

**ORDINANCE NO. #\_\_\_\_\_**

**AN ORDINANCE ADOPTING THE SPRINGVILLE TRANSPORTATION MASTER PLAN, IMPACT FEE FACILITY PLAN, AND IMPACT FEE ANALYSIS; AND ENACTING TRANSPORTATION IMPACT FEES.**

**WHEREAS**, Springville City has legal authority pursuant to Title 11, Chapter 36a of the Utah Code known as the “Impact Fee Act” (hereinafter the “Act”) to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

**WHEREAS**, the City has historically assessed impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

**WHEREAS**, on June 23, 2014, pursuant to Section 11-36a-501 of the Act, the City noticed its intent to prepare or amend Springville City's Transportation Impact Fee Facilities Plan and Impact Fee Analysis for Springville's roadway facilities by posting the notice on the Utah Public Notice Website; and

**WHEREAS**, Horrocks Engineers has prepared the "2016 Springville Transportation Master Plan" (the "TMP"), attached as Exhibit A; and

**WHEREAS**, pursuant to the requirements of Sections 11-36a-301 and 11-36a-302 of the Act, Horrocks Engineers has prepared the "Springville City Impact Fee Facilities Plan" (the "IFFP"), attached as Exhibit B, which Horrocks Engineers has certified pursuant to the requirements of Section 11-36a-306 of the Act; and

**WHEREAS**, pursuant to the requirements of Sections 11-36a-303 and 11-36a-304 of the Act, Zions Public Finance, Inc. has prepared the "Springville City Transportation Impact Fee Analysis" (the "IFA"), attached as Exhibit C, which Zions Public Finance, Inc. has certified pursuant to the requirements of Section 11-36a-306 of the Act; and

**WHEREAS**, Zions Public Finance, Inc. has also calculated for enactment Transportation Impact Fees as set forth in the IFA and pursuant to Section 11-36a-305 of the Act; and

**WHEREAS**, on October 7, 2016, pursuant to Section 11-36a-502 of the Act, a full copy of the TMP, IFFP, IFA and this Impact Fee Enactment Ordinance, along with an executive summary of

the IFFP and the IFA that was designed to be understood by a lay person, were made available to the public at the Springville City Public Library and posted on the City's Website; and

**WHEREAS**, on October 7, 2016, the Provo Daily Herald published a notice of the date, time, and place of the public hearing to consider the TMP, IFFP, IFA and this Impact Fee Enactment Ordinance; and

**WHEREAS**, on October 18, 2016, the Springville City Council held a public hearing regarding the proposed TMP, IFFP, IFA and this Impact Fee Enactment Ordinance; and

**WHEREAS**, the Springville City Council does now desire to hereby approve and adopt the TMP, IFFP, IFA, and the Transportation Impact Fee pursuant to the requirements of Sections 11-36a-401 through 11-36a-403 of the Act.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Springville, Utah:

**SECTION 1: Adoption.**

The "2016 Springville Transportation Master Plan" (the "TMP"), "Springville City Impact Fee Facilities Plan" (the "IFFP"), and "Springville City Transportation Impact Fee Analysis" (the "IFA"), attached as Exhibits A, B and C are hereby approved, adopted and incorporated herein by reference. (The TMP, IFFP and IFA are collectively hereinafter referred to as the "Impact Fee Documents.") The Transportation Impact Fees set forth in the IFA and this Ordinance are hereby approved and enacted.

**SECTION 2: Service Area.**

The service area established in the Impact Fee Documents and for which the Transportation Impact Fees are established and imposed is all of Springville City (the "Service Area"). The Service Area is established based upon sound planning and engineering principles for the City's transportation system services.

**SECTION 3: Level of Service.**

The existing level of service provided by the City's transportation system shall remain the same as it was prior to this Ordinance and is hereby again adopted as the level of service to be provided throughout the City. As stated in the IFFP, the current level of service ("LOS") is LOS D. The "IFFP will not make changes to the existing level of service, and LOS D will be the standard by which future

growth will be evaluated." (IFFP, p. 3) The existing and proposed level of service is described on pages 1 through 3 of the IFFP.

