

Mapleton City Planning Commission Staff Report

Meeting Date: August 9, 2012

Item: 3

Applicant: Mapleton City

Prepared by: Matt Brady

Public Hearing Item: Yes

REQUEST

Mapleton City requests to amend Mapleton City Code Chapter 19.05: TYPE OF DEVELOPMENT AFFECTED and Chapter 19.06: PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES, in order to modify the timing of the collection of impact fees.

FINDINGS OF FACT:

1. Since approximately 2001, Mapleton City has collected impact fees at the time of plat recording (as opposed to at the time of building permit issuance) for residential projects. For commercial projects, Mapleton City has generally collected impact fees at the time of building permit issuance.
2. Most cities in Utah collect all impact fees at the time of building permit issuance.
3. Mapleton City has recently adopted new impact fees which calculate residential impact fees uniformly based on whether the unit is single family attached or single family detached. The impact fees for commercial projects are based on the square footage of buildings.
4. Staff is proposing an ordinance amendment to require the collection of the secondary water, parks, and public safety impact fees at the time of building permit issuance, and collection of the water and sewer impact fees at the time of subdivision plat recording for residential projects. Staff is proposing that for commercial projects, all impact fees be collected at the time of building permit issuance.
5. Under the proposed collection schedule and the current impact fee rates, for a typical residential single family detached home, the total impact fees collected at the time of plat recording (water and sewer) would be \$4,528, and the total impact fees collected at the time of building permit issuance (secondary water, parks, and public safety) would be \$6,968 (total fees collected = \$11,496).

STAFF ANALYSIS:

1. Gary Calder, the City Engineer / Public Works Director has submitted the following analysis:

The timing of when impact fees are paid to Mapleton City are unique as compared to other cities for the following reasons:

- Mapleton City currently has large portions of property that are undeveloped and still require major improvements. Many of these improvements will be in the southern part of town which currently does not have the necessary utility capacity required for new growth.
- Mapleton City budgets are limited to allow for large public works improvements, upfront impact fees will help lessen the burden on the current residents.
- Mapleton City is a minor owner of the Spanish Fork Treatment Plant and has to coordinate future expansion of that plant with Spanish Fork City.
- If utility work is to be done it makes sense that the roads are only excavated one time instead of multiple times.
- Take small steps with changes to our impact fee collection and if in the future the change is needed the public works department will support the change.

Sewer:

As stated above, Mapleton City has to coordinate with Spanish Fork City when expansion occurs at the treatment plant, thus, when expansion does occur Mapleton City needs to have the money available to pay their share for improvements. Mapleton city is aware of several expansion projects planned at the treatment plant, these expansions will be determined when capacity begins to be reduced at the plant. As per the current collection of impact fees these improvements would be completed as needed without a financial burden on the current residents. Improvements to sewer plants take multiple years to complete and planning for future growth is constantly being considered.

Water:

The water system in Mapleton City is very old compared to other cities. As future growth happens capacity improvements will be required. These improvements will take time and having funding before the homes are built will help the city assure proper flows will be available.

Secondary Water:

Currently the secondary water System is not a necessity for new construction. The secondary water can be installed as per demand and budgets allow, so the collection of the impact fee is flexible. The majority of future growth of Mapleton will be in the southern half and there is currently no secondary water in this area.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance.

ALTERNATIVE ACTIONS:

1. The Planning Commission may recommend denial of the proposed ordinance amendment to the City Council. Reasons for denial should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENTS:

1. Current Mapleton City Impact Fees – July 1, 2012
2. Proposed Ordinance Amendment – Chapters 19.05 & 19.06

Mapleton City

Connection and Impact Fees

Updated July 1, 2012

CONNECTION FEES:**SEWER CONNECTION:** \$250.00**WATER CONNECTION:** 1" line - \$600.00, 1.5" line - \$850.00, 2" line - \$1,000, and 3" line - \$2,280.67**SECONDARY CONNECTION:** 1" line (developer installed) - \$150.00, 1" line (city installed) - \$400, 1 1/2" line (city installed) - \$800.00, 2" line (city installed) - \$1,600.00**IMPACT FEES:** (Parks, Public Safety, Secondary Water, Sewer, and Water)**PARKS:**

Residential Single Family Detached \$5,549.00

Residential Single Family Attached \$2,647.00

PUBLIC SAFETY:

Residential Single Family Detached \$534.00

Residential Single Family Attached \$255.00

Retail \$455.00

Office \$182.00

Industrial \$115.00

Institutional \$182.00

SECONDARY WATER:

Residential Single Family Detached \$885.00

Residential Single Family Attached \$243.00

Retail \$66.00

Office \$65.00

Industrial \$306.00

Institutional \$65.00

SEWER:

Residential Single Family Detached \$1,698.00

Residential Single Family Attached \$808.00

Retail \$2,887.00

Office \$2,887.00

Industrial \$2,887.00

Institutional \$2,887.00

WATER:

Residential Single Family Detached \$2,830.00

Residential Single Family Attached \$1,347.00

Retail \$4,811.00

Office \$4,811.00

Industrial \$4,811.00

Institutional \$4,811.00

ACCESSORY APARTMENT FEE:

The Accessory Apartment Fee is \$5,500.00.

