given an opportunity to be heard. The Board shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed.

SECTION 9 MISCELLANEOUS
1. Severability. If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Resolution are declared to be severable.

2. Interpretation. This Impact Fee Resolution has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Resolution shall not be affected by such division or by any heading contained herein.

3. Effective Date. Except as otherwise specifically provided herein, this Impact Fee Resolution shall not repeal, modify or affect any Impact Fee of the District in existence as of the effective date of this Resolution, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Resolution shall comply with the requirements of this Resolution. This Resolution shall take effect ninety (90) days after the day on which it is approved by the District's Board of Trustees.

Adopted and Approved this 2 day of February, 2023.

Weber Basin Water Conservancy District
By:



Marlin K. Jensen, Chairman

Attest:



Scott W. Paxman, Secretary/Treasurer

Legal Counsel Malmborg suggested communication in writing to explain the 90-day waiting period and impact fee to customers contracting within that time frame.

VI
CONSIDERATION AND ADOPTION OF WEBER BASIN WATER CONSERVANCY DISTRICT'S 2024 WATER RATE INCREASE

Chairman Jensen said the final item for approval is the consideration and adoption of the District's 2024 Water Rate increase. Trustee Jenkins motioned, seconded by Trustee Robinson and the motion was unanimous approving the District's 2024 Water Rate increases as presented.

VII
ADJOURNMENT

There being no other business for consideration, the re-opened board meeting adjourned at 6:41p.m.

Marlin K. Jensen

Marlin K. Jensen, Chairman

ATTEST:

Scott Paxman

Scott W. Paxman, Secretary

(SEAL)