**SECTION 4: Impact Fee Analysis and Impact Fee Calculations.**

As found in the Impact Fee Documents, the Transportation Impact Fee calculation is based on the following:

1. Elements. In calculating the Transportation Impact Fee, the City has included those costs allowed, including debt service, if any, that are found under Section 11-36a-305 of the Act.
2. Proportionate Share Analysis. Included within the Impact Fee Documents is a proportionate share analysis as required by Section 11-36a-304 of the Act.
3. Formula. The Transportation Impact Fee is based upon the Act’s required proportionate share analysis in determining the total project costs to maintain the City’s current Transportation system level of service for new development activity that will occur during the next six (6) to ten (10) years. The following schedule of Transportation Impact Fees is found in the IFA and is a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement, and/or the following is the formula the City will use to calculate each impact fee.

Summary of Impact Fees

TABLE 10: SUMMARY OF GROSS IMPACT FEE

Summary of Cost per PM Peak Hour Trip	Amount
Buy-In to Excess Capacity	\$0.00
New Construction	\$1,348.63
Consultant Cost	\$2.55
Fund Balance Credit	\$0.00
<b>Cost per PM Peak Hour Trip</b>	<b>\$1,351.18</b>

The total cost per trip is then applied to the daily PM peak hour trips generated by various land use types. The more trips that are associated with a particular land use or development, the greater its impact on the street system.

The IFFP explains that trips generated need to be divided by two in order to avoid double-counting such as when a person leaves home and goes to work.

"There is a minor discrepancy in the way ITE calculates trips and the way trips or roadway volumes are calculated in the travel demand modeling used in the Springville TMP. This

discrepancy is explained by the model roadway volumes and capacities being calculated using daily traffic volumes rather than trips on the roadway. Essentially this means that a travel demand model "trip" or unit of volume is counted once as a vehicle leaves home, travels on the road network and then arrives at work. This vehicle will only be counted as it travels on the roadway network. The ITE Trip Generation method uses driveway counts as its measure of a trip. Therefore a vehicle making the same journey will be counted once as it leaves home and once again as it arrives at work for a total of two trips. This can be rectified simply by adjusting the ITE Trip Generation rates by one-half.<sup>2</sup>

This adjustment by 50 percent has been made in the calculation of impact fees shown below. More categories, other than the major groupings shown below and recommended to the City, are included in Appendix A.

TABLE 11: SUMMARY OF GROSS IMPACT FEE

Category	Units; Per	ITE Trips	Adjusted Trips	Maximum Fee
130 - Industrial Park	1000 Sq. Feet Gross Floor Area	0.84	0.42	\$567.49
210 - Single-Family Detached Housing	Dwelling Unit	1.02	0.51	\$689.10
220 - Multi-Family / Apartment (Greater than 4 Units)	Dwelling Unit	0.67	0.335	\$452.64
230 - Multi-Family / Condo, Townhouse	Dwelling Unit	0.52	0.26	\$351.31
254 - Assisted Living Center	Bed	0.35	0.175	\$236.46
310 - Hotel	Room	0.61	0.305	\$412.11
560 - Church	1000 Sq. Feet Gross Floor Area	0.94	0.47	\$635.05
710 - General Office Building	1000 Sq. Feet Gross Floor Area	1.49	0.745	\$1,006.63
820 - Shopping Center / Strip Mall	1000 Sq. Feet Gross Leasable Area	3.71	1.855	\$2,506.43

The above impact fee calculations are more fully described in the IFA, particularly on pages 8 through 12. Additional ITE categories are found in Appendix A of the IFA and states as follows:

## Appendix A – Sample Table of ITE Categories

The City may choose to combine retail categories in order to avoid large discrepancies between fees for development of different types.

