

**ORDINANCE No. \_\_\_\_\_**

ROLL CALL

| <b>VOTING</b>   | <b>YES</b> | <b>NO</b> |
|---|------------|-----------|
| <b>RANDY A. BRAILSFORD</b><br>Mayor (votes only in case of tie) |            |           |
| <b>JANIE CHRISTENSEN</b><br>City Council member                 |            |           |
| <b>AARON D. CLOWARD</b><br>City Council member                  |            |           |
| <b>SIDNEY M. JORGENSEN</b><br>City Council member               |            |           |
| <b>STERLING M. REES</b><br>City Councilmember                   |            |           |
| <b>CRAIG B. WARREN</b><br>City Council member                   |            |           |

I MOVE this ordinance be adopted: \_\_\_\_\_  
City Council member

I SECOND the foregoing motion: \_\_\_\_\_  
City Council member

ORDINANCE \_\_\_\_\_

**IMPACT FEE ENACTMENT ORDINANCE**

WHEREAS, Salem City has experienced rapid growth; and

WHEREAS, that rapid growth is placing a burden on the utility and recreation capital facilities infrastructure of the City, as well as on the public safety needs of the City, resulting in the recent expansion of the building which houses the police department; and

WHEREAS, capital facilities plans have been prepared by the City which establishes the long

term needs of the City in order to maintain the current level of service; and

WHEREAS, the City has hired consultants, who have worked with staff to create, from the capital facilities plans, impact fee facilities plans for electric, pressurized irrigation, culinary water, sewer, public safety, and parks & recreation to identify the impact fee projects needed in the next six years to accommodate the expected growth of the City; and

WHEREAS, it is fair and equitable that the entities responsible for the new facilities pay for the costs thereof; and

WHEREAS, impact fees are an appropriate mechanism to pay for the impact fee facilities made necessary by growth; and

WHEREAS, the City has hired consultants to prepare an impact fee analyses for electric, pressurized irrigation, culinary water, sewer, public safety, and parks & recreation which takes into account impact fee projects already built for which debt exists and new impact fee facilities needed within the next six years whereby the needs, costs, and equitable allocations of those costs have been determined and fairly apportioned between existing residents and new growth; and

WHEREAS, the consultants have provided that certificate required by Utah Code Ann. §11-36a-306, indicating the Impact Fees Act has been followed in performing the impact fees analyses; and

WHEREAS, it is fair and equitable that new residents pay their share of the buy in costs to the existing infrastructure, taking into account those factors identified in Utah Code Ann. §11-36a-304; and

WHEREAS, written analyses dated during March and April 2012, have been prepared for the City by impact fee consultants for electric, pressurized irrigation, culinary water, sewer, public

safety, and parks & recreation; and

WHEREAS, the written analyses have been available for public inspection for at least ten days prior to the public hearing; and

WHEREAS, the analyses identify the impacts on improvements needed to the utility and recreation infrastructure needed by development activity, as well as existing debt for infrastructure needed due to growth; and

WHEREAS, the analyses demonstrate how those impacts on the improvements are related to the development activity; and

WHEREAS, the analyses make 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 analyses identify the amount of impact fee that could be imposed and how that fee was calculated; and

WHEREAS, the City has given written notice and posted on the Utah Public Notice Website of its intent to adopt or modify an impact fee facilities plan; and

WHEREAS, the City has published notice of a public hearing to adopt an impact fee facilities plan, together with an impact fee enactment ordinance in the Payson Chronicle, a paper of general circulation within Salem City and has posted the notice on the Utah Public Notice Website at least ten days prior to the public hearing; and

WHEREAS, the impact fees proposed by this impact fee enactment do not exceed the highest fees justified by the impact fee analyses; and

WHEREAS, a public hearing was held before the Salem City Council on the 2nd day of May, 2012, where public input was received; and

WHEREAS, the impact fee enactment ordinance has been available for public inspection at the City Office and public library for at least ten 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 impact fees on new development to pay for improvements made necessary by that new development;

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

**I.**

1. An electrical impact fee is hereby imposed for each new building in the City.
2. The amount of the impact fee for electric power is as follows:

