

# ORDINANCE NO. 08-99

## ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
LILLIAN J. SHEPHERD <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Swenson

I SECOND the foregoing motion: Councilmember Huff

## ORDINANCE 08-99

### 1999 IMPACT FEE ENACTMENT ORDINANCE

WHEREAS, Spanish Fork City continues to experience 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, a cash flow analysis shows that there are insufficient monies available to pay for the new facilities, which are needed, without imposing impact fees; 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, the capital facilities plan has been recently amended in order to remain current with the growth and needs of the city; 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, the City has an immediate need for parks and recreation facilities to accommodate the new growth; and

WHEREAS, major improvements, including new lines to develop new sources of culinary water are necessary to accommodate the growth; 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, a new electric sub-station and related upgrades are necessary to provide electric power to service all of the new growth; and

WHEREAS, new distribution lines to the sewer plant to accommodate new growth have recently been completed; and

WHEREAS, the City is obligated to reimburse the developers who installed the new sewer lines for the excess cost above the proportionate amount for their developments, which reimbursements are contracted to come from impact fees; 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 May 17, 1999 has been prepared by the City; and

WHEREAS, the 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 water system, electric power system, sewer system, storm water facilities, and the recreation 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 hearing was held before the Spanish Fork City Council on the 1st day of June 1999, wherein public comment 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, 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 culinary water system, sewer system, electric system, storm water facilities, and recreational facilities by that new development;

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

#### **SECTION I.**

1. A culinary water impact fee is hereby imposed for each residential dwelling unit located in the City.

2. The amount of the impact fee for culinary water is \$1161.00 for each single family detached residence, and \$855.00 for all other residential units.

3. A culinary water impact fee is hereby imposed for each non-residential building in the City based upon the size of meter providing culinary water to the building.

4. The amount of the impact fee for culinary water for non-residential users is \$1277.00 for a three-quarter (3/4) inch meter; \$1,625.00 for a one inch meter; \$2,089.00 for a one and one-half (1½) inch meter; \$3,366.00 for a two inch meter; \$12,768.00 for a three inch meter; and \$16,251.00 for a four inch meter. Fees for meters larger than four inches will be based on an annualized average day demand and the net capital cost per gallon of capacity.

5. A recreational facility impact fee is hereby imposed for each residential dwelling in the City.

6. The amount of the recreational facility impact fee is 1,235.00 per single family detached residential dwelling. All other residential dwellings shall pay an impact fee of \$909.00 per unit.

7. A municipal power impact fee is hereby imposed for each building in the City based upon the size of service.

8. The amount of the impact fee shall be as follows:

Single Phase Service Size (KVA)

24 (100A 120/240V)	\$ 447
30 (125A 120/240V)	\$ 524
36 (150A 120/240V)	\$ 600
48 (200A 120/240V)	\$ 754
54 (225A 120/240V)	\$ 831
96 (400A 120/240V)	\$1368

Three Phase Service Size (KVA)

75.0	\$1,100
112.5	\$1,580
150.0	\$2,060
225.0	\$3,020
300.0	\$3,980
500.0	\$6,540
750.0	\$9,740
1000.0	\$12,940

9. A sewer system impact fee is hereby imposed for each building in the City based upon the size of water meter providing culinary water to the building.

10. The amount of the impact fee for sewer is \$1,361.00 for single family detached residential buildings, \$1,002.00 for all other residential buildings. For nonresidential buildings, the impact fee shall be \$1,497.00 for a three-quarter (3/4) inch meter, \$1,905.00 for a one inch meter, \$2,449.00 for a one and one-half (1½) inch meter, \$3,946.00 for a two inch meter, \$14,967.00 for a three inch meter, and \$19,049.00 for a four inch meter. Meter sizes over four inches will pay an impact fee

based upon the annualized day demand and the net capital cost per gallon of capacity.

11. There is hereby imposed a storm water facilities impact fee in those areas identified on the map attached as an addendum 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, in 1,000 square foot increments, determined by the estimated cost of the improvements in the specific area identified.

12. The amount of the impact fee for storm water facilities is as follows:

	<u>SE Bench</u> <u>Per Housing Unit</u>	<u>NE Bench</u> <u>Per Housing Unit</u>	<u>Westfields</u> <u>Per Housing Unit</u>
Single Family Detached	\$354	\$763	\$329
All Other Residential	\$193	na	\$176
	<u>Per 1,000 Sq. Ft.</u>	<u>Per 1,000 Sq. Ft.</u>	<u>Per 1,000 Sq.Ft.</u>
Commercial / Shpg Ctr	\$364	na	\$316
Office / Institutional	\$296	na	\$274
Light Industrial	na	na	\$227

13. 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.

14. All other impact fees are due and payable when the building permit is obtained and shall be a condition precedent to the issuance of the building permit.

15. All impact fees are in addition to any other fees due upon the issuance of a building permit.

16. 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.

