ORDINANCE NO. 08-15

ROLL CALL

VOTING	YES	NO
STEVE LEIFSON Mayor *(votes only in case of tie)*	ABSENT	
ROD DART *Council member*	X	
RICHARD M. DAVIS *Council member*	ABSENT	
BRANDON B. GORDON *Council member*	X	
MIKE MENDENHALL *Council member*	X	
KEIR A. SCOUBES *Council member*	X	

I MOVE this ordinance be adopted: Council member Gordon
I SECOND the foregoing motion: Council member Mendenhall

ORDINANCE No. 08-15

IMPACT FEE ENACTMENT

WHEREAS, Spanish Fork City has resumed 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, together with various utility master plans; and

WHEREAS, the City has created an impact fee facilities plan from the various master plans and the capital facilities plan; and

WHEREAS, the impact fee facilities plan has been recently updated in order to remain current

with the growth and needs of the city; and

WHEREAS, the notice requirements to begin the revision of the impact fee facilities plan have been given as required by Utah Code. Ann. §11-36a-501; 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, public safety facilities are needed, and some recently built facilities have been oversized, in order to accommodate the growth; and

WHEREAS, electric facility upgrades are necessary to provide electric power to service the new growth; and

WHEREAS, the growth has created the need to widen certain collector and/or arterial streets, add signals, construct arterial streets, and realign certain major intersections; and

WHEREAS, the City's pressure irrigation system needs to be expanded in order to accommodate the additional growth; and

WHEREAS, the City has had the foresight to purchase irrigation water rights at reduced costs, which will accommodate much additional growth, and for which the City should be reimbursed to the extent it benefits the additional growth; and

WHEREAS, the City's drinking water system needs to be expanded in order to accommodate the additional growth; and

WHEREAS, the City's sewer system needs upgrades and expansion in order to accommodate the additional growth; 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. §11-36a-302; 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 impact fee analysis dated January 26, 2015 has been prepared; and

WHEREAS, the written analysis and impact fee enactment ordinance have been available for public inspection for at least 10 days prior to the public hearing; and

WHEREAS, the analysis identifies the impact on improvements needed to the electric power system, the recreation facilities, the public safety facilities, the pressure irrigation facilities, including reimbursement for water rights, the drinking water facilities, the sewer facilities, and streets 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. §11-36a-304; 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 Tuesday the 17th day of March, 2015, wherein public comment was received, not only from concerned citizens, but from developers involved in current development within the City; 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 electric system, public safety facilities, pressure irrigation facilities, including water rights, drinking water facilities, sewer facilities, streets, and recreational facilities by that new development;

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

I.

1. The recreational facility impact fee is hereby amended for each residential dwelling in the City. There is no recreational facility impact fee for non-residential uses.
2. The amount of the recreational facility impact fee is $2,175.63 per multifamily residential dwelling unit.
3. The amount of the recreational facility impact fee for single family detached units is $3,821.80 each.
4. The municipal power impact fee is hereby amended for each building in the City based upon the size of service.
5. The amount of the impact fee for electric power is as follows:

Single Phase Service Size		
Amps	Kilowatts	Impact Fee
100	24	$1,481.50
125	30	$1,822.25
150	36	$2,177.81
200	48	$2,874.11
225	54	$3,214.86
400	96	$5,659.33

Three Phase Service Size	
Transformer Size	Impact Fee
45 KVA	$2,696.33
75 KVA	$4,429.69
112.5 KVA	$6,607.49
150 KVA	$8,785.30
225 KVA	$13,126.09
300 KVA	$17,466.89
500 KVA	$29,052.22
750 KVA	$43,541.29
1000 KVA	$58,030.36
1500 KVA	$86,993.68

1. A public safety impact fee is hereby established for each building constructed in the City.
2. The amount of the public safety impact fee for nonresidential buildings is $456.34 per thousand square feet of building space.
3. The amount of the public safety impact fee for each multifamily residential dwelling unit is $247.67.
4. The amount of the public safety impact fee for each single family detached residence is $435.07.
5. A roads and streets impact fee is hereby established for each building constructed in the City.
6. The amount of the roads and streets impact fee for nonresidential buildings is as follows:

TYPE USE	UNIT CHARGE	AMOUNT
Motel	Room	$240.83
Hotel	Room	$249.14
Light Industrial	1000 sq. feet	$402.77
Manufacturing	1000 sq. feet	$303.12
Warehouse	1000 sq. feet	$186.85
Movie Theater	Seat	$29.07

