

ORDINANCE NO. 1482

AN ORDINANCE OF DRAPER CITY, UTAH, ADOPTING A TRANSPORTATION IMPACT FEE FACILITIES PLAN AND A TRANSPORTATION IMPACT FEE ANALYSIS; PROVIDING A TRANSPORTATION IMPACT FEE ENACTMENT; PROVIDING A TRANSPORTATION IMPACT FEE; ESTABLISHING A SERVICE AREA; PROVIDING FOR IMPACT FEE CALCULATIONS AND IMPOSITION ON DEVELOPMENT ACTIVITY; AND PROVIDING FOR OTHER MATTERS AS REQUIRED BY THE ACT IMPACT FEE ACT

WHEREAS, Draper City ("City") is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a Utah Code Annotated, as amended ("Impact Fees Act" or "Act"), to impose Impact Fees as a condition of development activity approval, which impact fees are used to provide system improvements necessary to service and support new growth; and

WHEREAS, the City has historically assessed and imposed impact fees as a condition precedent to development activity approval in order to provide system improvements in an equitable and proportionate manner; and

WHEREAS, the City has completed a Transportation Impact Fee Facilities Plan and a Transportation Impact Fee Analysis both being found to meet the requirements of the Act; and

WHEREAS, the Act allows the City to revise and amend impact fees from time to time as determined necessary; and

WHEREAS, the City has provided the required notice and held the required public hearings regarding the Transportation Impact Fee Facilities Plan and the Transportation Impact Fee Analysis, as required by the Act; and

WHEREAS, the City Council has determined it appropriate to now revise the Transportation Impact Fee imposed by the City based on the most up-to-date information available.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Impact Fee Facilities Plan. The Transportation Impact Fee Facilities Plan (“IFFP”), attached hereto as Exhibit “A,” be adopted.

Section 2. Impact Fee Analysis. The Transportation Impact Fee Analysis (“IFA”), attached hereto as Exhibit “B,” be adopted.

Section 3. Required Revisions Authorized. The City Staff and Consultant are authorized to make the required revisions to the Transportation Impact Fee Facilities Plan, and the Transportation Impact Fee, as reviewed and considered at the April 6, 2021 public hearings, and determined necessary to provide these documents in their final form, as attached hereto.

Section 4. Preparation of Impact Fee Analysis. As required by the Act, including but not limited to §11-36a-503 and § 11-36a-504 this Ordinance complies with all preparation and public noticing requirements of the Act.

Section 3. Interpretation and Definitions. For purposes of interpretation and administration words and phrases used in this Ordinance shall be as defined and provided by the Act.

Section 4. Transportation Impact Fee Enactment. As required by the Act the following Transportation Impact Fee Enactment is hereby provided.

TRANSPORTATION IMPACT FEE ENACTMENT

Part A – Authority and Applicability.

1. The calculation, imposition, and collection of a Transportation Impact Fee shall apply to all new development activity occurring within the municipal boundaries of the City. Until the Transportation Impact Fee, as provided herein, has been paid in full, no building permit for any new development activity shall be issued.
2. The payment of all Transportation Impact Fees shall occur at the time of building permit issuance, determined to be the authorization of development activity

3. A stop work order shall be issued on any development activity for which the applicable Transportation Impact Fee has not been paid.
4. Unless the City is otherwise bound contractually, the Transportation Impact Fee on development activity shall be determined as provided by Part C herein and in effect at the time of development activity approval.
5. The City may not impose a Transportation Impact Fee that is inconsistent with the requirements and standards of this Ordinance, or the Act.

Part B - Transportation Impact Fee Service Area. The service area for the Transportation Impact Fee, as provided herein, shall be the entire area located within the municipal boundaries of the City.

Part C - Transportation Impact Fee Imposition and Calculation.

1. Imposition. The Transportation Impact Fee shall be imposed on all new development activities.
2. Calculation. To maintain the existing Transportation level of service and implement the future Transportation level of service the calculation and imposition of a Transportation Impact Fee shall be:
 - a. The type of development activity as provided by Table 1 herein.

**Table 1
TRANSPORTATION IMPACT FEE**

IMPACT FEE BY DEVELOPMENT TYPE

DEVELOPMENT TYPE	UNIT	ADJUSTED TRIPS	PROPOSED FEE	EXISTING FEE	% CHANGE	EXISTING FEE	% CHANGE
			CITY-WIDE	AREA A (VALLEY)		AREA B (TRAVERSE MTN)	
Single Family Residential	Per Unit	4.72	\$1,152	\$1,447	-20%	\$2,050	-44%
Multi-Family Residential	Per Unit	3.66	\$893	\$994	-10%	\$1,409	-37%
Hotel	Per Room	4.18	\$1,020	\$844	21%	\$1,196	-15%
Commercial	Per 1,000 sf	12.46	\$3,040	\$4,848	-37%	\$6,870	-56%
Office	Per 1,000 sf	4.87	\$1,189	\$1,929	-38%	\$2,733	-57%
Industrial/Manufacturing	Per 1,000 sf	2.48	\$605	\$1,055	-43%	\$1,495	-60%
Institutional	Per 1,000 sf	7.59	\$1,852	\$2,004	-8%	\$2,840	-35%

Source: ITE Trip Manual (10th Edition), ITE Handbook 2nd Edition, LYRB This worksheet represents a selection of uses and is NOT all-inclusive.

