

Special Assessment Area Application Packet

General Information About Special Assessment Areas

When a subdivision is approved, it is the responsibility of the developer to install all necessary and required infrastructure (water, sewer, power, gas, telecom, roads, sidewalks, trails, parks, etc.) at their own expense. It is not the Town's responsibility to cover upfront costs of development. Much of this infrastructure is then dedicated to the Town and becomes public infrastructure, and the Town assumes responsibility for maintenance of this infrastructure at that point, using taxes and/or fees to cover the cost of ongoing maintenance.

Occasionally, a subdivision was developed without the developer undertaking or completing full infrastructure development prior to selling off individual properties. In these situations, individual property owners must bear the cost of completing infrastructure development themselves. One option for spreading out the financial burden for infrastructure that will serve several property owners is called a Special Assessment Area (SAA). With an SAA, the neighborhood petitions the Town to request certain infrastructure development. Upon receiving a qualified petition, the Town *may* choose to finance and administer the requested development (the Town is never required to do so). If the Town issues to pursue a SAA following petition, the Town would 1) follow the legal process for establishing the SAA, 2) engineer and bid the project, 3) issue debt to finance the project, and 4) collect an annual "assessment" on property owners within the SAA along with property taxes and use those assessments to cover the annual debt payments.

State law restricts the Town's ability to establish SAAs and collect assessments. The Statute related to SAAs is found here ([§11-42](#)).

Brian Head Town SAA Policy

The Brian Head Town Council is willing to entertain petitions to create a SAA per the attached Town SAA Policy. Highlights of the policy are as follows:

- At least **60% of property owners** who would be assessed must petition the Town (State statute is >50%, the Town's threshold is higher to ensure we don't spend months working on the SAA just to have it fail in the protest stage).
- The Town requires **higher valuation ratios** (ratio of property value to assessment) than the State's minimum of 3:1. The Town's requirement varies based on fire protection priority (see map of fire protection priority attached):
 - 3:1 in Fire Priority A
 - 4:1 in Fire Priority B
 - 5:1 in Fire Priority C
- The Town has a cap of no more than **\$5million in total SAA debt** carried at any given time. No individual SAA debt issuance will exceed 10 years in length or 7.5% interest.

SAA Implementation Schedule

There is a two-year implementation timeline. SAA petition **deadline is June 30** for potential implementation the following summer. See attached policy for breakdown of steps in the process for obtaining SAA implementation approval. It is highly recommended that applicants hold a pre-petition conference with Town staff. Contact bhowser@bhtown.utah.gov to schedule a meeting.

BRIAN HEAD TOWN

Special Assessment Area (SAA) Application

Application for Petition to Initiate Special Assessment Area Improvements

APPLICANT INFORMATION

Applicant/Spokesperson's Full Name: _____

Mailing Address: _____

Email Address: _____

Phone Number: _____

APPLICANT'S PARCEL INFORMATION

Parcel Location Address: _____

Parcel Number (Tax ID): _____

Subdivision Name: _____

Lot Number: _____

Block: _____

Unit: _____

REQUESTED IMPROVEMENT TYPE

Please select the type of improvement requested. If multiple improvements are selected, please indicate the top priority, as generally only one improvement can be included under state statute requirements.

☐ Water System

☐ Sewer System

☐ Sidewalk

☐ Curb and Gutter

☐ Gravel Road Construction

☐ Paved Road Construction

☐ Other (please specify): _____

Top Priority (if selecting more than one): _____

APPLICANT AFFIRMATION

By signing below, I affirm that I am the petitioner or designated spokesperson for the above parcel and hereby submit this application for consideration of a Special Assessment Area for the improvements selected. I understand that a non-refundable application fee of \$1,000 is due upon submission.

Applicant's Signature: _____

Date: _____

☐ \$1,000 Application Fee Paid (Check/Money Order)

Check #: _____ | Date Received: _____

FOR OFFICE USE ONLY

Date Application Received: _____

Received By: _____

Approval by Brian Head Town:

☐ Approved ☐ Denied

Authorized Signature: _____

Title: _____

Date: _____

Date Sent to Public Works: _____

Date Sent to Town Engineer: _____

Preliminary Engineering Exhibit Attached: ☐ Yes ☐ No

Preliminary Engineer's Estimate Attached: ☐ Yes ☐ No

Special Assessment Area Petitioners

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

(Attach additional sheets as needed)

SPECIAL ASSESSMENT & PUBLIC IMPROVEMENT DISTRICT POLICY

Date Approved: August 9, 2022 (Updated August 25, 2026)

Brian Head Town (the “Town”) will consider the use of Special Assessment Areas (SAA) and/or Public Improvement Districts (PID) as provided for by Utah Code Annotated §11-42 where consistent with the dictates of this policy. Notwithstanding the ensuing policy, the Town Council retains the privilege of denying or approving any SAA or PID for which the Town receives a petition, as allowed under State Statute, where the Council finds that approval would result in undue risk or damage to the Town as a whole.