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

18. 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.

19. In order to protect the health, safety, and welfare of the residents of the City, the impact fees identified herein shall become effective on July 1, 1999.

20. 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.**

This ordinance shall become effective July 1, 1999.



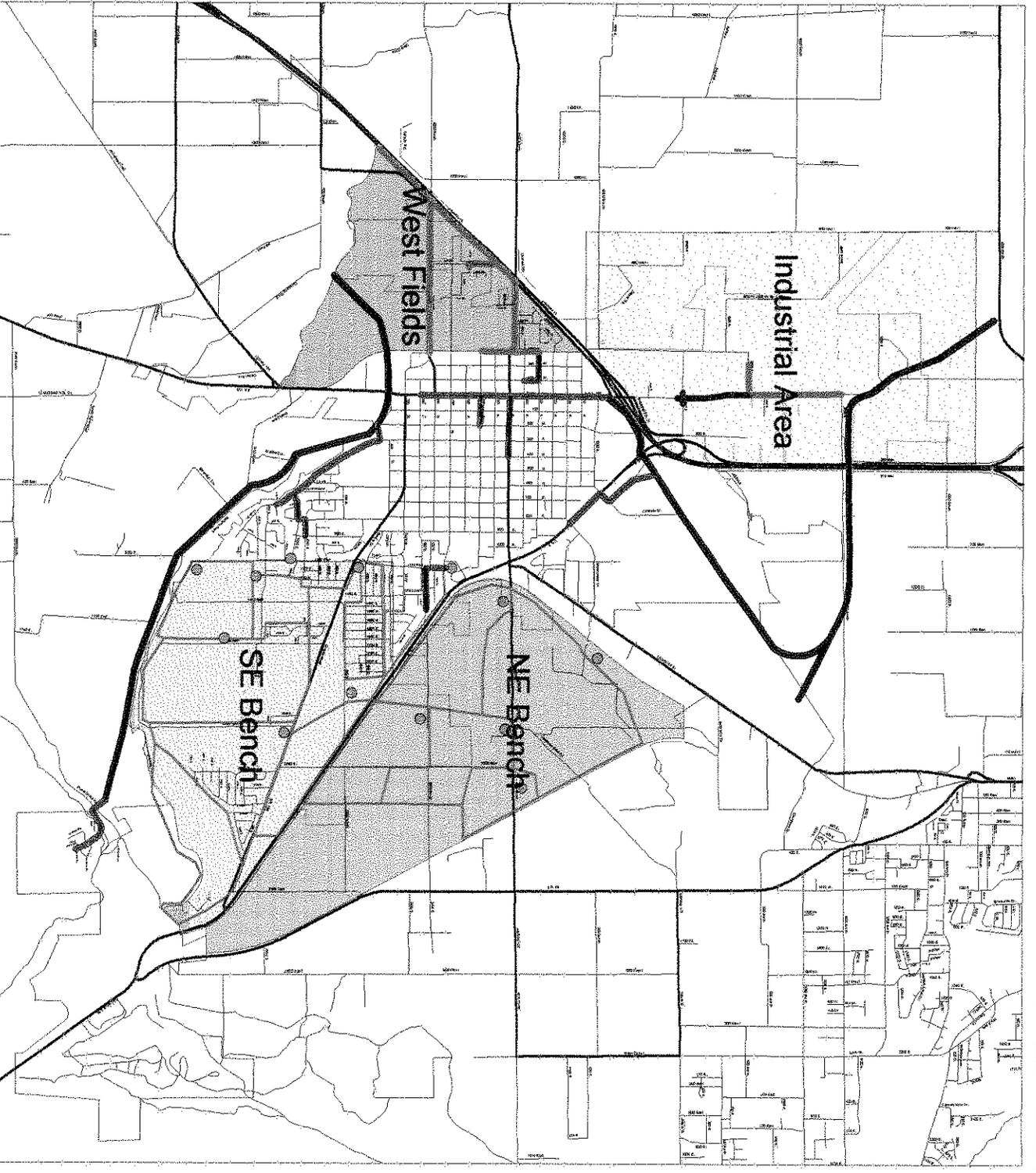
# Spanish Fork City

Storm Drain Plan Map

June 30, 1998



- Stormdrain Lines
  - Existing lines
  - Future/Proposed lines
  - Existing creek/canal
- Sumps
- Sump Drainage Areas
- Road Centerlines
- city/county
- state
- Storm Drain Areas
  - Industrial Area
  - NE Bench
  - SE Bench
  - West Fields
- City Boundary



Ord. 08-99

# 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 08-99 1999 IMPACT FEE ENACTMENT ORDINANCE

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

The amount of the impact fee for culinary water is \$1161.00 for each single family detached residence, and \$855.00 for all other residential units.