Attachment #2 – Proposed Ordinance Amendment

Chapter 19.05 TYPE OF DEVELOPMENT AFFECTED

19.05.010: DEVELOPMENTS AFFECTED:

19.05.020: TYPE OF DEVELOPMENT NOT AFFECTED:

19.05.030: MINIMUM FEE REQUIREMENTS:

19.05.010: DEVELOPMENTS AFFECTED:

The timing of the collection of each type of impact fees shall be as specified in section 19.06.040. These requirements shall apply to all impact producing residential and nonresidential development activity for which the following development permits are required, unless the development is determined to be a development activity that is not affected pursuant to section 19.05.020 of this chapter;

A. A final subdivision plat; or

~~B. A final site plan; or~~

~~B.C.~~ A building permit for a lot or parcel within the area of a subdivision plat, or site plan; or

~~C.D.~~ A building permit for a lot or parcel not within the area of a subdivision plat or site plan.

19.05.020: TYPE OF DEVELOPMENT NOT AFFECTED:

A. Prior Building Permits: Proposed development for which a building permit has been issued prior to the effective date of this title.

B. Previous Payment Of Impact Fees: No impact fees for a specific capital facility shall be due at a later stage of the development approval process if impact fees for that specific capital facility have been paid earlier ~~and the applicable impact fee has not increased.~~

C. Public Facilities: Public facilities of the county, state, school district, special districts, municipalities or political subdivisions of the state of Utah or the federal government.

D. Replacement Residential Unit: Redevelopment or rehabilitation which replaces but which does not increase the number of residential dwelling units above that existing on the site prior to redevelopment or rehabilitation.

E. Replacement Nonresidential Development: Redevelopment or rehabilitation which replaces, but which does not increase the intensity of development above that existing on the site prior to redevelopment or rehabilitation nor changes the use to one which has a greater impact producing effect with respect to any capital facility than that existing on the site prior to redevelopment or rehabilitation.

F. Other: Any other use, development, project, structure, building, fence, sign or other activity which is not impact producing.

19.05.030: MINIMUM FEE REQUIREMENTS:

The city may authorize a minimum fee requirement for certain proposed nonresidential developments upon a finding that the proposed use is not included in the applicable impact fee schedule nor is it similar to any listed use, and the cost of an individual impact analysis would outweigh the impact fee otherwise calculated to be due.

Chapter 19.06 PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES

19.06.010: IMPOSITION:

19.06.020: CALCULATION:

19.06.030: CREDITS:

19.06.040: COLLECTION:

19.06.050: INDIVIDUAL IMPACT ANALYSIS:

19.06.060: UNIQUE CIRCUMSTANCES:

19.06.010: IMPOSITION:

After the effective date of this title, no application for development approval, as set forth in section 19.05.010 of this title shall be approved by the city for any impact producing residential or nonresidential development activity unless the applicant has paid the applicable impact fees in accordance with these procedures and requirements.

19.06.020: CALCULATION:

A. Upon receipt of an application for development approval, the planning and zoning director shall determine whether the proposed project is impact producing development activity and, if so,

1. Whether it is a residential or nonresidential,
2. The class of residential or nonresidential development, and if residential, the number of dwelling units,
3. If nonresidential, the intensity of development, and
4. The impact fee district in which the proposed project is located.

B. After making these determinations, the planning and zoning director shall determine the demand for capital facilities required by the proposed impact producing development activity and calculate the applicable impact fee, multiplying the demand of the proposed impact producing development by the impact fee per demand unit as set forth in the calculation methodology.

- C. If the type of land use proposed for development is not expressly listed in the specific impact fee ordinance, the planning and zoning director shall:
1. Identify the most similar land use type listed and calculate the impact fee based on the impact fee per demand unit for that land use, or
 2. Identify the broader land use category within which the specific land use would fit and calculate the impact fee based on the impact fee per demand unit for that land use category.
- D. If neither of the alternatives set forth above are appropriate, the demand may be determined by an individual impact analysis performed by the applicant. Any individual impact analysis shall conform to the requirements of the applicable impact fee ordinance and section 19.06.050 of this chapter.
- E. The calculation of impact fees due from a multiple use impact producing development activity shall be based upon the aggregated demand for each capital facility generated by each land use type in the proposed development.
- F. The calculation of impact fees due from a phased impact producing development shall be based upon the demand generated by each use for which a separate final subdivision plat, final site plan, or building permit application is received.
- G. All impact fees shall be calculated based on the impact fee per demand unit in effect at the time of final subdivision plat approval, final site plan approval, or building permit issuance.