Category	Units; Per	ITE Trips	Adjusted Trips	Maximum Fee PM Peak Fee
130 - Industrial Park	1000 Sq. Feet Gross Floor Area	0.84	0.42	\$567.49
140 - General Manufacturing *	1000 Sq. Feet Gross Floor Area	0.75	0.375	\$506.69
151 - Storage Units	1000 Sq. Feet Rentable Storage Area	0.22	0.11	\$148.63
152 - Warehouse / Distribution Center	1000 Sq. Feet Gross Floor Area	0.16	0.08	\$108.09
210 - Single-Family Detached Housing	Dwelling Unit	1.02	0.51	\$689.10
220 - Multi-Family / Apartment (Greater than 4 Units)	Dwelling Unit	0.67	0.335	\$452.64
230 - Multi-Family / Condo, Townhouse, Duplex, Triplex, Quadplex	Dwelling Unit	0.52	0.26	\$351.31
240 - Mobile Home / RV Park	Dwelling Lot	0.60	0.3	\$405.35
254 - Assisted Living Center	Bed	0.35	0.175	\$236.46
310 - Hotel	Room	0.61	0.305	\$412.11
444 - Movie Theatre < 10 Screens	1000 Sq. Feet Gross Floor Area	3.80	1.9	\$2,567.23
445 - Movie Theatre > 10 Screens	1000 Sq. Feet Gross Floor Area	4.91	2.455	\$3,317.14
492 - Health/Fitness Club	1000 Sq. Feet Gross Floor Area	4.06	2.03	\$2,742.89
520 - Elementary School	1000 Sq. Feet Gross Floor Area	3.11	1.555	\$2,101.08
522 - Middle School / Junior High School	1000 Sq. Feet Gross Floor Area	2.52	1.26	\$1,702.48
530 - High School	1000 Sq. Feet Gross Floor Area	2.12	1.06	\$1,432.25
534 - Private School (K-8)	1000 Sq. Feet Gross Floor Area	6.53	3.265	\$4,411.59
560 - Church	1000 Sq. Feet Gross Floor Area	0.94	0.47	\$635.05
565 - Day Care Center	1000 Sq. Feet Gross Floor Area	13.75	6.875	\$9,289.33
590 - Library	1000 Sq. Feet Gross Floor Area	7.20	3.6	\$4,864.23
610 - Hospital	1000 Sq. Feet Gross Floor Area	1.16	0.58	\$783.68
710 - General Office Building	1000 Sq. Feet Gross Floor Area	1.49	0.745	\$1,006.63
720 - Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	4.27	2.135	\$2,884.76
770 - Business Park	1000 Sq. Feet Gross Floor Area	1.26	0.63	\$851.24
812 - Building Materials and Lumber Store	1000 Sq. Feet Gross Floor Area	5.56	2.78	\$3,756.27
817 - Nursery (Garden Center)	1000 Sq. Feet Gross Floor Area	9.04	4.52	\$6,107.31
820 - Shopping Center / Strip Mall	1000 Sq. Feet Gross Leasable Area	3.71	1.855	\$2,506.43
826 - Specialty Retail Center	1000 Sq. Feet Gross Leasable Area	5.02	2.51	\$3,391.45
841 - Automobile Car Sales	1000 Sq. Feet Gross Floor Area	2.80	1.4	\$1,891.65
848 - Tire Store	1000 Sq. Feet Gross Floor Area	4.15	2.075	\$2,803.69
850 - Supermarket	1000 Sq. Feet Gross Floor Area	8.37	4.185	\$5,654.67
851 - Convenience Store	1000 Sq. Feet Gross Floor Area	53.42	26.71	\$36,089.89