Residential Single Phase Service Sizes

| <u>Amps</u> | <u>KVA</u> | <u>Peak Demand (kW)</u> | <u>Impact Fee</u> |
|-------------|------------|-------------------------|-------------------|
| 100         | 24         | 2                       | \$ 427.00         |
| 125         | 30         | 3                       | \$ 640.00         |
| 150         | 36         | 4                       | \$ 853.00         |
| 200         | 48         | 5                       | \$1,067.00        |
| 225         | 54         | 7                       | \$1,493.00        |
| 400         | 96         | 10                      | \$2,133.00        |

Commercial Single-Phase Service Sizes

| <u>Amps</u> | <u>Kilowatts</u> | <u>Peak Demand (kW)</u> | <u>Impact Fee</u> |
|-------------|------------------|-------------------------|-------------------|
| 100         | 24               | 4                       | \$ 853.00         |
| 125         | 30               | 6                       | \$1,280.00        |
| 150         | 36               | 8                       | \$1,707.00        |
| 200         | 48               | 12                      | \$2,560.00        |
| 400         | 96               | 17                      | \$3,627.00        |

Commercial Three Phase 120/240V or 120/208V Service Sizes

| <u>Amps</u> | <u>KVA</u> | <u>Peak Demand (kW)</u> | <u>Impact Fee</u> |
|-------------|------------|-------------------------|-------------------|
|-------------|------------|-------------------------|-------------------|

|       |      |     |              |
|-------|------|-----|--------------|
| 125   | 52   | 14  | \$ 2,987.00  |
| 150   | 62   | 21  | \$ 4,480.00  |
| 200   | 83   | 27  | \$ 5,760.00  |
| 400   | 166  | 56  | \$ 11,947.00 |
| 600   | 249  | 84  | \$ 17,920.00 |
| 800   | 332  | 113 | \$ 24,107.00 |
| 1,000 | 415  | 141 | \$ 30,080.00 |
| 1,200 | 498  | 170 | \$ 36,267.00 |
| 1,600 | 664  | 226 | \$ 48,214.00 |
| 2,000 | 830  | 283 | \$ 60,374.00 |
| 2,500 | 1038 | 354 | \$ 75,521.00 |

Commercial Three Phase 277/480V Service Size

| <u>Amps</u> | <u>KVA</u> | <u>Peak Demand (kW)</u> | <u>Impact Fee</u> |
|-------------|------------|-------------------------|-------------------|
| 125         | 104        | 31                      | \$ 6,613.00       |
| 150         | 125        | 46                      | \$ 9,813.00       |
| 200         | 166        | 65                      | \$ 13,867.00      |
| 400         | 332        | 130                     | \$ 27,734.00      |
| 600         | 498        | 197                     | \$ 42,027.00      |
| 800         | 664        | 261                     | \$ 55,681.00      |
| 1,000       | 830        | 327                     | \$ 69,761.00      |
| 1,200       | 996        | 392                     | \$ 83,627.00      |
| 1,600       | 1,329      | 524                     | \$111,788.00      |
| 2,000       | 1,661      | 655                     | \$139,735.00      |
| 2,500       | 2,076      | 819                     | \$174,722.00      |
| 3,000       | 2,494      | 982                     | \$209,495.00      |
| 3,500       | 2,905      | 1144                    | \$244,056.00      |
| 3,750       | 3,113      | 1226                    | \$261,549.00      |
| 4,000       | 3,320      | 1308                    | \$279,043.00      |

3. A pressurized irrigation water impact fee is hereby imposed for each new building in the City.

4. The amount of the pressurized irrigation water impact fee for each residential connection in the City shall be \$1,590.00. The amount of the pressurized irrigation water impact fee for each commercial or industrial connection in the City shall be based upon an equivalent residential use and shall take the estimated pressurized irrigation water usage, as a percent of the residential usage, and times that percent by the residential impact fee.

