

- Prepare an impact fee plan that includes all of the key elements to minimize the risk of legal challenges.
- Outline the essential elements of a Capital Facilities Plan and Impact Fee Analysis.
- Understand how to verify that an impact fee enactment is legal and fair.
- Discover innovative tools to avoid legal entanglements.

For More Information, call Craig Call at 801-859-2255

The Utah Land Use Institute
136 E. South Temple Street #2400
Salt Lake City, UT 84111

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Seminar Tuition (Includes Impact Fees Book) \$ _____

Individual Registration (before 4/7) \$195.00

Each add'l reg—same org. (before 4/7) \$175.00

All Registrations (April 7 or after) \$225.00

These products are available to order if you are not able to attend. (Price includes tax and shipping)

Book: Utah Land Use Regulation \$20.93

Book: Utah Law of Eminent Domain. \$ 60.54

Book: Utah Impact Fees Handbook \$ 31.07

Total: \$ _____

Payment method

Copy this form and send with a check payable to the **Utah Land Use Institute.**

Scan the completed registration and email it to us

Convenient registration and payment online at www.utahlanduse.org

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ORDER YOUR COPY OF THE IMPACT FEES HANDBOOK HERE OR ONLINE AT

IMPACT FEES UPDATE 2010

The latest new information on 2010 legislation, recent Ombudsman's opinions, and best practices for impact fee enactment and administration.



Wednesday, April 14 2010
Law and Justice Center—Utah Bar Headquarters
645 South 200 East
Salt Lake City

Continuing Education Credits for:
Attorneys, Real Estate, and Appraisers

Presented by the

Utah Land Use Institute
Utah State Bar
Utah League of Cities and Towns
Utah Association of Realtors

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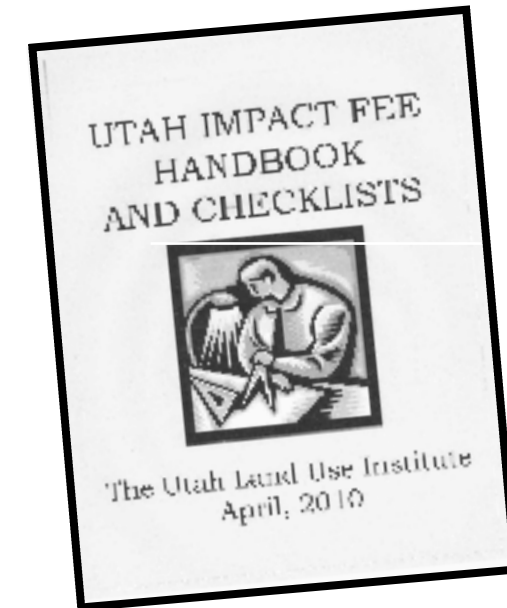
Unique Challenges in 2010:

As if the national economic crisis were not enough, local governments, developers, and professionals working with them now face a host of new challenges related to long-term funding of projects to offset the impact of development. As profit margins shrink and builders start to push back against what are perceived as unfair burdens on development, we also have new disclosure and certification rules from the legislature (another round taking effect in May of this year) and some harsh precedents from the Utah Appellate Courts.

With this one-day seminar, quickly advance your understanding and learn how to avoid legal missteps and entanglements with impact fees. Gain a clear understanding of how impact fees are originated, administered, challenged, and perhaps refunded. You and your organization will be current on issues surrounding the changes in this complicated area of the law. Don't miss this opportunity to obtain the information you need!

- Expand your knowledge by getting an overview from four of the most knowledgeable professionals in the Utah impact fee arena.
- Work through comprehensive checklists that will help point out whether an existing impact fee ordinance and administration complies with state law.
- Discuss the detailed requirements to enact an impact fee legally and fairly.
- Review the essential components of a "Capital Facilities Plan" and an "Impact Fee Analysis"
- Analyze the administration and reporting requirements that trigger whether an impact fee must be refunded and when monies raised must be spent.
- Implement best practice strategies by understanding and adhering to fundamental fairness and the requirements of the law, including recent and pending court cases.
- Learn how developers can justify credits and adjustments in impact fee assessments.
- Take home a one-volume handbook explaining the essentials of the Utah impact fee law and practice.

