

# ORDINANCE NO. 11-97

## ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Swenson

I SECOND the foregoing motion: Councilmember Woodhouse

## ORDINANCE 11-97

### IMPACT FEE ENACTMENT ORDINANCE

WHEREAS, Spanish Fork City is experiencing extremely rapid growth; and

WHEREAS, the growth is placing a burden on the capital facilities infrastructure of the City;

and

WHEREAS, new facilities are necessary to accommodate the growth; and

WHEREAS, it is fair and equitable that the entities responsible for the new facilities pay for the cost thereof; and

WHEREAS, impact fees are an appropriate mechanism to pay for facilities made necessary by rapid growth; and

WHEREAS, Spanish Fork City has prepared a capital facilities plan as part of its comprehensive general plan; and

WHEREAS, an analysis has been prepared whereby the needs, costs, and equitable allocation of those costs has been determined and fairly apportioned; and

WHEREAS, storm water facilities are needed in various areas of the City in order for those areas to develop and accommodate the growth; and

WHEREAS, it is fair and equitable that new residents pay their share of the buy-in cost to existing infrastructure, taking into account those factors identified in U.C.A. §11-36-201; and

WHEREAS, all sources of revenue have been analyzed and considered by the City; and

WHEREAS, a written analysis dated February 10, 1997, has been prepared for the City by impact fee consultants which analyzes the storm water facilities; and

WHEREAS, that written analysis has been available for public inspection for at least 14 days; and

WHEREAS, the analysis identifies the impact on improvements needed to the storm water facilities, required by the development activities; and

WHEREAS, the analysis demonstrates how those impacts on the improvements are related to the development activities; and

WHEREAS, the analysis makes a conservative estimate of the proportionate share of the cost of impacts on the system improvements that are reasonably related to the development activity; and

WHEREAS, the analysis identifies the amount of impact fee that could be imposed and how that fee was calculated; and

WHEREAS, the City has identified and analyzed, through the impact fee analysis, those

criteria set forth in Utah Code Ann. §11-36-201(5(b)); and

WHEREAS, the impact fee proposed by this impact fee enactment does not exceed the highest fee justified by the impact fee analysis; and

WHEREAS, a public meeting was held with Spanish Fork City staff and numerous developer and contractors on the 19th day of February 1997, wherein they were informed of the findings of the impact fee analysis and their comment and input was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 3rd day of June 1997, wherein public input was received, not only from concerned citizens, but from developers involved in the current development within the City; and

WHEREAS, the impact fee enactment has been available for public inspection for at least 14 days preceding the public hearing; and

WHEREAS, Spanish Fork City has adopted impact fees pursuant to an Impact Fee Enactment Ordinance in accordance with Utah Code Ann. §11-36-201 et. seq.

WHEREAS, the City capital facilities plan has been amended to include more current and updated information to adequately provide storm water facilities; and

WHEREAS, based on the amendment to the capital facilities plan, an amendment to the storm water impact fees is necessary; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, it is necessary to impose an impact fee on new development to pay for the improvements made necessary to the storm water facilities, by that new development;

NOW THEREFORE, be it enacted and ordained by the Spanish Fork City Council as follows:

## SECTION I

1. There is hereby imposed a storm water facilities impact fee in those areas identified in the addendum attached hereto. The impact fee is based upon a capital cost per acre determined by the estimated cost of the specific improvements required in the specific area identified. For nonresidential users, the impact fee will be based upon the gross floor area determined by the estimated cost of the improvements in this specific area identified.

2. The amount of the impact fee for storm water facilities in the Northeast Bench area (as shown on the attached map) is \$495.00 per unit. In the Southeast Bench area (as shown on the attached map), the amount of the impact fee is \$399.00 per single family detached units, \$218.00 per unit for all other residential uses, \$410.00 per every 1000 square feet, or portion thereof, of floor area for commercial or shopping center uses, and \$333.00 per 1000 square feet of floor area, or portion thereof, for office or institutional uses. In the Westfields area (as shown on the attached map), the impact fee shall be \$416.00 for single family detached units, \$223.00 per unit for all other residential uses, \$399.00 per 1000 square feet of floor area, or portion thereof, for commercial or shopping center uses, \$346.00 per 1000 square feet of floor area, or portion thereof, for office or institutional uses, and \$286.00 per 1000 square feet of floor area or portion thereof, for light industrial uses.

3. Impact fees for storm water facilities shall be collected prior to the recording of a final plat. Buildings not in a platted subdivision shall pay the impact fee as a condition of obtaining a building permit.

4. All impact fees are in addition to any other fees due.

5. The impact fee shall be deposited into an interest bearing ledger account and may be only used for capital improvements to the capital facility system for which the fee was collected. These improvements may include analysis costs, the construction contract price, the cost of acquiring land, improvements, materials, and fixtures, the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements, the debt service charges incurred if the improvements are financed by bonds, notes, or other obligations carrying debt service charges, and for the cost of issuance of any such bonds, notes or other obligations.

6. The impact fees may not be used for operation or maintenance costs for any public facilities within the City.

7. Special exceptions, waivers, or credits may be granted, in the sole discretion of the council, upon application in accordance with the Spanish Fork City Municipal Code Section 16.24.050.

8. In order to protect the health, safety, and welfare of the residents of the City, the impact fees identified herein shall become effective immediately.

9. These impact fees are for system improvements and in no wise repeal or rescind the water transfer required upon development, pursuant to Spanish Fork Municipal Code §13.12.010(B), to insure that an adequate supply of water exists.

## **SECTION II**

This ordinance shall not be part of the Municipal Code.

## **SECTION III**

WHEREFORE, to protect the safety and welfare of the citizens of Spanish Fork City, this ordinance shall take effect immediately.



# Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

## ORDINANCE 11-97

### IMPACT FEE ENACTMENT ORDINANCE

Notice is hereby provided that Spanish Fork City has adopted an Impact Fee Enactment Ordinance amending storm drain impact fees as follows:

The amount of the impact fee for storm water facilities in the Northeast Bench area (as shown on the attached map) is \$495.00 per unit. In the Southeast Bench area (as shown on the attached map), the amount of the impact fee is \$399.00 per single family detached units, \$218.00 per unit for all other residential uses, \$410.00 per every 1000 square feet, or portion thereof, of floor area for commercial or shopping center uses, and \$333.00 per 1000 square feet of floor area, or portion thereof, for office or institutional uses. In the Westfields area (as shown on the attached map), the impact fee shall be \$416.00 for single family

detached units, \$223.00 per unit for all other residential uses, \$399.00 per 1000 square feet of floor area, or portion thereof, for commercial or shopping center uses, \$346.00 per 1000 square feet of floor area, or portion thereof, for office or institutional uses, and \$286.00 per 1000 square feet of floor area or portion thereof, for light industrial uses.

Impact fees for storm water facilities shall be collected prior to the recording of a final plat. Buildings not in a platted subdivision shall pay the impact fee as a condition of obtaining a building permit.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL this 17th day of June, 1997.

A full copy of the ordinance is available at the City Office, 40 South Main Street, Spanish Fork, Utah.

Published in the Spanish Fork Press on July 3, 1997.

for One consecutive weeks,

the first publication on the 3 day

of July 19 97

and the last on the 3 day of

July 19 97

Jane Henderson

Subscribed and sworn to before me this

3 day of July

Sara Worthington  
Notary Public



Residing at Spanish Fork, Utah

My Commission expires

3-14-99