Category	Units; Per	ITE Trips	Adjusted Trips	Maximum Fee PM Peak Fee
912 - Bank / Financial Institution	1000 Sq. Feet Gross Floor Area	26.69	13.345	\$18,031.43
918 - Hair / Nails / Massage / Beauty Salon / Day Spa	1000 Sq. Feet Gross Floor Area	1.93	0.965	\$1,303.88
932 - Restaurant, Sit-Down (Low Turnover)	1000 Sq. Feet Gross Floor Area	9.02	4.51	\$6,093.80
932 - Restaurant, Sit-Down (High-Turnover)	1000 Sq. Feet Gross Floor Area	18.49	9.245	\$12,491.62
934 - Restaurant with Drive-Through Window	1000 Sq. Feet Gross Floor Area	47.30	23.65	\$31,955.30
942 - Auto Care Center	1000 Sq. Feet Occupied Gross Leasable Area	3.51	1.755	\$2,371.31
944 - Gasoline/Service Station	Fueling Position	15.65	7.825	\$10,572.95
945 - Gasoline/Service Station with Convenience Store	1000 Sq. Feet Gross Floor Area	97.14	48.57	\$65,626.58
947 - Self Service Car Wash	Wash Stall	5.54	2.77	\$3,742.76
948 - Automated Car Wash	1000 Sq. Feet Gross Floor Area	14.12	7.06	\$9,539.30

4. Non-standard Impact Fees. The City reserves the right under the Act to assess an adjusted impact fee that more closely matches the true impact that the land use will have upon the Transportation system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category.
5. Impact Fee Adjustments.
  - a. The City Council is authorized to adjust the standard fee at the time the fee is charged to:
    - i. respond to:
      1. unusual circumstances in specific cases; or
      2. a request of a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has or will be collected, and
    - ii. ensure that the impact fees are imposed fairly.
  - b. The impact fee may be adjusted for a particular development based on studies or data provided by a developer after review by the City's Impact Fee Administrator and approval by the City Council.
6. Credits and Reimbursements.

- a. A developer, including a school district or a charter school, shall receive a credit against or proportionate reimbursement of an impact fee from the City if the developer:
  - i. dedicates land for a system improvement,
  - ii. builds and dedicates some or all of a system improvement, or
  - iii. dedicates a public facility that the City and the developer agree will reduce the need for a system improvement.
- b. The City shall require a credit against the impact fee for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
  - i. are system improvements, or
  - ii. A. are dedicated to the public, and  
B. offset the need for an identified system improvement.

**SECTION 5: Assessment.**

The Transportation Impact Fee shall be charged for all new development or whenever a use on a property increases demand on Springville City's transportation system. In the latter instance, the impact fee shall be based on the difference in increased demand on the transportation system. The impact fee shall be charged throughout the Service Area.

**SECTION 6: Expenditure of Impact Fees.**

The City may expend impact fees only for a system improvement identified in the Impact Fee Facilities Plan and for the specific public facility type for which the fee was collected. Impact fees will be expended on a first-in-first-out basis. Impact fees collected pursuant to this Ordinance shall be expended or encumbered for a permissible use within six (6) years of their receipt. The City may hold the fees for longer than six (6) years if it identifies, in writing, an extraordinary and compelling reason why the fees should be held longer than six (6) years and an absolute date by which the fees will be expended.

**SECTION 7: Refunds.**

The City shall refund any impact fee paid by a developer, plus interest earned, when:

1. the developer does not proceed with the development activity and has filed a written request for a refund;

2. the fee has not be spent or encumbered; and
3. no impact has resulted.

An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based, in whole or in part, upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

**SECTION 8: Impact Fee Challenges.**

A person or entity that has standing to challenge an impact fee may appeal the impact fee pursuant to Title 14, Chapter 5 of the Springville City Code. The procedures and time limitations for challenging an impact fee, including procedures for mediation and/or arbitration, shall be as set forth in Sections 11-36a-702 through 705 of the Act. The applicable remedies for an impact fee challenge shall be limited to those set forth in Section 11-36a-701 of the Act.

**SECTION 9: Accounting of Impact Fees.**

The City shall follow all of the accounting and reporting requirements found in Section 11-36a-601 of the Act.

**SECTION 10: Severability.**

If any portion or provision of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance that shall remain in full force and effect. For this purpose, the provisions of this Enactment are declared to be severable.

**SECTION 11: Effective Date.**

This Ordinance will become effective when approved.

**SECTION 12: Publication.**

The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this \_\_\_\_ day of \_\_\_\_\_ 2016.

SPRINGVILLE CITY

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MAYOR WILFORD W. CLYDE

ATTEST:

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CITY RECORDER

# Exhibit A

# Exhibit B

# Exhibit C