Ordinance 2018-35

SHORT TITLE:

An ordinance amending Provo City Code to modify and enact impact fees for Water, Wastewater, Stormwater, Power, Parks and Recreation, Roadway Facilities, and Public Safety, and to modify provisions regarding impact fees. (18-099)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	√		
CW 2	GEORGE STEWART	√		
CD 1	GARY WINTERTON	√		
CD 2	GEORGE HANDLEY	√		
CD 3	DAVID KNECHT	√		
CD 4	KAY VAN BUREN		√	
CD 5	DAVID HARDING	√		
	TOTALS	6	1	

This ordinance was passed by the Municipal Council of Provo City, on the 11th day of December 2018, on a roll call vote as described above. Signed this 9th day of January 2019.

Gary Winterton
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 16th day of January 2019

Mayor

Ordinance 2018-35

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 17th day of January 2019, with a short summary being published on the 15th day of December 2018, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2018-35.

PROVO CITY SEAL
INDUSTRY AND COMMERCE
UTAH COUNTY, UTAH

Deputy City Recorder

ORDINANCE 2018-35.

AN ORDINANCE AMENDING PROVO CITY CODE TO MODIFY AND ENACT IMPACT FEES FOR WATER, WASTEWATER, STORMWATER, POWER, PARKS AND RECREATION, ROADWAY FACILITIES, AND PUBLIC SAFETY, AND TO MODIFY PROVISIONS REGARDING THE IMPOSITION AND ADMINISTRATION OF IMPACT FEES. (18-099)

WHEREAS, Provo City (the "City") is authorized to enact impact fees for certain public facilities in accordance with the Utah Impact Fees Act (the "Act") as set forth in Utah Code Section 11-36a-101 et seq.; and

WHEREAS, Zion's Public Finance, Inc. has prepared an Impact Fee Analysis and Impact Fee Facilities Plan (the "IFFP") for water, wastewater (sewer), stormwater, transportation (roads), power, public safety facilities (police and fire), and parks public facilities (collectively, the "Public Facilities") that analyzes proposed public facilities and associated impact fees as provided in the Act; and

WHEREAS, the IFFP (i) considers all revenue sources for financing public facility system improvements necessary to accommodate future growth, (ii) analyzes statutory criteria for determining whether a proportionate share of the cost of new Public Facilities is reasonably related to new development activity as set forth in the Act, and (iii) sets forth the methodology used to calculate the impact fees proposed for the Public Facilities; and

WHEREAS, on November 27, 2018, and December 11, 2018, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, as provided in the Act, it is proposed that current impact fees for water, wastewater, stormwater, power, parks, and roadway facilities be modified and that impact fees be enacted for public safety facilities, all as set forth below; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) growth and development within the City is creating continuing demand for Public Facilities to serve such development, (ii) impact fees are necessary to fairly distribute the costs of Public Facilities to serve new development, (iii) impact fees established by this ordinance constitute a proper proportionate share of the cost of Public Facilities which are reasonably related to new development activity as set forth in the Act and the IFFP; (iv) the impact fees established by this ordinance were developed by conservative analysis and justified

by the IFFP; and (v) adoption of this ordinance reasonably furthers the health, safety and general welfare of current and future residents of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Chapter 15.08 is hereby amended as follows:

. . .

15.08.040. Impact Fee Service Areas Established.

(1) The impact fee service area shall consist of the entire land area located within the corporate boundaries of the City for each of the following City public facilities~~,~~: water, wastewater, stormwater~~storm water~~, road, power, public safety, and parks~~, shall consist of the entire land area located within the corporate boundaries of the City~~.

(2) Impact fees shall be assessed only on development activity located within a service area.

15.08.050. Impact Fees Imposed.

(1) An impact fee for each of the following public facilities is hereby imposed on development activity which creates additional demand and need for the public facility:

(a) water rights, water supply, water treatment and distribution facilities;

(b) wastewater collection and treatment facilities;

(c) stormwater, drainage, and flood control facilities;

(d) municipal power facilities;

(e) roadway facilities;

(f) public safety facilities; and

~~(f)~~(g) parks, recreation facilities, open space, and trails.