The amount of the impact fee for culinary water for non-residential users is \$1277.00 for a three-quarter (3/4) inch meter, \$1,625.00 for a one inch meter, \$2,089.00 for a one and one-half (1 1/2) inch meter, \$3,366.00 for a two inch meter, \$12,768.00 for a three inch meter, and \$16,251.00 for a four inch meter. Fees for meters larger than four inches will be based on an annualized average day demand and the net capital cost per gallon of capacity.

The amount of the recreational facility impact fee is 1,235.00 per single family detached residential dwelling. All other residential dwellings shall pay an impact fee of \$909.00 per unit.

A municipal power impact fee is hereby imposed for each building in the City based upon the size of service.

The amount of the impact fee shall be as follows:

Single Phase Service Size (KVA)	Amount
24 (100A 120/240V)	\$ 447
30 (125A 120/240V)	\$ 524
36 (150A 120/240V)	\$ 600
48 (200A 120/240V)	\$ 754

54 (225A 120/240V) \$ 831  
96 (400A 120/240V) \$1368  
Three Phase Service Size (KVA)

75.0-\$1,100; 112.5-\$1,580;  
150.0-\$2,060; 225.0-\$3,020  
300.0-\$3,980; 500.0-\$6,540  
750.0-\$9,740;  
1000.0-\$12,940

The amount of the impact fee for sewer is \$1,361.00 for single family detached residential buildings, \$1,002.00 for all other residential buildings. For nonresidential buildings, the impact fee shall be \$1,497.00 for a three-quarter (3/4) inch meter, \$1,905.00 for a one inch meter, \$2,449.00 for a one and one-half (1 1/2) inch meter, \$3,946.00 for a two inch meter, \$14,967.00 for a three inch meter, and \$19,049.00 for a four inch meter. Meter sizes over four inches will pay an impact fee based upon the annualized day demand and the net capital cost per gallon of capacity.

The amount of the impact fee for storm water facilities in the Northeast Bench area is \$763.00 per unit. In the Southeast Bench area the amount of the impact fee is \$354.00 per single family detached units, \$193.00 per unit for all other residential uses, \$364.00 per every 1000 square feet, or portion thereof, of floor area for commercial or shopping center uses, and \$296.00 per 1000 square feet of floor area, or portion thereof, for office or institutional uses. In the Westfields area the impact fee shall be \$329.00 for single family detached units, \$176.00 per unit for all other residential uses, \$316.00 per 1000 square feet of floor area,

or portion thereof, for commercial or shopping center uses, \$274.00 per 1000 square feet of floor area, or portion thereof, for office or institutional uses, and \$227.00 per 1000 square feet of floor area or portion thereof, for light industrial uses. A map is available at the City Office showing each of the above areas.

In order to protect the health, safety, and welfare of the residents of the City, the impact fees identified herein shall become effective on July 1, 1999.

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.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 15<sup>th</sup> day of June, 1999.

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

Published in the Spanish Fork Press January 27, 2000.

for consecutive One weeks,

the first publication on the 27<sup>th</sup> day

of January 2000

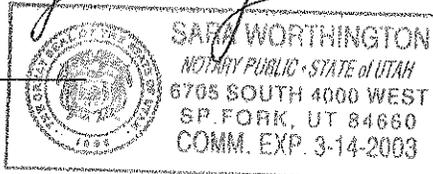
and the last on the 27<sup>th</sup> day of

January 2000

*J. Lane Henderson*

Subscribed and sworn to before me this 27<sup>th</sup> day of January 2000

*Sara Worthington*  
Notary Public



# 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 Z08-99**  
The Frank Santos Zone  
Change (Esther Ridge)

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

The following described  
property is hereby zoned to  
Low Urban Residential (R-1-  
12):

Beginning at a point located  
North 00° 11' 07" West along  
section line 135.69 feet from  
the southwest corner of  
Section 28, Township 8  
South, Range 3 East, Salt  
Lake Base & Meridian;  
thence North 00° 11' 07"  
West along section line  
1305.69 feet; thence North  
89° 48' 53" East 49.50 feet;  
thence East 1281.29 feet;  
thence South 00° 06' 14"  
West 428.12 feet; thence  
South 00° 25' 59" East 860.00  
feet; thence South 87° 20' 52"  
West 5.23 feet; thence South  
89° 14' 54" West 1327.18 feet  
to the point of beginning.

An area containing 39.6082  
acres.

PASSED AND ORDERED  
PUBLISHED BY THE  
SPANISH FORK CITY  
COUNCIL OF SPANISH  
FORK, UTAH, this 3<sup>rd</sup> day of  
August, 1999.

Published in the Spanish Fork  
Press November 18, 1999

for consecutive One weeks,

the first publication on the 18<sup>th</sup> day

of November 1999

and the last on the 18<sup>th</sup> day of

November 1999

J. Lane Henderson

Subscribed and sworn to before me this 30<sup>th</sup> day of November 1999

Sara Worthington  
Notary Public