General Benefit of Proposed Development

The Town recognizes that in assisting individual property owners (or a group of individual property owners) with infrastructure development through public financing, all property owners in the Town are asked to share in a small fraction of the risk that would otherwise be incumbent upon that individual (or group of individuals). Therefore, the Town will only consider public financing (such as SAA or PID bonds) for development projects that entail broad public benefit. Examples of such include, but are not limited to, roadways which improve traffic circulation, water lines which provide needed firefighting capacity to areas which pose a wildfire risk to the Town, and sewer lines in areas which will protect health and sanitation for the community’s watersheds.

Petitions for SAAs or PIDs shall stipulate the proposed general community benefit entailed in the proposed development project which justifies the public assumption of risk. Exhibit A provides a map of fire protection priority areas as designated by the Town Marshal to assist the Town Council in determining the general public benefit of any proposed water lines. Proposed line extensions within these priority areas in excess of 1,000 linear feet, or which create looping/redundancy within the water delivery system, should be given consideration.

Petition Requirements

Property owners can petition the Town for the installation or reconstruction of public way improvements through a SAA or PID. Those signing the petition must be the owners of the properties adjacent to the requested public way improvements, not residents that are renting or leasing the property. Once the sponsor has acquired the required signatures of the property owners who are in favor of a SAA, the petition is to be submitted to the Town Clerk for verification of signatures and legal property owners. Apparent support of the project, as indicated by those signing the petition, must be at least 60% of the total properties/lots of the proposed public way improvements for the Town Council to accept a petition and consider the creation of a Special Assessment Area.

Timeline for SAA Creation

The following gives a rough outline of a typical SAA creation and project implementation timeline:

- 1) Petition is submitted to Town

- a) Signed by owners representing 60% of parcels
- b) Includes map, description of improvements, and list of parcel numbers
- 2) Staff review meeting
 - a) Communicate any issues with petition to applicant
 - b) Allow applicant to correct anything before going to Council
- 3) Council receives petition in open meeting, accepts or rejects by motion
- 4) Council considers resolution - Notice of Intent to Create SAA
 - a) Determination whether to proceed with SAA based on general public benefit
 - b) Resolution sets date for public hearing
 - c) Advertise public hearing for four weeks
- 5) Public hearing held in open meeting, 60 day contest period begins
 - a) Contest period can be bypassed if 100% of property owners sign a waiver and consent form
 - b) If 40% or more of property owners protest the creation of the SAA during contest period, it fails
- 6) Staff obtains preliminary project cost estimate and property appraisals
- 7) Council may create SAA by resolution
- 8) Council creates Board of Equalization by resolution
 - a) Sets BOE hearing dates (35 day notice)
 - b) Use preliminary estimates plus large contingency or the maximum assessment
- 9) Town begins process of issuing bonds
- 10) Town proceeds with engineering and bidding for project
- 11) Town awards project bid and sets SAA assessment by ordinance
 - a) Property owners have 25 days to prepay their assessments
- 12) Bonds are issued, project may proceed

The entire process to put an SAA into place is expected to take 6-8 months. As such, petitions must be received by the Town by June 30 of year 1 in order to proceed with the improvements in year 2. PID timelines have yet to be defined by the Town.

Assessments

Assessments will typically be distributed among property owners in a manner commensurate with the benefit received by each property. In the case of water or sewer line extension in single-family neighborhoods, for example, it is assumed that the benefit received by each lot is equal, regardless of size or valuation of the lot, so a flat assessment would be applied to each lot. Where multiple zones exist in the same assessment area, Council may weight assessments by number of units allowed per lot and/or size of connection. Assessments will be included on the Iron County property tax bill and collected along with general property taxes. The Town requires that assessments be retired when a property is sold.

Financing Considerations

State Statute requires a 3:1 coverage ratio of property value to assessment for SAAs. The Town may consider a 3:1 coverage ratio for proposed SAAs with a fire protection priority A or B, and a 4:1 coverage ratio for proposed SAAs with a fire protection priority C. The Town-required coverage ratio will be calculated by dividing the total land valuation (land only, no structures) assuming completion of the proposed utility improvements by the Town Engineer's stamped cost estimates for the proposed project plus the cost of issuance (excluding any debt service