. . .

15.08.060. Impact Fee Calculations.

(1) The impact fees established by this Chapter may not exceed the highest fee justified by the written analysis set forth in the Impact Fee Analysis and Impact Fee ~~Capital~~ Facility~~y~~ies Plan ~~and Written Analysis~~ (IFFP) adopted by the Municipal Council on December ~~21~~11, 20~~04~~18.

. . .

PART II:

The Consolidated Fee Schedule of the Provo City Code is hereby amended as follows:

. . .

IMPACT FEES

Power Impact Fees

Energy 1 Phase Impact Fees		See Table
Amperage Less Than or Equal To:	120/240	240/480
10	~~$64.00~~88	~~$128.00~~175
20	~~$128.00~~175	~~$256.00~~350
30	~~$192.00~~263	~~$384.00~~525
40	~~$256.00~~350	~~$513.00~~700
50	~~$320.00~~438	~~$641.00~~875
60	~~$384.00~~525	~~$769.00~~1,050
70	~~$449.00~~613	~~$897.00~~1,225
80	~~$513.00~~700	~~$1,025.00~~1,400
90	~~$557.00~~788	~~$1,153.00~~1,575
100	~~$641.00~~875	~~$1,282.00~~1,750
125	~~$801.00~~1,094	~~$1,602.00~~2,188
150	~~$961.00~~1,313	~~$1,922.00~~2,626
175	~~$1,121.00~~1,532	~~$2,243.00~~3,063
200	~~$1,282.00~~1,750	~~$2,563.00~~3,501
300	~~$1,922.00~~2,626	~~$3,845.00~~5,251
400	~~$2,563.00~~3,501	~~$5,126.00~~7,002

500	~~$3,204.00~~4,376	~~$6,408.00~~8,752
600	~~$3,845.00~~5,251	~~$7,690.00~~10,503
700	~~$4,486.00~~6,127	~~$8,971.00~~12,253
800	~~$5,126.00~~7,002	~~$10,253.00~~14,004
900	~~$5,767.00~~7,877	~~$11,534.00~~15,754
1000	~~$6,408.00~~8,752	~~$12,816.00~~17,505

Energy 3 Phase Impact Fees				See Table
Amperage Less Than or Equal To:	120/208	120/240	277/480	240/480
10	~~$96.00~~131	~~$111.00~~152	~~$222.00~~303	~~$222.00~~303
20	~~$192.00~~263	~~$222.00~~303	~~$444.00~~606	~~$444.00~~606
30	~~$289.00~~394	~~$333.00~~455	~~$666.00~~910	~~$666.00~~910
40	~~$385.00~~526	~~$444.00~~606	~~$888.00~~1,213	~~$888.00~~1,213
50	~~$481.00~~657	~~$555.00~~758	~~$1,110.00~~1,516	~~$1,110.00~~1,516
60	~~$577.00~~788	~~$666.00~~910	~~$1,332.00~~1,819	~~$1,332.00~~1,819
70	~~$673.00~~920	~~$777.00~~1,061	~~$1,554.00~~2,122	~~$1,554.00~~2,122
80	~~$770.00~~1,051	~~$888.00~~1,213	~~$1,776.00~~2,426	~~$1,776.00~~2,426
90	~~$866.00~~1,182	~~$999.00~~1,364	~~$1,998.00~~2,729	~~$1,998.00~~2,729
100	~~$962.00~~1,314	~~$1,110.00~~1,516	~~$2,220.00~~3,032	~~$2,220.00~~3,032
125	~~$1,202.00~~1,642	~~$1,387.00~~1,895	~~$2,775.00~~3,790	~~$2,775.00~~3,790
150	~~$1,443.00~~1,971	~~$1,665.00~~2,274	~~$3,330.00~~4,548	~~$3,330.00~~4,548
175	~~$1,683.00~~2,299	~~$1,942.00~~2,653	~~$3,885.00~~5,306	~~$3,885.00~~5,306
200	~~$1,924.00~~2,628	~~$2,220.00~~3,032	~~$4,439.00~~6,064	~~$4,439.00~~6,064

