

ORDINANCE NO. 05-04

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>		X
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Sorensen

I SECOND the foregoing motion: Councilmember Kelepolo

ORDINANCE 05-04 IMPACT FEE ENACTMENT ORDINANCE

WHEREAS, Spanish Fork City continues to experience extremely rapid growth; 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, the capital facilities plan is regularly updated 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 development of 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, upgrades to the sewer plant are necessary to increase the biological capacity necessary to accommodate new growth; and

WHEREAS, expansion of the pressure irrigation (secondary water) system is necessary to extend the life of the system and allow for growth demands; and

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

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

WHEREAS, the City has previously adopted impact fees, which bases and analyses should be reviewed on a regular basis; and

WHEREAS, a written analysis dated March 22, 2004 has been prepared and updated as of May 18, 2004; 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 (both culinary and secondary), 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 6th day of April 2004, whereat public comment was received, not only from concerned citizens, but from developers involved in the current development within the City; and

WHEREAS, a second public hearing was held, taking into account the earlier comments, on the 18th day of May, 2004, whereat additional public comment was received; 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, pressure irrigation (secondary 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. The culinary water impact fee is hereby amended for each residential dwelling unit located in the City.

2. The amount of the impact fee for culinary water is \$1,232.00 for each single family detached residence, and \$904.00 for all other residential units.

3. The culinary water impact fee is hereby amended for each 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 \$1,232.00 for a one inch meter; \$2,393.00 for a one and one-half (1½) inch meter; \$3,827.00 for a two inch meter; \$8,674.00 for a three inch meter; and \$14,861.00 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. The pressure irrigation impact fee is hereby amended for each building within the city.

6. The amount of the impact fee for each single family detached residential building is \$501.00. For all other residential and non-residential buildings, the impact fee shall be calculated based on the capital cost per acre by type of development, less principal payment for each connection to the system.

7. The recreational facility impact fee is hereby amended for each residential dwelling in the City.

8. The amount of the recreational facility impact fee is \$2,208.00 per single family detached residential dwelling. All other residential dwellings shall pay an impact fee of \$1,620.00 per unit.

9. The sewer system impact fee is hereby amended 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 \$998.00 for single family detached residential buildings, \$732.00 for all other residential buildings. For nonresidential building, the impact fee shall be \$998.00 for a one inch meter, \$1,939.00 for a one and one-half (1½) inch meter, \$3,101.00 for a two inch meter, \$7,029.00 for a three inch meter, and \$12,042.00 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	\$402.00	\$900.00	\$443.00
All Other Residential	\$307.00	na	\$359.00
	<u>Per 1,000 Sq. Ft.</u>	<u>Per 1,000 Sq. Ft.</u>	<u>Per 1,000 Sq.Ft.</u>
Commercial / Shpg Ctr	\$413.00	na	\$ 0.00
Office / Institutional	\$284.00	na	\$339.00
Light Industrial	na	na	\$348.00

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.

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.

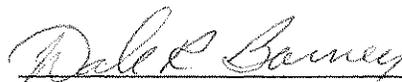
SECTION II.

This ordinance shall not be part of the Municipal Code.

SECTION III.

This ordinance shall become effective immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this 18th day of May, 2004.

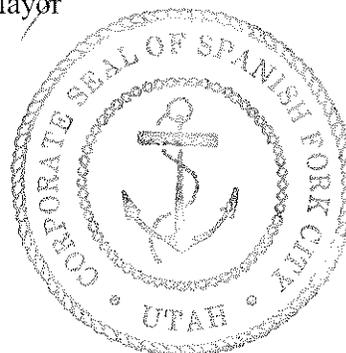


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



Proof of Publication

I **Steve Hardman** being first duly sworn according to law, disposes and says that he is the General Manager 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

5. The pressure irrigation impact fee is hereby amended for each building within the city.

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 Office / Institutional: \$284.00

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issuance of any such bonds, notes or other obligations.

This ordinance shall become effective immediately upon passage.

Passed and ordered published by the City Council of Spanish Fork, Utah, this 18th day of May, 2004.

Published in the Spanish Fork Press June 17, 2004.

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DEBBIE L. CHANDLER
 NOTARY PUBLIC - STATE OF UTAH
 341 SOUTH 300 EAST
 SPANISH FORK, UT 84660
 COMM. EXP. 5-18-2005

 2004

Debbie L. Chandler

Notary Public