*Average Daily Trips are adjusted by 50 percent to account for entering and existing trips.

NON-STANDARD TRANSPORTATION IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The formula for calculating a non-standard impact fee is shown below.

FORMULA FOR NON-STANDARD TRANSPORTATION IMPACT FEES:

Estimate of Trips per Unit x \$244.05 = Impact Fee per Unit

Part D – Credits.

1. A developer may be allowed a credit against or proportionate reimbursement of impact fees if a developer:
 - a. dedicates land for a system improvement;
 - b. builds and dedicates some or all of a system improvement; or
 - c. dedicates a public facility that the City and the developer agree will reduce the need for a system improvement.

2. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - a. are system improvements, or
 - b. are dedicated to the public and offset the need for an identified system improvement.

Part E – Transportation Impact Fees Accounting. The City shall establish a separate interest-bearing account for Transportation Impact Fees collected, retain any interest earned on such account, and otherwise conform to the accounting requirements provided by the Act.

Part F – Reporting. At the end of each fiscal year, the City shall prepare a Transportation Impact Fee report pursuant to the Act.

Part G – Transportation Impact Fee Expenditures. The City shall expend Transportation Impact Fees as allowed by the Act and only for system improvements for which the fee was collected. To preserve the integrity of the Transportation Impact Fee Analysis, attached hereto as Exhibit A, and to avoid financing Transportation system improvements as much as practical by using special assessments, bonded indebtedness, or general taxes, the City shall use Transportation Impact Fee revenues to provide Transportation system improvements necessary to serve new development activity.

Part H – Time of Expenditure. Transportation Impact Fees collected pursuant to the requirements of this Ordinance are to be expended or encumbered for a Transportation system improvement within six (6) years of the receipt of those funds by the City, unless the City 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. Transportation Impact Fees will be expended on a First-In First-Out (“FIFO”) basis, with the first funds received deemed to be the first funds expended.

Part I – Refunds. The City shall refund any Transportation Impact Fees paid, plus any interest earned, when (i) the development activity does not occur and the payee files a written request for a refund; or (ii) the fees have not been spent or encumbered within the “Time of Expenditure” as defined herein. An impact that would preclude a payee from a refund may include any impact reasonably identified by the City,

including, but not limited to, the City having sized system improvements and/or paid for, installed and/or caused the installation of system improvements based in whole or in part upon the anticipated development activity.

Part J – Fees and Costs. The Transportation Impact Fees authorized are separate from and in addition to user fees and other charges lawfully imposed by the City.

Part K – Impact Fees Effective at Time of Payment. Unless the City is otherwise bound contractually, the Transportation Impact Fee shall be determined applying Part C and Table 1 herein in effect at the time of development activity approval.

Part L – Imposition of Additional Fee or Refund after Development. Should any development activity occur that the ultimate number of units is not revealed to the City either through inadvertence, neglect, a change in plans, or any other cause, and/or the Transportation Impact Fee is not calculated or imposed against all units, the City shall be entitled to recover the total Transportation Impact Fee pursuant to Part C covering the units for which a Transportation Impact Fee was not previously paid.

Part M – Other Transportation Impact Fee Matters. For all other matters relating to Transportation Impact Fees the City may exercise judgement and discretion as guided by the Act. All actions and decisions of the City in calculating, imposing, accounting, and administering Transportation Impact Fees shall be consistent with the Act.

Part N – Impact Fee Adjustments. The City may adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases or based on a request for 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 been or will be collected. The City may adjust the standard impact fee at the time the fee is charged based upon studies and data submitted by the developer. The City may also adjust the standard impact fee to ensure that the impact fees are imposed fairly.

Section 5. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other

portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 6. Effective Date. This ordinance shall become effective upon publication or posting or 30 days after final passage, whichever is closer to the date of final passage. The calculation and imposition of the Transportation Impact Fee provided by this Ordinance shall not occur sooner than 90 calendar days following the Effective Date of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 6TH DAY OF APRIL 2021.

DRAPER CITY

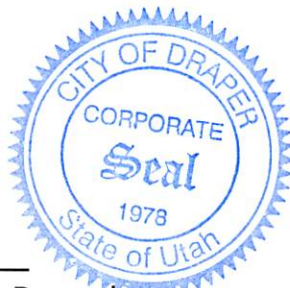


Mayor Troy K. Walker

ATTEST:



Laura Oscarson, CMC, City Recorder



VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember Lowery

Councilmember Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

To be published on Friday, April 9, 2021, in *Deseret News*

City of Draper Notice of Ordinance Adoption – On April 6, 2021, the Draper City Council approved Ordinance #1482, pertaining to the Transportation Impact Fee Facilities Plan (IFFP), and a Transportation Impact Fee Analysis (IFA) and other matters as required by the Impact Fee Act. The complete ordinance is on file at the Draper City Recorder’s Office and online at www.draperutah.gov. Published this 9th day of April 2021. Laura Oscarson, Draper City Recorder.