300	$2,886.003,942	$3,330.004,548	$6,659.009,096	$6,659.009,096
400	$3,848.005,255	$4,439.006,064	$8,879.0012,128	$8,879.0012,128
500	$4,809.006,569	$5,549.007,580	$11,099.0015,160	$11,099.0015,160
600	$5,771.007,883	$6,659.009,096	$13,318.0018,192	$13,318.0018,192
700	$6,733.009,197	$7,769.0010,612	$15,538.0021,224	$15,538.0021,224
800	$7,695.0010,511	$8,879.0012,128	$17,758.0024,256	$17,758.0024,256
900	$8,657.0011,825	$9,989.0013,644	$19,978.0027,287	$19,978.0027,287
1000	$9,619.0013,138	$11,109.0015,160	$22,197.0030,319	$22,197.0030,319
1100	$10,584.0014,452	$12,209.0016,676	$24,417.0033,351	$24,417.0033,351
1200	$11,543.0015,766	$13,318.0018,192	$26,637.0036,383	$26,637.0036,383
1300	$12,504.0017,080	$14,428.0019,708	$28,857.0039,415	$28,857.0039,415
1400	$13,466.0018,394	$15,538.0021,224	$31,706.0042,447	$31,706.0042,447
1500	$14,428.0019,708	$16,648.0022,740	$33,296.0045,479	$33,296.0045,479
1600	$15,390.0021,021	$17,758.0024,256	$35,516.0048,511	$35,516.0048,511
1700	$16,352.0022,335	$18,868.0025,771	$37,735.0051,543	$37,735.0051,543
1800	$17,314.0023,649	$19,978.0027,287	$39,955.0054,575	$39,955.0054,575
1900	$18,276.0024,963	$21,087.0028,803	$42,175.0057,607	$42,175.0057,607
2000	$19,238.0026,277	$22,197.0030,319	$44,395.0060,639	$44,395.0060,639
2100	$20,200.0027,591	$23,307.0031,835	$46,614.0063,671	$46,614.0063,671
2200	$21,161.0028,905	$24,417.0033,351	$48,834.0066,703	$48,834.0066,703
2300	$22,123.0030,218	$25,527.0034,867	$51,054.0069,735	$51,054.0069,735
2400	$23,085.0031,532	$26,637.0036,383	$53,274.0072,767	$53,274.0072,767
2500	$24,047.0032,846	$27,747.0037,899	$55,493.0075,799	$55,493.0075,799
2600	$25,009.0034,160	$28,857.0039,415	$57,713.0078,830	$57,713.0078,830

2700	~~$25,971.00~~35,474	~~$29,966.00~~40,931	~~$59,933.00~~81,862	~~$59,933.00~~81,862
2800	~~$26,933.00~~36,788	~~$31,076.00~~42,447	~~$62,152.00~~84,894	~~$62,152.00~~84,894
2900	~~$27,895.00~~38,101	~~$32,186.00~~43,963	~~$64,372.00~~87,926	~~$64,372.00~~87,926
3000	~~$28,857.00~~39,415	~~$33,296.00~~45,479	~~$66,592.00~~90,958	~~$66,592.00~~90,958

~~Park Impact Fees~~**Park Impact Fees**

One-Family Dwelling	~~$3,088.00~~3,105.10
~~Duplex, Triplex, Fourplex~~	~~$2,391.00 per unit~~
Multifamily Dwelling ~~(5+ units)~~	~~$2,786.00~~2,884.62 per unit
~~Mobile Home~~	~~$2,955.00~~