5. A culinary water impact fee is hereby imposed for each new building in the City.

6. The amount of the culinary water impact fee for each residential connection in the City

shall be \$1,738.00. The amount of the culinary water impact fee for each commercial or industrial connection in the City shall be based upon an equivalent residential use and shall take the estimated water usage, as a percent of the residential usage, and times that percent by the residential impact fee.

7. A wastewater impact fee is hereby imposed for each new building in the City.

8. The amount of the wastewater impact fee for each residential connection in the City shall be \$1,792.00. The amount of the wastewater impact fee for each commercial or industrial connection in the City shall be based upon an equivalent residential use and shall take the estimated wastewater usage, as a percent of the residential usage, and times that percent by the residential impact fee.

9. A public safety impact fee is hereby imposed for each new building in the City.

10. The amount of the public safety impact fee for each residential unit in the City shall be \$2,315.00. The amount of the public safety impact fee for each commercial building in the City shall be \$2,315.00 per 10,000 square feet of building space. The amount of the public safety impact fee for each industrial building in the City shall be \$2,315.00 per 20,000 square feet of building space.

11. A parks and recreation impact fee is hereby imposed for each new residential unit in the City.

12. The amount of the parks and recreation impact fee for each residential unit in the City shall be \$4,758.00. However, in order to spur more construction work as the City and State move out of recession, the full impact fee is suspended through December 31, 2013 and the sum of \$3,000.00 shall be collected during that time. Thereafter, the full impact fee shall be assessed. No parks and recreation impact fee is imposed for commercial or industrial buildings, unless they have caretaker facilities with them.

13. From the date hereof through July 31, 2012, the impact fees assessed herein are due and payable when a certificate of occupancy is issued. Neither a certificate of occupancy nor utility service is to be provided until the impact fees are paid. Commencing August 1, 2012, the impact fees are due and payable when a building permit is obtained and shall be a condition precedent to the issuance of a building permit. In the event of a building which is already in existence and does not need a building permit, payment of the impact fee shall be a condition of connection to the applicable utility system or upon the issuance of a certificate of occupancy, whichever is applicable.

14. Due to other economic benefits they bring to the City, commercial and industrial buildings which will generate either sales tax or property tax for the City shall receive a twenty percent (20%) discount on the impact fees assessed.

15. The impact fees shall be deposited into an interest bearing ledger account and may only be used for capital improvements to the applicable capital facilities systems for which the impact

fees were collected. These improvements may include analysis costs, the construction contract price, the cost of acquiring land, improvements, materials, fixtures, the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of system improvements, debt service charges incurred if the improvements are financed by bond, or other obligations carrying debt service charges, and for the costs of issuance of any such bonds, notes, or other obligations, together with other items allowed by the Utah Impact Fees Act.

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

17. Special exceptions, waivers, or credits may be granted, in the sole discretion of the Council, upon application in accordance with Salem City Municipal Code §13-4-050.

18. The impact fees identified herein shall become effective on August 1, 2012, ninety days after adoption, in accordance with Utah Code Ann. §11-36a-401.

19. These impact fees are for system improvements and are in addition to hook up fees, which represent the City's actual costs in materials and labor to connect to the system.

**II.**

The various provisions of this ordinance are not severable from the other provisions.

**III.**

This Ordinance shall not be part of the Salem City Municipal Code.

**IV.**

In order to further more immediate construction activity in order to protect the health, safety, and welfare of the residents of the City, this Ordinance shall become effective immediately upon signing.

DATED this 2nd day of May, 2012.

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RANDY A. BRAILSFORD Mayor

Attest:

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JEFFREY D. NIELSON, City Recorder

**AFFIDAVIT OF POSTING**

JEFFREY D. NIELSON, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of the City of Salem, a Municipal Corporation of the State of Utah, and that on the \_\_\_\_ day of \_\_\_\_\_, 2012, he posted a true and correct copy of Ordinance No. \_\_\_\_\_ as enacted by Salem City Council on the 2nd day of May, 2012, said posting being made at the City Offices, at the United States Post Office, and at \_\_\_\_\_ all being public places and located within the City Limits of Salem, Utah County, Utah.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
JEFFREY D. NIELSON, City Recorder