A Complete Impact Fee Handbook:



Based on a review of statutes and cases decided by the Utah Supreme Court and Court of Appeals related to impact fees, including the latest legislation adopted in 2010. This volume contains a wealth of information about every facet of impact fees covered by the legislature and the courts, plus:

- Impact Fees Implementation Checklist.
- Best Practices Guide.
- Information about litigation and dispute resolution.
- State Auditor's reporting forms.
- Advisory opinion information from the Property Rights Ombudsman

MAY ALSO BE ORDERED SEPARATELY—SEE ORDER FORM ATTACHED TO THIS BROCHURE

Check the Web for Other Programs

The Utah Land Use Institute offers a variety of seminars and conferences:

- **Utah Land Use Regulation:** 6 hour seminars on land use law by prominent attorneys, offered at various locations around the state throughout the year. Coming up: May 12, Salt Lake City.
- **Development Agreements:** Salt Lake City, May 20, 2010
- **Land Use Leadership Alliance:** 32 hour workshop for planners, civic leaders, and other land use professionals. As Scheduled by Invitation.
- **Annual Land Use Conference:** September 29, 2010—in Sandy.
- **Eminent Domain Update:** February, 2011.

For more information, check our website:

www.utahlanduse.org

Professional Education Credit

This seminar is a valuable opportunity to get the continuing education credit that is crucial to staying up to date in your profession. Not only is the program educational, but it satisfies mandatory professional education requirements for :

Lawyers	6 hours approved by the Utah State Bar, Board of Continuing Education.
Real Estate	8 hours approved by the Real Estate Division, Dept. of Commerce
Appraisers	8 hours approved by the Real Estate Division, Dept. of Commerce

Continuing Education Credit for other professions may be received. Please contact us.

Important Information

Location: The seminar is being held at the **Utah Law and Justice Center** at 645 South 200 East in Salt Lake City. Parking is provided on site.

Time: Registration and continental breakfast will begin at 8:00 a.m. The seminar runs from 8:30 a.m. to 4:30 p.m. with breaks and a lunch period

Food: A light breakfast and complimentary refreshments as well as a sandwich luncheon are provided. Each participant may choose from a variety of sandwiches during check-in.

Registration: Walk-ins are welcome but pre-registration is encouraged since seating is limited to a first come first serve basis and discounts are offered for early registration.

Mail: Detach or photocopy the registration form and mail with payment.

Scan: Scan the registration form and email to info@utahlanduse.org

Online: Visit www.utahlanduse.org for early payment and registration.

Fax: Fax the completed form to 801-521-3484.

For details, check online at www.utahlanduse.org or call (801) 859-2255
You may also email any questions to info@utahlanduse.org.

Up-to-date Utah Impact Fee Handbook and Checklists revised with new 2010 legislation. A hot-off-the-press publication will be the text for this seminar, providing the information you need right at your fingertips. This comprehensive manual is included with your tuition and allows you to take the seminar back to the office with you, or, if you cannot attend, order it separately.

Cancellation: Has your schedule changed? Substitute registrants may be named at any time, or check online to learn more about your cancellation options.

Our Distinguished Faculty

Brent N. Bateman, Lead Attorney Office of the Property Rights Ombudsman

Brent is the lead attorney in the Office of the Property Rights Ombudsman. He received his B.A. degree from Brigham Young University and his J.D. degree from Wayne State University where he was Managing Editor of the Wayne Law Review. Prior to joining the Office of the Property Rights Ombudsman, Brent was an attorney in private practice representing private citizens, developers, and government entities in a wide variety of land use, community development, water, and general real property matters.

Jody K. Burnett, Attorney Williams and Hunt, Salt Lake City

Jody is a partner with the firm of Williams & Hunt in Salt Lake City, Utah. He received his B.S. degree from Utah State University where he graduated with academic honors and his J.D. degree from Cornell University where he was a member of the Moot Court Board. His practice emphasizes the representation of governmental entities, primarily municipalities and counties, in the area of land use planning, zoning and related constitutional and civil rights claims.

Craig M. Call, Attorney and Executive Director Utah Land Use Institute

Craig is executive director of the Utah Land Use Institute and a partner with the firm Anderson Call & Wilkinson, PC in Salt Lake City. Craig has been a real estate broker, general contractor and attorney. He served in the Utah legislature and on the city council in Provo before serving ten years as the Utah Property Rights Ombudsman. He is author of the 270 page book *The Utah Citizen's Guide to Land Use Regulation: How it Works and How to Work It* and compiled *The Utah Law of Eminent Domain*, the *Utah Impact Fee Handbook and Checklists*, and *Utah's Land Use Training Handbook*.