~~Road Impact Fees~~**Road Impact Fees**

ITE Land Use	Unit	Impact Fee
One-Family Dwelling	Dwelling Unit	~~$986.00~~1,293.06
Multifamily Dwelling (2 stories or less – typically townhomes)~~, per Unit~~	Dwelling Unit	~~$657.00~~1,293.06
Multifamily Dwelling (3-9 stories)	Dwelling Unit	$960.96
~~All Others, per Trip End~~Mobile Home Park	Occupied Dwelling Unit	~~$55.79~~736.14
Industrial Park 130	1000 Sq. Feet Gross Floor Area	$382.25
General Manufacturing	1000 Sq. Feet Gross Floor Area	$445.77
Warehousing	1000 Sq. Feet Gross Floor Area	$197.36
Mini-Warehouse	1000 Sq. Feet Gross Floor Area	$171.27
Assisted Living Center	Bed	$294.91
Hotel	Room	$948.24
Movie Theater	1000 Sq. Feet Gross Floor Area	$8,857.46

Elementary School	Student	$214.38
Middle School/Junior High School	Student	$214.60
High School	Student	$230.26
Private School (K-8)	Student	$466.18
Church*	1000 Sq. Feet Gross Floor Area	$3,133.97
Day Care Center	1000 Sq. Feet Gross Floor Area	$5,401.36
Library	1000 Sq. Feet Gross Floor Area	$8,172.37
Hospital	1000 Sq. Feet Gross Floor Area	$1,215.93
General Office Building	1000 Sq. Feet Gross Floor Area	$1,104.77
Medical-Dental Office Building	1000 Sq. Feet Gross Floor Area	$3,947.24
Business Park	1000 Sq. Feet Gross Floor Area	$1,411.02
Building Material and Lumber Store	1000 Sq. Feet Gross Floor Area	$2,047.34
Nursery (Garden Center)	1000 Sq. Feet Gross Floor Area	$7,724.33
Shopping Center/Strip Mall	1000 Sq. Feet Gross Leasable Area	$2,826.02
Automobile Sales (New)	1000 Sq. Feet Gross Floor Area	$3,157.79
Automobile Sales (Used)	1000 Sq. Feet Gross Floor Area	$3,069.32
Tire Store	1000 Sq. Feet Gross Floor Area	$2,329.14
Supermarket	1000 Sq. Feet Gross Floor Area	$7,751.46
Convenience Market	1000 Sq. Feet Gross Floor Area	$42,366.68
Drive-in Bank	1000 Sq. Feet Gross Floor Area	$7,374.92
Restaurant, Sit-Down (High Turnover)	1000 Sq. Feet Gross Floor Area	$7,252.77
Fast Food without Drive-	1000 Sq. Feet Gross Floor Area	$22,384.81

Through Window		
Restaurant with Drive Through Window	1000 Sq. Feet Gross Floor Area	$26,709.06
Auto Care Center**	1000 Sq. Feet Gross Leasable Area	$2,690.47
Gasoline/Service Station	Fueling Position	$11,316.07
Gasoline/Service Station with Convenience Store	1000 Sq. Feet Gross Leasable Area	$71,867.91
Self Service Car Wash	Wash Stall	$12,250.04

* Sunday rate was used
** Weekday daily rates were not available, so Saturday daily rates were used.

~~Sewer Impact Fees~~**Sewer Impact Fees**

~~Residential~~Sewer Impact Fee	ERU Demand	Fee
Sewer Impact Fee per ERU	1.00	~~$1,230.00~~2,370.64
Fixture Type	Drainage Fixture Unit Value as Load Factors	Impact Fee per Fixture Type
Automatic clothes washers, commercial	3	$273.54
Automatic clothes washers, residential	2	$182.36
Bathtub	2	$182.36
Bidet	1	$91.18
Combination sink and tray	2	$182.36
Dental lavatory	1	$91.18
Dental unit or cuspidor	1	$91.18
Dishwashing machine, domestic	2	$182.36
Drinking Fountain	0.5	$45.59