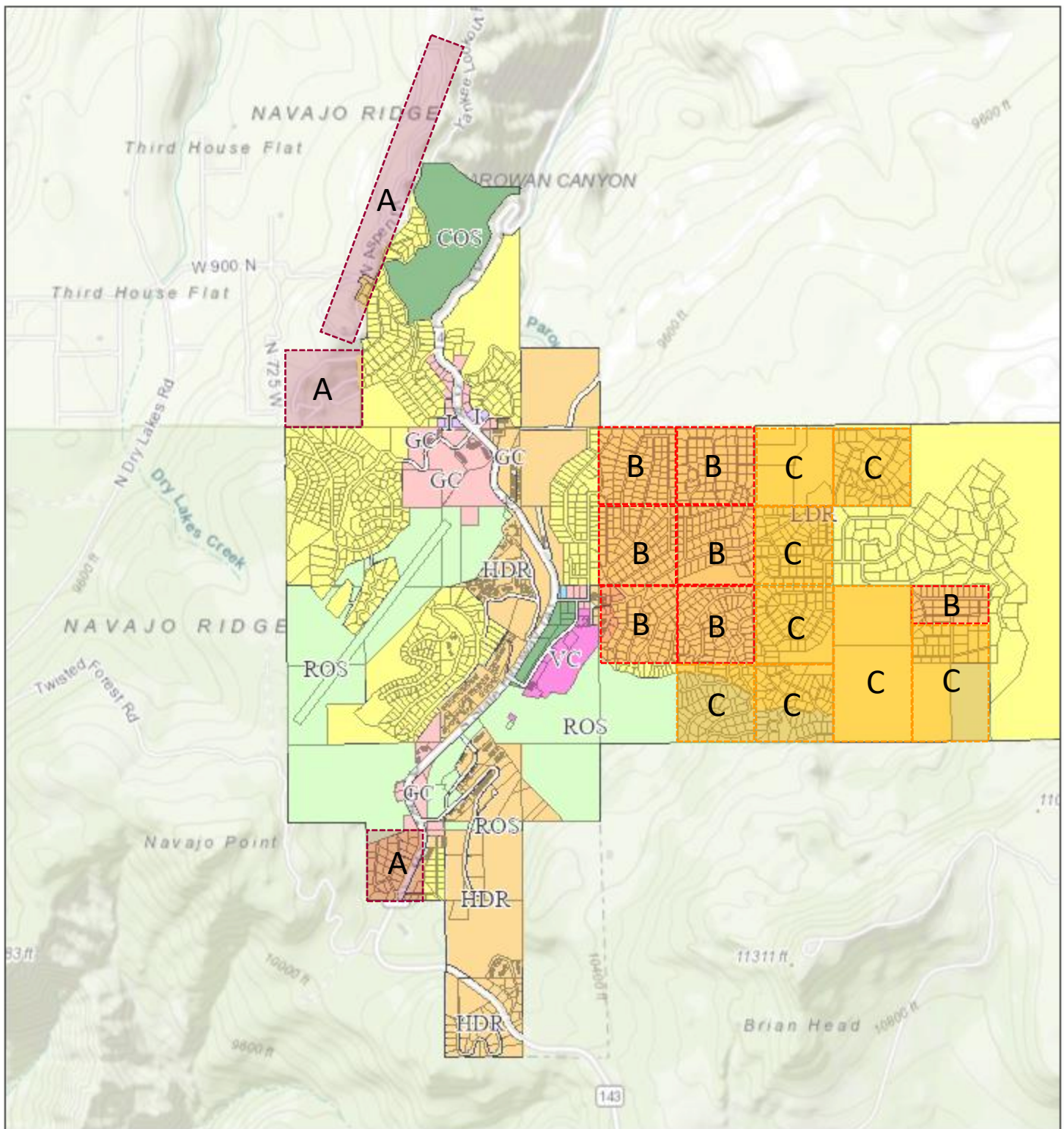
reserve funding). Council may also consider other factors in granting or denying a petition such as disparity of property values, prepayments by property owners of assessments, and additional benefits or risks to the town.

SAA bonds will not exceed a ten-year term or 7.5% true interest cost. Bonds will be structured with an annual call provision to allow property owners to retire the entire outstanding assessment at any time. Each bond issuance will have a 10% debt service reserve funded by the proceeds of the bonds. The Town will only consider backstopping SAA or PID bonds with sales tax revenue or other Town guarantee under extraordinary circumstances where significant public interest is involved.

At no time will the Town carry more than \$5 million in outstanding SAA debt.

Exhibit A – Map of Priority Areas

Fire Protection Priority Areas



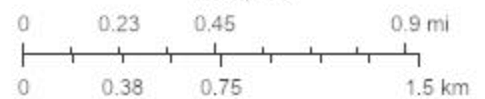
July 29, 2022

Priority Levels

- A** Critical for Fire Protection
- B** Potentially Substantial for Fire Protection
- C** Some Benefit for Fire Protection

These prioritizations assume the completion of all 2022 SAA water lines and the Toboggan water line in 2023

1:36,112



Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA