
MEMORANDUM

DATE: January 17, 2006
TO: City Council Members
FROM: Jennifer Bruno, Policy Analyst
RE: Revised Impact Fee Ordinance and Resolution adopting Fiscally Constrained 10 Year Capital Facilities Plan

On December 8, 2005, the Council reviewed in detail, the 10 Year Capital Improvement Plan that was presented by Anne Wescott, Galena Consulting, and Tom Pippin, BBC Research in the December 6th work session. The Council decided to make the following alterations to the plan:

- A. Remove the \$3.6 million allocated to Pioneer Park (Parks #13) in fiscal years '07 and '08, and distribute the money in the following ways:
 1. Add \$1 million to Trail Development (Parks #6)
 2. Add \$1 million to Acquisition of Open Space (Parks #24)
 3. Add \$1.6 million to general Park Facilities Reconstruction/Renovation (Parks #12) – possibly in a “to be determined” category under this item. Some Council Members remarked that if the Administration felt it necessary to spend more money for projects in Pioneer Park, it would be up to them to weigh it against other parks’ needs, and apply through the regular CIP process in the future.
- B. Correct CDBG allocations for Dog Off-leash parks (Parks #10), as these are not CDBG eligible, and distribute this money to the “to be determined” category under Parks Expansion/Development.

The Consultants then reviewed the schedule of impact fees and the fiscally constrained 10 Year Capital Facilities Plan to reflect these changes.

Attached for Council consideration is:

1. An ordinance adopting the new schedule of impact fees (as calculated by the consultants – see table 1), and a procedure for a yearly inflationary component.
 - a. The proposed ordinance contemplates using the Engineering News Record’s construction cost index in order to calculate the magnitude of inflation on construction materials.
2. A resolution adopting a fiscally constrained 10 Year Capital Facilities Plan.

POTENTIAL MOTIONS

1. **“I move that the Council”** Adopt an ordinance amending the section of the Salt Lake City code pertaining to impact fees.
2. **“I move that the Council”** Not adopt an ordinance amending the section of the Salt Lake City code pertaining to impact fees.

AND / OR

3. **“I move that the Council”** Adopt a resolution adopting a fiscally constrained 10 Year Capital Facilities Plan.
4. **“I move that the Council”** Not adopt a resolution adopting a fiscally constrained 10 Year Capital Facilities Plan.

TABLE 1

Description	1999 Infill Development ⁽¹⁾	2005 based on 10 Year CIP list (Nov 2005)	2005 based on 10 Year CIP list (with changes) (Dec 2005)	Impact fees (with changes) Increase over 1999 Fees
Fire Fees				
Residential (per dwelling unit) ⁽²⁾	\$235	\$399	\$390	\$155
Commercial/Industrial (per square foot) ⁽²⁾	\$0.14	\$0.27	\$0.26	\$0.12
Police Fees				
Residential (per dwelling unit)	\$210	\$372	\$363	\$153
Commercial/Industrial (per square foot)	\$0.13	\$0.25	\$0.24	\$0.11
Roadway Fees ⁽³⁾				
Residential (per single family dwelling unit)	\$0.00	\$0.00	\$0.00	\$0.00
Residential (per multifamily dwelling unit)	\$0.00	\$0.00	\$0.00	\$0.00
Retail (per square foot)	\$0.69	\$6.51	\$6.44	\$5.75
Office (per square foot)	\$0.69	\$2.92	\$2.88	\$2.19
Industrial (per square foot)	\$0.69	\$1.12	\$1.11	\$0.42
Parks Fees				
Residential (per dwelling unit)	\$445	\$436	\$547	\$102
Commercial/Industrial (per square foot)	\$0.00	\$0.00	\$0.00	\$0.00
Total Fees				
Residential (per single family dwelling unit)	\$890	\$1,207	\$1,300	\$410
Residential (per multifamily dwelling unit)	\$890	\$1,207	\$1,300	\$410
Retail (per square foot)	\$0.96	\$7.03	\$6.94	\$5.98
Office (per square foot)	\$0.96	\$3.44	\$3.38	\$2.42
Industrial (per square foot)	\$0.96	\$1.64	\$1.61	\$0.65

Notes:

- (1) Infill development refers to all growth within the City limits, excluding the Northwest Quadrant.
(2) Residential units are specified by single family and multifamily; commercial development is specified by retail, office and industrial.
(3) Roadway Fees for infill development are only assessed in the Westside Industrial Area.

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Impact Fees Amendments)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 18.98 OF THE SALT LAKE CITY CODE, RELATING TO IMPACT FEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 18.98.05, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

18.98.050 Calculation Based On Fee Schedule:

Impact fees shall be calculated as follows:

A. Unless an applicant requests an independent impact fee calculation as set forth in section 18.98.160 of this chapter, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule in appendix A of this chapter, less any applicable offsets under section 18.98.070 of this chapter.

B. The impact fee schedule in appendix A of this chapter is hereby adopted and incorporated herein by reference.

C. The units of development activity specified in the fee schedule shall be interpreted as follows:

1. Residential impact fees shall be collected by unit. For the purposes of this chapter, modular or manufactured homes are considered residential.

2. Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts

and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

D. For categories of uses not specified in the applicable impact fee schedule, the director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

E. If the development plan approval or permit for the proposed development activity indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.

F. For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:

1. The fee, if any, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and

2. The fee, if any, that would be payable for the total development activity on the site for the new development.

G. Upon written request of an applicant, the director shall provide an estimate of the current fee based on the data provided by the applicant. However, the director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

H. In any fiscal year in which an impact fee update is not conducted by the City, impact fees will be adjusted to reflect inflationary costs using the Engineering News-Record's construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on July 1 of the next fiscal year.

SECTION 2. That Appendix A (Impact Fee Schedule) to Chapter 18.98, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

APPENDIX A

Impact Fee Schedule

Impact Fee Schedule By Unit Development

<u>Description</u>	<u>Impact Fee</u>
Public Safety—Fire Fees	
Residential (per dwelling unit) ¹	\$ 390.00
Commercial/industrial (per square foot) ¹	0.26
Public Safety—Police Fees	
Residential (per dwelling unit)	363.00
Commercial/industrial (per square foot)	0.24
Roadway Fees ²	
Residential (per single-family dwelling unit)	0.00
Residential (per multi-family dwelling unit)	0.00
Retail (per square foot)	6.44
Office (per square foot)	2.88
Industrial (per square foot)	1.11
Park Fees	
Residential (per dwelling unit)	547.00
Commercial/industrial (per square foot)	0.00
Total Fees	
Residential (per single-family dwelling unit)	1,300.00
Residential (per multi-family dwelling unit)	1,300.00
Retail (per square foot)	6.94
Office (per square foot)	3.38
Industrial (per square foot)	1.61

Note:

¹Residential units are specified by single-family and multi-family; commercial development is specified by retail, office, and industrial.

²Roadway fees are assessed only in the Westside Industrial Area.

SECTION 3. EFFECTIVE DATE. That this Ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 1-13-06
By Boyd Ferguson

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Impact Fees Amendments)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 18.98 OF THE SALT LAKE CITY CODE, RELATING TO IMPACT FEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 18.98.05, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

18.98.050 Calculation Based On Fee Schedule:

Impact fees shall be calculated as follows:

A. Unless an applicant requests an independent impact fee calculation as set forth in section 18.98.160 of this chapter, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule in appendix A of this chapter, less any applicable offsets under section 18.98.070 of this chapter.

B. The impact fee schedule in appendix A of this chapter is hereby adopted and incorporated herein by reference.

C. The units of development activity specified in the fee schedule shall be interpreted as follows:

1. Residential impact fees shall be collected by unit. For the purposes of this chapter, modular or manufactured homes are considered residential.

2. Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts

and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

D. For categories of uses not specified in the applicable impact fee schedule, the director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

E. If the development plan approval or permit for the proposed development activity indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.

F. For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:

1. The fee, if any, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and

2. The fee, if any, that would be payable for the total development activity on the site for the new development.

G. Upon written request of an applicant, the director shall provide an estimate of the current fee based on the data provided by the applicant. However, the director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

H. In any fiscal year in which an impact fee update is not conducted by the City, impact fees will be adjusted to reflect inflationary costs using the Engineering News-Record's construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on July 1 of the next fiscal year.

SECTION 2. That Appendix A (Impact Fee Schedule) to Chapter 18.98, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

APPENDIX A

Impact Fee Schedule

Impact Fee Schedule By Unit Development

<u>Description</u>	<u>Infill Impact Fee Development</u>	<u>Northwest Quadrant Development</u>	<u>West Side Industrial Area</u>
Public Safety—Fire Fees			
Residential (per dwelling unit) ¹	\$235390.00	—\$ 235.00	—\$ 235.00
Commercial/industrial (per square foot) ¹	0.2614	0.14	0.14
Public Safety—Police Fees			
Residential (per dwelling unit) ⁺	210363.00	210.00	210.00
Commercial/industrial (per square foot) ⁺	0.2413	0.13	0.13
Roadway Fees ²			
Residential (per single-family dwelling unit)	0.00	1,710.00	0.00
Residential (per multi-family dwelling unit)	0.00	1,195.00	0.00
Retail (per square foot)	0.006.44	6.49	0.69
Office (per square foot)	0.002.88	2.56	0.69
Industrial (per square foot)	0.001.11	0.00	0.69
Park Fees			
Residential (per dwelling unit)	445547.00	950.00	445.00
Commercial/industrial (per square foot)	0.00	0.00	0.00
Total Fees			
Residential (per single-family dwelling unit)	891300.00	3,105.00	890.00
Residential (per multi-family dwelling unit)	891300.00	2,590.00	890.00
Retail (per square foot)	0.276.94	6.76	0.96
Office (per square foot)	0.273.38	2.83	0.96
Industrial (per square foot)	0.271.61	0.27	0.96

Note:

¹ Residential units are specified by single-family and multi-family; commercial development is specified by retail, office, and industrial.

² Roadway fees are assessed only in the Westside Industrial Area.

SECTION 3. EFFECTIVE DATE. That this Ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006

Published: _____.

I:\Ordinance 06\Amendment to 18.98 re impact fees redlined 1-13-06.doc

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Impact Fees Amendments)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 18.98 OF THE SALT LAKE CITY CODE, RELATING TO IMPACT FEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 18.98.05, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

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Impact fees shall be calculated as follows:

A. Unless an applicant requests an independent impact fee calculation as set forth in section 18.98.160 of this chapter, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule in appendix A of this chapter, less any applicable offsets under section 18.98.070 of this chapter.

B. The impact fee schedule in appendix A of this chapter is hereby adopted and incorporated herein by reference.

C. The units of development activity specified in the fee schedule shall be interpreted as follows:

1. Residential impact fees shall be collected by unit. For the purposes of this chapter, modular or manufactured homes are considered residential.

2. Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts

and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

D. For categories of uses not specified in the applicable impact fee schedule, the director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

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H. In any fiscal year in which an impact fee update is not conducted by the City, impact fees will be adjusted to reflect inflationary costs using the Engineering News-Record's construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on July 1 of the next fiscal year.

SECTION 2. That Appendix A (Impact Fee Schedule) to Chapter 18.98, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

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Commercial/industrial (per square foot)	0.24
Roadway Fees ²	
Residential (per single-family dwelling unit)	0.00
Residential (per multi-family dwelling unit)	0.00
Retail (per square foot)	6.44
Office (per square foot)	2.88
Industrial (per square foot)	1.11
Park Fees	
Residential (per dwelling unit)	547.00
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Total Fees	
Residential (per single-family dwelling unit)	1,300.00
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SECTION 3. EFFECTIVE DATE. That this Ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

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(SEAL)

Bill No. _____ of 2006

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 1-13-06
By Boyd Ferguson

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B. The impact fee schedule in appendix A of this chapter is hereby adopted and incorporated herein by reference.

C. The units of development activity specified in the fee schedule shall be interpreted as follows:

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SECTION 2. That Appendix A (Impact Fee Schedule) to Chapter 18.98, Salt Lake City Code, be, and the same hereby is, amended to read as follows:

APPENDIX A

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¹ Residential units are specified by single-family and multi-family; commercial development is specified by retail, office, and industrial.

² Roadway fees are assessed only in the Westside Industrial Area.

SECTION 3. EFFECTIVE DATE. That this Ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006

Published: _____.

I:\Ordinance 06\Amendment to 18.98 re impact fees redlined 1-13-06.doc

SALT LAKE CITY RESOLUTION
NO. _____ OF 2006

(A Resolution Adopting a Capital Facilities Plan)

A RESOLUTION ADOPTING A CAPITAL FACILITIES PLAN.

WHEREAS, § 11-36-201(2) of the Utah Impact Fees Act, Utah Code Title 11, Chapter 36 (the “Act”) requires that a city, before imposing impact fees, prepare and adopt a capital facilities plan; and

WHEREAS, the infrastructure necessary to support Salt Lake City’s streets, transportation systems, parks, and public buildings has been identified for the period from Fiscal Year 2006 through Fiscal Year 2016; and

WHEREAS, that infrastructure has been identified in a document known as the *Salt Lake City Inventory of Capital Needs: Fiscal Years 2006-2016* (the “Ten-Year Inventory”); and

WHEREAS, the Ten-Year Inventory identifies (1) the demands placed upon existing public facilities in the City by new development activity, and (2) the proposed means by which the City will meet those demands, and constitutes a capital facilities plan for purposes of the Act; and

WHEREAS, it is the intent of the City that the Ten-Year Inventory be updated annually to reflect the changing infrastructure needs of the City; and

WHEREAS, the City Council desires to adopt the Ten-Year Inventory as the capital facilities plan of the City for purposes of the Act.

NOW, THEREFORE, be it resolved by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. Adoption. The Ten-Year Inventory and its attachments are approved and adopted in order to: (a) comply with § 11-36-201(2) of the Act; and (b) guide future capital improvement planning and budgeting decisions of the City.

SECTION 2. Effective Date. This resolution shall take effect upon its publication.

Passed by the City Council of Salt Lake City, Utah, this ____ day of January, 2006.

SALT LAKE CITY COUNCIL

By: _____
Chairperson

Attest and countersign:

Chief Deputy City Recorder

Approved as to form:



Senior City Attorney