Floor Drains	2	$182.36
Kitchen Sink, Domestic	2	$182.36
Laundry Tray	2	$182.36
Lavatory	1	$91.18
Shower	2	$182.36
Sink	2	$182.36
Urinal	4	$364.71
Urinal, 1 gal. or less per flush	2	$182.36
Wash sink, circular or multiple, each set faucets	2	$182.36
Water closet, flushometer tank, public or private	4	$364.71
Water closet, private (1.6 gpf)	3	$273.54
Water closet, private (flushing greater than 1.6 gpf)	4	$364.71
Water closet, public (1.6 gpf)	4	$364.71
Water closet, public (flushing greater than 1.6 gpf)	6	$547.07
Swimming Pool	10	$911.79
Hot Tub	2	$182.36
Car Wash (per bay)	2	$182.36

Sewer Non-Standard Impact Fee Formula	
Multiply Number of Fixture Units by Impact Fee per Fixture Unit	$91.18
~~Commercial~~	~~Computed on the basis of residential equivalent fixture units. 26 fixture units shall be considered a residential equivalent~~

~~Storm Water~~**Stormwater** ~~Impact Fees~~ **Impact Fees**

Year	Fee Per Acre
~~Single Family Residence~~2019	~~$890.00~~7,021.76
~~All Others, per 3,200 Sq. Ft. Impervious Surface Area~~2020	~~$890.00~~7,123.00
2021	$7,264.58
2022	$7,398.21
2023	$7,592.40
2024	$7,854.71
2025	$8,262.93
2026	$8,542.64
2027	$8,775.90
2028	$9,081.93

~~Water Resource Impact Fees~~**Water Resource Impact Fees**

Single Family Residential Fee	Equivalency Ratios	Fee
Single Family Residential Unit	1.00	$4,042.80
All Other Development Types		
~~5/8" x 3/4" Meter~~		~~$760.00~~
3/4" Meter	1.50	~~$1,139.00~~6,058.88
1" Meter	2.50	~~$1,899.00~~10,101.69
1 1/2" Meter	5.00	~~$3,798.00~~20,203.37
2" Meter	8.00	~~$6,077.00~~.32,326.46
3" Meter	14.99	~~$11,394.00~~60,610.11
4" Meter	24.99	~~$18,990.00~~101,016.85
6" Meter	49.97	~~$37,979.00~~202,028.38

Culinary Water Non-Standard Users Impact Fee Formula
Step 1: Identify Estimated Average Day Flow Demand of Proposed Development Step 2: Multiply Equivalent Gallons by Impact Fee per Gallon of $5.45

Fire/EMS Impact Fees

Residential	Impact Fee per Unit
Single-Family Residential	$207.49
Multi-Family Residential	$82.16
Non-Residential	Impact Fee per Unit
Commercial (per 1,000 SF)	$196.87
Institutional (per 1,000 SF)	$112.92
Commercial Apparatus Fee (kSF Floor Space)*	$69.92 Apparatus Fee per 1,000 SF
*Apparatus Fee is charged to commercial land uses only	

Fire/EMS Non-Standard User Impact Fee

Fire/EMS Cost/Call	Non-Standard Development		Impact Fee Assessed
$794.25 x	# of Annual Calls Projected to be created	=	Non-Standard Impact Fee

Police Impact Fees

Residential	Impact Fee per Unit
Single-Family Residential	$425.00
Multi-Family Residential	$203.25
Non-Residential	Impact Fee per Unit
General Commercial (per 1,000 SF)	$428.90
Institutional (per 1,000 SF)	$225.45

Police Non-Standard User Impact Fee

Police Cost/Call	Non-Standard Development	Impact Fee Assessed

$280.98 x	# of Annual Calls Projected to be created	=	Non-Standard Impact Fee

...

PART III:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect on July 1, 2019.