Gary R. Crane, City Attorney Layton City

Gary is serving as the City Attorney for Layton City. He received both his Juris Doctorate and Master of Public Administration from Brigham Young University. Prior to his current position, he worked as Assistant City Attorney, RDA Project Manager, and as a Planner for West Valley City. In addition, he served as Counsel to Bluffdale City and Morgan City. He is actively involved in drafting and lobbying for new legislation in the area of Land Use at the Utah State Legislature and has focused his professional experience in the areas of Land Use, Redevelopment, Economical Development, Annexation and Eminent Domain.

Jodi Hoffman, Attorney Hoffman Law, Park City

Jodi is one of Utah's most influential land use attorneys and practices on behalf of public and private clients in the West. She is the Director of Legislative Affairs for the Utah League of Cities and Towns, the former City Attorney of Park City, UT, past president of the Utah Municipal Attorney's Association, and adjunct professor of Local Government Law at the University of Utah.

Christine Richman, Senior Associate Wikstrom Economic and Planning Consultants

Christine holds MBA, MA and BA degrees from the University of Utah. She is involved in establishing and reviewing impact fees and also works with governmental policy, redevelopment, environmental remediation and planning services. Christine was the Director of Community & Economic Development for the City of Midvale and also served as a budget and policy analyst for both the Governor and the Mayor of Salt Lake City.

Emily Sim, Principal Public Sector Economics

Emily has conducted impact fee analyses for 13 years. She holds a BS degree in Economics and a Masters Degree in Statistics from Utah State University and has served as an expert witness in impact fees. Emily has calculated over 50 impact fee analyses for cities, towns and special service districts in Utah and Idaho.

A Seasoned Faculty, each a noted leader in the development and administration of impact fees. Our open format encourages extended discussion and dialogue with these experts in our seminars.

Seminar Schedule and Topics

8:00 REGISTRATION—CONTINENTAL BREAKFAST

8:30 AN OVERVIEW OF IMPACT FEES PRINCIPLES AND PRACTICE
Craig M. Call, Attorney and Executive Director, Utah Land Use Institute
Limits on imposing impact fees—types of fees that require formalities.
Exactions on development—determining rough equivalence and fairness.
Checklist for enacting impact fees—notice and public review processes.

9:00 FORMAL REQUIREMENTS OF AN IMPACT FEE – 2010 CHANGES
Gary R. Crane, Layton City Attorney
Jodi Hoffman, Hoffman Law
2010 Legislation overview
Model enactment ordinance.
Designation of service areas.
Schedule of impact fees and formulas.

10:15 BREAK

10:30 FORMAL REQUIREMENTS, CONTINUED
Exactions, offsets, and rough equivalence.
Required findings in an enactment ordinance.
Implementation and fees.

11:15 AFTER THE ENACTMENT – EXPENDITURE AND ACCOUNTING
Emily Sim, Public Sector Economics
Refunds—when required and who is to be paid.
Six year deadline for funds expenditure.
Formalities to extend the deadline.
Requirements for accounting.

12:00—1:00 LUNCH (Choice of Sandwiches Provided)

1:00 THE CAPITAL FACILITIES PLAN AND IMPACT FEE ANALYSIS
Christine Richman, Wikstrom Economic and Planning Consultants
Role of the consultant.
New certification requirements for 2009-2010.
Basic requirements of Capital Facilities Plan (CFP).
Identifying the demands imposed by new development.
Determining the current level of service (LOS).
Components of an Impact Fee Analysis (IFA).
Updating a CFP and IFA.

2:30 BREAK

2:45 OMBUDSMAN – RECENT ADVISORY OPINIONS
Brent Bateman, Lead Attorney, Office of the Property Rights Ombudsman
Review of recent opinions by the OPRO on impact fees.
Adjustments for unusual circumstances and fairness.
Suggestions for compliance with statute.
Role and use of the OPRO to resolve disputes

3:45 CHALLENGES TO IMPACT FEES
Jody K Burnett, Attorney, Williams and Hunt
Standing—who can challenge an impact fee
Timing of challenges—deadlines for different issues.
Local appeals processes.
Remedies available—exposure of government entity to damages and loss of funds.
Legal fees.

4:30 ADJOURN

* If needed the above agenda may be changed to best accommodate all our attendees and presenters.

Who'll be there...

This intermediate level program is designed for those who want to advance their knowledge to the next level. The following should attend:

- Attorneys
- Planners
- Local public works officials
- Developers
- Engineers
- Contractors
- Surveyors
- Real Estate Professionals