19.06.030: CREDITS:

- A. Credits against the amount of an impact fee due from a proposed impact producing development shall be provided for the dedication of land and/or the provision of capital facilities by an applicant when such land or capital facilities are determined to provide additional capacity to meet the demand generated by the development and when either:
1. The costs of such land or facilities have been included in the fee calculation methodology for the applicable category of capital facilities, or
 2. The land dedicated or capital facilities provided is determined by the planning and zoning director to be a reasonable substitute for the cost of facilities which are included in the applicable fee calculation methodology.
- B. Applications for credit shall be made to the planning and zoning director and shall be submitted at or before the time of final subdivision plat, final site plan or building permit application. The application for a credit shall be accompanied by relevant documentary evidence indicating the eligibility of the applicant for the credit. When an application for a credit accompanies an application for development approval, the planning and zoning director shall calculate the applicable impact fee without the credit and shall then determine whether a credit is due and, if so, the amount of the credit. The credit shall be applied against the impact fee calculated to be due; provided, however, that in no event shall a credit be granted in an amount exceeding the impact fee due.
- C. Credits for dedication of land or provision of capital facilities shall be applicable only against impact fees for the same category of capital facilities. If the value of the dedication of land or

provision of a capital facility exceeds the impact fee due for that capital facility category, the excess value may not be transferred to impact fees calculated to be due from the applicant for other categories of capital facilities nor may the excess value be transferred to other applicants or properties.

19.06.040: COLLECTION:

A. For residential projects, the city shall collect all applicable impact fees at the time of final subdivision plat approval, final site plan approval, or building permit issuance water and sewer impact fees prior to the recording of a subdivision plat, and all other impact fees shall be collected at the time of building permit issuance, unless:

1. The applicant is ~~determined to be~~ entitled to a full credit; or
2. The applicant is not subject to the payment of impact fees; or
3. The applicant has taken an appeal, and a bond or other surety in the amount of the impact fee has been posted with the city.

B. For commercial projects, including but not limited to retail, office, institutional, and industrial uses, the city shall collect all impact fees at the time of building permit issuance, unless:

1. The applicant is entitled to a full credit; or
2. The applicant is not subject to the payment of impact fees; or
3. The applicant has taken an appeal, and a bond or other surety in the amount of the impact fee has been posted with the city.

C. Notwithstanding the provisions of subsections 19.06.040A and 19.06.040B of this chapter, if impact fees have never previously been paid for an existing residential or commercial subdivision lot or buildable zoning lot of record, the city shall collect all impact fees at the time of building permit issuance, unless:

1. The applicant is entitled to a full credit; or
2. The applicant is not subject to the payment of impact fees; or
3. The applicant has taken an appeal, and a bond or other surety in the amount of the impact fee has been posted with the city.

19.06.050: INDIVIDUAL IMPACT ANALYSIS:

A. The applicant may request, and the city may approve or require the submittal by the applicant of an individual impact analysis if the proposed impact producing development is a land use type generating unusual demand for one or more types of capital facilities or is a land use type for which the city does not have adequate and current demand data.

B. An individual impact analysis shall be performed by an independent consultant agreed upon by the applicant and the city, and shall include:

1. The application for development approval including all information described in subsection 19.06.020A of this chapter;
 2. The demand generated by the impact producing development and the methodology used to calculate the demand;
 3. Copies of any recorded conditions on the property operating to limit the demand for capital facilities generated by the proposed development;
 4. Information and data which may be required by a specific impact fee ordinance; and
 5. Any additional information, data or analysis deemed necessary by the city.
- C. All costs for the preparation, submittal and review of an individual impact analysis shall be borne by the applicant. The costs incurred shall be charged to the applicant regardless of whether the applicant proceeds to final subdivision or final site plan approval, or building permit issuance, or whether the demand as calculated in the individual impact analysis is accepted or rejected by the city.
- D. Following the receipt of an individual impact analysis, the city shall provide a written determination of the demand generated by the proposed impact producing development and may:
1. Find that the impact fee shall be calculated based on the demand as set forth in the individual impact analysis,
 2. Find that the impact fee shall be calculated based on the demand, as set forth in the individual impact analysis, as modified by the city, or
 3. Find that the individual impact analysis does not support a different demand and, therefore, that the impact fee should be calculated based on the demand as calculated pursuant to the impact fee ordinance. The findings of the city shall be set forth in writing and provided to the applicant.

19.06.060: UNIQUE CIRCUMSTANCES:

To maintain consistency in the collection of impact fees, and to allow the city to respond to unusual circumstances while requiring that all impact producing development contributes to the costs of capital facilities benefitting and necessary to accommodate the impact producing development, the planning and zoning director may recommend, and the city council may approve the collection of an impact fee upon a finding that an extraordinary and unique circumstance exists and the application of the provisions of sections 19.06.020, 19.06.030 and 19.06.050 of this chapter are inappropriate.