Multiplex Movie Theater	1000 sq. feet	$2,038.78
Health/Fitness Club	1000 sq. feet	$1,465.76
Elementary School	1000 sq. feet	$502.43
Junior High School	1000 sq. feet	$494.12
High School	1000 sq. feet	$402.77
Hospital	1000 sq. feet	$386.16
Nursing Home	1000 sq. feet	$307.27
Veterinary Clinic	1000 sq. feet	$1,959.89
General Office Building	1000 sq. feet	$618.69
Medical/Dental Office Building	1000 sq. feet	$1,482.37
Building Materials/Lumber Store	1000 sq. feet	$1,379.64
Discount Superstore	1000 sq. feet	$1,300.50
Specialty Retail	1000 sq. feet	$1,869.03
Hardware Store	1000 sq. feet	$1,487.19
Discount Store	1000 sq. feet	$1,716.31
Garden Center/Nursery	1000 sq. feet	$2,132.46
Shopping Center	1000 sq. feet	$1,016.73
New/Used Car Sales	1000 sq. feet	$783.29
Automobile Parts Store	1000 sq. feet	$1,415.35
Tire Store	1000 sq. feet	$1,240.71
Supermarket/Grocery Store	1000 sq. feet	$2,519.28
Convenience Store	1000 sq. feet	$8,487.26
Discount Club	1000 sq. feet	$1,336.46
Home Improvement Store	1000 sq. feet	$503.09
Department Store	1000 sq. feet	$512.48
Apparel Store	1000 sq. feet	$1,049.62
Drug Store/Pharmacy	1000 sq. feet	$1,639.33
Drug Store/Pharmacy w/drive thru	1000 sq. feet	$2,098.61
Furniture Store	1000 sq. feet	$87.82
Video Rental Store	1000 sq. feet	$3,727.10
Bank/Financial w/drive thru	1000 sq. feet	$5,347.75
Restaurant – Quality	1000 sq. feet	$1,741.64
Restaurant – High Turnover	1000 sq. feet	$2,331.31
Fast Food Restaurant w/drive thru	1000 sq. feet	$6,778.63
Automobile Lube/Oil Centers	Bay	$1,249.93
Automobile Parts and Service	1000 sq. feet	$1,055.60
Automobile Care Center	1000 sq. feet	$929.78
Gas Station Convenience Store	Fuel Pump	$2,468.29
Self Service Car Wash	Bay	$1,334.22

7. The amount of the roads and streets impact fee for each twin home, duplex, triplex, or fourplex residential dwelling unit is $278.20.
8. The amount of the roads and streets impact fee for each dwelling unit in a condominium or townhome containing more than four units is $215.92.
9. The amount of the roads and streets impact fee for each bed in an assisted living center is $120.42.
10. The amount of the roads and streets impact fee for each single family detached residence is $415.23.

11. The storm water impact fee is hereby amended for each multifamily dwelling and nonresidential building constructed in the City, based on the site size.
12. The amount of the impact fee for storm water for multifamily dwellings or nonresidential buildings is $1,661.20 per acre of site size.
13. The amount of the storm water impact fee for each single family detached residence is $381.36.
14. The drinking water impact fee is hereby amended for each building constructed in the City, based on meter size.
15. The amount of the impact fee for drinking water is as follows:

Meter Size	Fee
¾ inch	$1,011.71
1 inch	$1,011.71
1 ½ inch	$1,962.42
2 inch	$3,146.42
3 inch	$7,122.44
4 inch	$12,201.22

16. The pressure irrigation water impact fee is hereby amended for each building constructed in the City, based on lot size.
17. The amount of the impact fee for pressure irrigation water is as follows:

Lot Size	Fee
0.25 acre	$1,640.57
0.33 acre	$2,181.96
0.50 acre	$3,264.73
0.75 acre	$4,905.30
1.00 acre	$6,545.87

18. A pressure irrigation water rights impact fee is hereby established for each building constructed in the City, based on lot size.
19. The amount of the impact fee for pressure irrigation water rights is as follows:

Lot Size	Fee
0.25 acre	$1,092.53
0.33 acre	$1,453.06
0.50 acre	$2,174.13
0.75 acre	$3,266.66
1.00 acre	$4,359.19

20. The sewer impact fee is hereby amended for each building constructed in the City based on drinking water meter size.
21. The amount of the impact fee for sewer is as follows:

Meter Size	Fee
¾ inch	$883.73
1 inch	$883.73
1 ½ inch	$1,714.44
2 inch	$2,748.40
3 inch	$6,221.46
4 inch	$10,657.78

22. These impact fees, except for the storm water impact fees, which are due prior to recording a final plat, are due and payable when the building permit is obtained and shall be a condition

precedent to the issuance of the building permit. The storm water impact fees for a building not included within a plat are due when the building permit is obtained.

23. All impact fees are in addition to any other fees.
24. The impact fee shall be deposited into an interest bearing ledger account and may be used only 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.
25. The impact fees may not be used for operation or maintenance costs for any public facilities within the City.
26. Special exceptions, waivers, or credits may be granted, in the sole discretion of the City Council, upon application in accordance with the Spanish Fork City Municipal Code §15.4.12.050.

II.

This ordinance supersedes all prior ordinances and resolutions which relate to or regulate the amount of water, or cash in lieu, which must be transferred to the City as a condition of development.

III.

The provisions of this ordinance are not severable from any other provision. A challenge to one fee acts as a challenge to all fees included in this ordinance.

IV.

This ordinance shall not be part of the Municipal Code.

V.

The impact fees identified herein shall become effective on the 15th day of June, 2015, 90 days after adoption in accordance with Utah Code Ann. §11-36a-401(2).

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 17th day of March, 2015.

Rod Dart

ROD DART, Mayor Pro Tem

Attest:

Kent R. Clark

KENT R. CLARK, City Recorder

MUNICIPAL SEAL SURROUND YOURSELF Spanish Fork UTAH EST. 1855